

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 **18 March 2021**

**Due to government guidance on social-distancing and COVID-19 virus the Planning Committee on 18 March 2021 will be held virtually online. The press and public will be able to watch the meeting live online at the following link:**  
[www.thurrock.gov.uk/webcast](http://www.thurrock.gov.uk/webcast)

### Membership:

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

Steve Taylor, Campaign to Protect Rural England Representative

### Substitutes:

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

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### Agenda

Open to Public and Press

### Page

#### **1 Apologies for Absence**

#### **2 Minutes**

**5 - 24**

To approve as a correct record the minutes of the Planning Committee meeting held on 11 February 2021.

#### **3 Item of Urgent Business**

To receive additional items that the Chair is of the opinion should be considered as a matter of urgency, in accordance with Section 100B

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

**4 Declaration of Interests**

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

**6 Planning Appeals 25 - 40**

**7 Public Address to Planning Committee**

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

**8 20/00827/FUL Former Ford Motor Company, Arisdale Avenue, South Ockendon, Essex, RM15 5JT (deferred) 41 - 100**

**9 20/01736/TBC 13 Loewen Road, Chadwell St Mary, Essex, RM16 4UU 101 - 118**

**10 20/01273/FUL Thames Park School 119 - 172**

**11 20/00290/FUL Fiddlers Reach 173 - 194**

**12 20/01680/FUL Claylands, 186 Branksome Avenue, Stanford Le Hope, Essex, SS17 8DF 195 - 206**

**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](mailto:Direct.Democracy@thurrock.gov.uk)

Agenda published on: **10 March 2021**

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## DECLARING INTERESTS FLOWCHART – QUESTIONS TO ASK YOURSELF

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

### Helpful Reminders for Members

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

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

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



**Does the business to be transacted at the meeting**

- relate to; or
- likely to affect

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

Disclosable Pecuniary Interests shall include your interests or those of:

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

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

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

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

### **Pecuniary**

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

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

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

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

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

### **Non- pecuniary**

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



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

## Our Vision and Priorities for Thurrock

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

1. **People** – a borough where people of all ages are proud to work and play, live and stay
  - High quality, consistent and accessible public services which are right first time
  - Build on our partnerships with statutory, community, voluntary and faith groups to work together to improve health and wellbeing
  - Communities are empowered to make choices and be safer and stronger together
2. **Place** – a heritage-rich borough which is ambitious for its future
  - Roads, houses and public spaces that connect people and places
  - Clean environments that everyone has reason to take pride in
  - Fewer public buildings with better services
3. **Prosperity** – a borough which enables everyone to achieve their aspirations
  - Attractive opportunities for businesses and investors to enhance the local economy
  - Vocational and academic education, skills and job opportunities for all
  - Commercial, entrepreneurial and connected public services

## Minutes of the Meeting of the Planning Committee held on 11 February 2021 at 6.00 pm

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

Steve Taylor, Campaign to Protect Rural England Representative

**Apologies:** Councillor David Potter

**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  
Julian Howes, Senior Highway Engineer  
Caroline Robins, Locum Solicitor  
Wendy Le, Senior Democratic Services Officer

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

### **88. Minutes**

Councillor Rice asked for an update on Langdon Hills and Malgraves Farm. Officers said that an email would be circulated to Members.

The minutes of the Planning Committee meeting held on 7 January 2021 were approved as a true and correct record.

### **89. Item of Urgent Business**

There were no items of urgent business.

### **90. Declaration of Interests**

There were no declarations of interest.

### **91. 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 correspondence from Agents on items 20/01394/OUT and 20/00827/FUL.

Councillor Lawrence declared receiving a photo in regards to 20/01394/OUT. She also declared a phone call from Chris Nixon.

**92. Planning Appeals**

There were no questions from Members.

**RESOLVED:**

**That the report be noted.**

**93. 20/00273/DCO Thurrock Flexible Generation Plant Fort Road Tilbury**

The report on pages 41 – 156 of the Agenda was presented by Chris Purvis.

The Vice-Chair noted that the causeway proposal and questioned the impact of this on the riverbank. Chris Purvis answered that the causeway proposal was by the existing sea wall and a section of the existing sea wall would be removed to allow the development to start which would be managed with floodgates. As the site was situated to the east of existing development areas, it would not impact on the riverbank or existing infrastructure which was to the west of the causeway proposal.

In regards to the removal of the sea wall, the Vice-Chair asked whether the Council could request that the defences there be replaced or updated. He raised concerns on the impact on the riverbank without the sight of a plan. Chris Purvis answered that the Environment Agency was also a consultant on this application and would be responding on the flood defences and whether they would need to be upgraded and what could be secured through the process. He said that the Applicant was aware of the impact on the flood defences and had investigated this before reaching the proposals set out in the report. There would be gates and other measures in place to ensure the flood defence was secure to protect the area when vehicles were not crossing over. The application was an outline application and planning conditions would resolve these issues as part of the planning process. He went on to say that Members' concerns would be raised with Environment Agency and Members would be updated as the application progressed.

Councillor Rice questioned if most of the traffic would be travelling along the A1089 to get onto Fort Road and would not be travelling through Chadwell St Mary. Chris Purvis confirmed this and said that during the construction phase, the route would via the Asda roundabout and then access the site from the new road serving Tilbury 2. Once the site was operational, the amount of traffic would be reduced. He referred Members to the Local Impact Report and said that there was a separate application for another site in the Borough, the Arena Essex site, seeking a temporary planning permission where future workers could be bused to the site during the construction process in order to



minimise traffic movements to the development. At the busiest times, the number of people on the development would be 250 to 350.

Steve Taylor sought clarification on whether the site was an existing site. He also questioned whether the chimneys mentioned were exhausts. Chris Purvis answered that the site was not an existing site but that it had an existing electricity infrastructure with the electricity substation of the former power station to the south. The proposals sought to use this existing infrastructure. He also confirmed that the chimneys were exhausts to emit the fumes and emissions from the power station.

Following on from the Vice-Chair's earlier question on the sea wall, Councillor Lawrence mentioned that the pathway along the sea wall from Coal House Fort to Tilbury Fort had collapsed and was shut off. She questioned if a condition could be added to make this pathway safe along with the sea wall structure as the area was collapsing. Adding to this, the Chair asked if there would be additional funding to improve the area. Chris Purvis said that the Environment Agency may be seeking funding from the Applicant through the planning process to improve the sea wall and if the pathway was collapsed near the sea wall, this could be considered through s106 contributions but this would need to be fully investigated beforehand and agreed with the Applicant. With regards to this process, he highlighted that Members needed to consider the proposal within the red line boundary and that the footpaths would still be open to the public.

The Chair commented that the development would bring jobs and redevelopment to the Borough but the area needed to be accessible to residents. Councillor Sammons added that residents had raised the issue of the footpath and that a condition should be added to ensure that the footpath could be improved. Chris Purvis said that this issue would be highlighted to the Applicant.

The Chair questioned what measures were in place to manage the volume of traffic in the area of the site. He mentioned the Lower Thames Crossing (LTC) in which a link road had been suggested to assist Tilbury Port and asked whether this application's development as well as future developments in the area would impact the proposal of the LTC. He referred to the habitat zone on page 159 and questioned if a link road could be placed there. He also highlighted that this development and the LTC were both national infrastructure projects that would affect the same areas so it was important that it worked together to ensure consistency. On the management of traffic in the site's area, Chris Purvis said that the traffic generation showed that the existing road network would be used. During the construction phase, there would be more traffic movements with around 40 HGV movements on average each day. He went on to say that the LTC and the link road was not part of this application which would be for the LTC and relevant team within the Council to discuss. He noted that previous LTC plans had shown a link road that would have been part of the site but the latest LTC plan did not show this so was not considered within this development. He highlighted that

the Planning Inspector, who were the decision makers, would consider the factors of this development and LTC when it would be resubmitted.

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

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

**AGAINST:** (0)

**ABSTAINED:** (0)

**94. 20/00905/FUL Land Part of St Cleres Hall Adjacent to James Court, Stanford Road, Stanford Le Hope, Essex (deferred)**

The report on pages 157 – 184 of the Agenda was presented by Nadia Houghton.

Councillor Byrne highlighted that there were still issues with the parking despite the installation of the fence. He said that he had seen a video on Youtube of the site which differed to the photos shown in the Officer's presentation. Nadia Houghton pointed out that the photos in the presentation showed that a knee high rail fencing had been installed around the proposed development site and there was an existing rail fencing in place along the existing access road that led to 1 Clere Cottage. There was no physical access from this access road from London Road to the application site which could only be accessed through the main access to the application site.

Steve Taylor noted that the landscaping plans showed greenery but the photos in the presentation showed a concrete landscape. He questioned if this was temporary. Nadia Houghton answered that the development was still in the construction phase so had a temporary concrete landscape.

Councillor Sammons said that she had seen the fence installed on the site but pointed out that residents in the first two properties (where the white car was situated as shown in the photos in the Officer's presentation) drove in that access. She said that couriers also used this access and felt that the issues had not been resolved. Nadia Houghton explained that there was an existing access from the service road that led to 1 Clere Cottage and that delivery vehicles could not be stopped from delivering to that cottage on London Road as that is its access. The knee high rail fencing installed was to prevent access onto the application site and the main entrance would need to be used to access the overall development. The Chair commented that the developer had installed the fencing to protect the development and that the concern was that vehicles were parking near the alleyway that was not a part of the application site.

Referring to paragraph 4.7, Councillor Lawrence sought clarification on this. Nadia Houghton explained that the amendments related to the detailed

materials to be used and hard and soft landscaping details that were included as conditions as part of the application.

Councillor Lawrence said that the original application had proposed an open area with landscaping which was not in the current application that was before Members. She noted that fencing had been installed on the request of Members and pointed out that the site was a mess with unfinished work which should be completed before starting work on another development. She stated that she was not confident that the Applicant could complete the landscaping work or the other unfinished works. She was minded to refuse the application. Councillor Byrne agreed. Councillor Rice stated that he shared similar concerns with Councillor Lawrence and Sammons. He said that the fence may not be in place indefinitely and felt that it should be included within the s106 agreement. The Vice-Chair commented that Members needed clarity on what the proposals were and what was expected of the Applicant.

Referring to Councillor Lawrence's comments on landscaping, Nadia Houghton said that the proposal sought to introduce more landscaping than what currently existed so would reduce the amount of hard surfacing as a result of the development. In regards to Councillor Rice's query on the s106, Nadia Houghton said that there was a s106 agreement required for the ecology mitigation as the site fell within the RAMSAR zone. There were adequate conditions within the application regarding soft and hard landscaping conditions, boundary treatments, parking provisions and the proposal. The control of the development would be ensured through a range of measures.

Leigh Nicholson noted Members' concerns on cars driving from the existing access road onto the front of the site and stated that there were two conditions in the report could be amended to explicitly state that no car parking and no access would be allowed from that road. This would be included in the landscaping plans that would be submitted to the Council for approval and would enable enforcement actions of that condition to be taken if needed. The Chair sought clarification on whether this would prevent parking next to the fence. Leigh Nicholson explained that the condition could be amended to reflect Members' concerns and explicitly state no car parking or access would be allowed on that part of the site.

Councillor Rice felt the application could go through with amended conditions. Councillor Byrne felt the conditions needed to be embedded before taking a vote. Councillor Lawrence commented that she would prefer the unfinished works on the site be completed before this development started and that the green landscaping should be carried out first. She also felt the development was overbearing as it was next to St Clere's Hall.

Leigh Nicholson highlighted that conditions five and six were already included that would prevent car parking in those areas because of the landscaping. He stated that if Members were minded to refuse the application, there needed to be clear reasons given and if Members were minded to defer, there needed to

be clarity on what was expected of the Applicant as there were already conditions included to prevent car parking happening in that area of the site.

The Vice-Chair noted the conditions within the report and said that it would be preferred if the landscaping and access issues were resolved first as a precondition before developing the next phase of the development. Councillor Byrne agreed and said that the preconditions needed to be 'set in stone'. Councillor Lawrence agreed and questioned the timescale of the development. Leigh Nicholson referred to conditions 5, 6 and 7 on pages 176 and 176. He said that these conditions ensured the sequence outlined were followed and had a real emphasis on the developer to undertake the set procedures before the development could commence. Nadia Houghton agreed and said that an extra line could be added in condition 7 to state, 'For the avoidance of doubt, there shall be no parking on any landscaped areas at all.'

The Vice-Chair asked that the wording be amended in the landscaping condition to ensure that details be provided before building commenced. He also highlighted the issue of ensuring that conditions were fulfilled before occupation. Nadia Houghton explained that condition 6 required the developer to submit a detailed hard and soft landscaping plans including details which would address the concerns raised by Members. This would provide reassurance to Members that if the developer departed from those details, it would be enforceable.

Councillor Byrne pointed out that there wasn't much space at the back of the site particularly with 9 dwellings and 15 cars with no parking spaces. He questioned whether the built houses could be 'knocked down' if the developer 'could not deliver'. Councillor Lawrence sought clarification on how the developer planned to develop at the front of the site as the roads were not completed at the back of the site yet. She also pointed out Members' concerns over the areas and questioned why these had not been resolved yet. The Chair questioned what actions the Council could take if the developer did not adhere to the conditions. Nadia Houghton answered that it was a matter of fact and degree in those circumstances and that if there was a breach of a condition that was not applied fully or included in the development, houses would not be 'knocked down'; however, the Council could serve an enforcement notice to remedy the issue.

Leigh Nicholson said that the recommended conditions required the developer to follow a process as part of the planning permission given. If these were breached, enforcement notices could be served to remedy these breaches. He highlighted that there was a recourse for the Council and if Members were minded to approve the application subject to conditions and the developer did not meet those conditions, enforcement notices could be used to compel the Applicant to do what was needed to ensure it followed the approved plans and what Members had granted as part of the planning permission given. He referred to Nadia Houghton's earlier suggestion of including an extra line in condition 7 which could be added.

The Vice-Chair recommended that a further condition be added in relation to the existing road at the back that had not been completed yet. He said that to prevent the use of the wrong exit, the developer needed to ensure that the access road that should be used was in good condition. Nadia Houghton answered that the access road was outside the red line boundary of the site. She went on to say that she was of the understanding that the access road would be brought up to the appropriate standard once the overall development was completed. The Vice-Chair stated that this needed to be enforceable within the conditions. He said that he was not referring to the entire access route but was referring to the section that was within the red line boundary which needed to at least be brought up to a good condition before the development was finished.

The Chair proposed the Officer's recommendation to grant planning permission, subject to conditions and s106 agreement. Councillor Rice seconded.

*(Following Chapter 5, Part 3, para. 13.5 of the Constitution, Councillor Churchman could not participate or vote on this item).*

**FOR:** (4) Councillors Tom Kelly, Mike Fletcher, Gerard Rice and Sue Shinnick.

**AGAINST:** (3) Councillors Gary Byrne, Angela Lawrence and Sue Sammons.

**ABSTAINED:** (0)

*The meeting adjourned at 7.52pm and recommenced at 7.58pm.*

**95. 20/00957/FUL Barmoor House, Farm Road, Chadwell St Mary, Essex, RM16 3AH (deferred)**

The report on pages 185 – 218 of the Agenda was presented by Nadia Houghton.

Steve Taylor referred to the first application that was approved and questioned if that had been based on the amount of development allowed on that entire site to which Nadia Houghton confirmed was correct. He went on to comment that the Applicant was now requesting for more and was not building the original 6 dwellings that had been approved which would have enabled them access to the site.

Councillor Lawrence questioned if it was usual for Applicants to apply for one phase and then to come back and apply for a second stage. Nadia Houghton said that each application had to be considered on its own merits but in this application, the site was within the Green Belt when the original application was considered. The original application was for the demolition of the farmhouse and outbuildings and to be replaced with six dwellings and the Applicant was aware of the likely quantum of development that would be considered acceptable. Since then, the Applicant had come back having not

built out the sixth dwelling. She said that smaller developments would not normally require phases and that the previous application had used up the quantum of development considered to be appropriate for this site. This current application sought to add built form where there was not any so was recommended for refusal.

*The Committee agreed to suspend standing orders at 8.08pm to enable the Agenda to be completed.*

The Vice-Chair asked if the Applicant had been made aware of the amount of appropriate development considered for the site in the first application. Nadia Houghton said that the Council records showed that the Applicant had previously been informed of the total floor space allowed so they were aware.

Councillor Rice stated that he had not changed his mind since the application was heard at the last meeting. He pointed out that the Council did not have a five year housing supply and no 20% buffer and that Thurrock Council was on the Government's list (for lack of housing) so the Council needed to increase the number of developments in the Borough. He stated that the Council was failing on its yearly housing targets. He said that the development would bring employment through the construction phase which was needed in these times as it would rise. He highlighted that there were accessible facilities close by on Defoe Parade and that Thurrock had a lack of housing provisions for older people. He also reiterated the points made at the last meeting in that the bungalows were of exceptional build quality that would be for over 55s and that the Council's Core Strategy 2015 recognised a shortage of bungalows in the Borough.

Councillor Byrne pointed out that a person over 55 could buy the bungalow but could let this out to people under 55. Nadia Houghton reminded Members that the bungalows were not proposed to be for over 55s. She said that the Applicant had been asked if they would consider this option but the Applicant had declined to answer so the age restriction mentioned by Members was irrelevant to this application. Councillor Rice said that the bulk of the properties currently on the site were occupied by people over 55. He pointed out that bungalows were usually for over 55s and older people.

Councillor Lawrence stated that no one took it lightly building on Green Belt and decisions had to be made on which areas could be built on. She felt that this site was a good area to develop homes on and that although the bungalows were not specified to be for over 55s, it was suitable for older people who did not want a big bungalow as these bungalows would be small. She said that the site was a big space in the middle that had no pathway for people to walk through and no park. It was a big green patch in the middle of the existing bungalows where elderly people lived who did not want big gardens. She felt that this amounted to a Very Special Circumstance (VSC). She also said that the bungalows were in immaculate condition which was built for the purpose of older people without the need for major works and also blended in with the area. It would also be near Orsett Hospital and Long Lane

which was going to be an area for elderly people to visit so was in the 'heart of things'.

The Vice-Chair said that Members acknowledged that there would be harm by building on the Green Belt. He commented that it would be worth considering other plans for the site if it was not built on. Referring to Councillor Rice's earlier comment that Thurrock Council was on the Government's list (for lack of housing), the Vice-Chair said that the Council needed to address this but he was concerned that this reason could be used to justify the approval of other developments as well. He urged caution on using the same reasons of 'lack of a five year housing supply' to justify developments.

Referring to paragraph 4.10, Steve Taylor pointed out that this highlighted that the proposed bungalows had no restrictions on age. He went on to say that an article from Thurrock Gazette in December had reported that the preceding 12 months had showed that half the homes in Thurrock had been bought by people from London so was not necessarily housing local people which he was aware had a need for homes.

Councillor Byrne sought clarification on the planning law around housing for over 55s. Councillor Sammons said the existing bungalows on the wider site were nicely built and that the site application was behind these which could not be seen so was not open. Referring to Steve Taylor's previous comment, she said that there was no control over who bought properties. Adding to this, Councillor Lawrence said that this was regeneration and that she could not see people from London moving into these small bungalows. She said that these were more for local people who wanted to downsize and stay close to their families. She also said that she did not stipulate that the proposed bungalows were for over 55s but it was clear that these were small and not ideal for families.

Councillor Rice noted that the proposed bungalows were not for over 55's and stated that bungalows were not meant for families and were usually for people close to retirement. He reiterated that the Council did not have a five year housing supply; no 20% buffer and was failing on its yearly housing targets. Thurrock had a lack of housing provisions for older people. The Council's Core Strategy 2015 recognised a shortage of bungalows in the Borough. The Chair said that older people were more likely to downsize so bungalows were ideal for them. Referring to Councillor Rice's earlier comment that Thurrock Council was on the Government's list (for lack of housing), he said that the Government had to match housing delivery with infrastructure.

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

*(Following Chapter 5, Part 3, para. 13.5 of the Constitution, Councillor Churchman could not participate or vote on this item).*

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

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

**ABSTAINED:** (0)

The Officer's recommendation was lost.

Leigh Nicholson referred Members to the Constitution Chapter 5, Part 3, paragraphs 7.4 and 7.5.

Councillor Rice stated that Members recognised the harm to the Green Belt and gave the following reasons and weighting for approval:

1. The Council did not have a five year housing supply; no 20% buffer and was failing housing targets – significant weight.
2. The application would provide employment through the construction phase – moderate weight as unemployment would increase due to the pandemic.
3. The location benefitted from local amenities – moderate weight as it would help to regenerate the local economy.
4. There was a lack of provision for older people's accommodation in the Borough – moderate weight as it was within the Council's Core Strategy 2015.
5. The site was on a bus route – moderate weight.
6. Exceptional build quality for older person accommodation – moderate weight.

Caroline Robins pointed out that 'lack of provision for older people's accommodation' was not relevant and should not be considered. She also said that 'exceptional build quality' should not be a reason for approval as it was expected that this should be the case for all properties. Leigh Nicholson highlighted that the six reasons Members had given for approval were the same as before and that Officers had assessed these within the report based on planning laws and planning decisions by the Planning Inspectorate. He referred to the reason 'lack of provision for older people's accommodation' and said that the bungalows could be bought by anyone as the application did not specify it was for older people. This could not be used to justify inappropriate development on the Green Belt and the reasons provided were not unique which could be used on other developments on the Green Belt too. He went on to say that if Members were minded to approve the application, the decision would be reviewed by the Monitoring Officer following the usual processes in these type of applications before a decision notice could be issued. Members were advised to undertake the balancing exercise to show that the benefits clearly outweighed the harm to the Green Belt.

Councillor Rice said that bungalows usually had smaller gardens and were designed primarily for older people although he saw the point that anyone could buy the bungalows. But he pointed out that due to the price point of bungalows, it was unrealistic that a younger person would purchase one and for families to buy one too. Councillor Lawrence said the land on the site was



unused and had nothing growing on it. She highlighted that the price point of the bungalows were similar to a 3 or 4 bedroom house but people bought bungalows as these properties were small and easier to manage. Councillor Byrne sought clarification on the planning law around age ranges. Councillor Rice reiterated the first reason for approving the application and that the Council had to provide housing provisions for older people. He reiterated that two bedroom bungalows were usually bought by people in their 50's who were looking to downsize. He added that there were no complaints from his local residents about this development.

Leigh Nicholson provided a summary of the debate so far and said that Officers and Members had different views on the VSCs put forward but this did not prevent Members from coming to a decision. Referring to Councillor Byrne's question on age ranges in planning law, he said that some proposals would have age restrictions such as retirement complexes which could be enforced through conditions or s106. He went on to say that this scheme was not being proposed as being specifically for older people's accommodation but could be attractive to older people as these were bungalows. There was no control mechanism to ensure that it would be occupied by older people. Caroline Robins reminded Members that the balancing exercise had to be carried out to show that the benefits clearly and decisively outweighed the harms to the Green Belt.

Councillor Rice stated that reason six would be removed and that substantial weight would also be applied to reasons two to five. He highlighted the importance of reason four and that it was recognised in the Council's Core Strategy 2015. He proposed the alternative recommendation to approve the application with the following reasons which he attributed substantial weight to all:

1. The Council did not have a five year housing supply; no 20% buffer and was failing housing targets.
2. The application would provide employment through the construction phase.
3. The location benefitted from local amenities.
4. There was a lack of provision for older people's accommodation in the Borough.
5. The site was on a bus route.

Councillor Shinnick seconded.

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

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

**ABSTAINED:** (0)

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

**96. 20/00827/FUL Former Ford Motor Company, Arisdale Avenue, South Ockendon, Essex, RM15 5JT (deferred)**

The report on pages 219 – 266 of the Agenda was presented by Chris Purvis.

The Chair questioned if the Council's limit for density was 70 dwellings per hectare and if it was possible to increase this. He also questioned the density of the other phases that had been carried out. Chris Purvis confirmed that 70 dwellings per hectare was the limit as set out in policy CSTP1 and increasing this would mean a departure from policy. He said that a high density development would be achieved here and that density should not just be about looking at numbers, the proposal met the limit in the policy and Officers considered the development to be of a high quality design. He said that this development was denser than previous phases due to the increased number of dwellings proposed.

The Chair commented that the number of parking spaces was below standards at the last application hearing. He noted this had now been amended with an additional three spaces and questioned if this now equated to 1.3 spaces per unit and if this was the limit. He also asked if there was parking available elsewhere on the site and if there would be parking enforcement. Chris Purvis explained that at the last Committee meeting, the scheme had 117 which met the minimum requirement of 115 in the Council's parking standards. He confirmed that with the additional 3 spaces this time, it equated to 1.3 spaces overall and would be one space per flat, two spaces per house and 18 visitor spaces that were unallocated spaces. Phases four and five also had visitor spaces. He said that the application had the same recommended planning conditions that would manage parking enforcement same as earlier schemes.

Councillor Rice questioned whether there would be enough electric vehicle charging points. He also raised concerns on traffic speeds on Arisdale Avenue and asked if speed humps could be placed to control this. Referring to condition 11, Chris Purvis said that the Council would ensure that there would be enough electric charging points to meet requirements as the Applicant had to submit these details for approval through a planning condition.

Referring to the Chair's question on parking on the site, Julian Howes said that the Highways Team had asked that the Persimmon site and Bellways site have waiting restrictions implemented at the appropriate junctions and locations within the sites to prevent parking in areas that would cause visibility and turning issues. This covered most of the site so would force people to park within the designated spaces. Referring to Councillor Rice's question on electric charging points, Julian Howes said that a set number of spaces for this not requested but the Council asked that the infrastructure to be set in preparation for electric spaces to become available in that development. Regarding the speed humps on Arisdale Avenue, he said that recent speed data had been undertaken on that road and had not shown a speeding

problem. However, further speed counts could be carried out as part of the works for the development.

Councillor Byrne asked whether the number of affordable homes could be increased if the developer made less profit from the development. Chris Purvis explained that the application had been through an independent subject of viability assessment and had taken into account the development costs and the profit that would be made. The leftover was used to work out s106 agreements. Since the last meeting, there were additional measures added for affordable housing where the developer would look at achieving five additional affordable housing units and the developer was discussing providing these with a registered provider. If this was not possible, then the five additional units would be available at 80% of the open market value which had been considered as part of the financial viability assessment.

Steve Taylor asked if he could be sent a copy of the viability assessment. Referring to 4.4, he asked whether the piling was for the blocks of flats where houses were proposed originally. He commented that costs increased when building flats and the cost of piling, that was not usually needed for houses, added to this which had a negative impact on affordability. Chris Purvis said that the piling could be for the blocks of flats or needed due to the ground conditions. He was uncertain whether any houses on the site had required piling. He explained that there were additional costs on brownfield sites and these were additional costs in the financial viability assessment.

Following on from Councillor Rice's earlier comments on speeding in Arisdale Avenue, Councillor Shinnick said that she had received reports of speeding on that road. She went on to say that there were also issues of lorries parking on curbs which caused damage to the curbs and developers needed to resolve this. Julian Howes answered that there were double yellow lines along parts of Arisdale Avenue and could raise this issue with the Enforcement Team. He went on to say that the Council was looking into increasing the number of signs in regards to lorry parking along Arisdale Avenue and Daiglen Drive. Chris Purvis added that there was also a Construction Environmental Management Plan that required road surveys to be undertaken before and after development that would be applied through planning conditions so if there were damages then these would be rectified through the planning process.

Referring to Julian Howes' comment on signage in Arisdale Avenue, the Vice-Chair said that they were still waiting for the signage to be installed. He went on to say that the development would primarily be for commuters as the developers were unable to provide more than 6% of affordable homes so would not be for local people.

Referring to Chris Purvis' earlier comment on the five additional affordable housing units, Councillor Churchman questioned the process of buying one of these at 80%. He also asked what the likelihood was in securing funds for the five units other than the 80% option. Chris Purvis answered that the details would be set out in the s106 agreement as part of the planning obligations. If

there was not a registered provider for those five units, these would go to the open market at 80% of the value which would be detailed through the legal agreement agree to achieve this and to identify the five units. In regards to securing funding, he said that the developer's preference was to achieve the affordable housing units rather than 80% option and in the previous phases, the developer had received grant funding from Homes England. In this case, there was a registered provider where grant funding would be used to achieve the additional five affordable housing units.

Councillor Lawrence said that people wanted houses not flats. She asked if the flats had a laundry facility or an open area where people could dry their clothes. Chris Purvis answered that the flats were self-contained and that there was no communal area for laundry services. He said that the majority of the flats had balconies. Councillor Lawrence pointed out that it was not nice look for flats with clothes hanging out to dry on balconies and that developers should consider this in developments.

Councillor Byrne questioned if the five affordable housing units could be bought at 80% and then sold on for 100% of the price. Chris Purvis explained that the s106 agreements would specify that the developer had to sell those five units at 80% of the value otherwise they would be in breach of a legal agreement.

Members highlighted concerns over the density of the development and felt that houses were needed, not flats. They felt that the Applicant had done the minimum that had been asked but it still did not meet the needs of the local people. Members pointed out that there was a lack of affordable housing and that the car parking spaces only met the minimum parking standards as required by the Council. No Members proposed the Officer's recommendation to approve.

The Chair proposed an alternative recommendation to refuse the application and the Vice-Chair seconded. The reasons given for refusal were as follows:

1. The proposed development as a result of its high density is at the absolute limit density of what would be acceptable for this site.
2. The proposal has increased the parking level by 3 parking spaces but the level of parking is not considered enough to be acceptable for this development taking into account the existing situation at the site and is inadequate to achieve sustainable development.
3. The proposal would result in a lack of affordable housing units at the site and therefore would not meet the needs of local people due this shortfall of affordable housing.
4. .

Leigh Nicholson explained that the report outlined that the density and car parking was within the limits of the Council's policy standards and the affordable housing had been discussed. He referred Members to the

Constitution, Chapter 5, Part 3, para. 7.2(c). He said that if the application was refused for those reasons, the Applicant would be entitled to appeal against that decision and the reasons for refusal that Members had given would be difficult for Officers to substantiate at an appeal hearing. If Members were minded to refuse the application, a report would need to be brought back by Officers to detail the implications of this.

The Vice-Chair pointed out that the density and car parking spaces offered were just within the limits so did not provide an appropriate liveable and affordable set of dwellings to meet the needs of local people and the local requirements. The Chair said that if parking enforcement was needed in a development, it clearly showed that the car parking was not adequate and that the development was not a good sustainable development.

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

**AGAINST:** (0)

**ABSTAINED:** (0)

A report would be brought back to the next Committee meeting to assess Members' decision to refuse the application as per usual procedures.

**97. 20/01743/FUL Stanford Le Hope Railway Station, London, Stanford Le Hope, Essex, SS17 0JX**

Councillor Byrne asked for the application to be deferred as there were concerns over the application. Democratic Services advised that procedures be followed to enable the application to be heard before Members considered a deferral of the application.

The report on pages 267 – 282 of the Agenda was presented by Matthew Gallagher.

In regards to flooding, Councillor Byrne pointed out that the site had flooded nine days ago and that the riverbank would need piling as it was on a different level. He also questioned if there was a safe drop-off point. Matt Gallagher answered that there was a main river adjacent to the site so the site itself was within flood zones two and three. The site was protected along with the south of London Road but the north was not protected. He said that he was aware of the recent flooding and that flood risk was a planning consideration hence why the application had been submitted with a flood risk assessment. The Council had applied the sequential test and the exceptions test for this which had passed because there was nowhere else to put the station. The other key consideration was that the NPPF was clear that the application should not increase the risk of flooding elsewhere. The consultant who had provided the flood risk assessment for the development had stated that there was no net loss of floodplain storage so this development did not make the situation worse which was the planning test. Therefore, an objection on flood risk

grounds could not be submitted as there was no objection on that ground. Regarding a safe drop-off point, he said that this application was phase one and that the Council had recently received a request for pre-application planning advice for phase two which suggested that the Applicant was serious about making an application particularly where they had sought design advice from architects. Regarding piling, he said that this application was accompanied by a range of different studies and if piling was required, the Applicant would have instructed the technical consultants who would be aware of what was required to pile the station and aware of the site's proximity to the main river so should follow the relevant processes. He highlighted that the Applicant was the Council that was a competent and responsible organisation and would follow the necessary consents and processes.

The Vice-Chair questioned if the two phases were being delivered by different architects. He also commented that it would be logical to view the whole application as one rather than in two phases as it was being delivered by the same engineering consultant. Matthew Gallagher said that it was the same engineering consultant who was familiar with the site and had produced a number of reports to support the pre-application advice of the site. He said that the application was a legitimate planning application. He went on to say that he understood Members' concerns on the need to see phase two with phase one and stated that each application had to be assessed on its own merits.

The Vice-Chair raised concerns that the same issues would arise again as the previous plan could not be delivered so it was important to see the whole plan in order to judge it on its merits. He highlighted that Members needed to see how phase two would relate to phase one. Matthew Gallagher explained that phasing was usual in complex sites which would be delivered over a longer time frame such as the case with previous applications such as the Purfleet-on-Thames project. This proposal for this application was as detailed in the report and would potentially have a proposal for a car park; cycle parking; electric vehicle charging points and a bus turn around point. Leigh Nicholson added that he understood Members' concerns on the next phase and the associated costs but highlighted that costs were immaterial when considering a planning application and the likelihood of what could happen. He stated that Members had to consider the application that was within the red line boundary on its own merits.

Steve Taylor sought clarification on why the Council was the Applicant and not Network Rail. He commented that the Council was funding to improve an asset that was owned by Network Rail. Matthew Gallagher explained that it had been an aspiration of the Council's to secure a bus turnaround point within Stanford-Le-Hope in fact which had also been in the s106 agreements with London Gateway when it was signed in order for people to go to the London Gateway via rail or bus. It was not unusual for the Council to seek to improve station facilities because although Network Rail had a role, they were not delivering the project but ensuring the sign off for standards. It was part of the Council's ambitions to improve that part of the town centre and public

transport accessibility and sustainability. In regards to funding, he said that the Applicant would have considered the financial implications of the project to ensure that it could be delivered.

Councillor Byrne said that there was a financial cap on this development which was £19.6 million and that if phase two cost £15 million, the project would not be delivered. He said that Members needed to see the full plan. Matthew Gallagher reminded Members that costs were not a material planning consideration and that Members had to make a decision on a planning application with consideration of it complying with development and plan policies along with other relevant material planning considerations. He went on to say that it had to be assumed, as with any other planning application, that the Applicant had taken a risk assessment to identify build costs through the use of consultants and advisors.

Councillor Byrne sought detail on the proposed housing development that was originally proposed for car parking, on the brewery site that was at the back of the application site. The Chair asked what the proposals for car parking would be. Matthew Gallagher explained that based on the pre-application planning advice that had been received recently, there was mention of an upgraded and expansion of the existing station car park of up to 81 parking spaces including electric vehicle charging points; secure cycle storage; electric pedal bike hire; bus turning space; pedestrian crossing and landscaping. He stated that there was no mention or reference to housing. The Chair sought clarification on the current number of car park spaces available to which Julian Howes said that there was currently around 70 or 73 spaces.

The Chair noted that the old application had two bus turning points and noted this was now removed in this application. He commented that people would have to cross the road if arriving by vehicle and he questioned if the pedestrian crossing was being proposed as mitigation. Matthew Gallagher reminded Members needed to consider the details proposed within the current application and not details in a potential future phase. Julian Howes explained that the old application had proposed a bus turnaround facility to the front of the station where the taxi pull in had been. There were two bus stops that were currently in place which would remain and continue to operate as it currently did.

Democratic Services read out Ward Councillor Terry Piccolo's supporting speaker statement.

The Vice-Chair commented that Stanford-Le-Hope's residents needed a fully functioning modern station but he was concerned as the last application for the project had not been delivered. He said that Members needed to see the full plan for the project. Councillor Rice said that he supported Councillor Piccolo's statement but noted the concerns raised by Members and that Members wanted to see the whole plan before making a decision.

Councillor Byrne proposed deferring the application so that Members could see the whole plan. The Chair said that he was reassured that the Applicant

would provide a good turning point along with the parking and pedestrian crossings due to the purchase of the Daybreak Windows site. He was minded to approve the application and if the application was approved, he said that a condition should be included where it would not allow this development to go ahead without approval for phase two. The Vice-Chair felt a deferral was a more sensible option to enable Members to see both applications to enable Members to see a whole picture of the whole plan.

Leigh Nicholson noted that the reasons for deferral were because Members wanted to see the proposals for car parking; bus turnaround arrangements and cycle facilities. He noted the Chair's suggestion for a condition to be added if the application was approved and said that a suitably worded condition could be added in conjunction with the Chair.

Councillor Byrne questioned whether the whole plan could be brought to Committee once the project had gone out to tender as this would show whether the project could be delivered or not. The Vice-Chair agreed that the plan should be looked at after it had gone out to tender to avoid the same situation that had occurred with the old application which had been a good plan but could not be delivered. He said the material reasons for deferral was to ensure that Members had the complete view of the whole plan and to avoid the same problems as the old application on the same project.

*The meeting was adjourned at 11.18pm to establish an internet connection with the Chair. The meeting recommenced at 11.26pm.*

*Due to the lateness of the meeting, Members agreed to move the last item onto the Extraordinary Planning Committee meeting on 25 February 2021.*

As Members were minded to defer the application, Leigh Nicholson noted that Members wanted to see the supporting facilities for the station in regards to car parking; cycle storage and bus turnaround point which was a planning reason. Adding to this, Matthew Gallagher said each application stood on their own merits and that a decision for this application could still be made. He explained that delaying the determination of this application because Members wanted to see the details of a future application could have implications for the deliverability of the station which Members should also consider.

Councillor Byrne proposed that the application be deferred so that Members could see the future proposals together with this application and for both applications to come to Committee after it had gone out for tender so Members could see what could be delivered of the project. The Vice-Chair seconded this.

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

**AGAINST:** (1) Councillor Tom Kelly



**ABSTAINED: (0)**

**98. 20/01394/OUT Kemps Farm, Dennises Lane, South Ockendon, RM15 5SD**

Due to the lateness of the meeting, Members agreed to move the last item onto the Extraordinary Planning Committee meeting on 25 February 2021.

**The meeting finished at 11.39 pm**

Approved as a true and correct record

**CHAIR**

**DATE**

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

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<b>18 March 2021</b>		<b>ITEM: 6</b>
<b>Planning Committee</b>		
<b>Planning Appeals</b>		
<b>Wards and communities affected:</b> All		<b>Key Decision:</b> Not Applicable
<b>Report of:</b> Jonathan Keen, Interim Strategic Lead - Development Services		
<b>Accountable Assistant Director:</b> Leigh Nicholson, Interim Assistant Director – Planning, Transportation and Public Protection.		
<b>Accountable Director:</b> Andy Millard, Director – Place		

## Executive Summary

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

### 1.0 Recommendation(s)

1.1 To note the report.

### 2.0 Introduction and Background

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

### 3.0 Appeals Lodged:

3.1 **Application No:** 20/01344/HHA

Location: 1 Fanns Rise, Purfleet-on-Thames

Proposal: Single-storey rear extension (retrospective)

**3.2 Application No: 20/00929/HHA**

Location: 70 Whitehall Road, Grays

Proposal: Single storey rear extension

**3.3 Application No: 19/01666/FUL**

Location: Chadwell Café, 53 River View, Chadwell St Mary

Proposal: Change of Use from A1 to A3 use and an extractor to eliminate odour to the rear

**3.4 Application No: 20/01472/HHA**

Location: Fairlawn, Lower Dunton Road, Horndon On The Hill

Proposal: Single storey detached garage to front of existing house to replace existing storage unit

**3.5 Application No: 20/01419/HHA**

Location: 38 Sanderling Close, East Tilbury

Proposal: (Retrospective) Metal fence around driveway and in front of the house

**3.6 Application No: 21/00015/AUNWKS**

Location: Land Near Junction Of Biggin Lane, Sandy Lane

Chadwell St Mary

Proposal: Activity on the land, removal of bank.

**4.0 Appeals Decisions:**

The following appeal decisions have been received:

**4.1 Application No: 19/01518/FUL**

Location: 7 Churchill Road, Grays

Proposal: Erection of new 1no 2bed dwelling to flank wall of existing property with vehicular access and associated landscaping

Appeal Decision: Appeal Dismissed

- 4.1.1 The main issues were: flood risk, highway safety and the living conditions of the host property and adjoining occupiers with particular regard to overbearing effect and outlook.
- 4.1.2 The site lies within Flood Zone 3a which has a high probability of flooding. The National Planning Policy Framework (the Framework) requires at paragraphs 157 and 158 that the application of a sequential test is undertaken which seeks to steer new development to areas with the lowest probability of flooding.
- 4.1.3 The appellant could not comply with the sequential tests and, therefore, the exception test at paragraph 160 of the Framework was applied. However, at the application stage, the appellant could not demonstrate the development would be safe for its lifetime without increasing flood risk elsewhere.
- 4.1.4 The Planning Inspector agreed with the Environment Agency, in that the appellant did not supply sufficient information within the Flood Risk Assessment supplied and could not demonstrate the development would be safe from flooding and will not increase risk elsewhere. The Inspector, therefore, held that the development would conflict with paragraphs 160 of the Framework.
- 4.1.5 The vehicular access to the site is already installed, but installed without planning permission but subject of the appeal application. Notwithstanding this, the Inspector held that visibility to the south would potentially be impeded by the fence that adjoins 9 Churchill Road and that the appellant needs to demonstrate suitable visibility splays can be achieved. The Inspector maintained it was not appropriate this was address via planning condition.
- 4.1.6 In terms of the impact of the development to the living conditions of the adjoining occupiers, the Inspector disagreed the development would accept unacceptable effects on the amenities of the area. It was held that the

proposal would not be in conflict with policies CSTP22, PMD1 and PMD2 of the Core Strategy and paragraphs 127 of the Framework.

4.1.7 Notwithstanding the above, regarding the living conditions comments, as a whole the appeal was dismissed on Flood Risk and Highways grounds

4.1.8 The full appeal decision can be found online.

**4.2 Application No: 18/00540/FUL**

Location: Town Centre Car Park, King Street, Stanford Le Hope

Proposal: Construction of a mixed use development comprising 159sq.m of retail/leisure/commercial units (within classes A1, A2, A3, A4, A5 and D2) at ground floor level and 47 residential units on upper floors together with an undercroft and surface car park (comprising 56 car parking spaces), access, landscaping and associated works.

Appeal Decision: Appeal Dismissed

4.2.1 The Inspector considered that the main issues to consider were:

- The effect of the proposed development on the living conditions of future occupiers, with particular regard to receivable light;
- The effect of the proposal on the character and appearance of the area;
- The effect of the proposal on the vitality of Stanford-le-Hope town centre; and
- Whether the proposal would preserve the setting of the Church of St Margaret of Antioch Grade I listed building.

4.2.2 With regard to living conditions, the Inspector recognised that around three fifths of the 47 proposed flats would be single aspect, north west facing and would have balconies limiting light to windows on the lower levels of the development. The Inspector considered that the living space of a substantial proportion of the flats would be overly gloomy and would not receive daylight, this would be harmful to future occupiers. As such, it would conflict with Design and Layout Policy PMD2 of the Thurrock Core Strategy and Policies for Management of Development (2015) (CS) and Paragraphs 124 and 127 of the National Planning Policy Framework (the Framework), which together seek to ensure good design of high quality buildings and places.

- 4.2.3 In terms of character and appearance, whilst the Inspector did not object to the design, scale and massing of the development he did object to the expanse of podium wall at street level where the corner of the High Street and King Street meet. The Inspector considered that the scale of the wall would at this prominent gateway would appear overly dominant and abrupt, jarring in the streetscene and this would result in significant harm to the character and appearance of the town centre and would conflict with Policy PMD2 of the CS, which seeks to ensure that development complements local character and helps to create a positive sense of place.
- 4.2.4 Vitality of the town centre The Inspector recognised that the town centre appears popular for people ‘popping’ to the shops and the vacancy rate of retail and commercial units appears low. In regard to the loss of car parking the Inspector considered that the remaining 43 public car parking spaces would be acceptable and noted the applicant’s intention to allow these for mainly short stay parking and these would not be free parking but the Inspector recognised that it is not uncommon for parking charges for town centre shops and facilities. In conclusion, the Inspector found that proposal would contribute to the vitality of Stanford-le-Hope town centre. As such, it would accord with Policy CSTP8 of the CS, which seeks to improve the vitality and viability of the network of centres.
- 4.2.5 Setting of the listed building This being the Grade I listed Church and the Inspector recognised its importance to the town. The Inspector found that the proposal would fail to preserve the setting of the listed building. Given the factors that would limit the negative impact on the setting of the church, the harm to the significance of the listed building would be ‘less than substantial’, but nevertheless of considerable importance and weight. Given paragraph 196 of the Framework, the Inspector considered it was necessary to weigh the harm that would arise to the heritage asset against the public benefits of the proposal, which are new commercial uses, housing provision, town centre location, links to sustainable transport systems, re using of brownfield land and the Council’s lack of 5 year housing land supply. The Inspector considered that amounts to significant public benefit that would outweigh the identified harm to the heritage asset. As such, the proposal would not conflict with Policy PMD4 of the CS and the Framework, which together seek, amongst other things, to conserve the historic environment.
- 4.2.6 In reaching his conclusion to the planning balance of the appeal the Inspector concluded that the adverse impacts of the proposed development would significantly and demonstrably outweigh the benefit, when assessed against the policies in the Framework taken as a whole. The proposals would fail to

comply with the relevant policies of the development plan and national guidance, and therefore the appeal was dismissed.

- 4.2.7 In regard to the appellant's Costs Application against the Council the Inspector found that unreasonable behaviour resulting in unnecessary or wasted expense, as described in the Planning Practice Guidance, had not been demonstrated. Accordingly, the application for costs failed.

**4.3 Application No: 19/00807/OUT**

Location: Land Adjacent Gunning Road Newburgh Road And  
Globe Industrial Estate, Towers Road, Grays

Proposal: Outline planning application for light industrial units, use class B1 (c) with associated hardstanding and acoustic fencing following partial demolition of existing warehouse building. To include determination of the matters of access, landscaping, layout and scale (matters relating to appearance reserved).

Appeal Decision: Appeal Dismissed

- 4.3.1 The main issues were the effect of the proposal on the provision of open space, the character and appearance of the area and living conditions of adjoining occupiers and highway safety and parking.

- 4.3.2 The Inspector concluded that the site represents open space and found that it had not been demonstrated that the open space was surplus to requirements or that the proposal would not cause or worsen a deficiency of open space. It was also found that it had not been demonstrated that the loss of open space would be adequately mitigated through the improvement of other open space or through the transfer of land at part of the site to become open space. Although the site is not designated as open space by the Core Strategy and the site is allocated as a Secondary Industrial and Commercial Area, it was concluded that this does not prevent the site being considered open space. It was also found that support for employment development within Policy CSTP6 does not make irrelevant the protection of open space contained within Policy PMD5 and paragraph 97 of the NPPF. In this case, where the Core Strategy policies pulled in differing directions, the loss of open space and the associated conflict with Policy PMD5 and the NPPF was afforded substantial weight.

- 4.3.3 In terms of the effect on character and appearance, the Inspector found that the proposal would broadly follow the scale of the existing building at the site and the layout would enable the provision of a 'tree alley' and acoustic fence



which would provide an effective screen between the development and the adjacent football pitch and nearby properties. It was also deemed that the separation distance from neighbouring properties and the abovementioned features of the layout and design combined to ensure that the proposal would not be domineering, intrusive, incongruous or harmful to the living conditions of nearby residents.

4.3.4 The Inspector found that the site was within an urban area and had good access to alternative forms of transport, noting the presence of Grays railway station, a nearby bus stop and cycle routes. Therefore, and in the absence of substantive evidence relating to parking stress in the local area, it was deemed that the provision of 20 parking spaces and cycle storage space was adequate and not contrary to Core Strategy Policies PM8 and PM9.

4.3.5 Therefore, the appeal was dismissed on the grounds of the loss of open space.

4.3.6 The full appeal decision can be found online

**4.4 Application No: 19/01685/HHA**

Location: 14 Manor Road, Stanford Le Hope

Proposal: Part two-storey, part single-storey side extension on both sides. Part two-storey, part single-storey rear extension. Loft conversion and rear dormer windows.

Appeal Decision: Appeal Dismissed

4.4.1 The Inspector considered the main issue is the effect of the proposed extensions on the character and appearance of the host dwelling and surrounding area.

4.4.2 The Inspector found the roof form would be contrived and the mass and bulk of the proposal close to the boundary with a bungalow would be unacceptable and have a detrimental impact on the character and appearance of the property and the street scene, contrary to Policies PMD2, CSTP22 and CSTP23 of the Core Strategy.

4.4.3 Accordingly the appeal was dismissed.

4.4.4 The full appeal decision can be found online.

**4.5 Application No: 20/00355/HHA**

Location: 230 Lodge Lane, Grays  
Proposal: Single storey rear extension with two roof lights, first floor side extension and garage conversion  
Appeal Decision: Appeal Allowed

4.5.1 The Inspector considered the main issues were whether the proposal would result in a detrimental impact upon the living conditions of the occupiers of No 228 Lodge Lane, with regard to outlook and natural light.

4.5.2 The dwellinghouse is a semi-detached property, adjoining to No 228. After conducting a visit to the site the Inspector confirmed that the closest ground floor window located at No 228 serves a kitchen. It was confirmed by the inspector that the proposal would result in a minor breach of the 45 degree vertical plane, and a marginal breach on the 60 degree horizontal plane as prescribed by the RAE2017. It was considered by the Inspector that given the limited breach of the standards as set out within the SPD and the existence of the boundary fence and planting, the side wall of the extension as seen from the neighbouring kitchen would not be a dominant or overbearing feature.

4.5.3 With regard to natural light, the Inspector advised that due to the limited height of the extension and its flat roof it would not cause any loss of daylight to the neighbouring window. The orientation of the properties means that the only potential effect on sunlight as a result of the extension would be in the late afternoon and evening. However, the limited height and flat roof would mitigate any potential harm in this regard.

4.5.4 The Inspector concluded that they agreed with the Council that the first floor extension and garage would not be harmful for the reasons given in the officer's report. The proposed rear extension would not have a materially harmful effect on the living conditions of the occupiers of No 228 Lodge Lane, with regard to outlook and natural light. Consequently, there is no conflict with Policy PMD1 of the Thurrock Core Strategy. The appeal was allowed subject to conditions.

4.5.5 The full appeal decision can be found online.

**4.6 Application No: 20/00168/HHA**

Location: 26 Whitmore Avenue, Stifford Clays  
Proposal: Single storey front extension

Appeal Decision: Appeal Dismissed

4.6.1 The Inspector considered the main issue is the effect of the proposed extension on the character and appearance of the host dwelling and the street scene.

4.6.2 The Inspector found that as the proposed extension would extend across the dwelling's full width, it would introduce a wholly new design feature in the street scene which would be uncharacteristic of the unaltered dwellings. Given the open frontage and the views from the street scene the Inspector found the matter to be contrary to Policies PMD2, CSTP22 and CSTP23 of the Core Strategy.

4.6.3 Accordingly the appeal was dismissed.

4.6.4 The full appeal decision can be found online.

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

Location: 64 Moore Avenue, South Stifford

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

Appeal Decision: Appeal Allowed

4.7.1 This application is not a planning application where the case was assessed on the basis of policies in the Core Strategy or the NPPF. It is an application for a Prior Approval, and is considered against the requirements of the Town and Country Planning General Permitted Development Order 2015.

4.7.2 The Council considered that the property had been previously extended in such a form that meant the criteria of the Order did not apply. The Inspector considered that the proposed rear extension would comply with the criteria of the Order and the appeal was allowed.

4.7.3 The full appeal decision can be found online.

**4.8 Application No: 20/00452/HHA**

Location: 12 Balmoral Avenue, Corringham

Proposal: Single storey rear extension

Appeal Decision: Appeal Dismissed

- 4.8.1 The Inspector considered the main issues were the effect of the development on the living conditions of the occupiers of 14 Balmoral Avenue in regard to light and outlook.
- 4.8.2 The Inspector concluded that the extension would have an overbearing impact on No. 14 and would cause excessive enclosure and light loss. Even if it was shown that there was no significant impact on light entry at No 14, the outlook from the aforementioned habitable room would be effectively along an 8 metre long tunnel which would not be satisfactory.
- 4.8.3 The inspector considered the matters raised in the statement that the existing extension exceeds the right of light of the adjoining property already, however the Inspector concluded the existence of harm does not justify increasing the harm and noted that the current occupiers of No 14 did not object to the development, but that the situation or the occupiers may change.
- 4.8.4 The Inspector concluded the development would be detrimental to the living conditions of occupiers of No 14 which would be contrary to Policy PMD1 of the Core Strategy. This does not permit development where it would cause unacceptable effects on the amenity of others, as well being contrary to guidance in the SPD.
- 4.8.5 The full appeal decision can be found online

**4.9 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

Appeal Decision: Appeal Dismissed

- 4.9.1 The Inspector considered the main issue to be the effect of the development on the character and appearance of the area.
- 4.9.2 The Inspector found that the extension would nearly double the width of the property and would project beyond the building line of dwellings on Goldings Crescent introducing significant mass and bulk on the corner plot. The extension would impact on the openness of the area.
- 4.9.3 Given the tight development pattern the Inspector indicated the development would be detrimental to the character and appearance of the area, contrary to Policies CSPT22 and PMD2 of the Core Strategy.
- 4.9.4 The appeal was dismissed.

4.9.5 The full appeal decision can be found online.

**4.10 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

Appeal Decision: Appeal Dismissed

4.10.1 The main issues were: whether the development would be inappropriate development in the Green Belt having regard to the National Planning Policy Framework (the Framework) and any relevant development plan policies; the effect of the development on openness of the Green Belt; the effect of the development on the character and appearance of the area; and would the harm, by reason of the inappropriateness, and any other harm, be clearly outweighed by other considerations so as to amount to very special circumstances required to justify the proposal.

4.10.2 The site is situated at the end of a short ribbon of development and abuts open land on two boundaries. The opposing plot, Woodside, and the appeal site are both residential and located at the end of short ribbons of development abutting open land. The existing dwellings at the appeal site are remote from a more nucleated building pattern and Inspector concluded that the site is not situated within a settlement boundary or within a built-up area and consequently the appeal site could be considered to be PDL.

4.10.3 In light of this, paragraph 145 sets out exceptions for development in the Green Belt, including limited infilling or the partial or complete development on PDL, subject to the development's impact on openness.

4.10.4 It was held that the bungalow would be an additional structure with associated hardstanding for parking and domestic paraphernalia in its amenity space. Evidently, the development would therefore have a greater impact on openness of the Green Belt than the existing development.

4.10.5 Furthermore, the introduction of the bungalow on a narrow plot between the pool house and the site boundary would require the removal of the existing mature trees located within its footprint. The Inspector deemed that the loss of the mature trees would be detrimental to the semi-rural character and appearance of the area.

4.10.6 It was acknowledged that the application was an outline application and that the layout, at this stage is indicative, and could be located anywhere within the application site and have a lesser impact on the trees. Although, the Inspector held that an alternative location within the site would result in potential issues regarding deviation from the underlying building pattern. On this basis, it was concluded that the development would have an adverse effect on the character and appearance of the area, contrary to design aims of policies CSTP22 and PMD2m and CSTP23 which seek to protect, management enhance the character of Green Belt areas.

4.10.7 It was noted that this development would represent a very small addition to local housing supply and that a shortfall in housing supply cannot in itself constitute the very special circumstances required to clearly outweigh the harm arising from inappropriate development in the Green Belt. Accordingly the Inspector did not consider Very Special Circumstances existed to clearly outweigh the harm. Consequently, the bungalow would be inappropriate development, contrary to Paragraph 145 of the Green Belt as well as Policies CSSP4 and PMD6 of the Local Plan (LP) which taken together aim to maintain and protect the open character of the Green Belt. The Framework states that substantial weight should be given to harm to the Green Belt.

4.10.8 The appeal was therefore dismissed.

4.10.9 The full appeal decision can be found online.

**4.11 Application No: 19/01317/HHA**

Location: 23 Connaught Avenue, Grays

Proposal: (Retrospective) Hip-to-gable loft conversion with rear dormer, 3 front rooflights and Juliet balcony

Appeal Decision: Appeal Dismissed

4.11.1 The Inspector considered that the main issue to be the effect of the development on the character and appearance of the pair of semi-detached dwellings and the area.

4.11.2 The main hipped roof has been altered to a gabled roof, severely unbalancing the pair of semis and reducing the space between the dwelling and the

neighbouring detached house thereby detracting from the spacious nature of the street.

4.11.3 The rear dormer extended across the full width of the rear roof slope, and set only slightly below the ridge of the main roof and was contrary to the RAE. The dormer's size and position mean that it is clearly seen from the street, appearing unduly bulky and overly dominant.

4.11.4 The grey cladding contrasts starkly with the white rendered walls and tiled roofing, drawing attention to the disproportionate size and scale of the dormer, the incongruous form of the new roof and the awkward junctions between the dormer, new roof and existing projecting gabled roof.

4.11.5 The Inspector concluded that the development, by reason of its form, size, scale and materials, significantly harmed the character and appearance of the pair of semi-detached dwellings and the area and is contrary to Policies CSTP22 and PMD2 and the RAE.

4.11.6 The full appeal decision can be found online

**4.12 Application No: 20/00144/HHA**

Location: 84 Christchurch Road, Tilbury

Proposal: Single storey front extension

Appeal Decision: Appeal Dismissed

4.12.1 The Inspector considered that the main issues is the effect of the proposed development on the character and appearance of the dwelling and the area.

4.12.2 The appeal dwelling sits between an unaltered dwelling and an altered one to its front elevation. The proposal would extend across the full width of the dwelling with the same forward projection as the existing porch. Whilst it would be greater in width than the existing extensions in the terrace which have only canopies covering the full width, those canopies have a strong visual impact and the width of the proposed extension would therefore be acceptable in this context.

4.12.3 It was concluded that the scale and form of the continuous pitched roof would fail to reflect the flat roofs of the terrace and would appear unduly bulky in the street scene. Its greater eaves and ridge heights would also create an awkward junction with the adjoining hipped roof at no 82. The use of

brickwork across the whole frontage would fail to reflect the timber cladding and mix of materials in the original design. As such, its design would fail to reflect the original, 1960's character of the dwelling and the terrace.

4.12.4 Therefore the proposed extension, by reason of its scale and design, would significantly harm the character and appearance of the dwelling and the area and would be contrary to development plan policies CSTP22 and PMD2 and to the Council's SPD. Accordingly the appeal was dismissed.

4.12.5 The full appeal decision can be found online

**4.13 Application No: 20/00526/FUL**

Location: 101 Feenan Highway, Tilbury

Proposal: Erection of new dwelling with associated hardstanding and vehicular access. Ground floor rear extension to existing dwelling and new vehicular access.

Appeal Decision: Appeal Decision

4.13.1 The Inspector considered the main issues were the effect of the new dwelling upon the character and appearance of the surrounding area.

4.13.2 The proposed development would result in a longer terrace of dwellings. This would result in a diminished level of space between the appeal site and 99a Feenan Highway. This is a concern as the loss of the gap between the two buildings would erode the more open character that is a feature of this suburban location due to the limited amount of space between the two buildings conflicting with the more open nature of the wider area.

4.13.3 The neighbour property would be further set back. Therefore in a short distance two differing houses would be sited that are located notably different amounts of distance back from the highway edge appearing incongruous. Due to the flat topography of the surrounding area, combined with the lack of high-level landscaping the site is prominent would appear to be significantly strident and discordant.

4.13.4 Although the Inspector noted that 99A appears to be a relatively new dwelling, its positioning is such that a large gap has been retained between it and the existing dwelling at No. 101. In result, it does not have the same effect on the character and appearance of the surrounding area



4.13.5 The Inspector concluded that the appeal scheme would have an adverse effect upon the character and appearance of the surrounding area. The development, in this regard, would fail to comply with Policies PMD2 and CSTP22 of the Thurrock Core Strategy and Policies for the Management of Development (2015).

4.13.6 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	14	13		59
No Allowed	1	0	2	2	0	0	3	1	0	2	2		14
% Allowed	20%	0%	40%	50%	0%	0%	75%	33.33%	0%	14.29%	15.38%		23.73%

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

6.1 N/A

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

7.1 This report is for information only.

## **8.0 Implications**

### **8.1 Financial**

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

There are no direct financial implications to this report.

### **8.2 Legal**

Implications verified by: **Tim Hallam**  
**Deputy Head of Law (Regeneration) and**  
**Deputy Monitoring Officer**

The Appeals lodged will either have to be dealt with by written representation procedure or (an informal) hearing or a local inquiry.

Most often, particularly following an inquiry, the parties involved will seek to recover from the other side their costs incurred in pursuing the appeal (known as 'an order as to costs' or 'award of costs').

### 8.3 Diversity and Equality

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

There are no direct diversity implications to this report.

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

None.

### 9.0. Background papers used in preparing the report (including their location on the Council's website or identification whether any are exempt or protected by copyright):

- All background documents including application forms, drawings and other supporting documentation can be viewed online: [www.thurrock.gov.uk/planning](http://www.thurrock.gov.uk/planning). The planning enforcement files are not public documents and should not be disclosed to the public.

### 10. Appendices to the report

- None

# Agenda Item 8

Planning Committee: 18 March 2021	Application Reference: 20/00827/FUL
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<b>Reference:</b> 20/00827/FUL	<b>Site:</b> Former Ford Motor Company Arisdale Avenue South Ockendon Essex RM15 5JT
<b>Ward:</b> Ockendon	<b>Proposal:</b> 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	20th January 2021
R9052-STN-18-00-DR-A-0903-P58	Site Layout	20th January 2021
R9052-STN-18-ZZ-DR-A-0900-P50	Location Plan	6th July 2020
R9052-STN-18-ZZ-DR-A-0904-P57	Roof Plans	20th January 2021
R9052-STN-18-ZZ-DR-A-0905-P57	Other	20th January 2021
R9052-STN-18-ZZ-DR-A-0906-P62	Other	20th January 2021
R9052-STN-18-ZZ-DR-A-0908-P57	Other	20th January 2021
R9052-STN-18-ZZ-DR-A-0909-P57	Other	20th January 2021
R9052-STN-18-ZZ-DR-A-0910-P57	Other	20th January 2021
R9052-STN-18-ZZ-DR-A-0912-P57	Other	20th January 2021
R9052-STN-18-ZZ-DR-A-0913-P57	Site Layout	20th January 2021
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

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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	20th January 2021
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-CUR-18-XX-DR-D-7215-P04	Drainage Layout	4th December 2020
R9052-STN-18-ZZ-DR-A-0907-P61	Other	20th January 2021
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

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

Planning Committee: 18 March 2021	Application Reference: 20/00827/FUL
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<b>Applicant:</b> Mr Owain Williams	<b>Validated:</b> 17 July 2020 <b>Date of expiry:</b> 24 March 2021 (Extension of time agreed with applicant)
<b>Recommendation:</b> Approve subject to conditions and a s106 agreement	

## 1.0 BACKGROUND

1.1 At the meeting of the Planning Committee held on 11 February 2021 Members considered two reports for this planning application. After a debate the application was deferred to allow Officers to review Members recommended reasons for refusal as set out below:

1. The proposed development as a result of its high density is at the absolute limit density of what would be acceptable for this site.
2. The proposal has increased the parking level by 3 parking spaces but the level of parking is not considered enough to be acceptable for this development taking into account the existing situation at the site and is inadequate to achieve sustainable development.
3. The proposal would result in a lack of affordable housing units at the site and therefore would not meet the needs of local people due this shortfall of affordable housing.

1.2 A copy of the previous reports are attached as Appendices. Appendix 1 is the 'update report' from the Planning Committee Meeting on 11 February 2021 and Appendix 2 is the 'main report' from the Planning Committee Meeting on 7 January 2021.

## 2.0 UPDATED INFORMATION

2.1 Since the February meeting the applicant has provided additional information in response to the Committee's recommended reasons for refusal. This comprises a supplementary statement, a counsel opinion and letter informing the Council of the applicant's intention to appeal should the application be refused planning permission. These details are considered in detail in the updated assessment below.

## 3.0 UPDATED ASSESSMENT

3.1 The following paragraphs assess Members recommended reasons for refusal:

1. The proposed development as a result of its high density is at the absolute limit density of what would be acceptable for this site.
  - 3.2 The current proposal would result in 70 dwellings per hectare for this site (red line area) which complies with policy CSTP1 as the policy allows for '*a density range of between 30 and 70 dwellings per hectare*'. Whilst it is noted that the proposed density levels would be at the upper end of the policy requirement the key point here is that the proposal would comply with policy CSTP1. Furthermore, density is not just about numbers but about quality of the development. In this case the proposed development represents the final phase of development of Arisdale Avenue following the outline permission and implementation of the design code to achieve the form, scale, massing of another high quality designed development with an acceptable housing density.
  - 3.3 The applicant's supplementary statement reiterates the compliance with policy CSPTP1 and states that the application would only increase the number of dwellings at the wider Arisdale development site by 27 dwellings more than the 650 dwellings the outline planning permission approved. The applicant considers the proposed housing density would not lead to a poor quality of life for existing or future residents.
- The proposal would also help address Thurrock's shortfall in housing supply and reduce pressure upon the Green Belt.
- 3.4 The applicant's counsel opinion explains that the relevant test for the committee is '*whether the resultant density would amount to a breach of the development plan*', which is not the case here as the proposal would comply with policy CSTP1.

Furthermore, the applicant's counsel opinion advises that national planning policy is supportive of higher densities, especially those which represent brownfield opportunities in highly sustainable locations. The applicant's counsel opinion also refers to the NPPF's Housing Delivery Test, which is referred to in the 'update report' and the 'main report', and identifies a housing delivery shortfall of 309 homes over the three previous financial years up until 2017/18. The Council's response is an action plan committing to achieving higher densities and this is a material consideration with this application.

- 3.5 In conclusion under this heading Members are advised that it would be extremely difficult to sustain a reason of refusal on density as an Inspector would see that the application complies with policy and therefore would be highly likely to allow an appeal and grant planning permission.

2. The proposal has increased the parking level by 3 parking spaces but the level of parking is not considered enough to be acceptable for this development taking into account the existing situation at the site and is inadequate to achieve sustainable development.
- 3.6 The proposal would provide 120 parking spaces as explained in paragraph 4.20 of the 'update report' and this meets the requirements of the Council's draft Parking Standards, which requires a minimum of 115 spaces for this development. In addition the proposed parking ratio would be 1.3 spaces per dwelling so is within the 1.3 to 1.5 parking space per dwelling range as required by the Design Code 'pr6' (parking arrangements) and condition 15 of the outline permission. The Council are not aware of any ongoing parking issues at the site and the Council's Highway Officer raises no objection on parking grounds to this application. The proposal would therefore accord with policy PMD8, which requires all development to comply with the Council's parking standards.
- 3.7 The applicant's supplementary statement and the applicant's counsel opinion reiterates the compliance with the Council's draft parking standards and policy PMD8. It is explained that the proposal was amended following the January Planning Committee to increase on-site parking by including an additional 3 parking spaces to achieve 120 parking spaces for the proposed development. Planning conditions are recommended for electric vehicle charging provision and a parking management strategy, which would be agreed to control parking within the development and would include taking parking enforcement measures. The applicant's supplementary statement also identifies that the site is located in an accessible location.
- 3.8 In conclusion under this heading, Members are advised that it would be extremely difficult to sustain a reason of refusal on parking as an Inspector would see that the application complies with policy and therefore would be highly likely to allow an appeal and grant planning permission.
3. The proposal would result in a lack of affordable housing units at the site and therefore would not meet the needs of local people due this shortfall of affordable housing.
  - 3.9 Policy CSTP2 allows for exceptions to the 35% affordable housing requirement where financial viability indicates a policy compliant level of affordable housing is not viable. The proposed development has been subject to an independent viability assessment which has identified that a level of 6% affordable housing can be achieved. In

addition to this, and identified in the 'update report', the applicant would use reasonable endeavours for securing the transfer of 5 additional units for affordable housing using Homes England grant funding, so this would lead to 11 affordable housing units. If for any reason it is not possible to transfer the additional 5 unit affordable units then the applicant agrees that these 5 units will be available for discounted open market sale at 80% open market value to local residents. These would all be secured through planning obligations along with a viability review mechanism, as stated in the recommendation section of the 'update report'. The proposed development therefore complies with the exception criteria of policy CSTP2 and the Council's Housing Officer has no objections to the application.

- 3.10 The proposal would comply with the housing needs and mix set out in the latest (May 2016) Strategic Housing Marketing Assessment (SHMA) and the update Addendum (May 2017), which identifies the need for 3 bedroom semi-detached and terraced houses but also the need for 1 and 2 bedroom apartments, and therefore complies with policy CSTP1.
- 3.11 The applicant's supplementary statement reiterates the affordable housing position and that the proposal would deliver more affordable housing than earlier phases of the wider development which through the outline planning permission delivered 10% affordable housing for phases 1, 2 and 3. In response to Members concerns in relation to who would be eligible for the 5 discounted open market homes, these would be offered to eligible Thurrock residents in the first instance and criteria would be applied secured through the planning obligations. In regard to housing mix, the applicant explains that the proposal would meet with the SHMA with apartments meeting the demand for smaller housing needs and policy CSTP1. It is stated that apartments at this site are in greatest demand and the applicant has a waiting list of 50 people wanting an apartment.
- 3.12 The applicant's counsel opinion explains that policy CSTP2 is not breached as the exception within the policy allows for financial viability to be applied. The earlier phases of the development accepted 10% affordable housing based on viability assessments. The applicant's counsel opinion states that *'to refuse to accept viability evidence would amount to acting inconsistently and in*



*breach of development plan policy*'. Furthermore, the applicant's counsel opinion also states *'that a refusal of planning permission based on a demand for more affordable housing would be perverse, because refusal will actually lead to the delivery of less affordable housing'*, that is on the basis that the extant permission for Phases 4/5, as a fall-back position, would provide less affordable housing than the current scheme.

- 3.13 In conclusion under this heading Members are advised that it would be extremely difficult to sustain a reason of refusal on a lack of affordable housing as an Inspector would see that the application complies with the policy exceptions and therefore would be highly likely to allow an appeal and grant planning permission.

Other matters arising from the February Planning Committee Meeting.

- 3.14 The applicant's supplementary statement provides a response to matters arising from the February Planning Committee meeting as follows:
- 3.15 Lorry parking along Arisdale Avenue: The applicant confirms that no lorries associated with the development of Phases 4/5 park along Arisdale Avenue and the Construction Environmental Management Plan secured an agreed travel movement of construction vehicles associated with the wider site prior to development commencing on Phases 4/5.
- 3.16 Piling: It is confirmed that piling is required for the construction of apartments and houses due to the ground conditions and this is an increased construction cost considered in the viability assessment of the development.
- 3.17 Laundry facilities: All apartments would have balconies to allow residents to dry clothes outside and all apartments would be fitted with plumbing for tumble dryers. It is stated that this is common for modern apartment blocks but more importantly this matter is not a material planning consideration so no weight should be given to this as a consideration.

## 4.0 CONCLUSION

- 4.1 Members are advised against refusing planning permission for this application. This report explains that the proposed development is not contrary to the Council's adopted Core Strategy and Policies for the Management of Development (2015) nor national planning policy and guidance set out in the NPPF/PPG. Indeed, the NPPF presumption in favour of sustainable development applies in this case and in an appeal situation an Inspector would be likely to give this significant weight.
- 4.2 It is worth noting that the applicant has already made clear their intention would be to appeal against a refusal of planning permission. Members are advised that it would be extremely difficult to defend the reasons put forward for refusing the scheme and it is highly likely that an Inspector would allow an appeal and grant planning permission for this development.
- 4.3 It should also be recognised through the appeal procedure there is a financial risk of a successful award of costs against the Council for using unreasonable reasons of refusal. The applicant has advised the Council that it is their intention to request a public inquiry procedure, which would lead to the appointment of consultants and legal representation, if the appeal was then allowed this could lead to a significant award of costs against the Council. The applicant's counsel opinion supports this view citing the current Members recommended reasons of refusal would result in unreasonable behaviour. It should also be noted that the Council would also have to provide additional expenditure to defend an appeal through the public inquiry procedure through the appointment of legal representation and external consultants as the Council's planning officers would not be able to defend the decision as they had recommended it for approval.
- 4.4 In light of this position, it is recommended that Members give very careful consideration to the content of this report. Given the risks associated with refusal, Officers advise the application should be approved in accordance with the recommendation below.

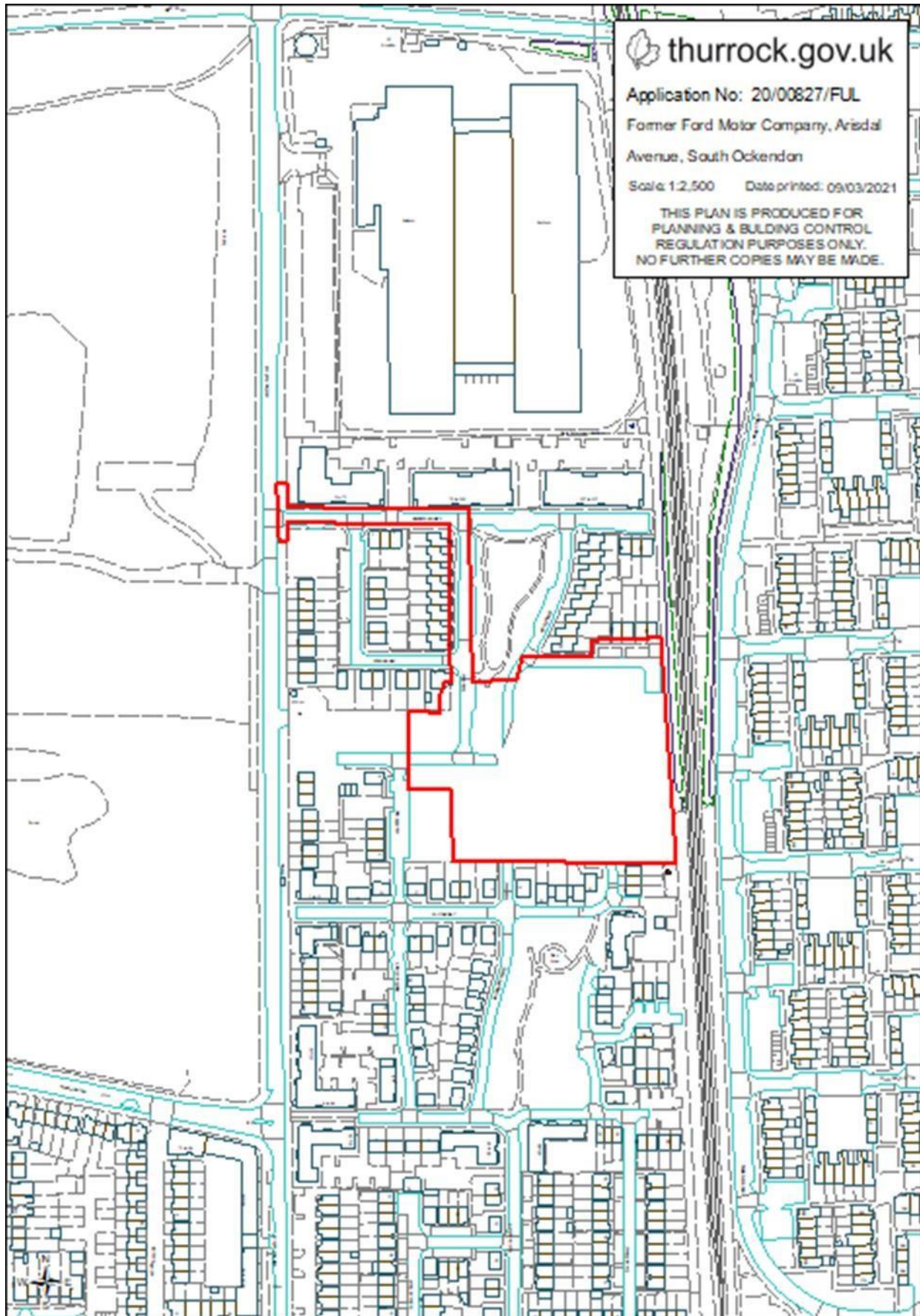
## **5.0 RECOMMENDATION**

- 5.1 Approve as set out in the recommendation section of the 'original report' and the 'update report', where the 'update report' includes updated planning obligations on affordable housing and the revised plans conditions.

### **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>



Planning Committee: 11 February 2021	Application Reference: 20/00827/FUL
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<b>Reference:</b> 20/00827/FUL	<b>Site:</b> Former Ford Motor Company Arisdale Avenue South Ockendon Essex RM15 5JT
<b>Ward:</b> Ockendon	<b>Proposal:</b> 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	20th January 2021
R9052-STN-18-00-DR-A-0903-P58	Site Layout	20th January 2021
R9052-STN-18-ZZ-DR-A-0900-P50	Location Plan	6th July 2020
R9052-STN-18-ZZ-DR-A-0904-P57	Roof Plans	20th January 2021
R9052-STN-18-ZZ-DR-A-0905-P57	Other	20th January 2021
R9052-STN-18-ZZ-DR-A-0906-P62	Other	20th January 2021
R9052-STN-18-ZZ-DR-A-0908-P57	Other	20th January 2021
R9052-STN-18-ZZ-DR-A-0909-P57	Other	20th January 2021
R9052-STN-18-ZZ-DR-A-0910-P57	Other	20th January 2021
R9052-STN-18-ZZ-DR-A-0912-P57	Other	20th January 2021
R9052-STN-18-ZZ-DR-A-0913-P57	Site Layout	20th January 2021
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
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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	20th January 2021
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R9052-CUR-18-XX-DR-D-7002-C11	Drainage Layout	6th November 2020
R9052-CUR-18-XX-DR-D-7215-P04	Drainage Layout	4th December 2020
R9052-STN-18-ZZ-DR-A-0907-P61	Other	20th January 2021
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

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:**

19 February 2021(Extension of time

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	agreed with applicant)
<b>Recommendation:</b> Approve subject to conditions and a s106 agreement	

## 1.0 BACKGROUND

1.1 At the meeting of the Planning Committee held on 7 January 2021 Members considered a report on the above proposal. After a debate, the application was deferred for further consideration of the following:

1. To enable Officers to negotiate more than 6% affordable housing with the applicant;
2. To review the density of the proposed development;
3. That the proposal is not in keeping with the needs of the local community as houses preferred instead of flats; and
4. That the proposed parking levels are below the Council's adopted Parking Standards.

1.2 A copy of the report presented to the November Committee meeting is attached as Appendix 1.

## 2.0 UPDATED INFORMATION

2.1 Since the January planning committee the applicant has sought to provide additional information has been provided by the applicant to assist in response to the Committee's reasons for deferral. The information is summarised as follows:

2.2 Affordable Housing – The applicant makes reference to policy CSTP2 and the allowance in policy for economic viability testing. Since the committee the applicant has engaged with Officers and in addition to the 6 units, as stated in the main report in Appendix 1, the applicant agrees to the following additional obligations as set out below:

- *To use reasonable endeavours to secure the transfer of a further five dwellings, the "target affordable dwellings", to a Registered Provider using Homes England grant funding*
- *If, for any reason, it is not possible to transfer the additional five affordable dwellings to a Registered Provider, to dispose of them as discounted open market dwellings at 80% of open market value to local residents in accordance with Thurrock Council's cascade mechanism*

2.3 The affordable dwellings will be targeted for affordable rent to reflect the current needs within Thurrock. Reference is also made to an additional 18 affordable housing units provided in the previous Phase 4/5 development which were achieved in addition to the 23 approved through the planning permission for the Phase 4/5

development. This was achieved through grant funding outside of the planning permission. The previous Phase 4/5 development did not provide any affordable housing units for location of the current application in this part of the Phase 4/5 development, just market housing. The Phase 4/5 development and this application would therefore provide a total of 52 affordable housing units.

2.4 Density - The proposed development would:

- Comply with policy CSTEP1;
- Would provide 37 dwellings more than the 650 dwellings that the outline planning permission; and,
- Require the 'presumption in favour of sustainable development' to apply as the Council has only delivered 59% of its housing requirement in the three years to March 2020 and the Council's Action Plan for addressing this shortfall is to increase housing density in urban areas.

2.5 Housing types:–

- Referencing the requirement for smaller properties such as apartments within the Council's Strategic Housing Marketing Assessment;
- The applicant has been selling properties in the Phase 4 and 5 site and there is a demand for apartments with a waiting list of 50 clients looking to purchase an apartment on site; and,
- There is demand from young people in their 20's and 30's with 95% of purchasers being first time buyers.

2.6 Parking - Revised plans have been submitted since the January planning committee, which have reviewed the parking layout and have increased the proposed parking provision at the site by an extra 3 parking spaces. The proposed development would provide a total of 120 car parking spaces.

### 3.0 UPDATED CONSULTATION RESPONSES

3.1 HIGHWAYS:

No objection.

3.2 HOUSING:

No objection to the proposed additional provisions for affordable housing.

### 4.0 UPDATED ASSESSMENT

4.1 The following paragraphs assesses the reasons for deferral:



1. To enable Officers to negotiate more affordable housing

- 4.2 As stated in the 'Viability and Planning Obligations' section of the main report, Appendix 1, the application is subject to a Financial Viability Assessment, which has been independently reviewed. 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 along with 6% affordable housing (6 units). These would form the planning obligations secured through a s106 agreement should planning permission be approved. This would also include a viability review mechanism if the development has not substantially started within 24 months of the consent.
- 4.3 It is recognised that the proposed level of affordable housing is below what policy CSTP2 requires (35% of the development) but the policy allows for exceptions where financial viability can be considered. This is applicable to a number of sites in Thurrock that are subject to previously developed land and physical constraints, similar to this one. The Committee have considered and approved similar applications on previously developed land where viability issues have been presented. One of the costs involves the need for piling the foundations of the proposed buildings due to ground conditions.
- 4.4 The planning history of this Arisdale site shows that an outline planning permission approved by the Thames Gateway Development Corporation in 2011 included a s106 agreement that allowed for between 10% to 42.5% affordable housing through the s106 agreement, subject to financial viability testing. Since the outline permission each of the earlier phases of development have been subject to 10% affordable housing provision for viability reasons.
- 4.5 Since the deferral at the January committee meeting Officers have been liaising with the applicant. The applicant has confirmed that the previous approved Phase 4/5 development (18/00308/REM) originally included 23 affordable housing units but through additional grant funding, outside the scope of the previous planning permission, this was increased and has since achieved a total 41 affordable housing units for the previous Phase 4/5 development. It should be noted that the previous proposal for the current application site area included no affordable housing units, instead market housing.
- 4.6 Through the discussions with the applicant it has been agreed that in addition to the 6% affordable housing as set out in the attached report Appendix 1 a revised planning obligation will be imposed requiring the applicant to use reasonable endeavours for securing the transfer of 5 additional units for affordable housing using Homes

England grant funding. If for any reason it is not possible to transfer the additional 5 unit affordable units then the applicant agrees that these 5 units will be available for discounted open market sale at 80% open market value to local residents.

- 4.7 This means that in addition to the 41 affordable affordable housing units for the previous Phase 4/5 development this application would provide another 11 affordable housing units and in total provide 52 affordable housing units which equates to 18% for affordable housing for the combined previous Phase 4/5 development and this application. This is more than 10% from the earlier phases of development of the planning permission at the wider Arisdale site.

## 2. To review the density of the proposed development

- 4.8 The previous Phases 4/5 development approved a housing density of 49 dwelling per hectare and the current proposal would be 70 dwellings per hectare and therefore represents an increase in housing density at the site. In terms of dwellings per hectares policy CSTP1 allows for '*a density range of between 30 and 70 dwellings per hectare*' and the proposed development therefore meets this policy requirement.
- 4.9 Furthermore, included within the wording of policy CSTP1 is a 'Housing Density Approach' and states that '*Proposals for residential development will be design-led and will seek to optimise the use of land in a manner that is compatible with the local context*'. In line with policy it is therefore considered that density is not just about the number of dwellings per hectare but about creating a high quality designed developments and placemaking which has been considered through this application process as a continuation of the previous Phase 4/5 development.
- 4.10 The applicant's additional information explains that the proposal would only provide 37 more dwellings than the originally consented 650 dwellings envisaged for the wider Arisdale development from the outline planning permission.
- 4.11 As stated in paragraph 6.3 of the main report, Appendix 1, and as required by paragraph 75 of the NPPF the Council's Housing Delivery Test Action Plan (HDTAP) was published in August 2019 and 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 of the HDTAP) and this application seeks to achieve a higher density development as part of the wider Arisdale site and therefore complies with these requirements.
- 4.12 Since the January planning committee the Government have announced that Thurrock Council is 1 of 55 local authorities that will be subject to the Housing

Delivery Test's requirement where an authority delivers less than 75% of their housing requirement in the three years, which has been measured up until to March 2020. This means that the 'presumption in favour of sustainable development', as stated in paragraph 11 of the NPPF, applies to all planning applications for housing developments in the Borough with the current housing policies within the Core Strategy now considered out of date. This means that the 'tilted balance' for approving sustainable development applies to housing developments.

4.13 Chapter 11 of the NPPF is titled 'Making effective use of land' and paragraph 117 is relevant to this consideration as it states that *'planning policies and decisions should promote an effective use of land in meeting the need for homes and other uses, while safeguarding and improving the environment and ensuring safe and healthy living conditions. Strategic policies should set out a clear strategy for accommodating objectively assessed needs, in a way that makes as much use as possible of previously-developed or 'brownfield' land (my emphasis)'*. Furthermore, paragraph 122 states *'Planning policies and decisions should support development that makes efficient use of land, taking into account.....different types of housing and other forms of development, and the availability of land suitable for accommodating it, and the importance of securing well-designed, attractive and healthy places'*. The proposal would therefore comply with these requirements.

4.14 For these reasons the density of the proposed development is acceptable.

3. Whether the proposal is in keeping with the needs of the local community as houses are preferred instead of flats

4.15 As stated in paragraph 6.4 of the main report, Appendix 1, 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 but also the need for 1 and 2 bedroom apartments.

4.16 The proposed dwelling mix would result in the loss of 31 approved mainly semi-detached houses in favour of increased 1 and 2 bedroom apartments. 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.

4.17 The applicant's additional information identifies that the changes to the original proposals for this part of the Arisdale development reflects the demand for

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apartments with a waiting list of 50 clients looking to purchase an apartment on site. The applicant explains that demand comes from young people in their 20's and 30's with 95% of purchasers being first time buyers.

- 4.18 The table below shows the proposal when compared to the approved scheme for Phases 4 and 5:

	Approved Scheme for Phases 4 and 5	Combined Scheme for Phases 4 and 5
Number of Houses	111	82
Number of Apartments	119	205
Total	230	287

4. Whether the Proposed Parking Levels are below the Council's adopted Parking Standards

- 4.19 As stated in paragraph 6.19 of the main report, Appendix 1, 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. Nevertheless the Council's draft Parking Standards were originally considered and identify this site would be a 'medium accessible area' so parking would be required within the range of 1 – 1.25 spaces per dwelling for flats, 1.5 to 2 spaces per dwelling, 0.25 spaces per dwelling for visitor parking.
- 4.20 As stated in paragraph 6.20 of the main report, Appendix 1, the applicant's proposed parking strategy is based on 1 space per flat, 1 space per 2 bedroom house and 2 spaces for a 2 bedroom house. The table below sets out the proposed parking provision for the development taking account of the extra 3 parking spaces provided in the revised plans since the deferral from the January planning committee:

Car Parking	Apartments: 1 space per flat – 88 spaces in total Houses: 1 space for 2 bed dwelling and 2 spaces for a 3 bed dwelling – 14 spaces in total for 6 houses Total allocated: 102 spaces Total Visitor: 18 spaces Total: 120 (1.3 spaces per unit)
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- 4.21 The proposal would meet requirements of the Council's draft Parking Standards, which would require a minimum of 115 spaces for this development. Furthermore the

proposed parking ratio would be 1.3 spaces per dwelling so is within the 1.3 to 1.5 parking space per dwelling range as required by the Design Code 'pr6' (parking arrangements) and condition 15 of the outline permission.

- 4.22 Planning condition 9 (parking provision) would ensure that the parking layout is provided as per the plans and allocated accordingly, and planning condition 10 (parking management strategy) would ensure a parking management scheme is enforced on site.

## 5.0 RECOMMENDATION

- 5.1 Approve as set out in the recommendation section of the report attached as Appendix 1 but with the following updated planning obligations in regard to affordable housing, and a revised condition regarding the revised plans submitted since the January planning committee:

- 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 (6 units) and
  - For the applicant to use reasonable endeavours for securing grant funding to provide 5 additional units for affordable housing, or,
  - If, for any reason, it is not possible to transfer the additional five affordable dwellings then these 5 additional units shall be made available as discounted open market dwellings at 80% of open market value with priority for local residents.
- ii) and subject to the following revised planning condition, numbered to reflect the updated condition from the report attached as Appendix 1:

### 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	20th January 2021

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R9052-STN-18-00-DR-A-0903-P58	Site Layout	20th January 2021
R9052-STN-18-ZZ-DR-A-0900-P50	Location Plan	6th July 2020
R9052-STN-18-ZZ-DR-A-0904-P57	Roof Plans	20th January 2021
R9052-STN-18-ZZ-DR-A-0905-P57	Other	20th January 2021
R9052-STN-18-ZZ-DR-A-0906-P62	Other	20th January 2021
R9052-STN-18-ZZ-DR-A-0908-P57	Other	20th January 2021
R9052-STN-18-ZZ-DR-A-0909-P57	Other	20th January 2021
R9052-STN-18-ZZ-DR-A-0910-P57	Other	20th January 2021
R9052-STN-18-ZZ-DR-A-0912-P57	Other	20th January 2021
R9052-STN-18-ZZ-DR-A-0913-P57	Site Layout	20th January 2021
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
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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
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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

**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).

**Documents:**

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

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<b>Reference:</b> 20/00827/FUL	<b>Site:</b> Former Ford Motor Company Arisdale Avenue South Ockendon Essex RM15 5JT
<b>Ward:</b> Ockendon	<b>Proposal:</b> 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)

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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
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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
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R9052-STN-20-02-DR-A-1052-P57	Floor Layout	6th November 2020
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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

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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
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R9052-STN-20-R0-DR-A-1054-P57	Roof Plans	6th November 2020
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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

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	agreed with applicant)
<b>Recommendation:</b> 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 <sup>2</sup> 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 60m<sup>2</sup> 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 Ardmere 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	Approved 28.04.2011

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	Phased Financial contributions (E) Highway Scheme - The scheme means works of improvement to Arisdale Avenue. (F) Parking management strategy	
11/50443/TTGREM  Phase 1	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	Approved 29.06.2012
14/00950/REM  Phase 2	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.	Approved 17.11.2014
16/01617/CONDC	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	Approved  13.01.2017
16/01726/REM  Phase 3	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.	Approved  26.06.2017
18/00308/REM  Phases 4 & 5	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	Approved

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	space, car parking and associated infrastructure works.	
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#### 4.0 CONSULTATION AND REPRESENTATIONS

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

#### 4.2 PUBLICITY:

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

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.



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#### 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 provided 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:

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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 66m<sup>2</sup> to 96m<sup>2</sup>. 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 60m<sup>2</sup>. For apartments the previous application's Design Code 'bf13' required the balconies to be 5m<sup>2</sup> and apartments that are 2 bedrooms or more must have at least 25m<sup>2</sup> 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'.

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- 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 location 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.



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- 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 6 house plots and 2 apartment block 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:

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

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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

- 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

- 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**

26. 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 DPD (2015).

### **External Lighting**

27. 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**

28. 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**

29. 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)**

30. 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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<b>Reference:</b> 20/01736/TBC	<b>Site:</b> 13 Loewen Road Chadwell St Mary Essex RM16 4UU
<b>Ward:</b> Chadwell St Mary	<b>Proposal:</b> Demolition of existing dwelling and the construction of 5 houses with associated landscaping, car parking and cycle parking.

<b>Plan Number(s):</b>		
Reference	Name	Received
13897-DB3-B01-ZZ-DR- A - 20-004 B	Existing Street Elevation	14th December 2020
13897-DB3-B01-ZZ-DR-A-20-001 A	Location Plan	14th December 2020
13897-DB3-B01-ZZ-DR-A-20-002 B	Existing Site Plan	14th December 2020
13897-DB3-B01-ZZ-DR-A-20-003 A	Existing Site Sections	14th December 2020
13897-DB3-B01-ZZ-DR-A-20010 E	Proposed Site Plan	14th December 2020
13897-DB3-B01-ZZ-DR-A-20011 E	Proposed Ground Floor	14th December 2020
13897-DB3-B01-ZZ-DR-A-20012 C	Proposed Street Elevation	14th December 2020
13897-DB3-B01-ZZ-DR-A-20013 D	Proposed Site Sections	14th December 2020
13897-DB3-B01-ZZ-DR-A-20014 D	Proposed Site Sections	14th December 2020
13897-DB3-B01-ZZ-DR-A-20030 E	Proposed House Type Floor Plans	14th December 2020
13897-DB3-B01-ZZ-DR-A-20031	Proposed Elevations	14th December 2020
13897-DB3-B01-ZZ-DR-A-20032 B	Proposed House Type 1 and 2 Sections	14th December 2020
13897-DB3-B01-ZZ-DR-A-20033 B	Proposed House Type 1a Sections	14th December 2020

13897-DB3-B01-ZZ-DR-A-20035 F	Proposed Landscaping Layout	14th December 2020
AC20005-CIV-001P2	Engineering Layout	14th December 2020
AC20005-CIV-002P1	Private Drainage Details	14th December 2020
AC20005-CIV-003P1	Private Hardstanding Details	14th December 2020
L9515	Topographical Surveys	14th December 2020

The application is also accompanied by:

- Acoustic Report
- Biodiversity Enhancement Strategy
- CBR Test
- Daylight & Sunlight Report
- Daylight & Sunlight Study
- Design and Access Statement
- Dusk Emergency & Dawn Re-entry Bat Survey
- Energy Statement
- Explor Borehole Results
- Flood Risk Assessment
- Gas Monitoring Survey
- Geotechnical Report
- Historic Environment Desk Based Assessment
- Land Contamination Report
- Manhole Schedule
- Preliminary Bat Roost Assessment
- Preliminary Ecological Appraisal
- Reptile Survey
- Soakage Test
- Surface & Foul Water Drainage Statement
- Transport Statement

**Applicant:**

Thurrock Council

**Validated:**

14 December 2020

**Date of expiry:**

22 March 2021

**(Extension of Time  
as agreed by applicant)**

**Recommendation:** Approval

This application is scheduled as a Committee item because the Council is the applicant and landowner (in accordance with Part 3 (b) Section 2 2.1 (b) of the Council's constitution).



## 1.0 DESCRIPTION OF PROPOSAL

- 1.1 The application seeks planning permission for the demolition of an existing 5 bedroom detached property which is currently owned by the Council and vacant, to facilitate the construction of 5 new dwellings, associated landscaping, car and cycle parking.
- 1.2 The proposed development would consist of 3-bedroom properties and would offer 100% affordable housing provision.

## 2.0 SITE DESCRIPTION

- 2.1 The application site is a generous residential plot on the western side of Loewen Road, within the Council's ownership. The surrounding area to the north, east and south comprise residential properties, whilst the plot is bordered directly to the west by open public land, namely Chadwell Recreation Ground.

## 3.0 RELEVANT HISTORY

Application Reference	Description of Proposal	Decision
03/01194/FUL	Ground floor side extension	Approved
97/00269/FUL	Single storey side extension	Approved
55/00223E/FUL	Development, second section of 11 houses.	Approved
55/00223A/OUT	Layout for 56 houses.	Approved

## 4.0 CONSULTATIONS AND REPRESENTATIONS

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

### PUBLICITY:

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

Seven comments have been received objecting to the proposal on the following grounds:

- Access to site;
- Additional traffic;
- Highway impacts;
- Environmental pollution;
- Infrastructure strain;
- Litter / Smells;

- Loss of larger Council house;
- Materials unacceptable;
- Out of character;
- Overlooking Property;
- Amenity impacts;
- Possible excessive noise.

#### 4.3 EDUCATION:

No education contribution required.

#### 4.4 ENVIRONMENTAL HEALTH:

No objections, subject to conditions

#### 4.5 HIGHWAYS:

No objections, subject to conditions

#### 4.6 LANDSCAPE AND ECOLOGY:

No objection, subject to conditions and RAMS tariff payment.

### 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
- 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
- Housing: optional technical standards
- Housing supply and delivery
- Noise
- Planning obligations
- 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)

#### THEMATIC POLICIES

- CSTP1 (Strategic Housing Provision)
- CSTP2 (The Provision Of Affordable Housing)
- CSTP22 (Thurrock Design)
- CSTP23 (Thurrock Character and Distinctiveness)

#### POLICIES FOR MANAGEMENT OF DEVELOPMENT

- PMD1 (Minimising Pollution and Impacts on Amenity)
- PMD2 (Design and Layout)
- PMD8 (Parking Standards)
- PMD9 (Road Network Hierarchy)
- 

### 5.4 Thurrock Local Plan

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

#### 5.5 Thurrock Design Strategy

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

### 6.0 **ASSESSMENT**

6.1 The assessment below covers the following areas:

- I. Principle of the development
- II. Housing Land Supply, Need, Mix and Affordable Housing
- III. Layout and design
- IV. Impact on amenity
- V. Highways and parking
- VI. Landscape and ecology
- VII. RAMS mitigation
- VIII. Other Matters

#### I. PRINCIPLE OF THE DEVELOPMENT

- 6.2 Core Strategy policy CSSP1 (Sustainable Housing and Locations) refers to the target for the delivery of new housing in the Borough over the period of the Development Plan. This policy notes that new residential development will be directed to previously developed land in the Thurrock urban area, as well as other specified locations. The policy aims to ensure that up to 92% of new residential development will be located on previously developed land. The application site is within the urban area and comprises a 'brownfield' site.
- 6.3 The principle of housing would be compatible with the character of surrounding development. Accordingly, the site may be considered as a 'windfall' location

for housing and no objections are raised to the principle of residential development at this location.

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

- 6.4 Albeit relatively small, the proposed development would make a contribution to the Council's five year housing land supply through the provision of 5 affordable housing units which are necessary to meet the affordable housing needs of the Borough. As a Council application, submitted by the Housing Team, the proposed housing size and requirements are appropriate to meet the affordable housing needs of the location.

## III. LAYOUT AND DESIGN

- 6.5 The existing site measures 0.14 Hectares and is a generous residential plot, with a spacious rear garden area. The site is presently occupied by a large detached two storey house.
- 6.6 The proposed development would result in five new smaller houses, each with individual gardens and a communal parking area to the front of and adjacent to the new properties. Whilst this layout would not be entirely characteristic of the larger properties located along the southern side of Loewen Road, the increased density would reflect the overall residential character of the wider surrounding area.
- 6.7 The development would comprise three house types each providing three bedrooms. There would be an overall increase in height of 1.75m compared to the existing dwelling, however Loewen Road and Haig Road features a variety of house designs and given the layout and orientation of the proposal, this increase would not result in significant harm to the character of the local area.
- 6.8 The proposed design and material palette would be reflective of that of the existing dwelling and other dwellings within Loewen Road.
- 6.9 Therefore it is considered that the siting and scale of the proposed development would be acceptable and the design would be appropriate and 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.

## IV. IMPACT ON AMENITY

- 6.10 The plans submitted indicate the five proposed dwellings would be of a size in line with the national Technical Space Standards, as well as ensuring a sufficient and policy-compliant provision of private amenity space. Based on

the proposed layout there would be suitable light and outlook for the habitable rooms of each dwelling. There would also be suitable levels of privacy.

- 6.11 The proposed dwellings closest to the neighbouring properties at 11 and 15 Loewen Road would be sited in such a way that the proposed flank windows would face onto the side of the existing dwellings, rather than their private amenity areas. Furthermore, proposed windows in the first floor flanks would only serve bathrooms. The submitted plans demonstrate a degree of screening to the southern boundary of the site, preventing overlooking to the southern neighbouring properties. All of the gardens would have a depth greater than 12m, thus a sufficient distance would be retained between the proposed properties and neighbours, particularly those to the south.
- 6.12 Therefore it is considered that the siting and scale of the proposed development would not result in a significant detrimental impact upon neighbouring properties, and would provide a suitable living environment for future occupants. The proposal would, therefore, comply with policy PMD1.
- 6.13 Turning to the matter of noise, the application is supported by an acoustic report which identifies the principal noise source affecting the proposed dwellings as road traffic from the Dock Approach Road. As such, the Council's Environmental Health Officer has recommended a condition requiring a soundproofing scheme prior to the first occupation. Subject to this condition there would be no objections on the basis of noise.
- 6.14 Given the proximity of the neighbouring residential dwellings, particularly no.15 which is attached via garage, it is considered appropriate to impose a condition requiring a Demolition Environmental Management Plan (DEMP) and Construction Environmental Management Plan (CEMP) to be submitted to the Local Authority and approved in writing prior to commencement. This would serve to protect neighbouring amenity during both demolition and construction phases.
- 6.15 The hours of demolition and construction, along with any driven piling if necessary, should also be limited via condition to further protect neighbouring amenity.

## V. HIGHWAYS AND PARKING

- 6.16 Loewen Road is a 30mph, unclassified, residential street where no parking restrictions are in place. The application is supported by a Transport Statement which indicates that vehicular movements to and from the site are unlikely to have a detrimental impact upon the local highway network. This is agreed by the Council's Highways Officer.

- 6.17 The plans submitted demonstrate 10 off-street parking spaces. This development is located in a medium accessibility area where the Council's Draft Parking Standards requires 3 bedroom dwellings to be provided with 1.5 - 2 off street parking spaces and 0.25 visitor spaces per dwelling. As such the development would comply with the Council's Draft parking standards. The Council's Highways Officer has raised no objection to the proposal.

- 6.18 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.”*

The proposal would comply with the parking standards and there would be no “severe” impact on the highways network to constitute a reason for refusal.

- 6.19 Matters of detail relating to highways could be covered by conditions to ensure the parking is available for use and adequate sight splays are provided.

#### VI. LANDSCAPE AND ECOLOGY

- 6.20 The Council's Landscape and Ecology Advisor has advised that the site is of low ecological value and most of the trees on site are small and also of low amenity value. As such there is no in principle objection to the proposal.

- 6.21 One Category B tree, a large Monterey Pine, would need to be removed to enable construction but it is proposed to mitigate the loss of the Monterey Pine by planting seven native species with a higher biodiversity value. To ensure the retained trees are not adversely impacted during construction it would be reasonable to impose a planning condition requiring an arboricultural method statement and tree protection plan.

- 6.22 An indicative landscape plan has been provided, however given its limited details, it would also be reasonable to impose a planning condition requiring a detailed landscape scheme to be submitted to and approved by the Local Planning Authority prior to commencement.

#### VII. RAMS MITIGATION

- 6.23 The site is within the Essex Coast RAMS Zone of Influence and the proposed development falls within the scope of the 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. To avoid the developer needing to undertake their own individual Habitat Regulations Assessment the Essex Local Planning Authorities within the Zones of Influence have developed a mitigation strategy to deliver the necessary mitigation to

address mitigation impacts to be funded through a tariff applicable to all new additional dwellings. The current tariff is £125.58 per additional dwelling.

- 6.24 The proposal would result in a net increase of 4 units. Based on the current tariff a payment of £502.32 would be required for this scheme and the applicant has accepted to provide the necessary mitigation.

## **IX. OTHER MATTERS**

- 6.25 Objections relating to access, traffic and highways impact, and matters relating to design, character and amenity impacts have been addressed previously within this report.
- 6.26 Neighbour comments have raised objections on relating to the loss of a larger council house, however the house is in a state of disrepair and has been vacant for over a year. Furthermore there would be an additional 4 units provided, and as such this would not substantiate a reason for refusal.
- 6.27 Objections also relate to infrastructure strain as a result of the development. The application falls below the threshold for financial contributions or mitigation and as such no objection could be sustained on these grounds.

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

- 7.1 The proposed dwellings are considered acceptable in scale and character, with no adverse implications in terms of privacy and amenity for existing and future residents. The development would provide a welcome addition to the Council's housing stock, with a net increase of 4 dwellings.
- 7.2 The level of parking provision is considered to be acceptable in the context of the location of the proposal and it would effectively put to use urban land in keeping with the NPPF. Other matters of detail are considered acceptable.
- 7.3 The proposal is therefore acceptable and in accordance with Policies CSTP22, CSTP23, PMD1, PMD2 and PMD8 of the Core Strategy.

## **8.0 RECOMMENDATION**

Approve, subject to the following conditions:

### **TIME LIMIT**

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



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

## PLANS LIST

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

<b>Plan Number(s):</b>		
Reference	Name	Received
13897-DB3-B01-ZZ-DR- A - 20-004 B	Existing Street Elevation	14th December 2020
13897-DB3-B01-ZZ-DR-A- 20-001 A	Location Plan	14th December 2020
13897-DB3-B01-ZZ-DR-A- 20-002 B	Existing Site Plan	14th December 2020
13897-DB3-B01-ZZ-DR-A- 20-003 A	Existing Site Sections	14th December 2020
13897-DB3-B01-ZZ-DR-A- 20010 E	Proposed Site Plan	14th December 2020
13897-DB3-B01-ZZ-DR-A- 20011 E	Proposed Ground Floor	14th December 2020
13897-DB3-B01-ZZ-DR-A- 20012 C	Proposed Street Elevation	14th December 2020
13897-DB3-B01-ZZ-DR-A- 20013 D	Proposed Site Sections	14th December 2020
13897-DB3-B01-ZZ-DR-A- 20014 D	Proposed Site Sections	14th December 2020
13897-DB3-B01-ZZ-DR-A- 20030 E	Proposed House Type Floor Plans	14th December 2020
13897-DB3-B01-ZZ-DR-A- 20031	Proposed Elevations	14th December 2020
13897-DB3-B01-ZZ-DR-A- 20032 B	Proposed House Type 1 and 2 Sections	14th December 2020
13897-DB3-B01-ZZ-DR-A- 20033 B	Proposed House Type 1a Sections	14th December 2020
13897-DB3-B01-ZZ-DR-A- 20035 F	Proposed Landscaping Layout	14th December 2020
AC20005-CIV-001P2	Engineering Layout	14th December 2020
AC20005-CIV-002P1	Private Drainage Details	14th December 2020

AC20005-CIV-003P1	Private Hardstanding Details	14th December 2020
L9515	Topographical Surveys	14th 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 Core Strategy and Policies for the Management of Development [2015].

### **MATERIALS AND FINISHES AS DETAILED WITHIN APPLICATION**

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

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

### **DEMOLITION MANAGEMENT PLAN & CONSTRUCTION ENVIRONMENTAL MANAGEMENT PLAN [CEMP]**

- 4 No demolition or construction works shall commence until Demolition Management Plan [DEMP] and a Construction Environmental Management Plan [CEMP] has been submitted to and approved in writing by the local planning authority in writing. The DEMP shall address all matters in relation to demolition including, but not limited to hours of works, a dust suppression plan and scheme for noise control.

The CEMP should contain or address the following matters:

- (a) Hours of use for the demolition and construction of the development
- (b) Hours and duration of any piling operations,
- (c) Details of any temporary hardstandings;
- (d) Details of temporary hoarding;
- (e) Details of the method for the control of noise with reference to BS5228 together with a monitoring regime;
- (f) Measures to reduce vibration and mitigate the impacts on sensitive receptors together with a monitoring regime;
- (g) Measures to reduce dust with air quality mitigation and monitoring,
- (h) Measures for water management including waste water and surface water discharge;
- (i) A method statement for the prevention of contamination of soil and groundwater and air pollution, including the storage of fuel and chemicals;
- (j) Details of a procedure to deal with any unforeseen contamination, should it be encountered during development;
- (k) A Site Waste Management Plan,
- (l) Details of security lighting layout and design; and

- (m) Contact details for site managers including information about community liaison including a method for handling and monitoring complaints.

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

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

### **SOUNDPROOFING/NOISE INSULATION**

- 4 Prior to the commencement of development a scheme for noise insulation of the proposed dwellings shall be submitted to and agreed in writing with the local planning authority. The scheme shall assess the noise impact from road noise upon the proposed dwellings 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 residential units prior to first 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 Core Strategy and Policies for the Management of Development [2015].

### **NO WINDOWS IN FLANKS**

- 5 Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 2015, or any order revoking or re-enacting those provisions, no additional windows or other openings shall be inserted in the flank elevations of the extensions hereby approved.

**Reason:** In the interests of neighbour amenity and privacy in accordance with Policy PMD1 of the adopted Thurrock Core Strategy and Policies for the Management of Development DPD – Focused Review [2015].

### **REMOVAL OF PERMITTED DEVELOPMENT RIGHTS**

- 6 Notwithstanding the provisions of Schedule 2, Part 1, Classes A, B, E or F of the Town & Country Planning (General Permitted Development) (England) Order 2015 (or any order revoking and re-enacting that Order with or without modification) no extensions, roof alterations shall be carried out to the buildings hereby permitted or outbuildings or hardstandings constructed within the curtilage of each dwelling without planning permission having been obtained

from the local planning authority.

**Reason:** In order to safeguard the amenity of future occupiers of the site and in the interests of the character of the area in accordance with policies PMD1, PMD2 and CSTP22 of the adopted Thurrock Core Strategy and Policies for the Management of Development [2015] and chapter 13 of the National Planning Policy Framework 2019.

### **DETAILS OF PARKING ALLOCATION**

- 7 Prior to the occupation of the development hereby approved, a block plan shall be submitted to, and approved in writing by, the Local Planning Authority showing the allocation of parking spaces. Thereafter the development shall be carried out strictly in accordance with the detail approved.

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

### **ELECTRIC CHARGING POINTS**

- 8 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 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).

### **SIGHT SPLAYS**

- 9 Prior to occupation of the development hereby permitted sight splays measuring 2.3 metres x 2.3 metres shall be provided at each side of the proposed vehicle access and shall constructed concurrently with the remainder of the development and thereafter be retained and maintained. In particular, there shall be no physical obstruction within either sight splay above the level of 0.6ms when measured from the level of the adjoining highway carriageway.

**Reason:** In the interest of highway and pedestrian safety, in accordance with policies PMD2 and PMD9 of the adopted Thurrock Core Strategy and Policies for the Management of Development [2015].

### **ARBORICULTURAL METHOD STATEMENT**

- 10 No development shall commence until information has been submitted and approved in writing by the Local Planning Authority in accordance with the requirements of BS5837:2012 in relation to tree replacement and protection as follows:

- Arboricultural method statement (including drainage service runs and construction of hard surfaces).
- Tree Protection Plan

The protective fencing and ground protection shall be retained until all equipment, machinery and surplus materials have been removed from the site. If within five years from the completion of the development an existing tree is removed, destroyed, dies, or becomes, in the opinion of the local planning authority, seriously damaged or defective, a replacement tree 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. The tree protection measures shall be carried out in accordance with the approved details.

**Reason:** To secure the retention of the trees 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 Core Strategy and Policies for the Management of Development [2015].

#### **SOFT AND HARD LANDSCAPING SCHEME**

- 11 No development 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. These details 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 Landscape works

- 4) Details boundary treatments with materials, construction design and dimensions
- 5) of walls with brick types, construction design and dimensions
- 6) Details of paved surfacing, with materials finishing and edgings
- 7) 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 Core Strategy and Policies for the Management of Development [2015].

**Informatives:**

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

- 1 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.

Highways Works

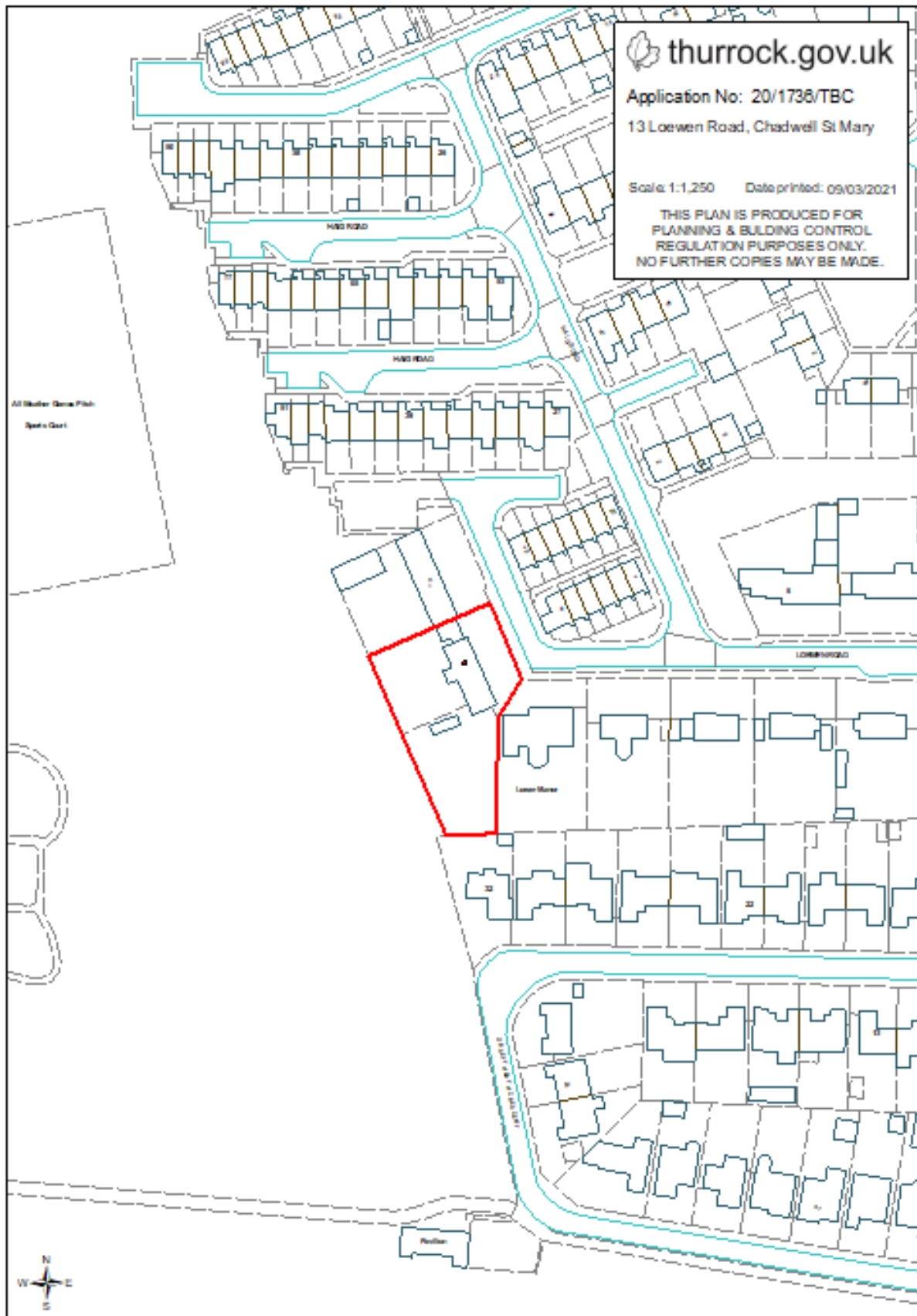
- 2 Any works, which are required within the limits of the highway reserve, require the permission of the Highway Authority and must be carried out under the supervision of that Authority's staff. The Applicant is therefore advised to contact the Authority at the address shown below before undertaking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

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

**Documents:**

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

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



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<b>Reference:</b> 20/01273/FUL	<b>Site:</b> Thames Park School Chadwell Road Grays Essex
<b>Ward:</b> Little Thurrock Rectory	<b>Proposal:</b> Development of a new 6 form entry (FE) secondary school with associated sports facilities, access, parking, drainage and landscaping.

Plan Number(s):		
Reference	Name	Received
FS0719-ALA-ZZ-XX-DR-L-1103 REV. P03	Fencing Arrangement 1 of 3	1st October 2020
FS0719-ALA-ZZ-XX-DR-L-1104 REV. P03	Fencing Arrangement 2 of 3	1st October 2020
FS0719-ALA-ZZ-XX-DR-L-1105 REV. P03	Fencing Arrangement 3 of 3	1st October 2020
FS0719-ALA-ZZ-XX-DR-L-1100 REV. P02	Existing Site Plan	1st October 2020
FS0719-ALA-ZZ-XX-DR-L-1101 REV. P03	Landscape General Arrangement	1st October 2020
FS0719-ALA-ZZ-XX-DR-L-1102 REV. P03	Illustrative Masterplan	1st October 2020
FS0719-ALA-ZZ-XX-DR-L-1116 REV. P03	Access and Circulation – Community Use	2nd October 2020
FS0719-ALA-ZZ-XX-DR-L-1109 REV. P03	Site Sections 1 of 2	2nd October 2020
FS0719-ALA-ZZ-XX-DR-L-1110 REV. P03	Site Sections 2 of 2	2nd October 2020
FS0719-ALA-ZZ-XX-DR-L-1114 REV. P03	Access and Circulation – Drop Off and Pick Up	2nd October 2020
FS0719-ALA-ZZ-XX-DR-L-1115 REV. P03	Access and Circulation- During School Hours	2nd October 2020
FS0719-ALA-ZZ-XX-DR-L-1117 REV. P03	Planting Plan 1 of 3	2nd October 2020
FS0719-ALA-ZZ-XX-DR-L-1118 REV. P03	Planting Plan 2 of 3	2nd October 2020
FS0719-ALA-ZZ-XX-DR-L-1119 REV. P03	Planting Plan 3 of 3	2nd October 2020

Planning Committee 18 March 2021	Application Reference: 20/01273/FUL
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FS0719-ALA-ZZ-XX-DR-L-1133 REV. P02	Landscape Visualisations 1 of 2	2nd October 2020
FS0719-ALA-ZZ-XX-DR-L-1134 REV. P02	Landscape Visualisations 2 of 2	2nd October 2020
FS0719-STL-AA-00-DR-A-0103 REV. PL02	Teaching Block - Proposed Ground Floor Plan	2nd October 2020
FS0719-STL-AA-01-DR-A-0104 REV. PL02	Teaching Block - Proposed First Floor Plan	2nd October 2020
FS0719-STL-AA-02-DR-A-0105 REV. PL02	Teaching Block - Proposed Second Floor Plan	2nd October 2020
FS0719-STL-AA-R1-DR-A-0106 REV. PL02	Teaching Block – Proposed Roof Plan	2nd October 2020
FS0719-STL-AA-ZZ-DR-A-0202 REV. PL02	Teaching Block – Proposed Elevations North & East	2nd October 2020
FS0719-STL-AA-ZZ-DR-A-0203 REV. PL02	Teaching Block – Proposed Elevations South & West	2nd October 2020
FS0719-STL-AA-ZZ-DR-A-0301 REV. PL02	Teaching Block – Proposed Sections	2nd October 2020
FS0719-STL-AB-00-DR-A-0107 REV. PL02	Sports Block – Ground Floor Plan	2nd October 2020
FS0719-STL-AB-R3-DR-A-0108 REV. PL02	Sports Block – Proposed Roof Plan	2nd October 2020
FS0719-STL-AB-ZZ-DR-A-0204 REV. PL02	Sports Block – Proposed Elevations	2nd October 2020
FS0719-STL-AB-ZZ-DR-A-0303 REV. PL02	Sports Block – Proposed Sections	2nd October 2020
FS0719-STL-XX-ZZ-DR-A-0100 REV. PL02	Site Location Plan	2nd October 2020

The application is also accompanied by:

- Planning Statement, Thames Park Academy, Grays, reference 3711LO/R003, dated September 2020
- Green Belt Very Special Circumstances Assessment, ref 3711LO/R00, September 2020
- Design and Access Statement, September 2020
- Landscape and Visual Impact Assessment, prepared by Ares Landscape Architect Project Nr ALA612, Friday 18 September 2020
- Construction Management Plan, dated 21/01/2021, report no. FS0719-BNK-ZZ-XX-RP-W-3001, Version P03

- Noise Impact Assessment, Planning Report, prepared by Buro Happold, reference 0047512, DATED 28 August 2020
- Thames Park Secondary School, Grays Preliminary Land Contamination and Geotechnical Risk Assessment, On behalf of NPS SW on behalf of LocatE (ref 23-29-19-1-1071/DSR1), dated May 2019
- Schedule of Materials, FS0719-ALA-ZZ-XX-SP-L-1101, dated 27.08.2020
- Air Quality Assessment, prepared by Ensaf Group, dated 17/09/2020
- Preliminary Ecological Appraisal, prepared ECUS Environmental Consultants, dated September 2020, version 6.0
- Preliminary Ecological Appraisal - Draft, prepared ECUS Environmental Consultants, dated December 2018, reference HBS.\_151118\_Thames Park Secondary School, Grays, Essex
- Thames Park Academy: Invasive Plant Species Survey Report
- Bat Roost and Bat Activity Assessment, Thames Park Academy, project reference: SE1920-5131, Version V.01, dated 27<sup>th</sup> September 2019
- Travel Plan, prepared by Milestone Transport Planning, project no MTP REF: 20-101, dated September 2020, Revision A
- Transport Assessment, prepared by Milestone Transport Planning, project no MTP REF: 20-101, dated September 2020, Revision C
- Transport Assessment Addendum, by Milestone Transport Planning, project no MTP REF: 20-101, dated December 2020
- Transport Assessment Addendum II, by Milestone Transport Planning, project no MTP REF: 20-101, dated January 2021
- Interim on Supplemental Ground Investigation
- Archaeological Desk-Based Assessment, prepared by Ecus Ltd, dated September 2020, Version V2.0
- BS 5837:2012 Tree Survey, prepared by Ecus Ltd, dated June 2020, Version V1.0
- Flood Risk Assessment, prepared Ridge and Partners, ref 5009461, rev 1, 4<sup>th</sup> July 2019
- Ground Investigation Report, on behalf of Ridge and Partners LLP, report 01-12-102820/GIR1, March 2020

- Ground Investigation Report, on behalf NPS SW on behalf of LocatED, REPORT 23-24-19-1-1071/IR1, May 2019
- Deposit Model, prepared by Ecus Environmental Consultants, ref 15987, November 2020 version V1.0
- Drainage Strategy Report, prepared by Curtins, ref 075513, 11 September 2020
- Flood Risk Assessment Covering Letter, dated 11.09.2020
- Energy Statement, prepared by Couch Perry Wilkes, ref FS0719-CPW-ZZ-XX-RP-N-0008, 10/09/2020
- Daylight Analysis, 17 July 2020 10:30am, job no 276312-00
- Statement of Community Involvement, dated 11<sup>th</sup> September 2020
- Heritage Rebuttal Letter, dated 03 December 2020, by Ecus Environmental Consultants
- Response to Urban Design Comments letter, dated 11<sup>th</sup> January 2021

**Applicant:** Department for Education

**Validated:**

28 September 2020

**Date of expiry:**

16 April 2021 (Extension of time)

**Recommendation:** Approval, subject to s106 agreement and planning conditions and subject to the application not being called in by the Secretary of State

## 1.0 BRIEF SUMMARY

- 1.1 This application is submitted, on behalf of the Department for Education (DfE), to erect purpose built facilities for use by Thames Park Secondary School.
- 1.2 By way of background, the future growth of school places in the Borough is forecast by the Thurrock Pupil Place Plan 2019-2023 ('the PPP') and the application site is located within the Central Secondary School Area ('Central SSA').
- 1.3 The applicant indicates that the Published Admissions Number (PAN), as at 2019 for the Central SSA was 4,745 pupils and forecasts through to 2023 indicate an admissions number of 5,489, a growth of 744 pupils over 5 years. Furthermore, pupil admissions are likely to exceed the PAN and the number of pupil places available in the Central SSA.

- 1.4 In order to address the projected requirement for school places, the provision of two new Free School have been agreed with the Education Funding Agency; one being Thames Park School and the other being Orsett Heath School – both are identified in the Education Support Strategy 2019-2022 document. The former, Thames Park School, is the subject of this application and has been open since September 2020, operating from temporary accommodation in central Grays.
- 1.5 In summary, there is a pressing need to relocate existing teachers and pupils out of temporary accommodation into a purpose built and suitable teaching environment. The urgency for new for pupil places within the Central SSA is evident and Thames Park School has been developed as a direct response to this need.

## 2.0 DESCRIPTION OF PROPOSAL

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

Site Area	7.2 ha
Floorspace	7,414 sq.m
Building Height(s)	Teaching Block 12 metres / Sports Block 8 metres
Parking Spaces Provision	93 car parking Spaces / 60 cycle parking spaces
Open Space / Grass Areas	18,419 sq.m
Pupil / Staff numbers	900 pupils / 100 staff (FTE)

- 2.2 This application proposes a new, 6 form entry secondary school to provide 900 places to school years 7 – 11. The total figure of 900 students is based on 6 classes of 30 students for 5 age groups. A 6th form for year groups 12 – 13 is not proposed.
- 2.3 New buildings would comprise a single teaching block (c.6,300 sq.m floorspace), providing three floors of accommodation, which would be located on the northern part of the site closest to Chadwell Road. A second building comprising a sports block (c.1,100 sq.m floorspace) would be located behind the teaching block and adjacent to the boundary with USP College. A hardsurfaced car park would be located at the north-western corner of the site, immediately adjacent to and accessed from Chadwell Road. Two hardsurfaced multi-use games areas (MUGA) would be located adjacent to the teaching and sports blocks. A path would lead down the slope to access an all-weather pitch and natural surface sports field on the southern part of the site. The path would emerge onto Marshfoot Road. The southern-end of the site would be unused and outside the extent of the proposed works. Due to the significant fall in ground levels across the site, principally from north to south, extensive re-modelling of levels is proposed to enable development to occur.

### 3.0 SITE DESCRIPTION

- 3.1 The application site is south of Chadwell Road/Wood View (B149) and is bordered by the Dock Approach Road (A1089T) to the east and the Marshfoot Road interchange roundabout to the south. The application site wraps around USP College, formerly Palmers College, to the south and the east of the adjacent campus.
- 3.2 The application site is an open field of 7.2 ha in partly agricultural use (southern parcel) and partly unused (northern parcel). Ground levels are characterised by a significant slope from north to south with a drop of approximately 26 metres. The site forms a rough reverse L-shape, comprising to two main parcels of land, northern and southern, connected by a smaller strip of land to the south-east corner of USP College Campus.
- 3.3 Chadwell Place, a grade II listed building, is over 200 metres south-east of the site and the Council's Heritage Advisor advises that UPS College, immediately to the west, is a non-designated Heritage Asset.
- 3.4 The application site is within the Green Belt as defined by the Core Strategy (2015) proposals map. None of the site forms part of any designated site of nature conservation importance. The northern part of the site is within the low risk flood area (Zone 1), while the lowest southern portion of the site is within the highest flood risk area (Zone 3), which also encompasses a Public Right of Way path (no. 209).

### 4.0 RELEVANT HISTORY

Reference	Proposal	Decision
61/00114/OUT	Extraction of sand and gravel from field Nos. 2225 and 2229 comprising 10.82 acres.	Approved
20/01217/SCR	Town and Country Planning (Environmental Impact Assessment) Regulations 2017 - Request for a screening opinion for a new 6FE secondary school with associated sports facilities, access, parking, drainage and landscaping.	EIA Not Required

### 5.0 CONSULTATIONS AND REPRESENTATIONS

#### 5.1 PUBLICITY:

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

The application has been advertised as affecting the setting of a listed building (Chadwell Place), a departure from the Development Plan, affecting a public footpath (no. 209) and as a major development.

Seven comments have been received, which are summarised below;

Objections (3 no.)

- Access to the site;
- Additional traffic;
- Environmental pollution;
- Involves destroying farmers fields
- Concerns with parking from adjacent USP College;
- Litter and smells
- Possible excessive noise;
- Poor location
- Concerns with the location of the pupil / pedestrian access
- Main / pedestrian access to the site needs to be reconsidered as a main drop area for pupils. Old Dock Approach Road / Marshfoot Road should be considered;
- Traffic congestion would result from the scheme;
- Concerns with air quality resulting from additional traffic;
- Pedestrian gate along Marshfoot Road insufficient to manage the severe traffic that would result next to Palmers;
- Concerns with the impacts of construction;
- Concerns the location on a steep hill and earthworks required; and
- This application, in addition to other recent planning approvals in immediate locality will only add to the environmental degradation for local residents.

Comments for Support (4 no.)

- Creating jobs;
- New landscaping;
- Much needed amenity;
- Tidying waste ground;
- Much needed facility in area;
- Looking forward to the submission coming forward to provide education for Thurrock children;
- Critical to have safe and sufficient parking with electric charging facilities;
- Important for all including the MUGA to be flood lit to maximise use and income;
- Indoor sports facilities should be of sufficient height (for badminton) and have sprung wood flooring/rubber alternative rather than solid flooring;
- Help support economic development of the surrounding area;

- Raise educational standards and achievements in the area;
- Add value to the surrounding area; and
- Supports the needs of local children.

## 5.2 CONSULTATION RESPONSES:

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

## 5.3 ANGLIAN WATER;

No objection: Informatives and planning conditions suggested.

## 5.4 ESSEX COUNTY COUNCIL (ARCHAEOLOGY):

No objection, subject to two pre-commencement conditions.

## 5.5 CADENT GAS:

Suggested informative regarding nearby assets.

## 5.6 THURROCK COUNCIL - EDUCATION

Support the application.

## 5.7 THURROCK COUNCIL - EMERGENCY PLANNING:

No comments received.

## 5.8 THURROCK COUNCIL - ENVIRONMENTAL HEALTH OFFICER:

No objections. No air quality issues raised. Construction Management Plan considered appropriate. No remediation required before construction begins. Suggestions made for the handling on-site asbestos. Should contamination emerge during construction, an appropriate method of its assessment should be submitted. If piled foundations are proposed, the Environment Agency should be consulted.

## 5.9 ENVIRONMENT AGENCY:

Suggest that conditions are attached to any grant of planning permission addressing ground conditions and surface water.



**5.10 FLOOD RISK MANAGER:**

No objection, subject to conditions addressing surface water drainage.

**5.11 HERITAGE ADVISOR:**

The proposals will result in an adverse impact to a non-designated heritage asset – USP College.

**5.12 THURROCK COUNCIL – HIGHWAYS / TRAVEL PLAN:**

No objection subject to planning obligations and conditions.

**5.13 THURROCK COUNCIL – PUBLIC HEALTH:**

Comments and observations raised in relation to Highways and access; Air Quality Assessment; Classroom air quality; Exterior environment; Security and Sustainable Design

**5.14 SPORT ENGLAND:**

No objection, subject to conditions.

**5.15 THURROCK COUNCIL - URBAN DESIGN:**

Objection raised, comments on improvements to scheme are made.

**5.16 ESSEX POLICE:**

Offer recommendations regarding fencing, lighting and Secured by Design.

**5.17 HIGHWAYS ENGLAND:**

No objection subject to conditions.

**6.0 POLICY CONTEXT****6.1 National Planning Policy Framework (NPPF)**

The revised NPPF was published on 19th February 2019. The NPPF sets out the Government's planning policies. Paragraph 2 of the NPPF confirms the tests in s.38 (6) of the Planning and Compulsory Purchase Act 2004 and s.70 of the Town and Country Planning Act 1990 and that the Framework is a material consideration in

planning decisions. The following chapter headings and content of the NPPF are particularly relevant to the consideration of the current proposals:

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

#### Planning Policy Guidance

6.2 In March 2014 the former Department for Communities and Local Government (DCLG) launched its planning practice guidance web-based resource. This was accompanied by a Written Ministerial Statement which includes a list of the previous planning policy guidance documents cancelled when the NPPF was launched. 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:

- Climate change;
- Design: process and tools;
- Determining a planning application;
- Flood Risk and Coastal Change;
- Green Belt;
- Healthy and safe communities;
- Land affected by contamination;
- 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 in decision-taking; and
- Use of Planning Conditions

The policy statement 'Planning for schools development' (2011) is also relevant.

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

6.3 The statutory development plan for Thurrock is the 'Core Strategy and Policies for Management of Development (as amended)' which was adopted in 2015. The

following adopted Core Strategy policies would apply to any future planning application:

Spatial Policies:

- CSSP3 (Sustainable Infrastructure)
- CSSP4 (Sustainable Green Belt)
- CSSP5 (Sustainable Greengrid)

Thematic Policies:

- CSTP9 (Well-being: Leisure and Sports)
- CSTP10 (Community Facilities)
- CSTP12 (Education and Learning)
- CSTP14 (Transport in the Thurrock Urban Area: Purfleet to Tilbury)
- CSTP19 (Biodiversity)
- CSTP21 (Productive Land)
- CSTP22 (Thurrock Design)
- CSTP24 (Heritage Assets and the Historic Environment)
- CSTP25 (Addressing Climate Change)
- CSTP26 (Renewable or Low-Carbon Energy Generation)
- CSTP27 (Management and Reduction of Flood Risk)

Policies for the Management of Development:

- PMD1 (Minimising Pollution and Impacts on Amenity)
- PMD2 (Design and Layout)
- PMD4 (Historic Environment)
- 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)
- PMD14 (Carbon Neutral Development)
- PMD15 (Flood Risk Assessment)
- PMD16 (Developer Contributions)

### Thurrock Local Plan

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

### Thurrock Design Strategy

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

## **7.0 ASSESSMENT**

### Procedure:

- 7.1 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. The reason for the referral as a departure relates to the provision of a building where the floorspace to be created exceeds 1,000 sq.m and the scale and nature of the development would have a significant impact on the openness of the GB and therefore the application will need to be referred under paragraph 4 of the Direction (i.e. Green Belt development). The Direction allows the Secretary of State a period of 21 days within which to 'call-in' the application for determination via a public inquiry. In reaching a decision as to whether to call-in an application, the Secretary of State will be guided by the published policy for calling-in planning applications and relevant planning policies.
- 7.2 The assessment below covers the following areas:
- I. Principle of the Development – including Green Belt considerations
  - II. Design, Layout and Impact upon the Surrounding Area
  - III. Traffic Impact, Access & Car Parking

- IV. Landscape & Ecology
- V. Impact to Amenity
- VI. Sports Facilities
- VII. Flood Risk & Drainage
- VIII. Ground Conditions & Contamination
- IX. Other Matters

# I. PRINCIPLE OF THE DEVELOPMENT – INCLUDING GREEN BELT CONSIDERATIONS

- 7.3 Core Strategy policy CSSP3 (Sustainable Infrastructure) identifies a list of Key Strategic Infrastructure Projects which are essential to the delivery of the Core Strategy, including (under the heading of “Secondary Education”) *“new build, refurbishment and expansion of existing mainstream secondary schools”*. This policy therefore identifies the general need for new build secondary schools as items of key infrastructure.
- 7.4 Core Strategy policy CSTP12 (Education and Learning) sets out a general approach which includes:
- I. the Council’s objective and priority to maximise the benefit of investment in buildings, grounds and ICT, to achieve educational transformation;
  - II. the provision of pre-school, primary school, high school, further education and special education facilities meets current and future needs.
- 7.5 Under the heading of ‘Secondary Education’ CSTP12 goes on to state that *“To meet the educational, training and community needs of young people and their families for the period of this plan, the Council is committed to replace and improve mainstream secondary school provision and will work with partners to identify and/or confirm sites of an appropriate size and location for schools”*.
- 7.6 Therefore, in general terms Core Strategy policies support the provision of education facilities, including new build schools. Paragraph 94 of the NPPF is also relevant and states that:
- ‘It is important that a sufficient choice of school places is available to meet the needs of existing and new communities. Local planning authorities should take a proactive, positive and collaborative approach to meeting this requirement, and to development that will widen choice in education. They should:*
- *give great weight to the need to create, expand or alter schools through the preparation of plans and decisions on applications; and*

- *work with schools promoters, delivery partners and statutory bodies to identify and resolve key planning issues before applications are submitted’.*

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

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

7.8 The key issues to consider when assessing the principle of development on this site is the impact upon the Green Belt, the need for education provision within the Borough and the loss of agricultural land.

7.9 The site at present forms an area of open agricultural land and unused open land which wraps around the east and southern boundaries of USP College. The site is bounded by trees and shrubs and is entirely enclosed to all other boundaries by the local and strategic road network. The site is identified on the LDF Core Strategy Proposals Map as within the Green Belt where policies CSSP4 (Sustainable Green Belt), PMD6 (Development in the Green Belt) apply, but also where policy CSTP21 (Productive Land) is also relevant.

7.10 Concerning agricultural land, CSTP21 seeks to preserve the best and most versatile agricultural land (under DEFRA grades 1, 2 and 3) and this policy states the Council

will not support development of such land. According to DEFRA maps, which are not of great quality due to the selected scale, the north parcel of the site appears to be classified as 'land predominantly in urban use' and the southern parcel would be graded as grade 3, being classed as 'good to moderate'. Having noted this point, the applicant states for the following reasons, the application site inappropriate for agricultural land given that;

- the small size of the site;
- the location adjacent to existing educational uses;
- the intensive highways network which is separated from larger agricultural parcels;
- the southern parcel primarily within flood zone 3.

7.11 The LPA appreciates the applicant's reasons and it is not considered that the loss of agricultural land could be justified as a reason for refusal.

7.12 With regard to the Green Belt, Policy CSSP4 (Sustainable Green Belt) identifies that the Council will '*maintain the purpose function and open character of the Green Belt in Thurrock*', and Policy PMD6 (Development in the Green Belt) states that the Council will '*maintain, protect and enhance the open character of the Green Belt in Thurrock*'. The proposal is not identified in any of the sections of policy CSSP4 (Sustainable Green Belt) and would not fall within any of the categories for appropriate development within policy PMD6 (Development in the Green Belt). These policies aim to prevent urban sprawl and maintain the essential characteristics of the openness and permanence of the Green Belt.

7.13 In assessing the impact upon the Green Belt with regard to the Core Strategy and NPPF policies, consideration needs to be given 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;

7.14 Paragraph 143 of the NPPF makes it clear that '*inappropriate development is, by definition, harmful to the Green Belt and should not be approved except in very special circumstances*'. Paragraph 145 goes on to state that:

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

- (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 Green Belt 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 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’.*

7.15 The Planning Statement supplied with the planning application maintains that the use of land for outdoor recreation or outdoor sports purposes is deemed an exception to inappropriate development in the Green Belt. However, the wording of the paragraph 145(b) stipulates that *‘the provision of appropriate facilities (in connection with the existing use of land or 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..’.*

7.16 The proposed development involves a teaching block, sports hall and large areas of hardstanding to support the outdoor sports facilities and provide car parking and circulation routes. A number outdoor sports facilities would be provided, including a single court Multi-Use Games Area (MUGA), a double court MUGA, an Artificial Grass Pitch (AGP) and two natural turf fields. However, these are integral the proposed use as a school. That is, the educational use (a 6no. form entry secondary school) generates the need for accompanying sports facilities. A new school building totalling c. 6,300 sq.m. floorspace clearly does not fall within any of the exceptions above and is inappropriate development. Notwithstanding the NPPF outdoor provisions the outdoor facilities forming part of the current application, although occupying a large proportion of the site, do not, in themselves, preserve the openness character of the Green Belt by virtue of the hardstanding and fencing proposed



around the perimeter of the site and around the individual MUGA courts and AGP.

- 7.17 As the site is an open field, the site is not considered to fall within the NPPFs definition of Previously Developed Land and does not fall within any of the exceptions for the construction of new buildings as set out in Paragraph 145 of the NPPF and within policy PMD6.
- 7.18 Therefore the proposals would constitute inappropriate development, which is by definition harmful to openness.

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

- 7.19 The analysis in the paragraphs above concludes that the proposal constitutes inappropriate development which is, by definition, harmful to the GB (NPPF para. 143). However, it is also necessary to consider whether there is any other harm (NPPF para. 144).
- 7.20 As noted above paragraph 133 of the NPPF states that the fundamental aim of GB policy is to prevent urban sprawl by keeping land permanently open: the essential characteristics of GBs being described as their openness and their permanence. The proposals would comprise a substantial amount of new built development and sporting facilities across the site, which is currently open.
- 7.21 Advice published in NPPG (Jul 2019) addresses the role of the GB in the planning system and, with reference to openness, cites the following matters to be taken into account when assessing impact:
- openness is capable of having both spatial and visual aspects;
  - the duration of the development, and its remediability; and
  - the degree of activity likely to be generated, such as traffic generation
- 7.22 In terms of NPPG guidance, it is considered that the proposed development would have a detrimental impact on both the spatial and visual aspects of openness, i.e. an impact as a result of the footprint of development and building volumes. With regard to the visual impact on the GB assessment of openness, the quantum of development proposed would undoubtedly harm the visual character of the site. In light of the above, given that the site is on an exposed and elevated position, bordered by 3 busy routes and visible from nearby public highways and public rights of way, the development of the site as proposed would clearly harm the visual component of openness. The applicant has not sought a temporary planning permission and it must

be assumed that the design-life of the development would be a number of decades. The intended permanency of the development would therefore impact upon openness. Finally the development would generate traffic movements associated with a school development and considered this activity would also impact negatively on the openness of the GB. Therefore, it is considered that the amount and scale of the development proposed would significantly reduce the openness of the site. As a consequence the loss of openness, which is contrary to the NPPF, should be accorded substantial weight in the consideration of this application.

7.23 In terms of the NPPF, paragraph 134 sets out the five purposes which the Green Belt serves. The Planning Statement references the Landscape Visual Impact Assessment (LVIA) and Thurrock Council's Strategic Green Belt Assessment (2019) to demonstrate limited harm to the openness character of the Green Belt. These will be addressed in the 'Very Special Circumstances' section below.

7.24 In terms of whether the planning application would cause harm to the five purposes of the Green Belt, these are considered below;

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

The NPPF does not provide a definition of the term 'large built-up areas' but the site does fall close to the edge of the built up area around Grays which represents the largest built-up area within the Borough. The proposal would extend further into the Green Belt than the existing built up area. However, the site is somewhat separated from the built-up area by the local road network and nearby areas of open land. As a result of these circumstances it is considered it would have limited impact in terms of the unrestricted sprawl of this built up area into the Green Belt.

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

The site is located between Little Thurrock and Chadwell St Mary, however as noted above, the site is somewhat disconnected from both these towns. Therefore whilst the proposal would increase the built form in the area between these urban areas it is considered that the proposal would not result in towns merging into one another to any significant degree.

c. to assist in safeguarding the countryside from encroachment;

The site currently comprises an open agricultural site, but as it has been noted that the site is largely enclosed by the existing road network which does somewhat limit its contribution to the wider countryside setting. However, current views across the site do contribute towards the countryside setting and mark the beginning of relatively

open countryside beyond the urban area linking to open land on the eastern side of the A1089(T). The detailed plans show that a significant built form will be introduced on the most prominent part of the site. The introduction of a significant level of built form within this area would result in encroachment into the countryside. As a result the proposal would conflict with this purpose of including land within the Green Belt.

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

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

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

7.25 The site is located outside the urban area and therefore the granting of permission outside of this area would not encourage urban regeneration. Therefore the proposal would conflict with this purpose of including land within the Green Belt, albeit the Applicant's sequential test to site selection is considered below.

7.26 Based upon the above tests from paragraph 134 of the NPPF the proposal would be contrary to purposes c and e. Therefore the proposal would result in harm to some of the purposes of including land in the GB, and harm to the openness of the Green Belt in addition to the definitional harm by reason of its inappropriateness. Reference to "any other harm" (NPPF para. 144), that is non-GB harm, is referred to in the paragraphs below.

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.

7.27 Paragraph 143 makes it clear that 'inappropriate development is, by definition, harmful to the Green Belt and should not be approved except in 'Very Special Circumstances'. Paragraph 144 of the NPPF then states '*when considering any planning application, local planning authorities should ensure that substantial weight is given to any harm to the Green Belt. Very special circumstances will not exist unless the potential harm to the Green Belt by reason of inappropriateness, and any other harm, is clearly outweighed by other considerations*'.

7.28 Neither the NPPF nor the 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'). 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.

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

- a) Imminent and projected needs for the school
- b) Sequential testing for the sites

7.30 Also, while not submitted as a formal case for VSC, the applicant references the following factors within the Planning Statement as relevant justifications to be considered;

- c) Local and national Policy Support
- d) Strategic GB Assessment

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

#### Imminent need and projected needs for the school

#### Consideration

7.32 The Planning Statement outlines that the application site is within the Central Secondary School Area (Central SSA), where there is a projected growth of 744 pupils over 5 years from 2109. This application, submitted on behalf of the Department for Education is a direct response to the specific need for school places within the Central SSA.

7.33 This specific need is two-fold; firstly because Thames Park School has been open since September 2020 where staff and students are currently operating from temporary accommodation. Secondly, there is also a short/medium need as the

projected growth of pupils within the Central SSA is likely to incrementally exceed the Published Admissions Number and the proposal seeks to address these specific needs.

- 7.34 Therefore, since Thames Park School has an immediate and projected need for permanent long term and purpose built accommodation, paired with the projected published admissions numbers over the next 5 years within the Central SSA, it is understood and acknowledged that there is a need for pupil places within this area of Grays. There is sufficient compelling evidence to demonstrate there is a quantitative need for pupil places in the area. National planning policies also provide clear and strong encouragement to new school provision and set out a “*presumption in favour of the development of state-funded schools*”. Significant weight is afforded to this factor in the balance of GB considerations.

#### Sequential testing for the site

- 7.35 The applicant has submitted a ‘Green Belt: Very Special Circumstances Assessment’ which essentially seeks to address the need for the pupil places within the area and demonstrates the applicant’s sequential approach to determine the application site is the most appropriate. A total of 27 sites were identified, in and around the Borough, some of which are existing school sites, other Green Belt sites, other agricultural sites which are not within the Green Belt and other sites that have a number of constraints.
- 7.36 The applicant concludes that *‘the site is suitable for development, and it represents an excellent location in terms of proximity to the anticipated student base and accessibility...we have demonstrated that there are no other sequentially preferable sites within the area which could reasonably accommodate the proposed development, and thus the identified application is the only suitable site for the proposed development which will deliver the identified need for secondary school places’*.

#### Consideration

- 7.37 The sequential assessment and methodology adopted by the applicant have been deemed sufficiently robust in pre-application discussions and adequately demonstrate the site is available and sequentially preferable. In conjunction with the needs analysis discussed in part (a) above, this factor is also afforded significant weight.

#### Local / national Policy support for school developments

- 7.38 Under the heading of Promoting Healthy and Safe Communities, paragraph 94(a) of the NPPF states:

*'It is important that a sufficient choice of school places is available to meet the needs of existing and new communities. Local planning authorities should take a proactive, positive and collaborative approach to meeting this requirement, and to development that will widen choice in education. They should give great weight to the need to create, expand or alter schools through the preparation of plans and decisions on applications'*

7.39 As noted above, CSTP12 (Education and Learning) is the relevant policy and it has already been established that the principle of a new build schools is acceptable. The Council is committed to replace and improve mainstream secondary school provision and work with partners to identify appropriate locations within the Borough. After sequential testing of sites, the applicant's findings suggest the application site is the most appropriate site, being located directly adjacent to USP College (formerly Palmers College).

7.40 Nevertheless, the Government's policy statement from 2011 'Planning for schools development: statement' although not forming part of the NPPF or NPPG, is also relevant to this proposal. This statement includes the following principles for the planning system:

- there should be a presumption in favour of the development of state-funded schools, as expressed in the National Planning Policy Framework;
- local authorities should give full and thorough consideration to the importance of enabling the development of state-funded schools in their planning decisions;
- local authorities should make full use of their planning powers to support state-funded schools applications;
- local authorities should only impose conditions that clearly and demonstrably meet the tests set out in Circular 11/95; and
- a refusal of any application for state-funded school, or the imposition of conditions, will have to be clearly justified by the local planning authority.

7.41 As the site is located in the Green Belt it is not considered that the positive approach encouraged by national policy (above) would necessarily supersede the protection afforded to the Green Belt elsewhere within national planning policies. Therefore, it is still necessary to consider both the harm and benefits of the proposal and undertake a balancing exercise. Nevertheless, it is considered that local and national planning policies supporting the delivery of additional facilities for this new school can be afforded positive weight in the balance of Green Belt considerations.

Strategic Green Belt Assessment (2019)

- 7.42 The applicant references 'The Thurrock Strategic GB Assessment Stages 1a and 1b (January 2019)' within the Planning Statement. The Thurrock Strategic GB Assessment Stages 1a and 1b was produced by the Council in January 2019 and forms part of the suite of documents supporting the new Local Plan. This document identifies strategic parcels of land within the GB in terms of their 'contribution' to three of the five GB purposes. The site is identified as forming part of strategic parcel no. 31 and paragraph 6.1.13 (conclusions) includes this parcel in a recommendation for more detailed scrutiny and assessment.
- 7.43 Furthermore, the Thurrock Local Plan Issues & Options (Stage 2) consultation also refers to the Thurrock GB Assessment Stages 1a and 1b as a technical document that "*...does not specifically identify any sites or broad areas of GB for development as any decision on the need to amend the boundary of the GB in Thurrock must be taken as part of the wider plan-making and evidence development process...*". Consequently, the conclusions of the GB Assessment have only very limited weight in the consideration of this case.

Other Harm

- 7.44 The application site is an open field within the Metropolitan Green Belt which generally slopes from north to south with an approximate 26 metre drop, but with undulating levels throughout the site. The lower land of the site to the rear (south) is within Flood Risk Zone 3, while the northern and mid-section of the site wraps around the eastern and southern boundaries of the adjacent USP College. The application site appears as a reverse L-shaped site and is constrained by the shape and the levels of the land in terms of the layout and how the built form is arranged around the site.
- 7.45 In terms of layout, the built form would be concentrated towards the northern boundary with the northern-western corner allocated as a car park for 90 vehicles, with a new access road directly from Chadwell Road. The primary building (the teaching block), will front the application site and be located relatively close to the shared boundary with USP College. Directly south of the teaching block, would be the sports block and, in total, there would be two buildings contained within the application site.
- 7.46 South of the teaching block, is a proposed two court multi-use games area (MUGA) and a single court MUGA south of the sports block. A footpath would lead from the teaching block to the Marshfoot Road access south of the site. The southern parcel of the site, contains the natural turf fields and an artificial grass pitch. 2.4 metre high weldmesh fencing is proposed around the entire site along with 3 metre weldmesh

fencing around MUGA courts and the all-weather sport pitch, but with no fencing proposed for the natural turf pitches.

#### Non-Designated Heritage Assets

- 7.47 The Council's heritage advisor has been consulted on this application due to the presence of the Grade II listed Chadwell Place south-east of the site and, in turn, commented that the USP College, formerly Palmers College, is considered a Non-Designated Heritage Asset, although the applicant disputes that USP College should be afforded such status. Nonetheless, the applicant accepts the interwar Neo-Georgian school building holds some degree of architectural and historical interest but at a local level. For information, the college is mentioned in 'The Buildings of England – Essex' which forms part of the Pevsner Architectural Guides. Within this publication the College is described as:

*"1931 by J. Stuart, County Architect, at his most monumental Neo-Georgian. Main block with hipped roof, five tall round-headed windows separated by Giant Ionic pilasters and three-bay pediment".*

- 7.48 PPG provides the following guidance on designation of non-heritage assets;

*'There are a number of processes through which non-designated heritage assets may be identified, including the local and neighbourhood plan-making processes and conservation area appraisals and reviews. Irrespective of how they are identified, it is important that the decisions to identify them as non-designated heritage assets are based on sound evidence... In some cases, local planning authorities may also identify non-designated heritage assets as part of the decision-making process on planning applications, for example, following archaeological investigations.'*

- 7.49 Paragraph 197 of the NPPF states the following;

*'The effect of an application on the significance of a non-designated heritage asset should be taken into account in determining the application. In weighing applications that directly or indirectly affect non-designated heritage assets, a balanced judgement will be required having regard to the scale of any harm or loss and the significance of the heritage asset'.*

- 7.50 Policy CSTP24 of the Core Strategy states; *'The Council will preserve or enhance the historic environment by (v) retaining non-designated heritage assets which are considered locally important as well as those with statutory protection'*
- 7.51 Policy PMD4 states; *'The Council will follow the approach set out in the NPPF in the determination of applications affecting Thurrock's built or archaeological heritage assets'*



- 7.52 The Council's heritage advisor's initial comments were explicitly concerned with the siting of the school buildings and the adverse impact/views of the non-designated heritage asset. Officers take the view that since the buildings proposed would have a significant massing, with the teaching block being three storeys and c.12 metres in height and the sports hall being approximately 8 metres in height and concentrated along the eastern boundary of USP College and being located close to the Chadwell Road frontage, there would be harm to the setting of USP College.
- 7.53 The applicant acknowledges the nature of the proposal would result in change within the wider landscape but considers that the ability to appreciate or experience the heritage significance of Palmers College is best afforded from the immediate surroundings and from the road north. However, having viewed the site it is the view of officers that views of the heritage asset are also available from the east.
- 7.54 It is considered that the proposal would result in harm to the setting of a Non-Designated Heritage Asset. This harm needs to be considered in the context of paragraph 197 of the NPPF and "any other harm" in addition to Green Belt harm (paragraph 144). Notwithstanding this, the Green Belt assessment (above) has identified that the applicant has advanced factors to be considered as very special circumstances and, for these reasons, it is considered that these outweigh the harm to the Non-Designated Heritage Asset.

#### Green Belt Conclusions

- 7.55 It is clear that the proposals comprise inappropriate development. Consequently, the development would be harmful in principle and reduce the openness of the Green Belt. Furthermore it is considered that the proposals would harm the openness of the GB in terms of both the spatial and visual aspects of openness and would cause some harm to the role which the site plays in fulfilling the purposes for including land within the Green Belt. In accordance with policy, substantial weight should be attached to this harm. With reference to the applicant's case for very special circumstances, an assessment of the factors promoted is provided in the analysis above.

However, for convenience, a summary of the weight which should be placed on various Green Belt considerations is provided in the table below;

<b>Simplified Summary of Green Harm and applicant's case for Very Special Circumstances</b>			
<u>Harm</u>	<u>Weight</u>	<u>Factors Promoted as Very Special Circumstances</u>	<u>Weight</u>

Inappropriate development	Substantial	Imminent and projected needs for the school	Significant
Reduction in the openness of the Green Belt		Sequential Testing for Sites	Significant
Conflict (to varying degrees) with a number of the purposes of including land in the Green Belt		Local / National policy support for educational facilities	Moderate
Strategic Green Belt Assessment		Strategic Green Belt Assessment (2019)	Very Limited Weight

7.56 Within the table above, the factors promoted by the applicant can be assessed as attracting varying degrees of 'positive' weight in the balanced of considerations. As ever, in reaching a conclusion on the Green Belt issues, a judgement as to balance between the 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. Consideration should also be given to the other harm arising from the proposal (also above) when undertaking the GB balancing exercise. A number of factors have been promoted by the applicant as comprising the 'very special circumstances' 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'.

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

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

7.58 Paragraph 131 of the NPPF states;

*'In determining applications, great weight should be given to outstanding or innovative designs which promote high levels of sustainability, or help raise the*

*standard of design more generally in an area, so long as they fit in with the overall form and layout of their surroundings'*

It is notable that proposed amendments to the NPPF seek to improve the design of new development, in response to the findings of the 'Building Better, Building Beautiful Commission'.

- 7.59 PMD2 of the Core Strategy states; *'The Council requires all design proposals to respond to the sensitivity of the site and its surroundings, to optimize the potential of the site to accommodate development, to fully investigate the magnitude of change that would result from the proposals, and mitigate against negative impacts'*.
- 7.60 Prior to the submission of the planning application, the applicant sought pre-application advice which was put before the Thurrock Design Review Panel. The panel considered the scheme could be improved, amongst other ways, with regards to internal and external layout, relationship with nearby buildings and by considering the overall sense of place at the site.
- 7.61 It is noted that the overall layout of the proposal is similar to the pre-application scheme and the comments above from the Design Panel are still relevant to a degree. The Council's Urban Designer has been consulted on the application and fundamentally echoes the comments of the Design Panel and consequently raises an objection, as it is considered the key concerns with the scheme have not been addressed.
- 7.62 The primary concerns relate to the site location being unsustainable, the urban designer considers the school should, be more centrally located within the town. However, the applicant has provided a detailed sequential testing of sites document and, as previously outlined above, this has been deemed robust, with an appropriate methodology.
- 7.63 The Council's Urban Designer acknowledges the need for school places and budget constraints of the applicant, but is concerned with the quality of the learning/social environments of the school and the implications for its pupil's and community users.
- 7.64 The external appearance of the school buildings would be a flat roof design with a simple grey render to support the upper floors of the teaching block and sports hall with two-tone dark grey and light grey finishes on the upper floors of the teaching block with brick cladding on ground levels. The sports building would have light grey cladding on the upper portion of the building with dark grey on the lower portion, but both buildings are characterised by standardised square fenestration on the ground and upper levels. It is considered that the external appearance of the proposed buildings would not create a unique character for the school in this location.

- 7.65 The overall design approach is an important factor to consider as the school environment would also be experienced by the wider public, through a community use agreement and will be an important civic space.
- 7.66 The applicant states that the school would be a purpose built accommodation that provides a modern teaching environment that accommodates and respects the specific attributes of the school and site. And in response to the Urban Design comments, the applicant reinforces the point that MMC (Modern Methods of Construction) approach is fundamental to the Government's programme for the delivery of new and replacement schools to a tight programme and that *'The MMC Framework and other school frameworks are the predominant method of securing new state schools across the country and the design of these schools in accordance with the DfE's Output Specific which has evolved from the DfE's research and experience from previous schools programme'*.
- 7.67 It has been previously established that there is an imminent need for purpose built accommodation and the actual pupil admissions figures within the Central SSA is likely to exceed projected figures, so there is pressing need for pupil places within the locality. Moreover, it does seem there are real budget constraints and constraints associated with adherence to the Government's main programme of delivery for schools throughout the country.
- 7.68 Members of the Committee are reminded that the Council adopted the Thurrock Design Strategy in 2017. The key aims of this strategy are to ensure that new development is of the highest possible quality and responds to the local context. The policies referenced above in the NPPF and Core Strategy above are also relevant and emphasise the importance of good design. It is considered and perhaps a missed opportunity that the external appearance seeks to response to the generic MMC formula of buildings rather than adopting a bespoke design.
- 7.69 It is considered that the external appearance of the proposed buildings would not create a unique character for the new school in this prominent location. It is clear that the applicant is working within budget constraints and tight timeframe for delivering the school.
- 7.70 However, there is perhaps a tension between paragraph 127 of the NPPF which aims to ensure that developments, inter-alia, *"will function well and add to the overall quality of the area, not just for the short term but over the lifetime of the development ... are visually attractive as a result of good architecture ... are sympathetic to local character and history, including the surrounding built environment and landscape setting ... establish or maintain a strong sense of place"* and the more standardised approach to new school design stipulated by the MMC approach.

- 7.71 Nevertheless, there are clearly design, timeframe and budget constraints associated with the delivery of new school buildings, although these constraints arguably run contrary to elements of the NPPF. On balance, given the pressing need for school places and government guidance in relation to construction of new schools the design can be accepted.

### III. TRAFFIC IMPACT, ACCESS & CAR PARKING

- 7.72 The planning application is accompanied by a Travel Plan (September 2020), a Transport Assessment (TA) (September 2020) and two TA Addendums (December 2020 and January 2021) submitted in response to comments received from the Council's Highways Officers.
- 7.73 With reference to existing access arrangements, there is a single field-gate access onto Marshfoot Road located close to the southern end of the site which is used in connection with the agricultural use of the site.
- 7.74 Due to the change in levels across the site and the status of the A1089 as a trunk road, there is no existing access onto the Dock Approach Road or Chadwell Road (B149).
- 7.75 A new access for vehicles would be formed onto Chadwell Road, approximately half-way along the site's northern boundary. This would be the sole vehicular access serving the development, with the existing field-gate access changed to a staff and student pedestrian access. Submitted plans show that the new vehicular access would function as a drop-off / pick-up route as well as accessing the car parking area located at the north-western corner of the site. Pedestrian access would also be located on the Chadwell Road frontage adjacent to the vehicular access, with an additional staff and student pedestrian access onto Marshfoot Road.
- 7.76 The applicant's most recent TA Addendum (January 2021) includes a 'Site Access General Arrangement Plan' which proposes a number of interventions on the public highway (B149) adjacent to the site in order to achieve satisfactory access arrangements. The proposed measures comprise:
- extension of the 30mph speed limit to the south-east across the entire site frontage;
  - widening of the existing footpath on the southern side of the B149 adjacent to the site frontage to 3m to accommodate both pedestrians and cyclists;
  - existing traffic island within the B149 re-positioned 10m to the north-west and widened;
  - partial widening of the existing footpath on the northern side of the B149;

- revised carriageway markings to reduce the capacity of the existing 'right turn' lane from Chadwell Road into Wood View from 10 vehicles to 8 vehicles;
- introduction of a dedicated 'right turn' lane from Chadwell Road (eastbound) into the site, with capacity for 6 vehicles; and
- provision of a new toucan crossing on Chadwell Road located to the east of the new access;
- establishment, operation and review mechanisms for Sustainable Travel Plan for Academy employees and pupils / staff to follow the 'Modeshift STARS' Travel Plan System (or similar approved local authority system);
- Car park management strategy for both operation of the school and community use activities.

7.77 These works are considered to be essential in order to achieve safe access into the site for vehicle users, pedestrians and cyclists. As the measures listed above involve works within the public highway (on land outside of the applicant's control), and as there is no highway agreement in place (s278) a planning obligation is required. Similarly, the suggested £20,000 financial contribution for parking controls locally will need to be secured via a planning obligation, while a Grampian condition will be adopted for the works to Chadwell Road.

7.78 Car parking for the proposed new school would be located at the north-western corner of the site adjacent to Chadwell Road. The proposed number and allocation of parking spaces would comprise:

Staff parking bays & Community Use bays (out of school hours)	15 spaces
Staff & Visitor Bays	55 spaces
Drop-off / Pick-up bays	18 spaces (including 3 spaces within a designated layby)
Disabled user bays	5 spaces
<b>Total car parking</b>	<b>93 spaces</b>
Covered cycle parking	60 spaces

7.79 The Council's draft Parking Standards and Good Practice document (March 2012) suggests a maximum car parking provision of 1 space per 15 pupils for secondary schools. Therefore, based on 900 pupils at the site (30 pupils per class / 6 classes per school year / 5 school years) the maximum car parking provision should be 60 spaces. Car parking is therefore over-provided at the site. Although there may be an understandable wish to increase car parking in order to avoid any possibility of overspill parking onto adjoining streets, this factor must be balanced against local and national policies aimed at promoting sustainable transport.

- 7.80 It is considered that the site is well-served by bus routes. Bus stops are conveniently located on Chadwell Road close to the entrance to USP College where route nos. 11, 24, 73, 73A, 83, 100X, 5A, 5B and 374 can be accessed. Bus stops on Wood View, also close to the site, are served by several bus services. In this context of reasonable availability of public transport links, it is surprising that the car parking provision proposed is so far in excess of the Council's suggested standards.
- 7.81 With regard to proposed cycle parking, covered spaces for 60 cycles is proposed. The Council's draft Parking Standards and Good Practice document (March 2012) suggests provision of a minimum of 1 space per 5 staff plus 1 space per 3 pupils. The proposals therefore fall short of the c.320 cycle spaces if the draft standard is applied. As with the over-supply of car parking, the under-supply of cycle parking is surprising in light of the encouragement of non-car related transport modes in both local and national policy. The Council's Travel Plan Officer requires a condition to further amend the Travel Plan supplied with the application.
- 7.82 Due to the change in ground levels across the site, a cut and fill exercise is required to re-model the landform so that appropriate development platforms can be created. The applicant has confirmed that materials will be both exported from and imported to the site.
- 7.83 The applicant's Construction Management Plan suggests that the disposal of surplus soils from the site (c.17,000 cubic metres) will result in c.1,300 HGV trips at a rate of 53 trips per week over a 6-month period. These movements are in addition to HGV trips associated with general construction activity. The applicant's indicative construction traffic routing strategy involves the use of both the local and strategic highway network. Therefore, Highways England have been consulted in respect of any impacts on the A1089 and A13. The response from Highways England indicates there are no objections subject to a pre-commencement condition.
- 7.84 In conclusion under this heading subject to both planning obligations and conditions (including the travel plan conditions) it is concluded that the residual impact of the development on the road network would be acceptable.

#### IV. LANDSCAPE & ECOLOGY

7.85 Visual and Landscape Impact

The applicant has submitted a Landscape and Visual Impact Assessment, which provides an assessment of the likely effects on landscape character and visual amenity resulting from the proposal. The application site is situated along the edge of the Grays built-up area, but leads towards the adjacent town of Chadwell St. Mary. In terms of landscape character, the applicant's assessment concludes that the

proposed development would seamlessly integrate into its urban character adjacent to the USP College site.

- 7.86 The Assessment further concludes that the majority of the visual amenity receptors will experience 'negligible' to 'zero' change in the views they experience and the cumulative effects are thought to be 'neutral'. However, the visual impact from Wood View/Chadwell Road, particularly for some of the properties situated along the northern boundary, are deemed 'significant' and would have a 'major' visual impact. The visual impact would primarily result from the construction period and post-completion, particularly as the built form is concentrated in the northern parcel, i.e. the most elevated and exposed portion of the site.
- 7.87 The Assessment also identifies other sensitive receptors would be recreational users of the public rights of way to the east in the vicinity of Chadwell Place Cottages (PROW no. 120). It reports a 'slight' adverse effect on the views from these receptors towards the site. However, due to the undulating topography of the site and its elevated position the applicant suggests that additional planting within the site, or along the site boundary will have little to no effect on screening views of the development. Notwithstanding this factor, the Assessment concludes that there would be a 'negligible' cumulative impact on the landscape character or visual impact of the study area.
- 7.88 The Council's Landscape and Ecology Advisor has been consulted on the current application and generally agrees the conclusions of the Landscape and Visual Impact Assessment. Planting plans have been supplied with the current application, although, the Landscape Advisor comments that due to the site layout, with the car park fronting the site and location of the school buildings there would be little opportunity to help mitigate the visual harm caused by the development.
- 7.89 Notwithstanding the findings from the applicants LVIA, there is a further public footpath (no. 111) directly opposite the site on the northern side of Chadwell Road. As the findings of the Assessment maintain that views from properties along the northern boundary would have a major adverse visual impact, Officers also consider there would also be a major adverse visual impact from public footpath no. 111.
- 7.90 Taking this matter in full consideration there are existing buildings nearby on the adjacent site and whilst the visual impacts on the area are noted, these are however balanced against the identified need for new school places.



### Ground Levels

- 7.91 It has been noted elsewhere in the report there is a significant drop from north to the south of the site with an approximate 26m fall and undulating land levels, resulting in the northern portion of the site being elevated and the most exposed part of the site.
- 7.92 Section plans have been submitted with the application to demonstrate the proposed finished land levels. A cut and fill exercise if needed and re-profiling would be required around the site to accommodate the outdoor sports facilities. For instance, the MUGA courts/AGP provided would need to be sufficiently levelled to ensure they can be used and are fit for purpose.
- 7.93 In light of the above, the changes to the landscape levels are a consideration, but it is accepted that re-modelling would be required to accommodate the development at the site. A condition would be required to fully establish the details of the proposed levels.

### Ecology

- 7.94 The submitted Preliminary Ecological Appraisal (PEA) considers that the site, being predominantly intensively arable in nature, is of poor ecological value. Notwithstanding the overall low ecological value of the site, it is acknowledged the perimeters of the site, mainly within the trees, hedgerows, trees and woodlands support badgers and there is also potential value for bats, nesting birds and reptiles. Therefore, an appropriate ecological method statement is required to detail how these species will be protected during the construction phase of the development. This can be secured by a suitably worded planning condition prior to commencement.
- 7.95 The Council's Ecology Advisor states that the wildflower grassland has the potential for biodiversity net gain at the site, but will require appropriate management over time and a landscape management plan condition for the effective management of the extensive proposed wildflower grassland other landscape elements.
- 7.96 The PEA identifies the potential for the scheme to have adverse effects on the Little Thurrock Reedbeds Local Wildlife Site from construction run-off. Although, it is not currently clear what the extent of these affects might be. Furthermore, the most southern part of the site is beyond the extent of the proposed development works and it is not clear whether this part of the site will be seeded, or would grow naturally. As these factors could have visual and ecological implications depending on the approach adopted, conditions would be required to establish the impacts on the Thurrock Reedbeds Local Wildlife Site from construction run off and the parcel of land that is directly south of the Public Right of Way.

## V. IMPACT TO AMENITY

### Air Quality

- 7.97 The Environmental Health Officer advises that there are no implications for air quality from the proposed development. The Public Health team have raised concerns in relation to the air quality of the immediate locality including the health of children and staff at the site due to the proximity of the Dock Approach Road with the potential for increased traffic movements due to traffic associated with the London Resort, which if consented, could result in significant traffic flows within Tilbury.
- 7.98 However, the application for a Development Consent Order (DCO) for London Resort has only recently been submitted and it will be several months before the Secretary of state issues a decision on the application. The DCO application will be supported by an air quality assessment. Notwithstanding the comments from Public Health, as the site is not within an Air Quality Management Area and as there are no objections from the Environmental Health Officer, no objection can be raised under this heading.

### Noise

- 7.99 In terms of internal noise levels, the Environmental Health Officer advises that the internal ambient noise levels in the school is satisfactory as assessed in the Noise Impact Assessment (NIA). The Officer also points out that the rooms in the facades are subject to a higher external noise level from the adjacent road networks, which will require double glazing and mechanical ventilation as specified in table 4.4 on page 29 of the NIA.
- 7.100 The Environmental Health Officer advises that the facades screened from the road can achieve adequate internal room levels with windows partially open. The proposed ventilation strategy will permit windows to be opened during periods of hot weather.
- 7.101 The assessment of the plant noise limiting criteria is considered satisfactory and the Environmental Health Officer considers that the noise rating requirements at the school will result in satisfactory off-site levels at the nearest sensitive receptors due to the distances involved.
- 7.102 In terms of the noise generated from the school, the Environmental Health Officer agrees with the findings of the NIA that buildings and outdoor play areas are of a sufficient distance from noise sensitive receptors so that they are unlikely to have any adverse impact.

- 7.103 In conclusion, it is noted there is a slight discrepancy between the recommendations in terms of air quality and noise from Public Health and the Environmental Health Officer. However, subject to the in-built mitigation measures promoted by the design of the scheme, there are no objections to the proposals.

## VI. SPORTS FACILITIES

- 7.104 The proposals include a sports block, located south of the teaching block and the provision of new natural turf playing fields, an artificial grass pitch and games courts.
- 7.105 Sport England has been consulted and has made detailed comments in relation to each of the facilities provided, but ultimately raises no objection subject to a number of conditions, these will be summarised and discussed below.
- 7.106 With regards to the indoor sports facilities, these broadly accord with the design guidance from Sport England, but require pre-commencement conditions since little detail of the design specifications of the sports hall has been provided.
- 7.107 The southern parcel of land will accommodate two natural turf pitches. The first natural pitch will accommodate a mini football pitch with oval and linear running tracks. The second natural pitch would be for rounders. Sport England acknowledge the topography of the site constrains the range and sizes of the pitches provided and that cut and fill operations will be required during, and prior to, construction to ensure that the pitches are within suitable gradients.
- 7.108 Furthermore, Sport England are keen to ensure that the natural turf area allows intensive use for sport so the school is able to realise educational needs throughout the academic year. This is of particular relevance since ground conditions in Essex are generally typified by heavy clay soil. Accordingly, further details of the ground levels/conditions and ground surfacing will be required, and a suitably worded planning condition can be added to ensure the specifications details are finalised prior to commencement.
- 7.109 Sport England have noted the location of the Artificial Grass Pitch (AGP) and the Multi-Use Games Areas. The former is situated on the southern parcel of land but at a considerable distance from the sports hall and teaching block. The distance between the sports hall/teaching block and the AGP is noted by Sports England, although the shape of the site constrains the location of the sports facilities.
- 7.110 Officers have taken the opportunity to liaise with the applicant and sought clarification on whether a Community Use Agreement could be extended to cover the outdoor facilities. The applicant has confirmed that they would be willing to extend the CUA to include internal areas within the teaching block and the external AGP, MUGAs and

sports fields. In light of this, the suggested conditions and informative from Sports England are deemed appropriate and is consistent with CSTP9 of the Core Strategy.

## VII. FLOOD RISK & DRAINAGE

- 7.111 The majority of the application site is located in the low risk flood zone (Zone 1). However, there is a substantial fall in ground levels across the site to the south, such that the southern part of the site adjacent to Marshfoot Road is within the medium and high risk flood zones (Zones 2 and 3). On the northern part of the site maximum ground levels are c.26m AOD, whilst at the southern boundary levels are c.0.5m AOD. The applicant's Flood Risk Assessment (FRA) describes the site as divided between northern and southern land parcels, with the 'pinch point' where the site is narrowest (c.19m) forming the boundary between the two parcels.
- 7.112 According to the 'Flood Risk Vulnerability Classification' within NPPG (Paragraph: 066 Reference ID: 7-066-20140306) educational establishments are defined as 'more vulnerable'. However, the associated Flood Risk Vulnerability Classification (Table 3) describes 'more vulnerable' uses as in Flood Zone 1 as 'appropriate'. Accordingly the proposed buildings on-site, comprising the teaching block and sports block are 'appropriate' and as they are to be located within the lowest risk flood zone (Zone 1) a sequential test is not required.
- 7.113 On the southern land parcel, where gradients are the steepest, the proposals include an all-weather sports pitch and sports field (comprising a natural surface running track around a sports pitch). Space is also reserved for a natural surface 5-a-side football or rounders pitch. In order to achieve the required level playing surfaces for these sports facilities, and to achieve usable and convenient gradients around the proposed buildings on-site, a significant 'cut and fill' exercise is required across the site. A series of site sections have been submitted showing how a usable development platform would be achieved. Across the northern land parcel from north to south the existing gradient would be re-modelled by + or – c.1m such that level platforms would be created to accommodate the teaching and sports blocks.
- 7.114 The FRA confirms that the raising of ground levels will encroach into the high risk flood area (Zone 3) although the covering letter accompanying the FRA states that pre-submission correspondence with the Environment Agency suggested that the raising of levels within the flood zone will not require any compensatory storage of flood water. Furthermore, the applicant's FRA states that as the main risk to surrounding areas from flooding is due to tidal action it is considered that the raising of land does not increase this risk. However, increasing the gradient and size of land slopes will increase flood risk from localised run-off, and the applicant recommends that interception trenches / localised land drainage measures are introduced on site to ensure any localised run-off is managed and does not increase off site flood risk.

- 7.115 It is considered that conditions can be used to adequately address the matter of surface water drainage and off-site flooding arising from the extensive ground re-modelling works proposed.

#### VIII. GROUND CONDITIONS & CONTAMINATION

- 7.116 The northern land parcel comprises part of an historic landfill site located on both the northern and southern sides of Chadwell Road, and largely west of the Dock Approach Road. The application is therefore accompanied by a Ground Investigation Report, which confirms that ground conditions on the northern parcel comprise reworked topsoil and made ground. A borehole sample taken from close to the northern boundary revealed the presence of pollutants from infilling including plastic and wood.
- 7.117 The Council's Environmental Health Officer (EHO) has reviewed the submitted Ground Investigation Report and is satisfied that the site does not require remediation before construction activities can commence. The EHO suggests that a planning condition is used to deal with any unexpected contamination, which may be encountered during development.
- 7.118 As contamination on-site may affect controlled waters the Environment Agency are a relevant consultee. A response has been received from the Agency which confirms no objection, subject to conditions.

#### IX. ENERGY & SUSTAINABILITY

- 7.119 Policies PMD12 and PMD13 are applicable to the proposals and require the achievement of a BREEAM 'excellent' rating and that 15% of the energy requirements of the development are generated through decentralised, renewable or low carbon means. Both of these sustainability requirements may be relaxed where it can be adequately demonstrated, by way of viability assessment, that compliance with the policy requirements renders the proposals unviable.
- 7.120 The applicant has confirmed that the scheme will "target BREEAM 'Very Good' as it is economically unviable to achieve anything higher in this case. In light of the strong national policy support for new school provision, the budget constraints and the timetable within which the applicant is working it would be difficult to object to the development on this basis. Notwithstanding a planning condition is justified to ensure that the "very good" target is met.
- 7.121 The applicant's Energy Statement highlights that the DfE maintains standardised specifications and budgets and have sought to balance the competing demands of

environmental sustainability and efficient use of the public purse. To achieve this, the DfE specification and funding provide a number of environmental and sustainable features to ensure the proposals are 'beneficial in environmental terms'.

- 7.122 Notwithstanding this, with reference to policy PMD13, the proposal must secure, as a minimum 20% of their predicted energy from decentralised and renewable or low-carbon sources, unless it can be demonstrated to the Council's satisfaction, by way of a full viability assessment, that this is not feasible or viable. At this stage, a full viability assessment as to whether a minimum of 20% of predicted energy will be from decentralised or renewable sources, despite the submission of an energy statement, has not been submitted. Therefore, a condition will be added to address this matter.

## X. OTHER MATTERS

- 7.123 Notwithstanding the visual impacts to the nearby public footpaths there are changes that would impact on footpaths around the site. At present, the footpath and the perimeter of the site are mostly open sites, but would outline the entire site with 2.4m weldmesh fencing. Essentially, this will change the way this footpath is currently experienced, but the LPA accept that the proposed development would not directly impact the use of the footpath.
- 7.124 In addition to the comments regarding the construction works at the site, with regards to particular matters relating to hours of work, dust control, noise vibration management and wheel washing, the Environmental Health Officer was satisfied that these had been adequately addressed within the submitted Construction Management Plan submitted. However, the Construction Management Plan (or revised version) does not make explicit reference to how construction run-off would be addressed, which was a concern for the Landscape and Ecology advisor. Further concerns have been made explicit from the Environment Agency regarding the water environment, discussed above, but nonetheless, a condition will be added to ensure that the Construction Management Plan is adhered to.
- 7.125 The Council's Archaeological advisor has been consulted on this application and noted that northern parcel of land, where the school buildings would be situated, fronting Chadwell Road is on a former landfill so any archaeological deposits from this area is likely to have been destroyed. However, concerning the southern parcel of land, that borders Old Dock Approach Road to the west, Marshfoot Road to the south and the Dock Approach road to the east, the advisor states that the land to the south is likely to have archaeological deposits, so a condition will be necessary prior to the commencement of development.

## **8.0 CONCLUSIONS AND REASONS FOR RECOMMENDATION APPROVAL**

- 8.1 The application proposes a 6 form entry secondary school comprising a teaching block and an indoor sports hall with associated changing room facilities. A number of outdoor sporting facilities are also proposed and these include two natural turf pitches, an artificial grass pitch (AGP), a single court Multi Use Games Area (MUGA) and a two court MUGA. The perimeter of the whole site will require fencing of 2.4 metres in height and the MUGA courts and AGP will also require fencing as a method of enclosure and security for the school.
- 8.2 The site is located within the green Belt and the proposals comprise inappropriate development. Consequently, there would be definitional harm to the Green Belt, as well as harm by way of loss of openness and harm to a number of purposes which the Green Belt serves. Substantial weight should be attached to this harm. The applicant has set out factors which they consider to constitute the very special circumstances needs to clearly outweigh the identified harm and justify the inappropriate development. Consideration of these factors is set out above and it is concluded that a case for very special circumstances exists.
- 8.3 It is disappointing that the external appearance of the school buildings would not deliver a unique design response for the site given its proximity to USP. This shortcoming has also been recognised by the Thurrock Design Panel Review. Nevertheless, it is recognised that the applicant is limited to an extent by both budget constraints and national baseline designs for new school buildings. There is perhaps a tension between adherence to these baseline designs and the aspirations of both the NPPF and local guidance to achieve high quality design which responds to local context. Nevertheless, as with the surface of the playing pitch, on balance it is considered that an objection would be difficult to sustain given the urgent need to deliver new school places.
- 8.4 It has been concluded that the residual impact of the development on the road network would be acceptable subject to conditions and a s106 Agreement. Other matters of detail are also considered to be acceptable.

## **9.0 RECOMMENDATION**

- 9.1 The Committee is recommended to:

Approve, subject to, Referral to the Secretary of State, and subject to the application not being 'called in' the following:

### **S106 Agreement**

The s106 agreement shall include to the following heads of terms:

- A financial contribution of £20,000 (index linked) to be paid prior to the first use or operation of the development to enable the local highways authority to amend parking controls locally;

### TIME LIMIT

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

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

### APPROVED PLANS

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

Reference	Name	Received
FS0719-STL-XX-ZZ-DR-A-0100 Rev. PL02	Site Location Plan	25.09.2020
FS0719-ALA-ZZ-XX-DR-L-1100 Rev. P02	Existing Site Plan	25.09.2020
FS0719-ALA-ZZ-XX-DR-L-1101 Rev. P03	Landscape General Arrangement	25.09.2020
FS0719-ALA-ZZ-XX-DR-L-1102 Rev. P03	Illustrative Masterplan	25.09.2020
FS0719-ALA-ZZ-XX-DR-L-1103 Rev. P03	Fencing Arrangement 1 of 3	25.09.2020
FS0719-ALA-ZZ-XX-DR-L-1104 Rev. P03	Fencing Arrangement 2 of 3	25.09.2020
FS0719-ALA-ZZ-XX-DR-L-1105 Rev. P03	Fencing Arrangement 3 of 3	25.09.2020
FS0719-ALA-ZZ-XX-DR-L-1109 Rev. P03	Site Sections 1 of 2	25.09.2020
FS0719-ALA-ZZ-XX-DR-L-1110 Rev. P03	Site Sections 2 of 2	25.09.2020
FS0719-ALA-ZZ-XX-DR-L-1114 Rev. P03	Access and Circulation - Drop Off and Pick Up	25.09.2020
FS0719-ALA-ZZ-XX-DR-L-1115 Rev. P03	Access and Circulation - During School Hours	25.09.2020



FS0719-ALA-ZZ-XX-DR-L-1116 Rev. P03	Access and Circulation - Community Use	25.09.2020
FS0719-ALA-ZZ-XX-DR-L-1117 Rev. P03	Planting Plan 1 of 3	25.09.2020
FS0719-ALA-ZZ-XX-DR-L-1118 Rev. P03	Planting Plan 2 of 3	25.09.2020
FS0719-ALA-ZZ-XX-DR-L-1119 Rev. P03	Planting Plan 3 of 3	25.09.2020
FS0719-ALA-ZZ-XX-DR-L-1133 Rev. P02	Landscape Visualisations 1 of 2	25.09.2020
FS0719-ALA-ZZ-XX-DR-L-1134 Rev. P02	Landscape Visualisations 2 of 2	25.09.2020
FS0719-STL-AA-00-DR-A-0103 Rev. PL02	Teaching Block - Proposed Ground Floor Plan	25.09.2020
FS0719-STL-AA-01-DR-A-0104 Rev. PL02	Teaching Block - Proposed First Floor Plan	25.09.2020
FS0719-STL-AA-02-DR-A-0105 Rev. PL02	Teaching Block - Proposed Second Floor Plan	25.09.2020
FS0719-STL-AA-R1-DR-A-0106 Rev. PL02	Teaching Block - Proposed Roof Plan	25.09.2020
FS0719-STL-AA-ZZ-DR-A-0202 Rev. PL02	Teaching Block - Proposed Elevations North and East	25.09.2020
FS0719-STL-AA-ZZ-DR-A-0203 Rev. PL02	Teaching Block - Proposed Elevations South and West	25.09.2020
FS0719-STL-AA-ZZ-DR-A-0301 Rev. PL02	Teaching Block - Proposed Sections	25.09.2020
FS0719-STL-AB-00-DR-A-0107 Rev. PL02	Sports Block - Ground Floor Plan	25.09.2020
FS0719-STL-AB-R3-DR-A-0108 Rev. PL02	Sports Block - Proposed Roof Plan	25.09.2020
FS0719-STL-AB-ZZ-DR-A-0204 Rev. PL02	Sports Block - Proposed Elevations	25.09.2020
FS0719-STL-AB-ZZ-DR-A-0303 Rev. PL02	Sports Block - Proposed Sections	25.09.2020

**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).

### **ELECTRICAL CHARGING POINTS**

- 3 Prior to the first opening of the school, details of measures to ensure that 20% of all 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 operated 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].

### **SITE ACCESS DETAILS**

- 4 No development above ground level shall commence until details of the layout, dimensions and construction specification of the proposed access to the highway have been submitted to and approved in writing by the local planning authority. Prior to the first operation of the school development, the access shall be laid out, constructed and surface finished in accordance with the details as approved.

**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].

### **OFF-SITE HIGHWAYS WORKS**

- 5 The development authorised by this permission shall not begin operation until the works shown on the drawing no. 20101/001 Rev.D (forming Appendix 1 of the Transport Assessment Addendum II – January 2021) have been completed in accordance with those drawings and have been certified in writing as complete by or on behalf of the local planning authority

**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].

### **TRAVEL PLAN**

- 6 Prior to the to the first operation of the school buildings 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 school buildings 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 operational use of the building hereby permitted and shall be permanently kept in

place unless otherwise agreed in writing with the local planning authority. Upon written request, the applicant or their successors in title shall provide the local planning authority with written details of how the agreed measures contained in the Travel Plan are being undertaken at any given time.

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

## **CAR PARK MANAGEMENT**

- 7 Prior to the first use or operation of vehicle parking areas, as demonstrated on the vehicle access and circulation plans as shown on drawing numbers FS0719-ALA-FS0719-ALA-ZZ-XX-DR-L-1114-P04, ZZ-XX-DR-L-1115-P03, FS0719-ALA-ZZ-XX-DR-L-1116-P03, a written scheme for the management of those areas shall be submitted to and approved in writing by the local planning authority. The scheme shall, in particular, includes measures for the restriction of unauthorised car parking and details of management community use activities. The approved scheme shall be operated on the first use or operation of the vehicle parking areas and maintained during the operation of the school thereafter.

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

## **CONSTRUCTION AND HIGHWAYS ENGLAND ASSETS**

- 8 Prior to the construction of the proposed development the following details shall be submitted to and approved in writing by the local planning authority, in consultation with Highways England. The construction of the development shall accord with the approved details:
- Detail of routing for all construction traffic vehicles during the construction phase and vehicle impacts/ numbers on the Strategic Road Network, specifically at:
    - A13/ High Road/ Stifford Clays Road/ A1012 Junction;
    - A1089/ Marshfood Rd/ Old Dock Road Junction; and
    - A13/A1089 Junction
  - Detail of the procedures to manage construction traffic routing via the Strategic Road Network;
  - Detail of Quarries, land fill sites or locations used to transport waste/ materials to/ from the site;
  - Details of the routing and frequency of all abnormal loads during the construction phase; and

- Specific Risk Assessment/ Method Statements prepared by the appointed contractor for specific deliveries via articulated lorries.

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].

### **CONSTRUCTION MANAGEMENT PLAN (CMP)**

- 9 The measures contained within the Construction Management Plan (Report no FS0719-BNK-ZZ-XX-RP-W-3001) (Rev P03 dated 01/02/2021), which forms part of this planning permission, shall be implemented during the construction phase of the development.

**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].

### **SITE LEVELS**

- 10 No development shall commence until details of existing and finished site levels, finished external surface levels, and the finished floor level of the buildings and sports facilities 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).

### **ECOLOGICAL METHOD STATEMENT**

- 11 Prior to commencement of development, an Ecological Method Statement, including details of how Nesting Birds and Reptiles are to be protected, shall be submitted to and approved in writing by the local planning authority. The Ecological Method Statement shall be implemented in accordance with the details as approved from the commencement of development and retained thereafter, unless otherwise agreed in writing by the local planning.

**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).

### **PROTECTED SPECIES: BATS**

- 12 The construction and operation of the development shall be undertaken in accordance with the mitigation and enhancement measures referred to by the

submitted Bat Roost and Activity Assessment (September 2019), unless otherwise agreed in writing by the local planning authority.

**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).

### **PROTECTED SPECIES: BADGERS**

- 13 The Construction and operation of the development shall be undertaken in accordance with the mitigation strategy referred to by the submitted Badger Survey Report Issue (October 2019), unless otherwise agreed in writing by the local planning authority.

**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).

### **LANDSCAPE MANAGEMENT PLAN**

- 14 Prior to the first opening of the school a landscape management plan, including management responsibilities, maintenance schedules for the upkeep of all landscaped areas, including management of the wildflower grassland, shall be 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 from first opening of the school 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).

### **LANDSCAPE PLANTING PLANS**

- 15 The development hereby permitted shall be constructed and completed in accordance with the Planting Plans (ref FS0719-ALA-ZZ-XX-DR-L-1117 REV. P03, FS0719-ALA-ZZ-XX-DR-L-1118 REV. P03, FS0719-ALA-ZZ-XX-DR-L-1119 REV. P03 prior to the first operational use of the development and maintained and operated thereafter in accordance with the approved Landscape Management Plan.

**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).

**LAND SOUTH OF THE PUBLIC RIGHT OF WAY**

- 16 Prior to commencement of development, landscaping details of the parcel of land south of the Public Right of Way (no. 209), contained within the application site shall be submitted to and approved in writing by the local planning authority. The parcel of land south of Public Right of Way no. 209 shall be maintained in accordance with the details as approved from the commencement of development and retained thereafter, unless otherwise agreed in writing by the local planning.

**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).

**FLOOD RISK AND SUSTAINABLE DRAINAGE STRATEGY (1)**

- 17 No development shall commence until an surface water drainage strategy, in line with the principles mentioned in the planning application consultation comments from Essex County Council (dated 8<sup>th</sup> October 2020), has been submitted to and approved in writing by the local planning authority. Thereafter the surface water drainage system(s) shall be constructed in accordance with the approved strategy and maintained thereafter.

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

**FLOOD RISK AND SUSTAINABLE DRAINAGE STRATEGY (2)**

- 18 No development shall commence until a scheme to minimise the risk of offsite flooding, caused by surface water run-off and groundwater, during construction works has been submitted to, and approved in writing by, the local planning authority. The scheme shall subsequently be implemented as per the approved scheme.

**Reason:** To prevent surface runoff onto the public highway, 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].

**FLOOD RISK AND SUSTAINABLE DRAINAGE STRATEGY (3)**

- 19 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.

The applicant or any successor in title must maintain yearly logs of maintenance which should be carried out in accordance with any approved Maintenance Plan. These must be carried out in accordance with any approved Maintain Plan and shall be 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 should be provided.

**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].

### **INDOOR SPORTS FACILITIES**

- 20 No development of the indoor sports hall shall commence until details of the design and layout of the sports hall including line markings, flooring and lighting specifications have been submitted to and approved in writing by the Local Planning Authority in consultation with Sport England. The development shall not be constructed other than in accordance with the approved details.

**Reason:** To ensure that the indoor sports facilities is to an adequate standard and is fit for purposes and to accord with policies CSTP9, CSPT10 and PMD5 of the adopted Thurrock LDF Core Strategy and Policies for the Management of Development (as amended 2015).

### **NATURAL TURF PLAYING FIELDS**

- 21 No development of the natural turf playing field shall commence until the following documents have been submitted to and approved in writing by the Local Planning Authority in consultation with Sport England:

- (i) A detailed assessment of ground conditions (including drainage and topography) of the land proposed for the playing field which identifies constraints which could affect playing field 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 playing field will be provided to an acceptable quality. The scheme shall include a written specification of soils structure, proposed drainage, cultivation and other operations associated with grass and sports turf establishment and a programme of implementation.
- (b) The approved scheme shall be carried out in full and in accordance with a timeframe agreed with the Local Planning Authority. The land shall thereafter be maintained in accordance with the scheme and made available for playing field use in accordance with the scheme.

**Reason:** To ensure that the playing field is prepare to an adequate standard and is

fit for purposes and to accord with policies CSTP9, CSPT10 and PMD5 of the adopted Thurrock LDF Core Strategy and Policies for the Management of Development (as amended 2015).

### **ARTIFICIAL GRASS PITCH**

- 22 No development shall commence of the artificial grass pitch until the design specifications of the artificial grass pitch, including details of surfacing, construction cross-section, line marking and fencing have been submitted to and approved in writing by the Local Planning Authority (in consultation with Sport England). The artificial grass pitch shall not be constructed other than in accordance with the approved details.

**Reason:** To ensure that the playing field is prepared to an adequate standard and is fit for purpose and to accord with policies CSTP9, CSTP10 and PMD5 of the adopted Thurrock LDF Core Strategy and Policies for the Management of Development (as amended 2015).

### **MULTI USE GAMES AREAS (MUGA)**

- 23 No development of the multi-use games areas hereby approved shall commence until details of the multi-use games area specifications including the surfacing, fencing and line markings have been submitted to and approved in writing by the Local Planning Authority in consultation with Sport England. The multi-use games areas shall not be constructed other than in accordance with the approved details.

**Reason:** To ensure the development is fit for purpose and sustainable in accordance with policies CSTP9, CSTP10 and PMD5 of the adopted Thurrock LDF Core Strategy and Policies for the Management of Development (as amended 2015).

### **COMMUNITY USE AGREEMENT**

- 24 Prior to first occupation of the development, a community use agreement prepared in consultation with Sport England shall be submitted to and approved in writing by the Local Planning Authority, and a copy of the completed approved agreement will be provided to the Local Planning Authority. The agreement shall apply to the sports hall, activity studio, the natural turf playing field, artificial grass pitch and multi-use games areas supporting ancillary facilities and include details of pricing policy, hours of use, access by non-educational establishment users, management responsibilities and a mechanism for review, and anything else which the Local Planning Authority in consultation with Sport England considers necessary in order to secure the effective community use of the facilities. The development shall not be used at any time other than in strict compliance with the approved agreement."

**Reason:** To secure well managed, safe community access to the sports and other community facilities and to ensure sufficient benefits to the development in



accordance with policies CSTP9, CSTP10 and PMD5 of the adopted Thurrock LDF Core Strategy and Policies for the Management of Development (as amended 2015).

### **HOURS OF USE – OUTDOOR PLAY FACILITIES**

- 25 Prior to the first use or operation of the development, details of the proposed hours of use of the outdoor play facilities shall be submitted to and agreed in writing with the local planning authority. The play facilities shall thereafter be used in accordance with the agreed details, unless otherwise agreed in writing by the local planning authority.

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

### **ARCHAEOLOGICAL WORK**

- 26 No development of the southern parcel of land that borders Old Dock Approach Road to the west, Marshsfoot Road to the south and Dock Approach Road to the east, including preliminary groundworks, shall take place until the applicant, or their agents or successors in title, has secured the implementation of a programme of archaeological work in accordance with a written scheme of investigation which has been submitted to and approved in writing by the local planning authority.

**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].

### **POST EXCAVATION ANALYSIS**

- 27 Following completion of the archaeological fieldwork, the applicant will submit to the local planning authority a post-excavation assessment (within six months of the completion date, unless otherwise agreed in advance with the planning authority), which will result in the completion of post-excavation analysis, preparation of a full site archive and report ready for deposition at the local museum, and submission of a publication report.

**Reason:** To ensure appropriate assessment of the archaeological implications of the development and the subsequent mitigation of adverse impacts in accordance with Policy PMD4 of the adopted Thurrock LDF Core Strategy and Policies for the Management of Development [2015].

### **NOISE IMPACT ASSESSMENT**

- 28 The measures contained within the Noise Impact Assessment (ref 0047512, rev P01,

dated 28 August 2020) which forms part of this planning permission, shall be implemented and in place prior to the first occupation of the development and shall be retained and maintained as such thereafter.

**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].

## **CONTAMINATION SITE CHARACTERISATION**

- 29 Notwithstanding the details submitted with this application, no development shall commence which in this case includes demolition, site clearance, **and** any construction until an investigation and risk assessment has been submitted to and approved in writing by the local planning authority. The risk assessment shall assess the nature and extent of any contamination on the site, whether or not it originates on the site. The investigation and risk assessment must be undertaken by competent persons and a written report of the findings must be produced. The report of the findings must include:

- (i) a survey of extent, scale and nature of contamination;
- (ii) an assessment of the potential risks to:
  - Human health,
  - Property (existing or proposed) including buildings, crops, livestock, pets, woodland and service lines and pipes,
  - Adjoining land,
  - Groundwaters and surface waters,
  - Ecological systems
  - Archaeological sites and ancient monuments;
- (iii) an appraisal of remedial options, and proposal of the preferred option(s).

This shall be conducted in accordance with the Essex Contaminated Land Consortium's 'Land Affected by Contamination: Technical Guidance for Applicants and Developers' and DEFRA and the Environment Agency's 'Model Procedures for the Management of Land Contamination, CLR 11'. The development hereby permitted shall not commence until the measures set out in the approved report have been implemented.

**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].

## **SITE REMEDIATION SCHEME**

- 30 Where identified as necessary in accordance with the requirements of condition 29, no development shall commence, other than that required to carry out remediation, until a detailed remediation scheme to bring the site to a condition suitable for the

intended use by removing unacceptable risks to human health, buildings and other property and the natural and historical environment has been submitted to and approved in writing by the local planning authority. The scheme must include all works to be undertaken, proposed remediation objectives and remediation criteria, timetable of works and site management procedures. The scheme must ensure that the site will not qualify as contaminated land under Part 2A of the Environmental Protection Act 1990 in relation to the intended use of the land after remediation. The development hereby permitted shall not commence until the measures set out in the approved scheme have been implemented, unless otherwise agreed in writing by the Local Planning Authority. The Local Planning Authority must be given two weeks written notification of commencement of the remediation scheme works.

**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].

#### **VERIFICATION OR VALIDATION REPORT**

- 31 Following completion of measures identified in the approved remediation scheme from Condition 30, verification or 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 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].

#### **UNFORESEEN CONTAMINATION**

- 32 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 in accordance with the requirements of Condition 29, and where remediation is necessary a remediation scheme must be prepared in accordance with the requirements of Condition 30, which is subject to the approval in writing of the Local Planning Authority. Following completion of measures identified in the approved remediation scheme a verification report must be prepared, which is subject to the approval in writing of the Local Planning Authority in accordance with Condition 31.

**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 ACTIVITY**

- 33 In the event that piling or any other foundation designs using penetrative methods are proposed, piling operations shall not commence unless a report has first 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:** To protect the water environment in accordance with policy PMD1 of the adopted Thurrock Core Strategy and Policies for the Management of Development [2015].

### **BOUNDARY TREATMENTS**

- 34 The fences and other boundary treatments as shown on drawing no's FS0719-ALA-ZZ-XX-DR-L-1103, rev P03 and FS0719-ALA-ZZ-XX-DR-L-1104, REV P03 of the development hereby permitted shall be implemented as detailed within the application. 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 the interests of visual amenity and to ensure that the proposed development is integrated with its surroundings in accordance with policy PMD1, PMD2 and PMD6 of the adopted Thurrock LDF Core Strategy and Policies for the Management of Development [2015].

### **MATERIALS AND EXTERNAL FINISHES**

- 35 The external materials/finishes to be used on the external surfaces of the development, as indicated in schedule of external materials (ref FS0719-ALA-ZZ-XX-SP-L-1101), hereby permitted shall be implemented as detailed within the application.

**Reason:** In the interests of visual amenity and to ensure that the proposed development is integrated with its surroundings in accordance with policy PMD1 and PMD2 of the adopted Thurrock LDF Core Strategy and Policies for the Management of Development [2015].

### **EXTERNAL LIGHTING**

- 36 Prior to the first use or operation of the development, details of the means of any external lighting on the site, including any illumination of the outdoor play facilities, shall be submitted to and agreed in writing with the local planning authority. The details shall include the siting and design of lighting together with details of the spread and intensity of the light sources and the level of luminance. The lighting shall be installed in accordance with the agreed details prior to first use or operation 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 highway safety and residential amenity and to ensure that the development can be integrated within its immediate surroundings in accordance with Policies PMD1 and PMD2 of the adopted Thurrock LDF Core Strategy and Policies for the Management of Development (as amended 2015).

## **BREEAM**

- 37 Unless otherwise agreed in writing by the local planning authority, the development hereby permitted shall be built to the "Very Good" Building Research Establishment Environmental Assessment Method (BREEAM) rating. Within three months of the first use or operation of the development a copy of the Post Construction Completion Certificate for the building verifying that the "Very Good" BREEAM rating has been achieved shall be submitted to the local planning authority.

**Reason:** In order to reduce carbon dioxide emissions in the interests of sustainable development, as required by policy PMD12 of the adopted Thurrock LDF Core Strategy and Policies for the Management of Development (as amended 2015).

## **RENEWABLE ENERGY**

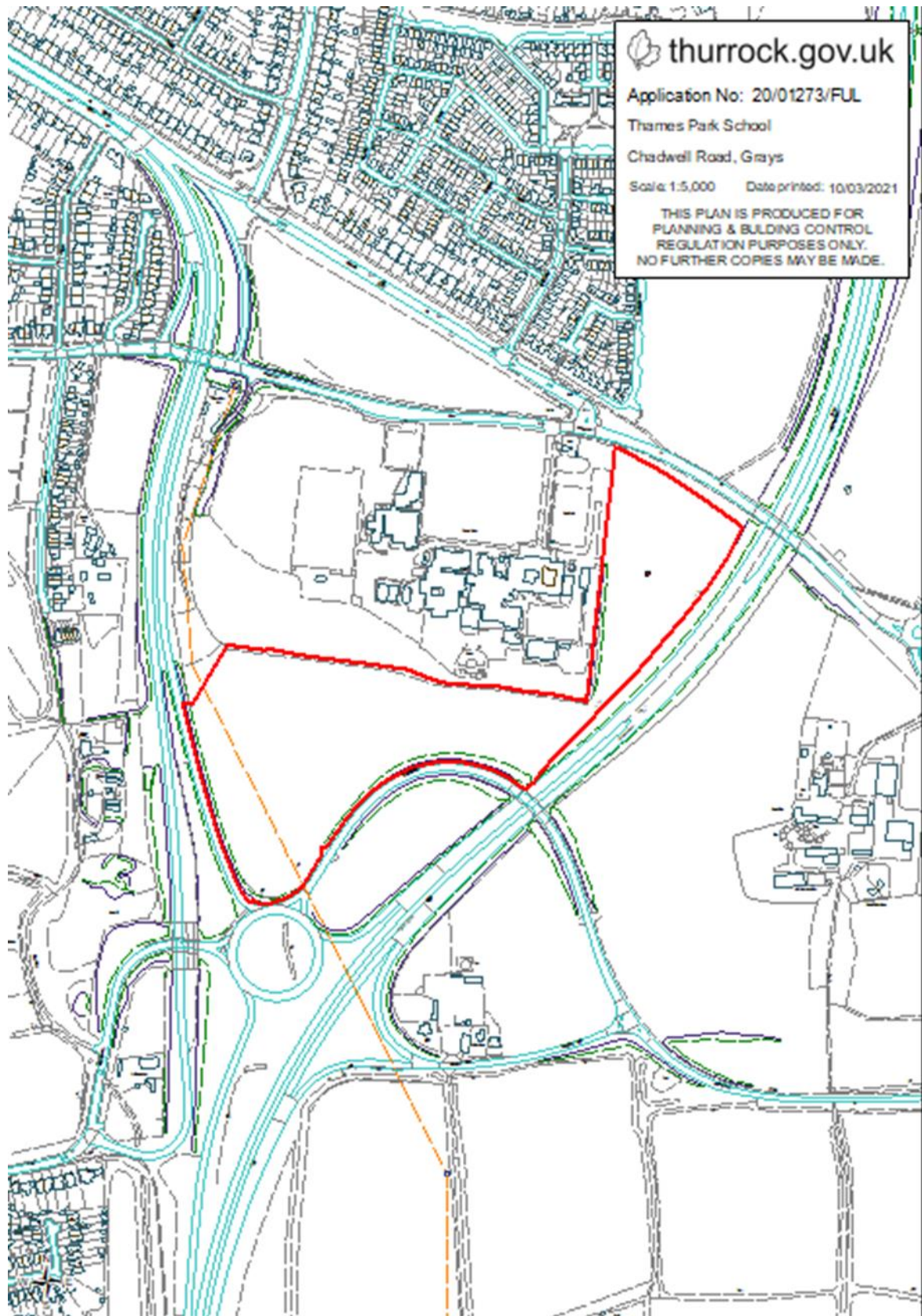
- 38 Unless otherwise agreed in writing by the local planning authority, prior to the construction above ground level of any of the buildings, details of measures to demonstrate that the development will achieve the generation of at least 20% of its energy needs through the use of decentralised, renewable 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 operation of the development and shall thereafter be retained in the agreed form.

**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 (as amended 2015).

### **Documents:**

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

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





Planning Committee 18 March 2021	Application Reference: 20/00290/FUL
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<b>Reference:</b> 20/00290/FUL	<b>Site:</b> Fiddlers Reach Wouldham Road Grays Essex RM20 4XB
<b>Ward:</b> West Thurrock And South Stifford	<b>Proposal:</b> Truck Stop (sui generis) comprising 207 HGV Parking Spaces, 2no. HGV fuelling facilities, 4no. HGV wash facilities, restaurant and wash facilities for HGV drivers, and associated office facilities

Plan Number(s):		
Reference	Name	Received
001.01	Site Location Plan	14 May 2020
200.04	Proposed Site Layout Plan	14 May 2020
201.02	Proposed Ground Floor Plan	14 May 2020
202.02	Proposed First Floor Plan	14 May 2020
203.01	Proposed Elevations	14 May 2020
204.02	Proposed Sections	14 May 2020
205.00	Pod Elevations	14 May 2020
NC_19.588-P-200	Hard Landscape Proposals 1 of 3	17 March 2020
NC_19.588-P-201	Hard Landscape Proposals 2 of 3	17 March 2020
NC_19.588-P-202	Hard Landscape Proposals 3 of 3	17 March 2020
NC_19.588-P-203	Soft Landscape Proposals 1 of 3	17 March 2020
NC_19.588-P-204	Soft Landscape Proposals 2 of 3	17 March 2020
NC_19.588-P-205	Soft Landscape Proposals 3 of 3	17 March 2020

The application is also accompanied by: <ul style="list-style-type: none"> <li>- Construction Management Plan</li> <li>- Design and Access Statement</li> <li>- Ecological Briefing Note</li> <li>- Flood Risk Assessment and Drainage Strategy</li> <li>- Ground Investigation Specification</li> <li>- Landscape Specification</li> <li>- Planning Noise Assessment</li> </ul>
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<ul style="list-style-type: none"> <li>- Planning Statement</li> <li>- Preliminary Environmental Risk Assessment</li> <li>- Transport Assessment</li> <li>- Travel Plan</li> </ul>	
<b>Applicant:</b> Mr Mark True Purfleet Truck Wash	<b>Validated:</b> 10 March 2020 <b>Date of expiry:</b> 22 March 2021 (Extension of time agreed with applicant)
<b>Recommendation:</b> Approve, subject to conditions	

This application is scheduled for determination by the Council's Planning Committee because it has been called in by Cllrs J Potheary, T Fish, M Kerin, Q Abbas and V Holloway (in accordance with the Constitution Chapter 5, Part 3 (b), 2.1 (d) (ii)) to assess the highways impact of the proposal on the Devonshire Road junction and the effect on neighbouring properties.

## 1.0 DESCRIPTION OF PROPOSAL

- 1.1 This application seeks planning permission for a truck stop (sui generis use) consisting of 207 HGV spaces along with associated facilities. This application follows a previous planning permission ref. 18/00321/FUL (as amended by ref. 20/01536/CV) which approved development comprising the clearing and levelling of the site and provision of hard standing, roads and utility connections, together with the change of use of the land to employment uses falling within Classes B1(c), B2 and B8 of the Use Class Order 1987 (as amended).
- 1.2 The development would be located within Plots 4 and 5 (known as Lots 4 and 5) of the site wide permission ref. 18/00321/FUL (as amended by ref. 20/01536/CV) as set out in the plot layout details agreed through applications for the approval of details reserved by condition no. 6 (ref. 20/01537/CONDC) and no. 20 (ref. 19/00359/CONDC) – the plots were updated to be named plots 3 and 4. These plots would be combined to provide the proposed new truck stop, the majority of which would consist of HGV parking. The associated facilities would be located towards the south-east of the site and would consist of a refuelling and truck wash area adjacent to the amenity facilities (truck driver's shower / WC accommodation, changing rooms and canteen. These would be accommodated within a modern asymmetric structure which would be constructed from shipping containers. Ancillary office



accommodation is also proposed on ground and first floor levels. A car parking area providing 20 no. spaces would be located on the eastern part of the site, accessed separately from the HGV parking area. HGV access and egress would be from the northern boundary of the site. An associated gatehouse / office is also proposed.

- 1.3 This proposal, if approved would represent a separate permission from the extant 'site-wide' permission. However, as the proposed truck stop would utilise the hardstanding, roads and utility connections approved by this earlier permission, in functional terms the current proposals would need to be consistent with the plans and approved details relating to permission ref. 18/00321/FUL (as amended by ref. 20/01536/CV. As a result the proposal would, if approved, be subject to similar relevant conditions imposed on this original permission, in addition to any conditions specifically relating to the current proposal.

## 2.0 SITE DESCRIPTION

- 2.1 The application site is located on the north bank of the River Thames between Hedley Avenue and Wouldham Road. Historically the site formed part of the Lion Works used by Portland Cement. The use of the site as a cement works ceased in the 1970s after which the site was used for storage and pre-fabrication of concrete casts. The structures and buildings associated with these uses have been demolished and the site now constitutes crushed concrete and areas of hardstanding. To the west of the site is the commercial and industrial estate set out around Hedley Avenue. To the east is the residential estate along Hastings Close whilst the north of the site is bounded by a railway line.
- 2.2 The site is located within a designated Primary Industrial and Commercial Area. It is also within Flood Zone 3 although it is in an area which benefits from flood defences. The south east corner of the site is also allocated as potential additional open space whilst there is a new road building designation joining Wouldham Road to Hedley Avenue.
- 2.3 The site is in relatively close proximity to a major hazard site due to the storage of hazardous materials at the P&G Plant to the west. However, only a very small area of the site around the western boundary falls within the outer consultation zone as set out by the Health and Safety Executive.

## 3.0 RELEVANT PLANNING HISTORY

- 3.1 The following table provides the planning history relevant to this application:

Reference	Description	Decision
18/00321/FUL	Full planning permission for clearing and	Approved

	levelling the Site, providing hard standing, roads and utility connections, together with the change of use of the land to employment uses falling within Classes B1(c), B2 and B8 of the Use Class Order 1987 (as amended)	
19/00393/NMA	Application for a non-material amendment to remove (Condition 8) of planning permission ref 18/00321/FUL (Full planning permission for clearing and levelling the Site, providing hard standing, roads and utility connections, together with the change of use of the land to employment uses falling within Classes B1(c), B2 and B8 of the Use Class Order 1987 (as amended))	Approved
19/01181/FUL	Erection of building for use as repair centre with associated office building, cycle store, service building and lighting columns along with hardstanding to provide parking and turning areas (Temporary Permission for period of 10 years).	Approved
19/01470/FUL	Development of a cargo trailer drop lot (Class B8 use) including hardstanding, perimeter fencing, lighting columns and associated works (Retrospective).	Approved
19/01835/SCR	Environmental Impact Assessment (EIA) screening opinion for a new Truck Stop, comprising 240 HGV Parking Spaces, 3no. HGV fuelling facilities, 4no. HGV wash facilities, restaurant and wash facilities for HGV drivers, and associated office facilities.	EIA not required
20/01536/CV	Application for the variation of conditions no.2 (approved plans) and no.4 (HGV movements) of planning permission ref: 18/00321/FUL (Full planning permission for clearing and levelling the Site, providing hard standing, roads and utility connections, together with the change of use of the land to employment uses falling within Classes B1(c), B2 and B8 of the Use Class	Approved

	Order 1987 (as amended)) to alter the HGV access arrangements and to allow an increase in the overall number of HGV movements to and from the site daily	
21/00084/FUL	Development of site (Plot 2) for storage of operational vehicles, including associated parking, guard hut, welfare building, and other associated development and infrastructure including electric vehicle charging points (part retrospective)	Pending consideration

#### 4.0 CONSULTATIONS AND REPRESENTATIONS

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

#### 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. The application has been advertised as a major development, based on the area of the site. There were no comments received.

#### 4.3 EMERGENCY PLANNING:

No objection, subject to Flood Warning Evacuation Plan.

#### 4.4 ENVIRONMENT AGENCY:

No objection, subject to conditions regarding flood risk matters.

#### 4.5 ENVIRONMENTAL HEALTH:

No objection, subject to conditions regarding an updated Construction Environment Management Plan, noise and contamination.

#### 4.6 FLOOD RISK MANAGER:

No objection, subject to condition regarding a surface water drainage plan.

#### 4.7 HIGHWAYS

No objection, subject to conditions for a vehicle booking system, access and implementation.

#### 4.8 HIGHWAYS ENGLAND:

No objection.

#### 4.9 LANDSCAPE AND ECOLOGY:

No objection.

### 5.0 POLICY CONTEXT

#### **National Planning Guidance**

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

5.1 The revised NPPF was published on 19 February 2019. Paragraph 11 of the Framework sets out a presumption in favour of sustainable development. This paragraph goes on to state that for decision taking this means:

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

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

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

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
- 9. Promoting sustainable transport
- 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

#### National Planning Practice Guidance (PPG)

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

- Air Quality
- Climate change
- Design: process and tools
- Determining a planning application
- Flood Risk and Coastal Change
- Land affected by contamination
- Light pollution
- Natural Environment
- Noise
- Transport evidence bases in plan making and decision taking
- Travel plans, transport assessments and statements in decision-taking
- Use of Planning Conditions

#### **Local Planning Policy**

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

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

**OVERARCHING SUSTAINABLE DEVELOPMENT POLICY:**

- OSDP1: Promotion of Sustainable Growth and Regeneration in Thurrock

**SPATIAL POLICIES:**

- CSSP2: Sustainable Employment Growth

**THEMATIC POLICIES:**

- CSTP6: Strategic Employment Provision
- CSTP14: Transport in the Thurrock Urban Area: Purfleet to Tilbury
- CSTP19: Biodiversity
- CSTP22: Thurrock Design
- CSTP23: Thurrock Character and Distinctiveness
- CSTP24: Heritage Assets and the Historic Environment
- CSTP27: Management and Reduction of Flood Risk

**POLICIES FOR THE MANAGEMENT OF DEVELOPMENT**

- PMD1: Minimising Pollution and Impacts on Amenity
- PMD2: Design and Layout
- PMD7: Biodiversity, Geological Conservation and Development
- PMD8: Parking Standards
- PMD9: Road Network Hierarchy
- PMD10: Transport Assessments and Travel Plans
- PMD15: Flood Risk Assessment

**Thurrock Local Plan**

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

### Thurrock Design Strategy

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

## **6.0 ASSESSMENT**

- 6.1 The assessment below covers the following areas:

- I. Principle of the development
- II. Traffic impact, access and parking
- III. Impact upon Ecology and Biodiversity
- IV. Design and Layout
- V. Ground Contamination
- VI. Noise and Air Quality
- VII. Flood Risk and Site Drainage

### **I. PRINCIPLE OF THE DEVELOPMENT**

- 6.2 The application site is located within a designated primary industrial and commercial area. The area has been underutilised in recent years as the former cement / concrete-related operations ceased on the site. The site is currently being developed in accordance with permission ref. 18/00321/FUL (as amended by ref. 20/01536/CV) which when completed will provide the infrastructure to allow for the use of individual plots. In addition to this, the permission also established the principle of developing the site for a mix of Class B1(c), B2 and B8 uses, i.e. light industrial, general industrial and storage & distribution uses.
- 6.3 Policy CSSP2 encourages economic development within growth hubs. The site is within the Key Strategic Economic Hub of the Lakeside Basin / West Thurrock and therefore this policy supports development which promotes job growth in the area. Policy CSTP6 seeks to retain designated employment land for employment generating uses falling within Use Classes B1, B2, B8 and appropriate sui generis uses. This is to ensure there is adequate land available in suitable locations to support economic and employment growth in the Borough.
- 6.4 The proposal would constitute a sui generis use (i.e. in a use class of its own) which falls outside the scope of the previous permission. Policy CSTP6 (2) (iii) states that that primary and secondary industrial and commercial areas will be reserved for

employment generating uses falling within Class B1, B2, B8 and sui generis uses and that the Council will consider economic development that includes non-B Class uses within the Primary and Secondary Industrial and Commercial areas provided that it meets the following:

- i. The non-B Class Use provides a complementary and supporting use for the existing Class B uses; or
- ii. The non-B Class Use is necessary for the day-to-day service requirements of the existing Class B uses; or
- iii. There is a demonstrable need for the non-B Class Use within the Borough and there are no other reasonable alternative sites within the Borough; and
- iv. The introduction of the non-B Class Use will not compromise the supply of Class B land within the Borough and will not adversely affect Thurrock's existing and future economic structure.

- 6.5 The applicant advises that c.30 full time jobs would be associated with the development. Given that the site measures some 2.7Ha, this is a relatively low employment density when compared to conventional Class B1, B2 and B8 uses. It is also notable that the applicant is currently based at Botany Quarry in Purfleet and, as such, the jobs associated with the proposal are not 'new' jobs. Although Core Strategy policy CSSP3 (Sustainable Infrastructure) refers to a need for lorry parks at West Thurrock, Tilbury and London Gateway, these facilities are already in existence at the former West Thurrock Power Station site, the London Distribution Park site at Tilbury and at London Gateway. The current proposal would therefore represent an additional or 'windfall' lorry parking facility. Nevertheless, the applicant currently operates from Botany Quarry where outline planning permission has been granted for redevelopment as part of the Purfleet Centre regeneration proposals (PCRL). It is currently expected that Zone 1 of the PCRL scheme, which includes the applicant's current operation, will commence development later this year and understandably the applicant is seeking an alternative location. In these circumstances, and in light of the identified need for HGV facilities in the Borough, the principle of this sui generis use is acceptable. In addition, the application affords the opportunity afforded to bring an underutilised site into beneficial employment use. Therefore, it is considered that the principle of the change of use of the land is acceptable and complies with policies CSSP2 and CSTP6.

## II. TRAFFIC IMPACT, ACCESS AND PARKING

- 6.6 The proposal would utilise the internal road approved under application ref. 18/00321/FUL, and varied by ref. 20/01536/CV, which links Hedley Avenue and Wouldham Road respectively. This internal access road includes a width restriction for vehicles exiting onto Wouldham Road which would prevent HGVs and larger goods vehicles exiting in this direction. However, this has been updated under



permission ref. 20/01536/CV to specifically allow tankers only to exit via Wouldham Road to access the NuStar terminal (Askews Farm) directly to collect their load, in order to avoid an additional 11km drive if they exited through the usual route via Hedley Avenue.

- 6.7 The Council's Highways Officer raises no objection to the principle of the proposal. A number of conditions were imposed upon the original permission which relate to a restriction on the number of HGV movements (including a booking system to monitor this), routing details, restricted exit onto Wouldham Road, parking, loading and road layouts.
- 6.8 The majority of HGV movements would remain via Hedley Avenue, with a maximum of 96 outwards movements along Wouldham Road. The current proposal would be subject to conditions relating to the roads used to access the site which gives the Local Planning Authority control over these movements.
- 6.9 Given the restrictions imposed upon the original permission, in particular Conditions 4 (HGV Booking System) and 5 (HGV Routing), the proposed development would also need to be bound by these conditions. In terms of the number of movements for the overall Fiddlers Reach site, this would be increased over that approved within the initial approval (ref. 18/00321/FUL). A condition variation application (ref. 20/01536/CV) has been approved which has reviewed the highways impacts and now allows a maximum of 494 two-way HGV movements per day as set out in the Transport Assessment and various accompanying correspondence, that is, 247 in and 247 out movements (factoring in a 10% growth from the proposed 458 movements). A maximum of 96 of these outward movements are permitted via Wouldham Road but are limited to vehicles accessing the NuStar terminal on Askews Farm Road; all other vehicle movements are via Hedley Road. The conditions require the operators to keep a log of movements which has to be submitted to the local planning authority annually for review. This log must record details of the registration, origin, destination and operators of each HGV entering and leaving a plot within the site and the time of such movements.
- 6.10 In terms of the wider impact of the proposal, Highways England has confirmed that they have no objection to the proposal. They consider that the proposal would generate minimal additional traffic to the Strategic Road Network (SRN) in peak hours. Therefore, Highways England consider that the development will not materially affect the safety, reliability or operation of the SRN.
- 6.11 In view of the above, subject to conditions, there are no highway reasons to refuse the application.

### III. IMPACT UPON ECOLOGY AND BIODIVERSITY

- 6.12 The proposed scheme is on part of the Fiddlers Reach site that contains neither landscape nor ecology features. The application includes hard and soft landscaping proposals, which include boundary treatments and landscape specifications. The Council's Landscape and Ecology Advisor has no objections to the proposal and has advised the details submitted are appropriate for the site, therefore no conditions are required, albeit precise details of boundary fencing is required.

### IV. DESIGN AND LAYOUT

- 6.13 The site would be somewhat dominated by hardstanding and parking, however this is reflective of the general character of this area and the proposed landscaping would help to offset this effect and improve visual amenities the area. This is an important issue given the public footpath adjacent to the River Thames frontage.
- 6.14 In terms of the proposed building itself, it would accommodate facilities including showers, toilets and a restaurant. It is considered that the use of shipping containers adapted in a contemporary fashion is appropriate for this location. The shipping containers would have a generous amount of glazing and the design is considered to be distinctive and of a sufficient quality.
- 6.15 In terms of design and layout it is considered that the proposal reflects the commercial nature of its surroundings but also offers a more innovative style of design of building. The proposal meets the aims and objectives of PMD2 in this regard.

### V. GROUND CONTAMINATION

- 6.16 A phase I & II Environmental Report was submitted with the original application (ref. 18/00321/FUL) which covered the issue of potential contamination of the site. A condition was imposed on the original permission which allows for the hardstanding on site requiring the development to be carried out in accordance with the recommendations in the Environmental Report. For this proposal a preliminary risk report was submitted which addressed how any contamination encountered during development would be managed. The Council's Environmental Health Officer has confirmed this is acceptable subject to a condition to secure implementation of this methodology for potential land contamination and the requirement to provide a final verification report upon completion of ground works.

## VI. NOISE AND AIR QUALITY

- 6.17 A Noise Assessment has been submitted with the application and the Council's Environmental Health Officer has confirmed that the report is satisfactory and the conclusions of the report are accepted. The proposed truck wash would be located away from the residential receptors and the noise emitted is shown to have a negligible impact. The additional noise from the proposal would be considered acceptable with a condition to ensure all fixed plant and machinery within the development should be designed and installed such that the rating level of the fixed plant and machinery in combination shall not exceed the Plant Noise Emission Limits in Table 8 of the Waterman Noise Assessment ref. WIE16240-105-R-2-2-4 to receptors in Gumley Road and Hastings Close.
- 6.18 For air quality, the main issue or consideration is the emissions from the HGV traffic that would be generated and what impact these emissions would have upon existing Air Quality Management Areas (AQMAs) or other areas where Relevant Public Exposure could occur. The Council's Air Quality Officer has confirmed HGV routing does not pass through any AQMAs, or areas where Relevant Public Exposure could occur. They have also confirmed that the proposed site entrance is approximately 43 metres to the rear facades of the residential premises in Gumley Road across the railway line. Due to the distance and the relatively low number of HGV vehicle movements involved, the air quality impact would be low. Therefore, they conclude it is highly unlikely that the Air Quality Objective could be exceeded.

## VII. FLOOD RISK AND SITE DRAINAGE

- 6.19 The site lies within Flood Zone 3 and the proposal is for a commercial use which is classified as a 'less vulnerable' form of development, as defined in Table 2: *Flood Risk Vulnerability Classification of the Planning Practice Guidance*. Therefore, the proposal needs to be supported by a Flood Risk Assessment (FRA) and meet the Sequential Test.
- 6.20 In this instance the site has already been subject to a sequential test through the Strategic Flood Risk Assessment as an evidence base to the current Local Development Framework. In accordance with the guidance in PPG allocated sites, such as this, would not need to be subject of further sequential testing on the basis of the proposed uses falling within the allocated land uses for the site. As a result the proposal would pass the sequential test.
- 6.21 The proposal constitutes a major application and as a result a surface water drainage strategy is necessary. A surface water drainage strategy for the site-wide permission was previously agreed through application ref: 19/00439/CONDC. The Council's

Flood Risk Manager has confirmed that the current proposal is required to comply with the agreed scheme. This would need to be confirmed with additional details which could be secured by condition.

## 7.0 CONCLUSIONS AND REASON(S) FOR APPROVAL

- 7.1 The truck stop and associated facilities would not lead to any significant additional harm in terms of highways, amenity or to flood risk when compared with the site wide permission for Class B employment generating uses. To ensure that the site can accommodate the necessary HGV movements the original permission has been varied and this has been approved by Highways Officers.
- 7.2 The proposal is on a brownfield site and complies with planning policies and provides HGV parking facilities which are required in the area. The application ensures an established local business is retained in the Borough as it relocates from land part of the Purfleet on Thames regeneration area.

## 8.0 RECOMMENDATION

- 8.1 Grant planning permission, subject to the following planning conditions:

### TIME LIMIT

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

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

### APPROVED PLANS

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

Plan Number(s):		
Reference	Name	Received
001.01	Site Location Plan	14 May 2020
200.04	Proposed Site Layout Plan	14 May 2020
201.02	Proposed Ground Floor Plan	14 May 2020
202.02	Proposed First Floor Plan	14 May 2020
203.01	Proposed Elevations	14 May 2020
204.02	Proposed Sections	14 May 2020

205.00	Pod Elevations	14 May 2020
NC_19.588-P-200	Hard Landscape Proposals 1 of 3	17 March 2020
NC_19.588-P-201	Hard Landscape Proposals 2 of 3	17 March 2020
NC_19.588-P-202	Hard Landscape Proposals 3 of 3	17 March 2020
NC_19.588-P-203	Soft Landscape Proposals 1 of 3	17 March 2020
NC_19.588-P-204	Soft Landscape Proposals 2 of 3	17 March 2020
NC_19.588-P-205	Soft Landscape Proposals 3 of 3	17 March 2020

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

### **DETAILS OF BUILDINGS/STRUCTURES NOT PROVIDED**

- 3 No development shall take place until details of the siting, height, design and materials of the gatehouse, toilets (near to the southern boundary), lorry wash structures and bin store, have been submitted to and approved in writing by the local planning authority. The structures as approved shall be retained as such thereafter.

**Reason:** In the interests of the visual amenity of the area and to ensure the development does not have a detrimental effect on the environment as required by policies PMD1 and PMD2 of the adopted Thurrock LDF Core Strategy and Policies for the Management of Development [2015].

### **CONSTRUCTION ENVIRONMENTAL MANAGEMENT PLAN [CEMP]**

- 4 Construction works on site shall only take place in accordance with the CEMP approved via the application for the approval of details reserved by planning condition reference 19/00464/CONDC.

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

### **HGV BOOKING SYSTEM**

- 5 HGV movements from the entire Fiddlers Reach site shall be limited to a maximum of 494 two-way movements per day as set out in the Transport Assessment and various accompanying correspondence, which is 247 in and 247 out movements (factoring in a 10% growth from the proposed 458 movements). A maximum of 96 of these out movements are permitted via Wouldham Road limited to vehicles accessing NuStar on Askews Farm Road, all other vehicle movements are via Hedley Road. A log of movements be recorded and submitted to the Planning Authority annually for review. This log shall record details of the registration, origin, destination and operators of each HGV entering and leaving a plot within the site and the time of

such movements.

**Reason:** To enable the Local Planning Authority to monitor the site in the interests of the amenities of the nearby occupiers and the impact on the local highway network, in accordance with policies PMD1 and PMD9 of the adopted Thurrock LDF Core Strategy and Policies for the Management of Development [2015].

### **HGV ROUTING**

- 6 The details of HGV routing is as agreed by the Local Planning Authority via the application for the approval of details reserved by planning condition reference 20/01537/CONDC shall be utilised by all future HGVs associated with users of the site.

**Reason:** To ensure that the use of the site does not adversely impact upon highway safety or capacity, air quality or neighbouring amenity, in accordance with policies PMD1, PMD2 and PMD9 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 area shown on the approved plans, has been hard surfaced, sealed and marked out as shown on the approved plans/in parking bays. The vehicle parking areas shall be retained in this form at all times thereafter. The vehicle parking areas 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 CHARGING POINTS**

- 8 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 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].

### **TRAVEL PLAN**

- 9 The measures and procedures set out within the submitted Travel Plan [Framework Travel Plan ref: 23230201 dated September 2018] shall be implemented upon first use of the development and maintained throughout the lifetime of the development, unless otherwise agreed in writing by the local planning authority.

**Reason:** To reduce reliance on 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].

### **FIXED MECHANICAL PLANT**

- 10 All fixed plant and machinery within the development should be designed and installed such that the rating level of the fixed plant and machinery in combination shall not exceed the Plant Noise Emission Limits in Table 8 of the Waterman Noise Assessment ref. WIE16240-105-R-2-2-4 at receptors in Gumley Road and Hastings Close.

**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].

### **LIGHTING**

- 11 All external lighting installed must be to the specification approved in writing by the local authority via the application for the approval of details reserved by planning condition reference 19/00514/CONDC.

**Reason:** In the interests of 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].

### **FLOOD RISK 1 (EA)**

- 12 No buildings shall be constructed within 16 metres of the landward toe of the flood defence and any other fixed structures within this zone will require a permit from Environment Agency before they can be installed (this includes, but is not limited to any walls required for landscaping, or light fittings).

**Reason:** To retain access to the defences for the Environment Agency to carry out its functions and ensure the defences can be maintained for continued flood risk protection.

### **FLOOD RISK 2 (EA)**

- 13 Access to a 16m wide strip clear of all containers, trailers and cars, from the landward toe of the flood defence wall, as shown on drawing number 200.04, will be provided to the Environment Agency within 24 hours of any such request.

**Reason:** To retain access to the defences for the Environment Agency to carry out its functions and ensure the defences can be maintained for continued flood risk protection.

### **FLOOD RISK 3 (EA)**

- 14 All buildings on the site must be designed to withstand the hydrostatic and hydrodynamic pressures of flooding, should the existing flood defences breach. No development shall commence until details of the construction 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 details as approved.

**Reason:** To ensure that adequate flood protection measures are installed for the safety of the building and for the safety of all users of the development in accordance with policy PMD15 of the adopted Thurrock LDF Core Strategy and Policies for the Management of Development [2015].

### **SURFACE WATER DRAINAGE (FRM)**

- 15 No development shall commence until a detailed drainage plan is provided to show how the development will connect into the wider drainage scheme has been submitted to and approved in writing by the local planning authority. This should include evidence that the surface water is still receiving sufficient surface water treatment before being discharged via the attenuation basin into the River Thames and a technical note explaining the plan and any changes that may have occurred. The surface water drainage scheme shall be constructed and completed in accordance with the details as approved prior to the first operational use of the development hereby permitted.

**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].

### **CONTAMINATION**

- 16 The methodology for the investigation and remediation of potentially contaminated land, outlined in Truck Wash, Fiddlers Reach, Ground Investigation Specification, Waterman Infrastructure & Environment Ltd, Document Reference WIE16240-102-S-1-1-2-SPEC, February 2020, must be implemented. Following completion of ground works, a verification report must be prepared, which is subject to the approval in writing of the Local Planning Authority.

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

### **BOUNDARY TREATMENTS**

- 17 Notwithstanding the details shown on the submitted drawing, prior to first use of the development hereby permitted details of the design, materials and finishing colour of all boundary treatments on the site shall be submitted to and agreed in writing by the local planning authority. The agreed details shall be installed on-site and retained thereafter.

**Reason:** In interests of the visual amenity of the area as required by policy PMD2 of the adopted Thurrock LDF Core Strategy and Policies for the Management of Development [2015].

### **HOURS OF OPERATION**

- 18 Prior to the first use of the plots, details of the hours of operation shall be submitted to and approved in writing by the Local Planning Authority. The use of the site shall be carried out in accordance with these approved hours of operation.

**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].

**Informative(s)**

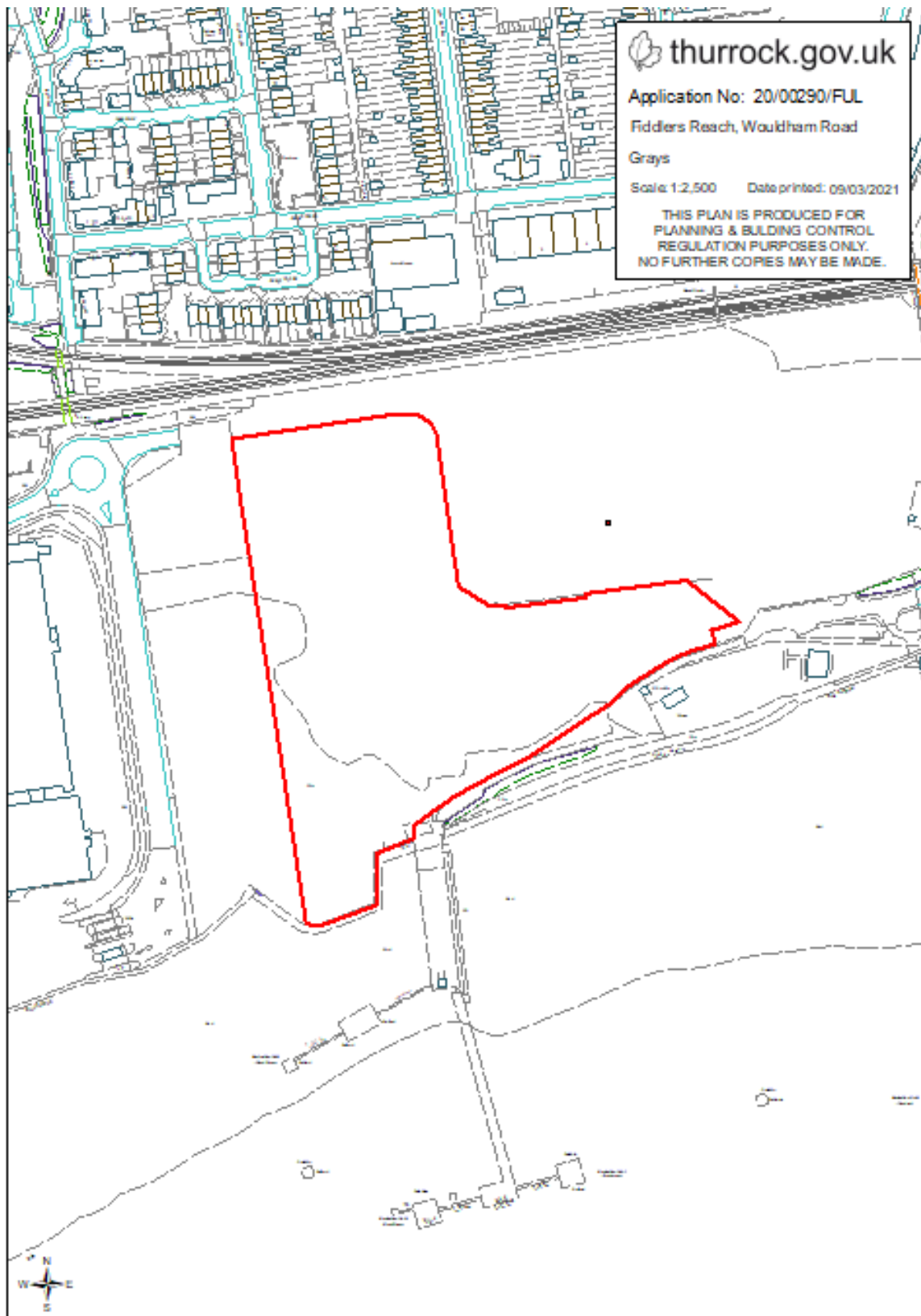
Town and Country Planning (Development Management Procedure) (England) Order 2015 (as amended) - Positive and Proactive Statement:

The Local Planning Authority has acted positively and proactively in determining this application by identifying matters of concern within the application (as originally submitted) and negotiating, with the Applicant/Agent, acceptable amendments to the proposal to address those concerns. 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:

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



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<b>Reference:</b> 20/01680/FUL	<b>Site:</b> Claylands 186 Branksome Avenue Stanford Le Hope Essex SS17 8DF
<b>Ward:</b> The Homesteads	<b>Proposal:</b> Change of use from Class C3 (dwellinghouse) to a dual use C3 dwellinghouse and Class E (f) Day nursery.

Plan Number(s):		
Reference	Name	Received
10B	Elevations	3rd December 2020
12	Elevations	3rd December 2020
Site Layout	Site Layout	3rd December 2020
Other	Other	3rd December 2020
Site Layout	Site Layout	3rd December 2020
Existing and Proposed Plans	Existing and Proposed Plans	17th December 2020
Location Plan	Location Plan	17th December 2020
Roof Plans	Roof Plans	17th December 2020
10B	Elevations	17th December 2020
Other	Other	17th December 2020
Site Layout	Site Layout	17th December 2020
Parking Block Plan	Parking Block Plan	15th January 2021

The application is also accompanied by:

- Email from Applicant regarding Rose Buddies vehicle and an Apprentice, dated 1.12.20

<b>Applicant:</b> Mrs V Jarosz	<b>Validated:</b> 17 December 2020 <b>Date of expiry:</b> 22 March 2021 <b>(Extension of Time as Agreed)</b>
<b>Recommendation:</b> REFUSE	

This application is scheduled for determination by the Council's Planning Committee because the application has been called in by Cllr Byrne, Cllr Collins, Cllr Halden, Cllr J Smith and Cllr C Baker in accordance with Part 3 (b) 2.1 (d)(i) of the Council's constitution to consider the proposal on the grounds that the business has been running for over a year causing unreasonable noise within a residential area.

## 1.0 DESCRIPTION OF PROPOSAL

- 1.1 The application seeks permission for a change of use from Class C3 (dwellinghouse) to a dual C3 use and Class E(f) Day nursery with use of the outbuilding and the rear garden area.

## 2.0 SITE DESCRIPTION

- 2.1 The application site is a detached single storey property with a garage and off street parking available on the frontage. There is one formal vehicle access way in front of the garage, with a second access being used without a formal dropped kerb. The site is situated within a residential area within The Homesteads. The area is broadly characterised by a mix of well-spaced detached and semi-detached properties of varied design and style.

## 3.0 RELEVANT PLANNING HISTORY

Application Reference	Description of Proposal	Decision
21/00107/HHA	Loft conversion, including raising of ridge line, double hip to gable with rear dormer.	Pending Consideration
20/01397/HHA	Loft conversion, including raising of ridge line, double hip to gable with alteration to the roof with a rear dormer.	Refused
19/00236/HHA	Single storey rear extension.	Approved
15/00568/FUL	Demolition of existing bungalow and erection of new detached dwelling	Approved
15/00068/HHA	Front, side and rear extensions, formation of new roof/loft room.	Approved

The following Enforcement history is also of relevance:

Enforcement Reference	Complaint	Outcome
20/00376/BUNWKS	Large concrete building has been erected at the rear of the garden with	Outbuilding dimensions comply with Permitted Development limits. A PCN

	drainage and sewerage to supply shower washbasin and toilet and a possible childcare/nursery business is being run from the property.	was served in relation to the nursery business and returned. Applicant stated that a child care/day nursery business was operating from main dwelling only. Following information provided it was considered that no material change of use had occurred at that time and therefore no breach. Case closed.
20/00463/BUNUSE	Unauthorised change of use to daytime childcare ("Rose Buddies") A large structure has already been built in the back garden as a children's "club house"	Investigated due to further complaints regarding a continued breach of planning. Planning application has been submitted. Case closed pending outcome of application.

#### 4.0 BACKGROUND

- 4.1 The application has been submitted following an enforcement investigation relating to the alleged unauthorised use of the dwelling for a business use as a day nursery use, known as 'Rose Buddies'.
- 4.2 It is noted that a petition submitted by six local residents suggests that the applicant has been operating a child care business from the property from 'early 2020' and neighbouring residents have had continuing concerns about the day nursery use of the property. The Council first received a planning enforcement complaint about the use of the property as a day nursery business on 23<sup>rd</sup> September 2020.
- 4.3 Following enforcement investigations the applicant stated that they had been operating as an independent child minder but had been looking to expand to a more formal child care/day nursery business use from the premises, whilst still wishing to use the property as the applicant's family home. Given the intensification of the child care business use, compared to what was previously an informal activity operating from the dwellinghouse, the applicant submitted a planning application in order to regularise the use.

#### 5.0 CONSULTATIONS AND REPRESENTATIONS

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

5.2 PUBLICITY:

This application has been advertised by way of individual neighbour notification letters. Eight letters of objection and a petition signed by six local residents have been received raising the following concerns:

- Running business without planning permission;
- Noise and disturbance;
- Loss of Amenity;
- Access to site;
- Additional traffic / parking;
- Lack of need;
- Out of character;
- No clear planning statement;
- No mention of clubhouse or garden room in proposal.

One letter has been received in support of the application and making the following points:

- Offers excellent childcare facilities;
- Much needed facility for key workers;
- Have not noticed any additional traffic when collecting children from the premises (on foot);
- Creates jobs.

5.3 ENVIRONMENTAL HEALTH OFFICER:

No objections.

5.4 HIGHWAYS:

Objection.

5.5 WELFARE DEVELOPMENT OFFICER (SCHOOL EFFECTIVENESS TEAM):

There is increased demand for child care within The Homesteads Ward and the applicant is known to the Thurrock School Effectiveness Team.



## 6.0 POLICY CONTEXT

### National Planning Policy Framework (NPPF)

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

4. Decision-making
5. Delivering a sufficient supply of homes
12. Achieving well-designed places

### 6.2 National 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
- Use of planning conditions

### 6.3 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:

#### THEMATIC POLICIES

- CSTP1 (Strategic Housing Provision)
- CSTP12 (Education and Learning)
- CSTP22 (Thurrock Design)
- CSTP23 (Thurrock Character and Distinctiveness)

## POLICIES FOR MANAGEMENT OF DEVELOPMENT

- PMD1 (Minimising Pollution and Impacts on Amenity)
- PMD2 (Design and Layout)
- PMD8 (Parking Standards)
- PMD9 (Road Network Hierarchy)

### 6.4 Thurrock Local Plan

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

### 6.5 Thurrock Design Strategy

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

## 7.0 ASSESSMENT

7.1 The assessment below covers the following areas:

- I. Principle of the Development
- II. Use and Impact upon the Character of the Area
- III. Neighbour Amenity Impact
- IV. Traffic Impact, Access and Car Parking

### I. PRINCIPLE OF THE DEVELOPMENT

7.2 The application seeks to regularise a change of use from a detached dwellinghouse (C3 use class) to a dual use of the property as a C3 dwellinghouse *and* children's day nursery (falling under use class E(f)).

7.3 Policy CSTP12 states that the Council will work with relevant partners to ensure "the provision of pre-school, primary school, high school, further education and special

education facilities meets current and future needs". The application would not conflict with Policy CSTP12 in this regard however it is important to give careful consideration to the impact of the business upon the residential amenity of the location.

## II. USE AND IMPACT UPON THE CHARACTER OF AREA

- 7.4 Policy CSTP22 of the Core Strategy indicates that development proposals must demonstrate high quality design founded on a thorough understanding of, and positive response to, the local context.
- 7.5 Policy PMD2 of the Core Strategy requires that all design proposals should respond to the sensitivity of the site and its surroundings and must contribute positively to the character of the area in which it is proposed and should seek to contribute positively to local views, townscape, heritage assets and natural features and contribute to the creation of a positive sense of place.
- 7.6 The use requires no external changes to the property. There is an existing outbuilding in the rear garden of the site which forms part of the application. The applicant seeks to regularise the use of the property to include the day nursery use in both the main dwelling and the outbuilding.

### Current Level of Use

- 7.7 Currently the applicant uses the kitchen/dining area, the garden and outbuilding for the children starting school together with the younger children. The business has 10 children using the nursery within the above age range. These 10 children are looked after by 2 full time members of staff (including an apprentice) and 1 part time staff member, employing a total of 3 members of staff (including the applicant). A total of 3 members of staff are on site at any given time. Opening hours are listed as 7:00am to 6.30pm Monday to Friday throughout the year, with no operation at weekends or on bank holidays.
- 7.8 The outbuilding is identified as a playroom with a toilet area, which is used for messy play and other nursery activities and to separate the different age groups. The garden is used in connection with the nursery business when operating.

### Proposed Level of Use

- 7.9 The proposed plans are for 4 rooms within the house to be used as part of the business: one room to be used as a playroom, the kitchen/diner is to be used for meal times and two bedrooms are to be used for sleeping and educational activities to prepare older children for school. The outbuilding would also be part of the use.

- 7.10 The nursery business has a maximum capacity of 20 children aged from 0-5 years. A total of 6 FTE members of staff could be employed on site to meet the ratio requirement by Ofsted for 20 children if the site were to be used to full capacity.

#### Consideration

- 7.11 Ordinarily, drop off would be between 7am and 9am and pick-up would be anytime from 3.30pm and 6.30pm. However, due to the current national pandemic, the applicant has been providing differing contracted hours for the children and the drop-off times have been closer to 9am and pick-up has been at around 4pm to accommodate the customer's changing working patterns.
- 7.12 It would not be uncommon for a large detached dwelling to be converted from a dwellinghouse to a day nursery, where it can be demonstrated that the use can function within a particular residential area without causing harm to residential amenity, the character of a residential area or lead to highway safety concerns. It is less common for a day nursery use to be operating from an existing dwellinghouse that intends to remain as a dwellinghouse when not operating as a nursery.
- 7.13 The inclusion of the outbuilding as part of the day nursery business. The applicant has stated that the outbuilding is used for messy play activities with the garden area used for outdoor time.
- 7.14 The day nursery results in an intensification of the overall site by virtue of the general noise and activity associated with the use: pedestrian and vehicle movements associated with staff and customers arriving and leaving, associated servicing, deliveries and general commercial activity throughout the day, in addition to the noise and activity associated with up to 20 children playing and using the site, which is out of character with the residential amenity and character of the area. As a consequence, it is considered that the change of use is harmful to the character of the dwellinghouse and surrounding area, contrary to Policies CSPT22 and PMD2 of the Core Strategy and the NPPF.

### III. NEIGHBOUR AMENITY IMPACT

- 7.15 Policy PMD1 of the Core Strategy states that development or a use will not be permitted where it would have an unacceptable impact on the amenity of neighbouring occupiers or the amenity, health or safety of future occupiers of the site.
- 7.16 The nursery would, if permitted, operate from 7:00am to 6.30pm Monday to Friday throughout the year. The scale of the business (which could accommodate up to 20 children and 6 members of staff using all of the site) is considered to represent an

unacceptable level of intensification of the use of the site. In particular, the vehicle movements associated with drop-off and collection for up to 20 children would be significant.

- 7.17 The use of the ground floor rooms of the dwellinghouse, the outbuilding and garden area for the day nursery use result in associated noise impacts from the nursery business throughout the day which is harmful to neighbouring residential properties, particularly in the summer months.
- 7.18 Given the complaints from local residents arising from the existing operation of the nursery, and of the outbuilding in particular, the peace and quiet of the residential area is being impacted upon by the use. Any further intensification of use of the site would further negatively impact upon the residential amenities of the immediate locality. It is considered that the change of use is therefore harmful to neighbour amenity contrary to Policy PMD1 of the adopted Core Strategy and the proposed expanded use desired by the applicant would be even more harmful.

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

- 7.19 Policy PMD2 of the Core Strategy relates to the design and layout of all components of a development and indicates that all development should allow safe and easy access while meeting appropriate standards.
- 7.20 Policy PMD8 of the Core Strategy concerns parking standards for new development proposals. The policy requires all development to provide a sufficient level of parking and to ensure that parking is accessible.
- 7.21 Policy PMD9 of the Core Strategy aims to ensure access to all sites is suitable. In relation to the current proposal the policy requires that development ensures that road safety is not compromised.
- 7.22 The applicant has provided a parking layout indicating that there are 6 off street parking spaces on the frontage in addition to the garage, resulting in a total of 7 parking spaces on the site.
- 7.23 Off street parking provision would be required for both the residential use and the day nursery use. The parking standard for a day nursery is 1 space per full time staff and drop off/pick up facility.
- 7.24 Assuming the nursery business operates at capacity, this would result in a need for 6 car parking spaces for the staff, plus a drop-off and pick-up area for those collecting their children, as well as 3 parking spaces required for the main use of the dwelling as a residential property, resulting in a requirement for 9 parking spaces plus drop-

off area and cycle storage in order to comply with Council parking standards.

- 7.25 It is likely that the site could provide a maximum provision of 6 off street parking spaces excluding the garage space, resulting in a shortfall of 3 spaces in addition to the lack of any drop-off or pick-up area contrary to Policy PMD8. This would be likely result in cars parking on the public highway on Branksome Avenue, to the detriment of pedestrian and highways safety.
- 7.26 It is also noted that the site currently has a single formal vehicle access, with the second access being informally used without the benefit of a dropped kerb. The applicant has submitted an application to the Council's Highway team to seek consent for a second vehicle access. At the time of this report, that application is at early stages and it is not known whether the access would be acceptable.
- 7.27 There is consequent concern relating to the manoeuvring on to and out of the site via this informal access. There is concern that some of the spaces proposed would be awkward to access resulting in impact on the free and safe flow of traffic in Branksome Avenue. In addition, if a new access were to be installed, this could potentially lead to the loss of some parking spaces. The existing access and parking layout is therefore unacceptable and contrary to Policy PMD2.
- 7.28 As a result of the lack of adequate off-street parking provision for the application, and the informal vehicle access arrangements, the parking layout cannot be accessed safely and is deficient in level of provision which would result in further parking on the highway which has an adverse impact upon highway and pedestrian safety in the vicinity of the site further suggesting a failure to comply with Policies PMD2, PMD8 and PMD9 resulting in harm to the wider area.

## **8.0 CONCLUSIONS AND REASONS FOR REFUSAL**

- 8.1 The application seeks permission for the change of use to a dual use as a C3 dwellinghouse and E(f) day nursery use. The application would not conflict with Policy CSTP12 in principle, however, it is important to give careful consideration to the impact of the business upon the residential amenity of the location. Owing to the intensity of the proposal it is considered to be an unacceptable intensification of the use of the site which is harmful to the character of the residential area and harmful to neighbour amenities. The associated vehicle movements and lack of adequate off street parking and suitable access arrangements are also considered to result in concerns relating to highway safety. The existing level of use and proposed level of use would be harmful to nearby residents.
- 8.2 The application is recommended for refusal for these reasons.

- 8.3 As the use is taking place and there is a current enforcement complaint under investigation consideration will need to be given in relation to enforcement action. In the event the application is refused, planning enforcement action will follow to remedy this breach of planning control.

## 9.0 RECOMMENDATION

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

1. The day nursery results in an intensification of the use of the overall site by virtue of the general noise and activity associated with the day nursery activity: pedestrian and vehicle movements associated with staff and customers arriving and leaving, servicing, deliveries and general commercial activity throughout the day, in addition to the noise and activity associated with up to 20 children playing and using the site. This is out of character with the residential character of the area. The application is therefore contrary to Policies CSPT22 and PMD2 of the adopted Thurrock Local Development Framework Core Strategy and Policies for the Management of Development (as amended 2015) and the National Planning Policy Framework 2019.
2. The day nursery, by reason of the extensive use of the dwelling, the rear garden area and outbuilding, the vehicle drop-off and pick-ups and the associated noise and activity impacts throughout the day, is considered harmful to neighbouring residential amenity. The application is therefore contrary to Policy PMD1 of the adopted Thurrock Local Development Framework Core Strategy and Policies for the Management of Development (as amended 2015).
3. By reason of a lack of parking, and inadequate access arrangements the day nursery use results in awkward vehicle manoeuvring and parking on the highway which has an adverse impact upon highway and pedestrian safety in the vicinity of the site contrary to Policies PMD2, PMD8 and PMD9 of the adopted Thurrock Local Development Framework Core Strategy and Policies for the Management of Development (as amended 2015) and the National Planning Policy Framework 2019.

### **Documents:**

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

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

