

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 **10 June 2021**

**Council Chamber, Civic Offices, New Road, Grays, Essex, RM17 6SL**

Due to current government guidance on social-distancing and the COVID-19 virus, there will be limited seating available for the press and members of the public to physically attend council meetings. These seats will be prioritised for registered speakers which will be one seat per speaker. Anyone wishing to attend physically should email [direct-democracy@thurrock.gov.uk](mailto:direct-democracy@thurrock.gov.uk) to book a seat.

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### Membership:

Councillors Tom Kelly (Chair), Steve Liddiard (Vice-Chair), Gary Byrne, Colin Churchman, Mike Fletcher, James Halden, Terry Piccolo, Georgette Polley and Lee Watson

Steve Taylor, Campaign to Protect Rural England Representative

### Substitutes:

Councillors Qaisar Abbas, Abbie Akinbohun, Susan Little, Bukky Okunade and Elizabeth Rigby

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### Agenda

Open to Public and Press

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To approve as a correct record the minutes of the Planning Committee meeting held on 22 April 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** 13 - 20

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### **8 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).

**9 20/00430/FUL - Coach Park, Pilgrims Lane, North Stifford, Grays, Essex, RM16 5UZ** 27 - 42

**10 20/00592/OUT - The Springhouse, Springhouse Road, Corringham, Essex, SS17 7QT** 43 - 92

**11 20/01709/FUL - Land to rear of Bannatynes Sports Centre, Howard Road, Chafford Hundred, Grays** 93 - 132

**12 20/00284/OUT - Land West of Lytton Road, River View, Chadwell St Mary, Essex** 133 - 164

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**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: **2 June 2021**

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

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

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# 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 22 April 2021 at 6.00 pm

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

Steve Taylor, Campaign to Protect Rural England Representative

**Apologies:** Councillor Gary Byrne

**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  
Ian Harrison, Principal Planner  
Julian Howes, Senior Highway Engineer  
Lucy Mannion, Senior Planning Officer  
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.

**115. Minutes**

The Chair informed Members that 20/00430/FUL had been moved to a later Committee date at the request of the Applicant.

The minutes of the Extraordinary Planning Committee Meeting held on 25 February 2021 were approved as a true and correct record.

The minutes of the Planning Committee Meeting held on 18 March 2021 were approved as a true and correct record.

**116. Item of Urgent Business**

There were no items of urgent business.

**117. Declaration of Interests**

There were no declarations of interest.

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

The Chair declared on behalf of the Committee that correspondence had been received from the Applicant for 21/00205/HHA. Councillor Shinnick declared that she had received correspondence from a resident in regards to 21/00205/HHA. Councillor Rice declared that he had received correspondence in regards to 21/00156/FUL.

**119. Planning Appeals**

Members were satisfied with the report.

**RESOLVED:**

**That the report be noted.**

**120. 20/01394/OUT Kemps Farm, Dennises Lane, South Ockendon, RM15 5SD (Deferred)**

The report was presented by Matthew Gallagher.

Councillor Lawrence questioned whether a road assessment had been undertaken. She also asked whether there had been concerns with footpaths in a previous approved application on the same site. She commented that the Council could improve the pathways around the site to make it accessible. Matthew Gallagher answered that the Applicant had been advised that a Road Safety Audit was needed which the Highways Team had not received. With regards to the previous approved application, he said that the application had also been recommended by Officers for refusal and had been approved by Members. He explained that the issue with the current site was the pedestrian link to the nearest amenities in that there was no footpath and it was an unlit 60mph road. He noted that the Applicant had offered a unilateral undertaking in regards to the footpath but there were still too many unresolved issues around this and involved an external party.

Julian Howes added that the site did not have good walking or cycling routes which was encouraged in developments. He said that he had walked the route of the site and would require a lot of work to be done to make the road safe and walkable such as the telegraph pole that would require relocating into a private field that the Council had no ownership of. He explained that there was a bend in the road where the visibility of vehicles were not good; hedges and ditches along the side and there were also utilities underground on the east side of the road. Permission would also be required from landowners. He said that the most important part was that the route was not lit.

Councillor Shinnick pointed out that putting a footpath on that road would be dangerous as the bend made it difficult to see other vehicles. Councillor Potter said that people would be able to see what they were buying into so had the

choice to buy or not. Councillor Rice commented that the application only required an s106 to have a footpath link from the site to the nearest shops. He said that Belhus Country Park could implement this along with lighting which the Applicant could put financial contributions towards it.

Matthew Gallagher explained that there were existing footpaths within Belhus Country Park but there was difficulty getting to these from the site entrance. With the issue of lighting, he stated that the management of Belhus Country Park would eventually be handed over to a charity trust and introducing lighting in the park would be inappropriate due to the issues of the park being a nature conservation site as well as being in the Green Belt. He said that an s106 could not be relied upon for lighting as it involved an external party and that the Applicant also had no interest in this.

Steve Taylor commented that it was dangerous to walk along that road and across it so access was an issue. He said that the pathways were out of the control of the Applicant and the Council. The Chair said that the site was remote but it gave an element of safety which some people preferred. He pointed out that people had the choice to buy or not. Councillor Rice said that the application should be approved as the Council had no 5 year housing supply; the scheme was carbon neutral that aligned with the Council's climate change commitment; Thurrock was a national growth hub; and the site was a 12 minute walk to the station with a proposed footpath in Belhus Country Park. He said that self-build homes were needed and that the footpath issues could be overcome with an s106. He noted that the site had heritage assets but pointed out that these were about 400 yards away and the site was by the M25 so could not see the harm.

Matthew Gallagher explained that the heritage assets were within the site with one being 30 metres away. He pointed out that an s106 for this application could not request that lighting be put on another site.

Councillor Shinnick proposed the Officer's recommendation to refuse and the Vice-Chair seconded.

**FOR:** (2) Councillors Mike Fletcher and Sue Shinnick.

**AGAINST:** (6) Councillors Tom Kelly, Colin Churchman, Angela Lawrence, David Potter, Gerard Rice and Sue Sammons.

**ABSTAINED:** (0)

Leigh Nicholson referred Members to the Constitution, Chapter 5, Part 3, para. 7.2. He reminded Members that the Officer's three reasons given for refusing the application in the report needed to be addressed by Members.

Councillor Rice said the harm to the Green Belt was recognised and proposed an alternative recommendation to approve the application for the following reasons:

1. The Council did not have a five year housing land supply or a 20% buffer – substantial weight.
2. The scheme was carbon neutral and provided custom build homes – moderate weight.
3. Thurrock was a national growth hub – substantial weight.
4. The development would be a 12 minute walk to the train station and local shops once the footpath was in place through the country park so it was sustainable and would be met through the Applicant's unilateral undertaking.

Referring to the Officer's three reasons of refusing the application, the Chair said that Councillor Rice's given reasons addressed Officer's first refusal reason. In regards to Officer's second refusal reason, the Chair said that the site's location gave people a choice of where they could live and referred to previously approved applications with similar remote site locations. In regards to Officer's third refusal reason, the Chair said that the site was enclosed and close to the M25 so the impact to the heritage assets were limited and not a 360 degree impact. He added that another previously approved application on the same site would have had similar heritage asset issues and had been approved.

Leigh Nicholson explained that if Members were minded to approve the application, the decision made would follow the usual procedure of referral to the Monitoring Officer, then drafting of s106 conditions with the Chair; and then referral to the Secretary of State.

Councillor Rice proposed the alternative recommendation to approve and was seconded by the Chair.

**FOR:** (6) Councillors Tom Kelly, Colin Churchman, Angela Lawrence, David Potter, Gerard Rice and Sue Sammons.

**AGAINST:** (2) Councillors Mike Fletcher and Sue Shinnick.

**ABSTAINED:** (0)

**121. 20/00430/FUL Coach Park, Pilgrims Lane, North Stifford, Grays, Essex, RM16 5UZ**

This item was moved to a later Committee date at the request of the Applicant.

**122. 21/00156/FUL Woodlands Koi Farm, South Avenue, Langdon Hills, Essex, SS16 6JG**

The report was presented by Lucy Mannion.

Referring to the unlawful building, the Vice-Chair sought clarification on which part of the building was unlawful and whether the proposal included the unlawful building. He also mentioned that properties in the area appeared to

have taller buildings and that the current proposal would not look out of place. Lucy Mannion answered that over two thirds of the building was unlawful and that a part of it had been there for over ten years which was also now unlawful due to be joined to the unlawful additions. She said that the proposal included the unlawful building but the proposal was proposing a building that was a lot larger than what was allowed. She explained that the other properties in the area had Permitted Development Rights (PDR) but due to the 2008 planning permission, the property had its PDR removed.

The Committee discussed a previous application from 2019 on the same site which had been granted planning permission to build a building to run the Applicant's business. Members sought further details. Lucy Mannion explained that the application from 2019 had been separate and on a different part of the site. She said that the building granted in that application had not been built yet.

The Chair asked whether the unlawful building would remain if the application was refused. He also asked if there were personal circumstances attached to the application and whether conditions had been drafted. Lucy Mannion answered that the unlawful building would become an enforcement issue if the application was refused. She said that the Applicant had provided a speaker's statement that highlighted personal circumstances and also pointed out that the family members lived 450 metres away from the site. She explained that no conditions had been drafted as the application was recommended for refusal. However, if Members were minded to approve, conditions would highlight that the building would be for family members only.

Speaker statements were heard from:

Barry Johnson, Ward Councillor in support of the application.  
John Cross, Applicant.

The Vice-Chair said that he understood the Officer's reasons for refusing the application but he felt that the Applicant had engaged with Officers to comply with the size requirements. He said that the fact that the parents were only 450 metres away was irrelevant and the parents was intending to move into a one story building and would free up a two story building which importantly, would benefit another family. He noted the Applicant's parents' age and health issues and said that these factors should be considered. He went on to say that proposed building was not a large building on the Green Belt and would have minimal harm to the Green Belt.

Councillor Lawrence said that she was minded to agree with Officer's recommendation of refusal. She went on to say that she was wary of the application due to a similar application in the past where planning permission had been granted for an add on to the property for the parents but was put into a care home shortly after. She also commented that the site had unfinished buildings from previous applications which should be completed first and then the current application could be considered thereafter. The

Chair commented that he remembered that same application and the Vice-Chair said that conditions could be implemented to prevent this.

Councillor Rice said that he was minded to approve the application as he felt it was important to look after elderly parents within one's own property. Councillor Sammons agreed and said that it was not easy to 'pop up the road every five minutes'.

Jonathan Keen highlighted that the building on the site of the proposed building was unlawful and in breach of the conditions given in a 2008 planning application which could result in enforcement action by the Council. He explained that the size of the proposed building was approximately four times larger than the smallest part of the lawful part of the building currently on site. He reminded Members that not being able to see the building did not mean that it would not impact on the Green Belt as it was a spatial issue and not a visual issue. He referred to a similar application from 2015 on the same site which had gone through an appeal and had been dismissed by the Inspectorate. The Inspectorate had noted that the annex in that application would provide accommodation for the Applicant's elderly parents but had found that the proposal would impact on the openness of the Green Belt, therefore it was a breach of national and development plan policies. Jonathan Keen said that the current application did not differ from that past application and that the proposal would result in significant harm to the Green Belt.

Steve Taylor sought further details on the buildings on the site that had been granted planning permission. He commented that the buildings could be built first; that the issue of the unlawful building should be resolved; and asked whether the building for the business could be exchanged and used as a home for the parents instead. Lucy Mannion confirmed that the buildings had not been built yet. She also referred to another previous application on the site that granted permission for a replacement house with the condition that a mobile home be on the site until the replacement house was finished which was still ongoing after 10 years. She said that the building for the business could only be used for that purpose.

Members further discussed the issue of buildings that had been granted permission but had not been built. The Chair felt that the site was 'riddled with concerns' and had an unlawful building on site. The Vice-Chair felt that approving the current application would achieve more action on the approved applications within the site. Members discussed deferring the application until the buildings, that had been granted planning permission previously, were completed. Jonathan Keen explained that there was no mechanism to ensure that these were completed and that the Applicant could not be forced to do this.

Councillor Rice proposed a site visit and was seconded by the Vice-Chair.

**FOR:** (3) Councillors Mike Fletcher, Gerard Rice, and Sue Shinnick.

**AGAINST:** (5) Councillors Tom Kelly, Colin Churchman, Angela Lawrence, David Potter and Sue Sammons.

**ABSTAINED:** (0)

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

**FOR:** (5) Councillors Tom Kelly, Colin Churchman, Angela Lawrence, David Potter and Sue Shinnick.

**AGAINST:** (3) Councillors Mike Fletcher, Gerard Rice, and Sue Sammons.

**ABSTAINED:** (0)

**123. 21/00205/HHA 28 Ashley Gardens, Stifford Clays, Grays, Essex, RM16 2LR**

The report was presented by Jonathan Keen.

The Chair noted that there were a lot of the properties on that same road had extensions and questioned if this was a common feature. He questioned whether the front dormers would impact upon the amenities of neighbouring properties. He also sought clarification on whether the proposal would impact on access issues such as guttering and result in a significant loss of light as mentioned in neighbour comments.

Jonathan Keen confirmed that the proposed extension was a common feature on these type of properties. He said that the property in the application was a detached house and had no visual issues. The proposed dormers were fairly small and would not have any harmful overlooking as it faced out onto the public side of the street. He explained that planning consent was not concerned with boundary issues but referred to the proposed plans and said that it did not look like guttering was proposed on the single story element so should not be an issue for neighbours on that side. There would also be limited impact to the loss of light as the existing property was already higher than the extension.

Speaker Statements were heard from:

Lorraine Mead, Resident in objection.  
Joyce Redsell, Ward Councillor in objection.  
Anthony Tobin, Applicant.

Members were concerned of the discrepancies mentioned in the speaker statements and that no site visit had been undertaken. Councillor Shinnick noted there was a gap between the driveways of the neighbouring properties and sought further detail.

Jonathan Keen explained that a site visit had been undertaken by the Case Officer as shown by the photos on the presentation and had considered the impacts between the neighbouring properties. He confirmed that the dormer on the north side of the elevation was on the south facing elevation of Mrs Mead's property and that a corrected site plan had been uploaded. He confirmed that there were no errors that would have caused a problem in the Officer's recommendation. Referring to Councillor Shinnick's query, he said that there would be space between the driveways on either side of the property. He explained that the previous works that had been undertaken on the property through PDR and a lawful development certificate could not be considered with this application and that only the proposal within the current application should be considered.

The Chair proposed the Officer's recommendation to approve and was seconded by Councillor Rice.

**FOR:** (7) Councillors Tom Kelly, Colin Churchman, Angela Lawrence, David Potter, Gerard Rice, Sue Sammons and Sue Shinnick.

**AGAINST:** (1) Councillor Mike Fletcher

**ABSTAINED:** (0)

**The meeting finished at 9.08 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)

<b>10 June 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, 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. Recommendation(s)

#### 1.1 To note the report.

### 2. 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. Appeals Lodged:

#### 3.1 Application No: 20/01561/HHA

Location: 22 Meadway, Grays

Proposal: Part single part two storey rear extension together with internal alterations (Revised 20/00456/HHA)

#### 3.2 Application No: 19/00151/AUNUSE

Location: The Willows Willow Farm House, New Road, Rainham

- Proposal: 13/01185/FUL application is for equestrian buildings. There is a house built there with family living in it, along with a garage and grass walkway.
- 3.3 Application No: 20/01461/HHA**
- Location: 47 Solway, East Tilbury
- Proposal: Single storey front extension and alteration to rear window
- 3.4 Application No: 20/01428/HHA**
- Location: 16 Birch Close, South Ockendon
- Proposal: Loft conversion with rear dormer and front roof lights
- 3.5 Application No: 20/01080/HHA**
- Location: Judds Farm, Harrow Lane, Bulphan
- Proposal: First storey side extension, single storey rear extension, removal of chimney stack, extension to existing loft conversion with the addition of a rear box dormer including 2no. Juliet balconies and the conversion of the garage into a habitable room.
- 3.6 Application No: 20/01298/HHA**
- Location: 23 Ridgeway, Grays
- Proposal: (Retrospective) Retention of single storey rear summerhouse used as personal gymnasium
- 3.7 Application No: 20/01632/HHA**
- Location: 6 Church Crescent, South Ockendon
- Proposal: Part two storey part single storey rear extension
- 3.8 Application No: 20/01436/HHA**
- Location: 33 Saffron Road, Chafford Hundred
- Proposal: Loft Conversion including clipped hip to gable alteration construction of rear dormer and three front facing roof lights
- 4.0 Appeals Decisions:**

The following appeal decisions have been received:

**4.1 Application No: 20/00848/FUL**

Location: 37 Sanderling Close, East Tilbury

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

Appeal Decision: Appeal Dismissed

4.1.1 The Inspector considered the main issues were the effect of the proposal on the character and appearance of the area.

4.1.2 The area consist of generally open front gardens and vehicle parking areas to the front or side of dwellings. The landscaped areas on corner plots are generally free from enclosure and where in limited cases this occurs it is in the form of low hedges, bushes or timber planting boxes.

4.1.3 The Inspector found the close boarded fence to be a visually impenetrable barrier which not only encloses part of the open landscaped area to the side of the appeal building, but also erodes the open character of this part of the residential estate. If permitted, it would introduce a visually jarring addition to the open and spacious character of the area that is at odds with the prevailing pattern of development in this locality

4.1.4 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). The appeal was dismissed on design grounds.

4.1.5 The full appeal decision can be found online.

**4.2 Application No: 20/01561/HHA**

Location: 22 Meadway, Grays

Proposal: Part single part two storey rear extension together with internal alterations (Revised 20/00456/HHA)

Appeal Decision: Appeal Dismissed

4.2.1 The Inspector found the main issue is the effect of the development on the character and appearance of the host property and the area.

4.2.2 The Inspector noted that planning permission has been granted (20/00456/HHA) for a similar extension. However, that extension was

designed to integrate with the original hipped roof slope. Therefore, whilst the appellant had indicated that permission existed for a larger version of the extension (the depth of the extension roof is reduced with the dormer) that permission cannot be implemented. As such, contrary to the appellant's position, it was not just a case of comparing the difference between the two schemes. That scheme did not represent a fallback and the proposed development must be considered in the context of the current situation, which now includes the changes to the roof.

4.2.3 The Inspector found the scale and form of the extension would create an awkward and unsympathetic integration with the existing property which together with the dormer would result in an incongruous addition which would dominate the property, failing to enhance the property or positively contribute to the character of the area.

4.2.4 It was understood by the Inspector that the appellant may have assumed, given the previous planning permission and certificate of lawful development (20/00457/CLOPUD), that both the rear extension and roof alterations would be acceptable. It was however noted that the Council did clearly indicate via an informative that both could not be carried out together. And in this case the cumulative additions would result in a visually prominent feature which would dominate the host property and be out of keeping the character of the area

4.2.5 Therefore for the reasons set out above the extension would be harmful to the character and appearance of the host property and the area in conflict with DPD policies CSTP22 and PMD2 which require high standards of design and for development to positively contribute to the character of the area.

4.2.6 The full appeal decision can be found online.

**4.3 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.

Appeal Decision: Appeal Allowed

4.3.1 The Inspector considered that the main issue of the proposal would be the effect of the development on the retail vitality and viability of the neighbourhood centre.

4.3.2 The Inspector first considered Thurrock's Core Strategy and Policies for Management of Development DPD policy CSTP7 which seeks to maintain the existing retail function of neighbourhood centres. Also the saved policy SH11 of Thurrock Borough Local Plan which does not permit changes from

A1 unless it can be demonstrated that there is no long-term demand for a retail use was also considered.

- 4.3.3 The Inspector noted that from the submitted plans the internal layout of the unit would be unchanged with just the addition of a few tables and chairs. The indicated opening hours, 7am-4pm Monday to Saturday, were considered akin to a retail use, an active frontage would be maintained, and the seating area would be limited in size. Therefore, it was considered the change to a café would be unlikely to have a detrimental impact on the vitality and viability of the neighbourhood centre as a whole.
- 4.3.4 Notwithstanding this, of material consideration is the recent changes to the Use Classes Order. The Town and Country Planning (Use Classes) (Amendment) (England) Regulations 2020, among other things, create a new 'Commercial, business and service' use class (Class E), which incorporates the previous shops (A1), financial and professional services (A2) and restaurants and Cafés (A3).
- 4.3.5 These regulations came into force on 1 September 2020. They stipulate that for any planning application submitted prior to 31 August 2020, which is relevant to this appeal, it must be determined by reference to those use classes which then applied. Nevertheless, since September 2020 a shop and café are within the same use class and therefore any change between these uses is not now development requiring planning permission.
- 4.3.6 It was concluded that whilst the change from A1 to A3 conflicts with Local Plan saved policy SH11 and CS policy CSTP7 in terms of evidence to support the change of use, material considerations in this case, and specifically the amended Use Classes Order, indicate that planning permission should be granted.
- 4.3.7 Subsequently, the appeal was allowed, however conditions were imposed in relation to the external changes.
- 4.3.8 The full appeal decision can be found online.

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

Location: 70 Whitehall Road, Grays

Proposal: Single storey rear extension.

Appeal Decision: Appeal Dismissed

- 4.4.1 The Inspector considered that the main issues of the appeal were the effect of the development on, the living conditions of the occupiers of the

neighbouring property (No.68) by virtue of overbearing impact; and the character and appearance of the host property.

4.4.2 The Inspector considered that whilst the proposed extension would have a significant depth along the shared boundary with No 68, the rear of No.68 is on higher ground than No.70, the extension would have a limited projection above the existing boundary wall and the roof of the extension would remain lower than the top of the patio doors. As such, given the difference in ground levels, and the height and design of the extension the Inspector did not find that the single storey extension would be unduly overbearing to the occupiers of the adjacent property.

4.4.3 It was noted that the application site has already been extended to the rear at all levels, and the extension would further add to the bulk and scale of the additions. In combination these additions would at ground floor have a total depth of 7m, effectively doubling the depth of the property and fully consuming the rear elevation. Furthermore, whilst the flat roof design is in general an appropriate design form and restricts the height, the significant depth of the extension and expanse of flat roof would result in an addition that would have an incongruous box like appearance to detriment of the character of the original host property. The flat roof elements of the existing property are additions and not part of the original character of the property.

4.4.4 Whilst the Inspector noted visit that other properties in the terrace have been extended, including flat roof extensions, the proposals depth is much larger than those within the area. It was also highlighted that whilst the rear of the property cannot be seen from the street, the scale of the extension would be substantial and, in the Inspector's view, would not positively respond to the host property. It was concluded that the scale and design of the extension would fail to respect and enhance the character of the original dwelling.

4.4.5 Subsequently the appeal was dismissed.

4.4.6 The full appeal decision can be found online

**4.5 Application No: 20/00604/FUL**

Location: 5 Malpas Road, Chadwell St Mary

Proposal: New dwelling to side plot adjacent to 5 Malpas Road

Appeal Decision: Appeal Dismissed

4.5.1 The Inspector considered the main issue to be the effect of the development on the character and appearance of the area.

4.5.2 Although the general design, which would be in keeping with the existing terrace was found to be acceptable, the space to the side of No.5 provided a notable break to the built form at the end of the cul de sac. The proposed

development would extend across most of the plot with a limited set back from the road. The Inspector concluded this would interrupt the street pattern and, given the slight curve to Malpas Road, it would be a prominent property creating a sense of enclosure both in views along Malpas Road and along the terrace from Ingleby Road.

4.5.3 The Inspector concluded overall, the development would not reflect the prevailing character, nor would it positively contribute to an enhancement of the area. Thus, the proposed development would harm the character and appearance of the area and would be contrary to policies PMD2, CSTP22 and CSTP23 of the Thurrock Local Development Core Strategy and Policies for Management of Development DPD which require that all proposals are of high quality design, respond to the site and its surroundings and contribute positively to the character of the area and sense of place.

4.5.4 The full appeal decision can be found online.

**5.0 APPEAL PERFORMANCE:**

	APR	MAY	JUN	JUL	AUG	SEP	OCT	NOV	DEC	JAN	FEB	MAR	
Total No of Appeals	1	4											5
No Allowed	0	1											1
% Allowed	0%	25%											20%

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

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

6.1 N/A

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

7.1 This report is for information only.

**8.0 Implications**

**8.1 Financial**

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

There are no direct financial implications to this report.

## 8.2 Legal

Implications verified by: **Tim Hallam**

**Deputy Head of Law (Regeneration) and  
Deputy Monitoring Officer**

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

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

## 8.3 Diversity and Equality

Implications verified by: **Natalie Warren**

**Strategic Lead Community Development and  
Equalities**

There are no direct diversity implications to this report.

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

None.

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

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

## 10. Appendices to the report

- None

<b>10 June 2020</b>	<b>ITEM: 7</b>
<b>Planning Committee</b>	
<b>2020/21 Planning Performance Report</b>	
<b>Wards and communities affected:</b> All	<b>Key Decision:</b> Not Applicable
<b>Report of:</b> Leigh Nicholson, Assistant Director of Planning, Transport and Public Protection	
<b>Accountable Assistant Director:</b> Leigh Nicholson, Assistant Director of Planning, Transport and Public Protection	
<b>Accountable Director:</b> Andy Millard, Director of Place	

## Executive Summary

In 2020/21 Thurrock, despite the challenges of the pandemic and unexpected changes in working practices, maintained its position as one of the fastest, most accessible and proactive planning services in the Country. Through developing strong relationships with the development industry, forward thinking and commercial awareness, the Service continues to drive investment and growth in the Borough.

This report provides Members with an overview of the past year in terms of the performance of the Service.

### 1. Recommendation:

#### 1.1 To note the report

### 2. Performance in 2020/21

- 2.1 In 2020/21, 883 planning applications were determined and 73% of those applications were approved. During the period, the Authority consistently determined application 'in time' and also maintained its position within the top 1% of Local Planning Authorities in the Country in terms of the timeliness of decisions made (339 Authorities in total).

- 2.2 The performance and approach of the Local Planning Authority continues to be one of the primary factors that developers take into account when deciding whether to invest in a particular location. Indeed, significant investment can either be attracted or deterred by these factors. Sustaining a position so high in the national tables places puts Thurrock in an extremely good position to attract investment from outside of the Borough whilst also providing homeowners and existing business within the Borough with confidence.
- 2.3 Much of the continued success of the team can be attributed to the proactive and professional culture within the Development Management Team and, in particular, the robust pre-application advice service offered.
- 2.4 Through pre-application discussions, applicants are able to hone and develop their schemes with input from the planning officer, Members and relevant teams, leading to the submission of better quality schemes that are 'right first time'. Through pre-application discussions officers and applicants are also able to negotiate head of terms for s.106 agreements prior to the submission of the application and are also able to agree conditions at an earlier stage, again providing developers with confidence and stability to make commercial decisions.
- 2.5 The service continues to work closely with local planning agents to develop new initiatives to suit the ever changing needs of the customer. Through Planning Performance Agreements (PPA's) the Planning Service allows applicants work with officers to set timescales for extensive pre-application dialogue and provision can be made for a wide range of topic specific meetings, workshops and Member briefings.

### **3. The value of planning decisions to Thurrock**

- 3.1 The economic benefit of positive planning decisions stretches well beyond initial building works. New homes and commercial development brings people, spending, council tax, business rates and drives the market to provide further development. Taking all together, the approved planning decisions made in 2020/21 translate to over £27 million to Thurrock's economy. This is a product of 91,750 sq.m of commercial floor space and 505 new jobs. Decisions of the Authority have been made to permit 877 new homes. Whilst last year's decisions will have a significant positive impact on the local economy, it should be noted that these figures are lower than recent comparative years; the global pandemic has undoubtedly impacted on the economy and build out of approved schemes. However, the number of applications received so far in 2021/2022 is well ahead of the figures for 2020/21 and the team anticipate a welcome recovery for the year going forward.

3.2 In the same period the Planning Service negotiated and secured £1,259,955 through s.106 agreements to provide essential infrastructure to mitigate the impact of new development in the Borough. These capital projects are vital in ensuring that the Borough is not burdened by new development but rather it can flourish. The s.106 agreements secured a range of packages including education provision, healthcare facilities, new recreation spaces and highway infrastructure.

#### **4. Design Quality and Place Making**

4.1 It is vital that new development in the Borough is of the highest design quality and the Planning Service is committed to shape schemes to create quality places in Thurrock and challenge schemes that do not meet the standard.

4.2 During 20120/2021 the Planning Service continued its relationship with the Design Council (formerly known as CABI) with a number of development proposals being taken through the Thurrock Design Review Panel. The design review process continues to be valuable to applicants as it exposes their schemes to a panel of industry experts who are able to help shape and refine schemes alongside the planning officers, prior to submission. Through pre- application dialogue and involvement with the Design Council, the Planning Service is demonstrably improving the quality of place and enhancing the attractiveness of Thurrock as a place to live and invest.

#### **5. Commercialisation of the Service**

5.1 During 2020/21 the Planning Service continued its Managed Service arrangement with Brentwood Borough Council, whereby the Service provides management support to Brentwood's Development Management team. The relationship has continued to be successful, resulting in an improved service at Brentwood (both in terms of quality and performance) and by providing an income stream for Thurrock which protects jobs and services locally.

5.2 Crucially, these trading opportunities offer a way by which the Service can positively contribute to the Council's wider financial Strategy, without having to cut jobs and services locally.

#### **6. Planning Enforcement**

6.1 The planning Enforcement team plays a critical part on the work of the Development Management Service. During 2020/2021 the team received 493 cases and closed 454 cases. With existing cases 'on hand' the team is currently working on circa 250 live cases.

- 6.2 Officers in the Enforcement Team play a critical role in checking allegations of breaches of planning control, assessing the harm arising and determining whether enforcement action is justifiable and whether pursuing action is in the public interest. The Planning Enforcement Officers also work collaboratively with other enforcement functions of the Council to ensure that the Council's collective powers are deployed to best effect.
- 6.3 The team seek to resolve as many cases as possible and serve Notices and take formal action only where a negotiated solution cannot be achieved.

## **7. Conclusion**

- 7.1 2020/21 saw the Planning Service continue to perform to a high level recognised by MHCLG performance tables as being amongst the very highest performing authorities in the Country. Through a modern and progressive approach to development management the team has maintained its strong track record and has secured significant investment within the Borough, contributing £27 million toward the Thurrock economy.
- 7.2 Furthermore, by championing design quality, the Service is demonstrably changing perceptions of the Borough. The track record and reputation of the Service has also created commercial opportunities to expand and strengthen the Service for the benefit of Thurrock's residents and businesses.

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

N/A

9. Impact on corporate policies, priorities, performance and community impact
- 9.1 No direct impacts arising from this report, but more widely the Service makes a significant contribution to the delivery of the Council's growth and regeneration ambitions.

## **10. Implications**

### **10.1 Financial**

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

The planning approvals in 20/21 translate to over £27 million to Thurrock's economy. In the same period, £1,259,955 was secured through s.106 agreements to provide essential infrastructure to mitigate the impact of new

development in the Borough. These capital projects are vital in ensuring that the Borough is not burdened by new development but rather it can flourish.

## 10.2 Legal

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

There are no legal implications to this report.

## 10.3 Diversity and Equality

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

There are no direct diversity implications to this report.

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

None.

## 11. 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 planning documents including application forms, drawings and other supporting documentation can be viewed online: [www.thurrock.gov.uk/planning](http://www.thurrock.gov.uk/planning).

## 12. Appendices to the report

- None

### Report Author:

Jonathan Keen

Interim Strategic Lead – Development Services

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# Agenda Item 9

Planning Committee 10 June 2021	Application Reference: 20/00430/FUL
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<b>Reference:</b> 20/00430/FUL	<b>Site:</b> Coach Park Pilgrims Lane North Stifford Grays Essex RM16 5UZ
<b>Ward:</b> Chafford And North Stifford	<b>Proposal:</b> Retrospective application for the temporary change of use of the existing coach /car park to a contractors' compound (day and night) for five years.

<b>Plan Number(s):</b>		
Reference	Name	Received
DHA_14112_10	Site Location Plan	9 <sup>th</sup> April 2020
DHA_14112_11	Existing Site Layout Plan	9 <sup>th</sup> April 2020
DHA_14112_12	Proposed Site Layout Plan	9 <sup>th</sup> April 2020

The application is also accompanied by: <ul style="list-style-type: none"> <li>Letter Dated 5 March 2021 Seeking to change the terms of the Application.</li> <li>Planning Statement – Received 9 April 2020;</li> <li>Phase 1 Contamination Assessment – Received 9 April 2020;</li> <li>Transport Assessment – Received 9 April 2020; and</li> <li>Transport Technical Note – Received 26 October 2020</li> </ul>	
<b>Applicant:</b> Mr Danny Andrews (VIP Investments Ltd)	<b>Validated:</b> 15 April 2020  <b>Extension of Time Agreed:</b> 14 June 2021
<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 Councillors Rice, Fletcher, C Kent, Worrall and Chukwu (in accordance with Part 3 (b) 2.1 (c) of the Council's constitution) because the proposal is a major development and constitutes a departure from the Development Plan.

## 1.0 DESCRIPTION OF PROPOSAL

- 1.1 The proposal seeks approval for a temporary change of use of the land at the application site from coach/car park use (sui generis use) to a contractor's compound (a different sui generis use) associated with the proposed Lower Thames Crossing and associated highway and infrastructure works. Permission is sought for a temporary period of 5 years.
- 1.2 The applicant initially sought temporary permission for a 3 year period with an expectation that there would be a requirement for the use to extend beyond that time. However, the terms of the application have subsequently been altered and an additional phase of public consultation has been undertaken on that basis.
- 1.3 No physical alterations to the site are proposed and the applicant's submissions show that permission is only sought for the change of use of land at the site. Whilst temporary structures have been introduced to the site, the application before the Council does not include those structures and, as such, the focus of this application is on the use of land only. The applicant has advised that these will be addressed under the terms of a future application that is to be submitted by Highways England rather than the applicant once the use of the site for the purposes described above has been resolved. The applicant has assessed that the terms of an application where the use has not been resolved would have to be materially different to an application that relates solely to the erection of structures at the site and, therefore, it is not prudent for the applicant to submit the application until this application has been determined.
- 1.4 The applicant has stated that the site is required by Highways England and its contractors, such as Balfour Beatty who currently use the site, due to their ongoing activities nearby connected with site investigations and works in connection with the proposed Lower Thames Crossing and the associated road and other infrastructure works. Although the use would involve a substantial element of open-air storage, substantial parts of the use would not be for purposes falling within Use Class B8 and therefore, as set out above, it is considered that the proposed use would fall outside the use classes, as defined by the Town and Country Planning (Uses Classes) Order 1987 (as amended) and be deemed to be a sui generis use.

## **2.0 SITE DESCRIPTION**

- 2.1 The site lies on the northern side of the A1306 and to the south of the A13. It is bounded by Pilgrims Lane to the east beyond which is a caravan site. To the south of the A1306 lies a Sainsbury Superstore as well as other commercial premises. To the west is a sports ground. The closest dwellinghouses to the site are those of Grifon Road, approximately 100 metres to the south east of the application site.
- 2.2 The site is covered in hardstanding, one pre-existing building that has been present at the site for a substantial period of time and the abovementioned temporary buildings that are not the subject of this application. The applicant wishes to submit an application to address those buildings separately and has indicated that an application will be submitted once the use has been resolved. Whilst some of this hardstanding appears to have been covered with soil and grass for the majority of a period of approximately 15 years between 2004 and 2019, that material has been cleared to reveal and reinstate the use of the hardstanding that is understood to have remained in place throughout. There are security fences at the boundaries of the

site and a belt of trees and hedges adjacent to the majority of those fences. The site lies within the Green Belt as designated in the Core Strategy Policies Map.

2.3 Recently installed gates at the frontage of the site that faces Pilgrims Lane are the subject of a separate application (19/01858/FUL).

**3.0 RELEVANT HISTORY**

3.1 The following table provides the relevant planning history:

Application Ref.	Description of Proposal	Decision
19/01858/FUL	Installation of security gates	Pending decision
11/50283/TTGFUL	Change of use from coach park to caravan and leisure vehicle storage park for a 3 year period	Approved
08/00349/TTGFUL	Temporary change of use for 3 years for a Sunday morning market with opening hours of 09.00 to 13.00 hours only.	Refused
04/01447/TBC	Temporary use for 5 years as a lorry park, including conversion of an existing building to provide toilets, washing/shower facilities on ground floor and offices above.	Approved
00/01052/FUL	Provision of an enclosed all weather ball court surface with floodlights plus additional car parking to take account of additional usage. Landscaping on two sides to provide partial obscurement.	Withdrawn
91/00792/FUL	Use of car/coach park as Sunday Market	Withdrawn
90/00664/FUL	3 No. Pitched Roof Bus Shelters.	Approved
90/00208/FUL	Coach car park & football pitches pavilion and management building	Approved
89/00190/FUL	Playing Field Pavilion. Management Building. Overflow Car Park and Coach Park for the Lakeside Shopping Centre.	Approved
79/01270/FUL	Relocation of old refuse in adjoining land, burial and restoration to arable land (approx 30,000m <sup>3</sup> ) (Additional plans received 25.10.79).	Approved
67/00349/FUL	Limited Industrial Rubbish Tipping	Refused
64/00850/FUL	Petrol Service Station	Refused
49/00109/FUL	Overhead Lines	Approved

**4.0 CONSULTATIONS AND REPRESENTATIONS**

PUBLICITY:

4.1 This application has been advertised by way of individual neighbour notification

letters, press advert and a site notice which has been displayed nearby.

Eight objections have been received along with an objection from the Thames Crossing Action Group which raise objections on the following grounds:

- The effect on the local highway network including increased congestion which would be greater than was previously found unacceptable in relation to other proposals at the site;
- Increased air and noise pollution;
- Inappropriate to approve works associated with the Lower Thames Crossing which, itself, has not been approved;
- Insufficient and inconsistent information has been provided in relation to the name of the applicant and occupier of the site;
- The application is retrospective, with the use having commenced earlier than stated, and additional buildings have been erected at the site;
- Allegations relating to the actions of contractors, including not following Covid-19 restrictions;
- The applicant's submissions misrepresent the number of vehicle movements that would occur and the size of those vehicles, provides inadequate details of the time when the site would be operational and, in contrast with the evidence submitted within previous applications, exaggerates the level of employment at the site;
- The application should not be considered while Covid 19 has altered the procedures of the Council;
- The site would be better used as housing;
- The effect on biodiversity has not been adequately explored.

#### 4.2 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)

#### 4.3 ANGLIAN WATER:

No comment

#### 4.4 CADENT GAS:

No objection.

4.5 EMERGENCY PLANNING:

No objection.

4.6 ENVIRONMENT AGENCY:

No Response

4.7 ENVIRONMENTAL HEALTH:

No objection subject to the imposition of a condition to control the effect of noise on residential properties.

4.8 ESSEX COUNTY COUNCIL SUDs TEAM:

No objection.

4.9 HIGHWAYS:

No objection subject to a condition to address the routing of HGVs.

4.10 HIGHWAYS ENGLAND:

Having requested the submission of additional information and clarification, no objection is raised subject to a condition relating to the preparation and implementation of a travel plan.

4.11 LANDSCAPE AND ECOLOGY:

A small area of grassed land has been removed at the southern part of the site and a line of small trees has been removed. No assessment of the ecological value of the site has been provided. A condition should be imposed to require the reinstatement of the area of grassed land.

**5.0 POLICY CONTEXT**

5.1 National Planning Policy Framework (NPPF)

The revised NPPF was published on 24<sup>th</sup> July 2018 (and subsequently updated with minor amendments on 19<sup>th</sup> February 2019). The NPPF sets out the Government's planning policies. Paragraph 11 of the Framework expresses a presumption in favour of sustainable development. This paragraph goes on to state that for decision taking this means:

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

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

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

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

- 2. Achieving Sustainable Development;
- 4. Decision-making;
- 9. Promoting sustainable communities;
- 12. Achieving well-designed places;
- 13. Protecting Green Belt land;
- 15. Conserving and enhancing the natural environment;

## 5.2 National Planning Practice Guidance (NPPG)

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

NPPG contains a range of subject areas, with each area containing several sub-topics. Those of particular relevance to the determination of this planning application include:

- Air quality
- Before submitting an application
- Consultation and pre-decision matters
- Design
- Determining a planning application
- Fees for planning applications
- Flood risk and coastal change
- Green Belt
- Land affected by contamination
- Light pollution
- Making an application
- Natural environment
- Noise
- Transport evidence bases in plan making and decision taking
- Travel Plans, Transport Assessments and Statements
- Use of planning conditions

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

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

Overarching Sustainable Development Policy:

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

Spatial Policies:

- CSSP3: Sustainable Infrastructure
- CSSP4: Sustainable Green Belt

Thematic Policies:

- CSTP14: Transport in the Thurrock Urban Area: Purfleet to Tilbury
- CSTP15: Transport in Greater Thurrock
- CSTP16: National and Regional Transport Networks
- CSTP19: Biodiversity

- CSTP22: Thurrock Design
- CSTP23: Thurrock Character and Distinctiveness
- CSTP27: Management and Reduction of Flood Risk

#### Policies for the Management of Development

- PMD1: Minimising Pollution and Impacts on Amenity
- PMD2: Design and Layout
- PMD6: Development in the Green Belt
- PMD7: Biodiversity, Geological Conservation and Development
- PMD8: Parking Standards
- PMD9: Road Network Hierarchy
- PMD10: Transport Assessments and Travel Plans
- PMD15: Flood Risk Assessment

#### 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 and impact on the Green Belt.
- II. Traffic Impact, Access and Car Parking
- III. Design and Layout
- IV. Other Matters

## I. PRINCIPLE OF THE DEVELOPMENT

- 6.2 Under this heading, it is necessary to refer to the following key questions:
1. Whether the proposals constitute inappropriate development in the Green Belt;
  2. The effect of the proposals on the open nature of the 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 (VSC) necessary to justify inappropriate development.
1. Whether the proposals constitute inappropriate development in the Green Belt
- 6.3 The site is identified on the Core Strategy Proposals Map as being within the Green Belt where policies CSSP4 and PMD6 apply. Policy CSSP4 identifies that the Council will 'maintain the purpose function and open character of the Green Belt in Thurrock', and Policy PMD6 states that the Council will 'maintain, protect and enhance the open character of the Green Belt in Thurrock'. These policies aim to prevent urban sprawl and maintain the essential characteristics of the openness and permanence of the Green Belt to accord with the requirements of the NPPF.
- 6.4 Paragraph 133 within Chapter 13 of the NPPF states that the Government attaches great importance to Green Belts and that the "fundamental aim of Green Belt policy is to prevent urban sprawl by keeping land permanently open; the essential characteristics of Green Belt are their openness and their permanence." Paragraph 143 states that "inappropriate development is, by definition, harmful to the Green Belt and should not be approved except in very special circumstances."
- 6.5 Paragraph 146e) of the NPPF identifies that developments involving the material change of use of land are not inappropriate development in the Green Belt subject to the development not having a greater impact on the openness of the Green Belt. Policy PMD6 aligns with the NPPF and sets out further requirements for particular developments which are not directly relevant to this proposal. Consequently, the use of those parts of the site that have retained hardstanding at all times, albeit covered with soil and grass for some time, as a contractor's compound does not represent inappropriate development in the Green Belt provided that the openness of the Green Belt is preserved.
- 6.6 Consequently, subject to an assessment of the effect of the development on the openness of the Green Belt and whether the proposal aligns with the purposes of the Green Belt, it can be deemed that the development is not 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.
- 6.7 The planning history of the site indicates that the site has formerly been used for the parking of vehicles of various sizes and, although aerial photographs indicate that an

area of grassed land was introduced between 2003 and 2005, the whole of the site has previously been developed and laid to hardstanding. Although the site appears to have been used at a limited intensity, the site can be used lawfully for the parking of cars and coaches and, as such, vehicles and associated facilities could spread across the site. Although it is understood that the site has rarely been used intensively for those purposes, that remains the lawful use of the site and, in comparison, the use of the site as a constructor's compound has little effect on the spatial openness of the Green Belt.

- 6.8 The site is bordered by tall soft landscaping at its boundaries but this does not prevent views into the site being possible from the public domain. Although some items kept at the site may be visible from public vantage points, these views would be limited and, as such, the effect on the visual openness of the Green Belt would also be minimal in comparison to the how the site could lawfully be used.
- 6.9 In this regard, it is appropriate to reiterate that the temporary structures that have been installed at the site are not part of this application and, as such, any consideration of their effect on openness should be reserved for that time when an application is made in respect of those structures. As the contractors utilising the site may change, the structures required at the site may change. In this regard, the applicant has verbally advised that intend to submit an application as soon as possible and it is anticipated that an update on this will be able to be provided prior to the determination of the application.

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

- 6.10 For the reasons set out above, it is considered that the development does not constitute inappropriate development in the Green Belt, does not cause an increased effect on openness in comparison to the lawful use of the site and does not bring about harm that would conflict with the purposes served by the Green Belt. Accordingly, it is not necessary to assess whether very special circumstances exist.

## II. TRAFFIC IMPACT, ACCESS AND CAR PARKING

- 6.11 The applicant has provided a Transport Technical Note which identifies that the lawful use of the site for purposes akin to a park and ride system would have enabled a potential 380 and 406 vehicle trips in the morning and evening peaks and 1,714 trips between 07.00 and 19.00. The applicant undertook traffic counts when the site was operational at 40% of its potential capacity and it was found that there were 29 and 37 vehicle movements in the morning and evening peaks and 343 vehicle movements between 07.00 and 19.00. Expanding this level of use to a potential situation where the current use occurs at its capacity, the applicant has identified that this could cause 73 and 93 vehicle trips in the morning and evening peaks and 858 movements between 07.00 and 19.00.

- 6.12 Highways England have been consulted in relation to the effect of the development on the Strategic Road Network and they have identified that, subject to the imposition of a condition requiring the agreement and implementation of a travel plan, the proposal would not have a detrimental effect on that network. Moreover, Thurrock Council's Highway Engineers have identified that a condition can be imposed to ensure that the routing of the traffic associated with the use would not have an unacceptable effect on the local road network. The imposition of such a condition and the temporary nature of the proposal, are considered to be satisfactory grounds to conclude that the proposal would not have an unacceptable effect on traffic flow or highway safety.
- 6.13 For these reasons, the effect on the highway network is considered to be acceptable. The development, therefore, accords with policies CSTP14, CSTP16, PMD9 and PMD10 of the Core Strategy and paragraph 109 of the NPPF which 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.

### III. DESIGN AND LAYOUT

- 6.14 Permission is not sought for any building or engineering operations. In this regard, the additional temporary structures that have been erected at the site and the installation of gates at the site frontage can be assessed under the terms of separate applications. The applicant has indicated that different contractors may have differing requirements in respect of the buildings and therefore intends to address them separately. As set out above, the applicant has advised that an application for the existing structures at the site will be forthcoming imminently.
- 6.15 When assessed in isolation, the use of the site has no effect on the character and appearance of the area other than through the presence of vehicles and construction materials at the site. As set out above, the effect of this on the character and appearance of the site would be reduced by the screening at the boundaries of the site. Therefore, from the surrounding public highways, the effect on the visual amenity of the wider area is minimal. The development, therefore, accords with policies CSTP22, CSTP23 and PMD2 of the Core Strategy and paragraphs 124 and 127 of the NPPF.

### IV. EFFECT ON RESIDENTIAL AMENITY

- 6.16 As set out above, the site is a substantial distance from the nearest residential properties and the Council's Environmental Health Officer has raised no objection subject to the imposition of a condition relating to the effect of noise generated by traffic movements associated with the use of the site. However, it is not considered

that the traffic generated by the use of the site would be unusual in comparison to the traffic that already utilises the roads around site and, as such, it would not be reasonable or enforceable to impose a condition to that effect. The development proceeding without such a condition would not result in noise being imposed upon nearby residents to an extent that would be unacceptable or provide reasonable grounds for the refusal of the application. The proposal would have no other effects on the living conditions of nearby residents that would justify the refusal of the application.

## V. OTHER MATTERS

- 6.17 The Council's Landscape and Ecology Advisor has identified that the clearance of grassed land at the site, thereby reinstating the hardsurfacing which existed at the site prior to 2004, has caused a reduction of biodiversity and ecological value at the site as well as the loss of a string of a small trees that are of minimal visual amenity value. Although an assessment of the ecological value of the site has not been provided, neither is there any evidence available that the site was of value in these respects. Furthermore, there is no evidence available that demonstrates that the clearance of the grass and soil above the hardstanding required works that constituted an engineering operation as opposed to site clearance and, as such, it is not apparent that these works could not have occurred without the need for planning permission. For the same reasons, it is not considered necessary to require the reinstatement of the grassed area after the permission has expired.
- 6.18 Given the extensive area of hardstanding that has existed at the site for a substantial period, it is not considered that the change of use of the site has increased the risk of flooding at the site or within the wider area. Furthermore, as the use is of a temporary nature, it is considered that it would be unreasonable to require any surface water drainage improvements to be introduced to the site.

## 8.0 CONCLUSIONS AND REASONS FOR RECOMMENDATION

- 8.1 For the reasons set out above, it is considered that the proposal would not represent inappropriate development and, whilst the vehicle movements associated with the use would be likely to have an effect on the local and strategic highway network, those movements are likely to occur in the network whether or not this application is approved and it is considered that this site being used as a base for the contractors of Highway England would have a limited impact in all respects in comparison to the potential use of other sites within the Borough. Consequently, it is considered that the use can be found acceptable on a temporary basis.

## 9.0 RECOMMENDATION

- 9.1 The Committee is recommended to grant planning permission subject to the following planning conditions:

### **TEMPORARY PLANNING PERMISSION**

1. The use hereby permitted shall be discontinued and the land restored to its condition immediately prior to the development authorised by this permission on or before 14 June 2026 in accordance with a scheme of work previously submitted to and approved in writing by the local planning authority on or before 14 June 2026 unless before that date a formal planning application for the continuation of such use has been approved by the local planning authority.

**Reason:** To reflect the terms of the permission, ensure that the effects of the development on the Green Belt, local and strategic highway network and general amenity of the area are temporary in nature and to ensure that the site is restored to its former condition.

### **TRAVEL PLAN**

2. The use hereby permitted shall cease and all equipment and materials brought onto the land for the purposes of such use shall be removed within 28 days of the date of failure to meet any one of the requirements set out in (i) to (iv) below:-
- i. within 2 months of the date of this decision a Workplace Travel Plan shall have been submitted for the written approval of the local planning authority. This shall include details of who shall be the Travel Plan co-ordinator, evidence of Travel Surveys having been undertaken and to be undertaken subsequently, details of measures to be taken to encourage walking, cycling, use of public transport and reduce car travel by staff, details of the monitoring and review of the Travel Plan and a programme for implementation.
  - ii. if within 6 months of the date of this decision the local planning authority refuse to approve the scheme or fail to give a decision within the prescribed period, an appeal shall have been made to, and accepted as validly made by, the Secretary of State.
  - iii. if an appeal is made in pursuance of (ii) above, that appeal shall have been finally determined and the submitted scheme shall have been approved by the Secretary of State.
  - iv. the approved scheme shall have been carried out and completed in accordance with the approved timetable.

**Reason:** To encourage the use of sustainable modes of transport and reduce the effect of the development on local and strategic highway network as far as practical for the duration of the permission in accordance with Policies CSTP14, CSTP16, PMD9 and PMD10 of the Thurrock Local Development Framework Core Strategy and Policies For Management of Development (as amended) 2015.

### **BUILDINGS**

3. The use hereby permitted shall cease and all equipment and materials and buildings brought onto the land for the purposes of such use shall be removed within 28 days of the date of failure to meet any one of the requirements set out in (i) to (iv) below:-
- i. within 2 months of the date of this decision a valid planning application for any existing buildings that are not lawful and any future buildings shall have been submitted for the written approval of the local planning authority.
  - ii. if within 6 months of the date of this decision the local planning authority refuse to approve the scheme or fail to give a decision within the prescribed period, an appeal shall have been made to, and accepted as validly made by, the Secretary of State.
  - iii. if an appeal is made in pursuance of (ii) above, that appeal shall have been finally determined and the submitted scheme shall have been approved by the Secretary of State.
  - iv. the approved scheme shall have been carried out and completed in accordance with the approved timetable.

**Reason:** To ensure the scheme does not harm the character and visual amenities of the area and Green Belt in accordance with Policies PMD2, PMD6 and CSTP22 of the Thurrock Local Development Framework Core Strategy and Policies For Management of Development (as amended) 2015.

#### **HGV ROUTING**

4. The use hereby permitted shall cease and all equipment and materials brought onto the land for the purposes of such use shall be removed within 28 days of the date of failure to meet any one of the requirements set out in (i) to (iv) below:-
- i. within 2 months of the date of this decision a scheme detailing the routing of HGV movements and the minimisation of the use of local of by HGVs shall have been submitted for the written approval of the local planning authority.
  - ii. if within 6 months of the date of this decision the local planning authority refuse to approve the scheme or fail to give a decision within the prescribed period, an appeal shall have been made to, and accepted as validly made by, the Secretary of State.
  - iii. if an appeal is made in pursuance of (ii) above, that appeal shall have been finally determined and the submitted scheme shall have been approved by the Secretary of State.

The approved scheme shall have been carried out and completed in accordance with the approved timetable.

**Reason:** To minimise the effect of traffic associated with the development on the local highway network as far as practical for the duration of the permission in accordance with Policies CSTP14, PMD9 and PMD10 of the Thurrock Local Development Framework Core Strategy and Policies For Management of Development (as amended) 2015.

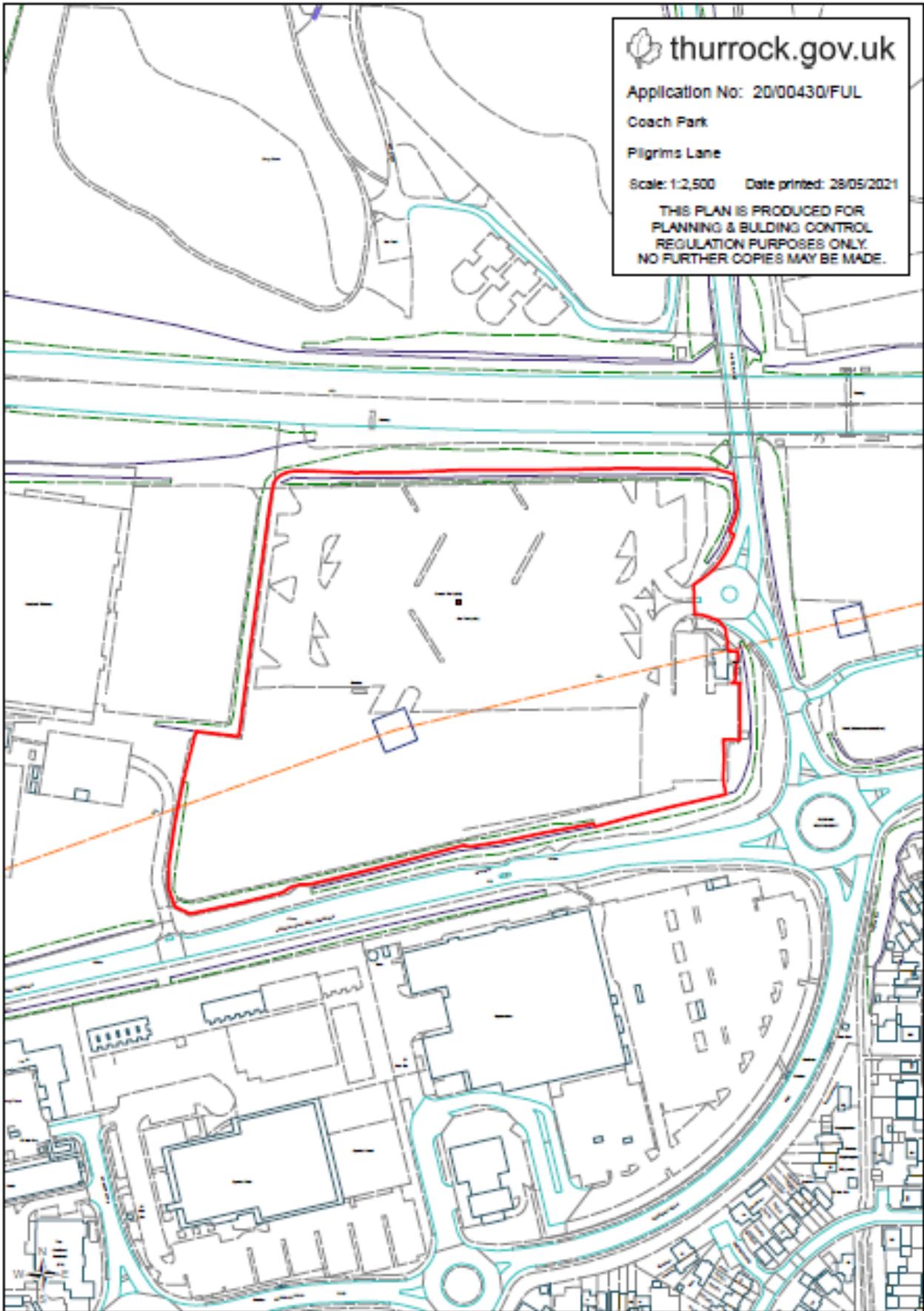
**Positive and Proactive Statement:**

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

**Documents:**

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

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



<b>Reference:</b> 20/00592/OUT	<b>Site:</b> The Springhouse Springhouse Road Corringham Essex SS17 7QT
<b>Ward:</b> Stanford East And Corringham	<b>Proposal:</b> Outline application for the construction of 4no. blocks of residential dwellings (95 units) with associated access roads and parking, one block to include a gym (D2) at ground floor level. Erection of new sports and social club (D2) with associated facilities including bowls pavilion, bowling green and petanque terrain and associated facilities including parking. Formation of two vehicular access points following the removal of existing vehicular access points. Demolition of existing sports club, all associated buildings and removal of hardstanding. To include determination of the matter of access, layout and scale (matters relating to appearance and landscaping reserved).

<b>Plan Number(s):</b>		
Reference	Name	Received
338.D	Proposed Street Scene Locations Plan	11th December 2020
339.B	Proposed Street Scenes A and E	22nd May 2020
340.B	Proposed Street Scenes B and F	22nd May 2020
341.C	Proposed Street Scenes C and G	11th December 2020
342.B	Proposed Street Scene D	22nd May 2020
000.G	Location Plan	11th December 2020
001.C	Existing Site Plan	15th December 2020
002.H	Proposed Block Plan	15th December 2020
004.I	Proposed Site Plan including Ground Floor Plans	11th December 2020
007.D	Proposed Site Plan Public Space and Connectivity	11th December 2020
101.B	Existing Floor Plans	22nd May 2020
102.B	Existing Front and Side Elevations	22nd May 2020
103.B	Existing Side and Rear Elevations	22nd May 2020
104.B	Existing Elevations	22nd May 2020
302.B	Proposed Sports Club First Floor Plans	22nd May 2020
303.B	Proposed Sports Club Roof Plans	22nd May 2020
304.C	Proposed Front and Side Elevations	11th December 2020

306.B	Proposed Section and Side Elevations	22nd May 2020
307.B	Proposed Ground Floor Plan Block A	22nd May 2020
308.B	Proposed First Floor Plan Block A	22nd May 2020
309.B	Proposed Second Floor Plan Block A	22nd May 2020
310.B	Proposed Third Floor Plan Block A	22nd May 2020
311.B	Proposed Fourth Floor Plan Block A	22nd May 2020
312.B	Proposed Rear and Side Elevations	22nd May 2020
313.B	Proposed Front and Side Elevations	22nd May 2020
315.D	Proposed Ground Floor Plan Block B	11th December 2020
316.B	Proposed First Floor Plan Block B	22nd May 2020
317.B	Proposed Second Floor Plan Block B	22nd May 2020
318.B	Proposed Roof Plan Block B	22nd May 2020
319.C	Proposed Basement Floor Plan Block B	15th December 2020
320.B	Proposed Rear and Side Elevations	22nd May 2020
321.B	Proposed Front and Side Elevations	22nd May 2020
323.B	Proposed Ground Floor Plan Block C	22nd May 2020
324.B	Proposed First Floor Plan Block C	22nd May 2020
325.B	Proposed Second Floor Plan Block C	22nd May 2020
326.B	Proposed Third Floor Plan Block C	22nd May 2020
327.B	Proposed Roof Plan Block C	22nd May 2020
328.B	Proposed Rear and Side Elevations Block C	22nd May 2020
329.B	Proposed Front and Side Elevations Block C	22nd May 2020
331.E	Proposed Ground Floor Plan Block D	11th December 2020
332.B	Proposed First Floor Plan Block D	22nd May 2020
333.B	Proposed Second Floor Plan Block D	11th December 2020
334.B	Proposed Roof Plan Block D	22nd May 2020
335.B	Proposed Front and Side Elevations Block D	22nd May 2020
336.B	Proposed Rear and Side Elevations Block D	22nd May 2020
305.C	Proposed Sports Club Rear and Side Elevations	28th July 2020
301.E	Proposed Sports Club Ground Floor Plans	11th December 2020
191970-001 Rev E	Proposed Access Plans	20th August 2020
005	Pitch Diagram	15th December 2020
006	Existing Changing Rooms	15th December 2020
105	Existing Sports Club Elevations	15th December 2020

The application is also accompanied by:

- Arboricultural Impact Assessment
- Flood Risk Assessment Ref 191970-03 Rev A
- Preliminary Ecological Appraisal
- Supporting Design Document
- Affordable Housing Statement
- Framework Travel Plan Ref 191970-05
- Health Impact Statement
- Non-adoptable lighting
- Transport Assessment Ref 191970-02
- FA Pitch and Goalpost Dimensions (Metric)
- Response to Sports England Consultation
- Transport Technical Note Ref 191970-06
- Designer’s Response – Stage 1 Road Safety Audit Ref 191970-07
- Road Safety Audit Stage 1

**Applicant:**

Mr Rugg and Lowe

**Validated:**

11 June 2020

**Date of expiry:**

30 June 2021 (Extension of Time agreed with agent)

**Recommendation:** Approve subject to conditions and a s106 agreement

This application has been called in to be determined by the Planning Committee by Cllr Worrall, Cllr Rice, Cllr Holloway, Cllr Fletcher and Cllr Shinnick in accordance with the Constitution Chapter 5, Part 3 (b), 2.1 (d) (i) to examine Green Belt issues and to consider buildings on green fields.

This application was not determined at the 7 January 2021 Planning Committee Meeting in order to allow for Members of the Planning Committee to undertake a site visit and have opportunity to look into the details of the site and view the access and junction onto Springhouse Road. The committee site visit will be arranged prior to the Committee Meeting.

**1.0 DESCRIPTION OF PROPOSAL**

- 1.1 This is an application for outline planning permission to determine access, layout and scale with matters relating to appearance and landscaping forming the reserved matters.
- 1.2 The description of development explains that the proposal is for the construction of 4no. blocks of residential dwellings totally 95 units with associated access roads and

parking. One of these blocks (Block D) would include gym (D2) at ground floor level. The proposal would also include the erection of new sports and social club (D2) with associated facilities including bowls pavilion, bowling green and petanque terrain and associated facilities including parking. There would be two new vehicular access points to serve the development following the removal of existing vehicular access points. The existing sports club and all associated buildings would be demolished and the existing hardstanding removed. This application includes the determination of the matters of access, layout and scale with matters relating to appearance and landscaping reserved.

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

<b>Site Area (Gross)</b>	1.7ha						
<b>Height (max)</b>	Block A 13.2m Block B 11.6m Block C 13.2m Block D 11.6m Sports Club 9.5m						
<b>Units (All)</b>	<b>Type (ALL)</b>	<b>1-bed</b>	<b>2-bed</b>	<b>3-bed</b>	<b>4-bed</b>	<b>5-bed</b>	<b>TOTAL</b>
	Apartments	55	40	0	0	0	95
	<b>TOTAL</b>	<b>55</b>	<b>40</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>95</b>
<b>Affordable Units</b>	<b>Type (ALL)</b>	<b>1-bed</b>	<b>2-bed</b>	<b>3-bed</b>	<b>TOTAL</b>		
	Apartments	22	12	0	34		
	<b>TOTAL</b>	<b>22</b>	<b>12</b>	<b>0</b>	<b>34</b>		
<b>Sport Club Floorspace</b>	Club Area 1,032m <sup>2</sup> Club Restaurant and Kitchen Area 480m <sup>2</sup> Gym Area 236m <sup>2</sup> Studio Area 150m <sup>2</sup> Bowls Club Pavilion and Indoor Bowling Area 312m <sup>2</sup>						
<b>Car parking</b>	Apartments: 98 Sports Club: 70 Total: 168						
<b>Density</b>	55.9 units per ha for the whole site						

The Sports Club

1.4 The existing sports club and all associated buildings would be demolished and the existing hardstandings removed.

- 1.5 The proposed replacement sports club would be sited towards the south east boundary of the site with a parking area to the front of the site and a bowling green to the rear. The ground floor of the building would comprise of a badminton court, a main bar, a family bar, reception, office, toilets, changing rooms, a cellar and bin store. The first floor would comprise of a function room, a restaurant, a kitchen, a snooker room and toilets.
- 1.6 The indicative appearance of the building shows a modern designed building with large areas of glazing. The roof of the building is shown to have a green sedum roof for the majority of the roof structure with photovoltaic panels above the badminton court part of the building.
- 1.7 To the east of the building the plans show there would be a large area of outdoor space and a green bowls pitch. Adjacent to the bowls pitch would be 6 petanque courts.
- 1.8 The gym would be sited to the west of the parking area with residential units above Block D but would form part of the sport centre.
- 1.9 There would be a bowls pavilion within the basement and ground floor of Block B and this would be short mat bowls facility, kitchen, store and two changing rooms.

Residential

- 1.10 The description of development explains that the proposal is for the construction of 4no. blocks of residential apartments totally 95 units with associated access roads and parking. The layout of the residential apartments within blocks would be as follows:

<b>Apartments</b>		<b>1-bed</b>	<b>2-bed</b>	<b>TOTAL</b>
<b>Block A</b>	Ground Floor	5	3	8
	First Floor	5	5	10
	Second Floor	5	5	10
	Third Floor	4	2	6
<b>Total</b>				<b>34</b>
<b>Block B</b>	Ground Floor	2	1	3
	First Floor	2	3	5
	Second Floor	2	3	5
<b>Total</b>				<b>13</b>

<b>Block C (Affordable Housing block)</b>	Ground Floor	6	2	8
	First Floor	6	4	10
	Second Floor	6	4	10
	Third Floor	4	2	6
Total				34
<b>Block D</b>	Ground Floor			0
	First Floor	4	3	7
	Second Floor	4	3	7
Total				14
<b>Overall Total</b>		<b>55</b>	<b>40</b>	<b>95</b>

- 1.11 Each block would include integral refuse stores, cycle stores, lifts and stairwells. Within the ground floor of Block D, in addition to the gym stated above, there would also include a site manager’s officer.

Other development

- 1.12 Access - There would be two access points into the site, one located centrally which would serve the car park for the residential area with one further towards the south east corner which would serve the club house parking area. The existing accesses would be stopped up.
- 1.13 Parking - The proposal would involve 70 parking spaces for the sports centre and 98 parking spaces for the flats which would be arranged to the rear and in between the blocks of flats. The residential parking layout would include 32 parking spaces in a podium parking arrangement with double stack parking.
- 1.14 Energy and Sustainability – The proposal would include renewable energy sources in the form of photovoltaic panels, low energy lighting systems, air source heat pumps (Blocks B and D), electric vehicle charging points and rainwater harvesting measures.

Indicative Information

- 1.15 Appearance - The indicative appearance of the buildings shows a modern designed building with large areas of glazing. The roof of the buildings would all have a green sedum roof and some would also have photovoltaic panels.
- 1.16 Landscaping – The illustrative plans and supporting information show the inclusion of grass verges and areas of tree planting throughout the site.

**2.0 SITE DESCRIPTION**

- 2.1 The application site relates to the Springhouse Sports Club in Corringham. The site is approximately 1.7 hectares in size and is located on the north east side of Springhouse Road.
- 2.2 The Sports Club is broadly divided into two parts with the majority of the built form and hardstanding located towards Springhouse Road with sports fields to the rear. The application site itself relates to approximately half of the total area of the Sports Club and is focussed upon the existing structures and hardstanding which are predominantly located towards Springhouse Road. The buildings on site are single or two storey and the main sports club building is located centrally within the frontage. The area surrounding these buildings consists of hardstanding to provide parking along with various grassed areas which include bowling greens and part of the sports field. The areas beyond the main sports club building are allocated as existing open space.
- 2.3 To the north is a development called Dove Court and residential properties in Central Avenue, to the east is the sports field and properties in Monfort Avenue backing onto the eastern boundary of the sports field, to the south is an area of public open space, and directly to the west of Springhouse Road are residential properties. The site is in close proximity to Corringham town centre and various local shops and facilities. Springhouse Road includes bus routes.

**3.0 RELEVANT PLANNING HISTORY**

3.1 The following table provides the planning history:

Application Reference	Description of Proposal	Decision
20/00642/SCR	EIA Screening Opinion for the construction of 4no. blocks of residential dwellings with associated access roads and parking, one block to include doctors surgery and police office (D1), and gym (D2) at ground floor level. Erection of new sports club with associated facilities including bowls pavilion, bowling green and petanque terrain and associated facilities including parking. Formation of two vehicular access points following the removal of existing vehicular access points. Demolition of existing sports club, all associated buildings and removal of hardstanding.	EIA Not Required

14/00288/FUL	Conservatory to rear to extend the existing family room (9mtrs x 5mtrs)	Approved
80/01338/FUL	New building for sodium hypochlorite storage tanks.	Approved
78/00665/FUL	Alterations to Beer Store.	Approved
76/00029/ADV	Two Illuminated Box Signs	Approved
75/00839/FUL	New Male Lavatory Block. (Revised Plans received 24.9.75.)	Approved
70/00861/FUL	Additional space for club activities.	Approved
70/00861A/FUL	Extension to "Shell" Club (Revised plans)	Approved
70/00861B/FUL	Details of external materials. (As per letter from applicants' Architect dated 20.1.71)	Approved
63/00177/FUL	Gymnasium & Sports Training Facilities	Approved
55/00480/FUL	Bowls Pavilion	Approved
53/00116/FUL	Extension to existing sports ground	Approved
55/00227/FUL	Extension to Club Premises	Approved
55/00072/FUL	Construction of Swimming Pool	Approved
52/00199/FUL	Addition	Approved
48/00024/FUL	Pavilion and provision of Bowling Green and Tennis Courts	Approved

#### 4.0 CONSULTATION AND REPRESENTATIONS

4.1 Detailed below is a summary of the consultation responses received. The full version of each consultation response can be viewed on the Council's website via public access at the following link: [www.thurrock.gov.uk/planning](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. Representations have been received consisting of 20 letters of objection, 1 comment and 40 letters of support. The responses can be summarised as follows:

##### Objections

- Overdevelopment
- Loss of green space
- Contrary to policy
- Out of character
- Additional Traffic
- Parking
- Loss of privacy and overlooking
- Overshadowing and loss of light

- Overbearing impact
- Noise and disturbance
- Prevent houses opposite investing in solar panels
- Construction traffic/disturbance
- Impact upon local infrastructure
- Sale of alcohol
- Occupation of affordable units
- Access to site
- Previous statement regarding the residential development of the site
- Flats at bottom of the garden
- Pandemic shown the importance of retaining open space

Comment

- Whether the access is acceptable
- Whether there is enough parking

Support

- Housing and affordable housing
- Employment
- Economic benefit
- Improved sports facilities
- Improved social facilities
- Current clubhouse in poor state of repair
- Provision of new infrastructure
- If not built club may have to close

4.3 ANGLIAN WATER:

No objection subject to condition requiring a surface water drainage strategy to be agreed.

4.4 EDUCATION:

No objection subject to a financial contribution of £148,574.06 towards nursery, primary and secondary education provision.

4.5 ENVIRONMENTAL HEALTH:

No objection regarding air quality and contaminated land subject to condition requiring a Construction Environmental Management Plan.

4.6 ESSEX COUNTY COUNCIL ARCHAEOLOGY:

No objection.

4.7 ESSEX POLICE:

Recommends the developer achieves the Secured by Design accreditation.

4.8 FLOOD RISK ADVISOR:

No objection subject to conditions regarding further details of the surface water drainage strategy with future maintenance and management details.

4.9 HIGHWAYS:

No objection subject to conditions and a planning obligation of £100,000 towards improvements to the junction of Giffords Cross Road and Springhouse Road and £10,000 towards provision of Controlled Parking Zones.

4.10 HOUSING:

No objection subject to 35% of the development to be secured for affordable housing requirements.

4.11 LANDSCAPE AND ECOLOGY ADVISOR:

No objection subject to conditions and legal agreement in relation to RAMS contribution.

4.12 NHS ENGLAND:

No response.

4.13 PUBLIC RIGHTS OF WAY OFFICER:

No objection subject to public footpath 163 remaining open between Pembroke Avenue and Park Road.

4.14 SPORTS AND LEISURE POLICE AND DEVELOPMENT MANAGER:

No objection subject to condition sports facilities being replaced in advance of demolition and ensuring the Bowling Green meets Sport England's guidance.

4.15 SPORT ENGLAND:

No objection subject to conditions/obligations for phasing and delivery of sports and social club facilities and the bowling green construction and design to follow Sport England requirements.

#### 4.16 STRATEGIC TRANSPORT MANAGER:

No objection subject to submission of travel plans and a monitoring fee of £525 per annum for at least five years, and a financial contribution of £35,000 towards a car club and £40,000 towards bus infrastructure improvements on Springhouse Road and Gordon Road

## 5.0 POLICY CONTEXT

### 5.1 National Planning Policy Framework

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

5. Delivering a sufficient supply of homes;
6. Building a strong, competitive economy;
8. Promoting healthy and safe communities;
9. Promoting sustainable communities;
11. Making effective use of land;
12. Achieving well-designed places;
15. Conserving and enhancing the natural environment;

### 5.2 Planning Policy Guidance

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

- Design
- Determining a planning application

- Effective use of land
- Healthy and safe communities
- Housing and economic land availability assessment
- Housing needs of different groups
- Housing needs of different groups
- Light pollution
- Natural environment
- Noise
- Open space, sports and recreation facilities, public rights of way and local green space
- Planning obligations
- Transport evidence bases in plan making and decision taking
- Travel Plans, Transport Assessments and Statements
- Use of planning conditions

### 5.3 Local Planning Policy Thurrock Local Development Framework

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

#### OVERARCHING SUSTAINABLE DEVELOPMENT POLICY

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

#### SPATIAL POLICIES

- CSSP1 (Sustainable Housing and Locations)
- CSSP5 (Sustainable Greengrid)

#### THEMATIC POLICIES

- CSTP1 (Strategic Housing Provision)
- CSTP2 (The Provision Of Affordable Housing)
- CSTP9 (Well-being: Leisure and Sports)
- CSTP10 (Community Facilities)
- CSTP11 (Health Provision)
- CSTP14 (Transport in the Thurrock Urban Area)
- CSTP15 (Transport in Greater Thurrock)
- CSTP18 (Green Infrastructure)
- CSTP19 (Biodiversity)
- CSTP20 (Open Space)
- CSTP22 (Thurrock Design)
- CSTP23 (Thurrock Character and Distinctiveness)

## POLICIES FOR MANAGEMENT OF DEVELOPMENT

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

### 5.4 Thurrock Local Plan

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

### 5.5 Thurrock Design Strategy

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

## 6.0 ASSESSMENT

6.1 The material considerations for this application are as follows:

- I. Principle of the Development
- II. Impact upon Sports Uses, Community Uses and Open Space
- III. Housing Land Supply, Need, Mix and Affordable Housing
- IV. Design and Layout and Impact upon the Area
- V. Landscaping and Amenity Space

- VI. Access, Traffic Impact and Parking
- VII. Flood Risk and Surface Water Drainage
- VIII. Biodiversity and Ecology
- IX. Effect on Neighbouring Properties
- X. Energy and Sustainable Buildings
- XI. Viability and Planning Obligations
- XII. Sustainability
- XIII. Other Matters

#### I. PRINCIPLE OF THE DEVELOPMENT

- 6.2 The site is located within the urban area of Corringham and is partly allocated in the Core Strategy Plan Proposals Map as existing open space, outdoor sports and recreational facilities where policies CSSP5, CSTP10 and PMD5 apply. A large part of the site is not allocated for any particular land use. There are no objections to the principle of development in this urban location subject to consideration of the impact upon existing sports facilities, open space and recreational facilities in regard to policies CSTP10 and PMD5, and with regard to all other material considerations.

#### II. IMPACT UPON SPORTS USES, COMMUNITY USES AND OPEN SPACE

- 6.3 The existing sports facilities including the club facilities, bowls facilities and sports hall which would be redeveloped through this proposal partly through four blocks of residential dwellings and partly through replacement sports and social club facilities. The new sports and social club building would include a replacement sports hall, social club facilities, bowls green as well as a new gym, petanque court and a dedicated bowls pavilion. Approximately 0.3 hectares of the playing field would be lost for the redevelopment scheme but the majority of the club's playing field would be retained. It should be noted that the residential development associated with this proposal is enabling development to fund the new/replacement sports and social club facilities.
- 6.4 The key issues relate to the impact upon the sports and community uses on the site and the impact upon open space and sports pitches.
- 6.5 With regards to the Core Strategy, policy CSTP10 states that the loss of community facilities will only be allowed where *'appropriate facilities of equal or better quality will be provided as part of the development'*. Policy PMD5 states that *'Development proposals that would result in their complete or partial loss or cause or worsen a deficiency in the area served by the space or facility will not be permitted'*, unless alternative facilities of an equivalent or improved facilities can be provided and that proposals would not negatively affect the character of the area.

- 6.6 In terms of the NPPF, paragraph 97 of the NPPF states that existing open space, sports and recreational buildings and land, including playing fields, should not be built on unless the following criteria are fulfilled:
- a) *An assessment has been undertaken which has clearly shown the open space, buildings or land to be surplus to requirements; or*
  - b) *The loss resulting from the proposed development would be replaced by equivalent or better provision in terms of quantity and quality in a suitable location; or*
  - c) *The development is for alternative sports and recreational provision, the needs for which clearly outweigh the loss.*
- 6.7 In terms of the above policies the community use would provide improved facilities than existing and would comply with the requirements of policy CSTP10. With regards to policy PMD5 the proposal would continue to provide a bowling green in replacement of the small area of playing field lost through the development but sufficient playing fields would remain for sporting uses to accord with this policy.
- 6.8 In addition to the planning policies, Sport England's policy on the loss of playing fields is in a similar vein to the planning policies and is a material consideration. Within the Sport England's Playing Fields Policy and Guidance 2018 it sets out that Sport England will oppose the granting of planning permission for any development which would lead to the loss of, or would prejudice the use of all or any part of a playing field or land which has been used as a playing field and remains undeveloped unless, in the judgement of Sport England, the development as a whole meets with specific exceptions. For this proposal there are exceptions to the Sport England policy and therefore consideration must be given to whether exceptional circumstances exist that would justify the loss of part of the playing field.
- 6.9 In terms of exceptional circumstances Sport England considers that the proposal would lead to improved and new facilities that would be superior to the existing situation with modern fit for purpose facilities. While the development would result in the loss of around 0.3 ha of playing fields and reduce the space available the playing field would still be accommodated on the remaining playing field with room for sports pitch markings. The sports & social club building would provide changing facilities that support the sports hall which have been designed so that direct external access could be provided to the playing fields if required. In these circumstances Sport England raise no objection to the application subject to the imposition of appropriate conditions. The Council's Sports and Leisure Policy and Development Manager supports the Sport England's view to this application.
- 6.10 For the reasons stated above the proposal would be acceptable having regard to policies CSTP10, PMD5, paragraph 97 of the NPPF and in light of Sport England's consultation response.

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

- 6.11 There is a housing need within the Borough as the Council cannot, at present, demonstrate an up to date five year housing land supply to comply with the requirements of paragraph 73 of the NPPF.
- 6.12 The residential development would constitute enabling works in order to allow for the redevelopment of the sports club and provide additional housing within the urban area. Policy CSSP1 seeks to direct residential to Previously Developed Land in the Thurrock Urban Area in order to protect the Green Belt and surrounding countryside. This also has the benefit of ensuring residential development is more sustainable due to the proximity to existing services, infrastructure and public transport. In order to ensure efficient use of the land a density range of between 30 to 75 dwellings would be appropriate due to the medium level of accessibility of the site. In this instance a density of 55.9 units per hectare is proposed which would ensure the efficient use of the land.
- 6.13 Policy CSTP1 also requires the dwelling mix for new residential developments to be provided in accordance with the latest (May 2016) Strategic Housing Marketing Assessment (SHMA) and the update Addendum (May 2017). The SHMA sets out the housing need and mix requirements for the Borough but also the wider context of South Essex. The SHMA identifies the need for 3 bedroom semi-detached and terraced houses, and the need for 1 and 2 bedroom apartments. The proposal would provide 95 dwellings in the form of apartments (1 and 2 bedroom units). This would reflect the Borough's housing needs in regard to the latest SHMA and policy CSTP1. There are no objections raised by the Council's Housing Officer as the proposed units would meet the demand as set out in the SHMA.
- 6.14 With regard to affordable housing, policy CSTP2 requires 35% of the development to be allocated for affordable housing. The applicant is offered a policy compliant level of affordable housing comprising totalling 34 affordable dwellings in the form of 22 x 1 bedroom units and 12 x 2 bedroom units. The Council's Housing Officer supports the provision being offered subject to the affordable housing being secured through a planning obligation.

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

- 6.15 Policy CSTP22 requires proposals to have a *'positive response to the local context'*, and policy CSTP23 seeks to *'protect, manage and enhance the character of Thurrock to ensure improved quality and strengthened sense of place'*. Policy PMD2 states *'Development must contribute positively to the character of the area in which it is proposed, and to surrounding areas that may be affected by it. It should seek to contribute positively to local views'*. Paragraph 124 of the NPPF requires the creation

of high quality buildings and places and PPG Design: Process and Tools identifies 10 characteristics, which are context, identity, built form, movement, nature, public spaces, uses, homes and buildings, resources and lifespan.

6.16 The Thurrock Design Strategy was adopted as a supplementary planning document in addition to the above policies and endorsed as a material consideration in the determination of planning applications in March 2017. Section 3 of the Guide ('Designing in Context') requires applicants to appraise a development site by taking the following considerations into account:

- understanding the place;
- working with site features;
- making connections; and
- building in sustainability.

#### Understanding the Place

6.17 The immediate area consists of buildings of varied scale and design. Springhouse Road and Princes Avenue, to the south west and south of the site respectively, generally consist predominantly of two storey detached or terraced dwellings of traditional design. The site is separated from Princes Avenue by an area of public open space. To the north and east of the site are single storey bungalows along Central Avenue and Montfort Avenue. There is a change in character moving north west along Springhouse Road towards Corringham Town centre where there are a number of 3 storey buildings including a number of flat roofed design. There is also a more mixed character with a number of industrial and commercial buildings within this area.

#### Layout

6.18 The proposed layout of the development shows that two new vehicle accesses would be provided onto Springhouse Road, one for residential access and one for club access. The club access would lead into a car park at the front of the site with the proposed sports centre and outdoor sports areas position behind the car park. The layout for the residential part of the site would feature two apartment blocks fronting onto Springhouse Road and two further apartment blocks set back behind the two front apartment blocks. The access road would pass between the apartment blocks providing access to car parking areas between and to the rear of the apartment blocks. Within the site it is acknowledged that there would be parking areas for the residential use towards the centre and rear of the site with limited views from the public domain. The sport centre parking would be located at the front of the site. Overall, there are no objections raised to the layout of the development.

- 6.19 The proposed internal layout dimensions for the apartments would comply with the relevant minimum space standards. In addition the outlook and natural light to habitable rooms would be acceptable.

#### Scale and Appearance

- 6.20 The development would consist of five buildings ranging from the two storey sports club to the three and four storey residential blocks. There would be a suitable level of separation between the residential buildings to ensure there would be some relief in built form. The set back from the road would afford an opportunity for landscaping which would further break up the scale of the buildings. Whilst these buildings would be taller than existing buildings at the site there are larger residential or mixed use buildings found towards Corringham town centre. The fourth floor would represent an additional storey height above the tallest buildings in the general character of the area, however, these elements would be restricted to a small area of the roofs of Blocks A and C, which helps lessen its impact and provides more articulation to the appearance of the building at the lower levels. The scale of the residential development and the indicative/illustrative appearance of these buildings raise no objections.
- 6.21 The sports club would be predominantly two storey with a taller element to accommodate the necessary internal ceiling height for the badminton court within sports club, and this would be positioned towards the rear of the building so its impact upon the front elevation is lessened by this set back. The sports club would be set well back from the road with a suitable separation from the nearest residential block to provide a transition between the differing scales of these buildings. It is considered that the scale of the sports centre would be acceptable in the context of the location and general character of the area. The indicative/illustrative appearance of the sports hall building raises no objections.

The existing site is dominated by hardstandings when viewed from Springhouse Road and the current proposal would reduce the amount of hardstanding allowing space for landscaping to the front of the site which would represent a visual improvement. Therefore it is considered that the reduction in the level of hardstanding would represent an improvement.

#### Impact upon the Area

- 6.22 The proposal would retain the sports pitch and open field to the rear of the site, would be set in from the side boundaries and given the varied character and appearance of development in the area the proposed development would be acceptable in design terms having regard to the Thurrock Design Strategy SPD, policies CSTP22, CSTP23 and PMD2, alongside the requirements of the NPPF and PPG.

## V. LANDSCAPING AND AMENITY SPACE

### Landscaping and Trees

- 6.23 Given the extent of existing built form and hardstanding's at the site there is currently only limited of landscaping. The proposal would be likely to result in improvements in landscaping at the site but a full detailed landscaping scheme would need to be provided through the subsequent reserved matters to satisfy the requirements of policy PMD2.
- 6.24 In addition to the above, the landscaping of the site would need to be managed and therefore details of the future management and maintenance arrangements for the site would also need to be secured through a planning condition or obligation (if payment is necessary).
- 6.25 There are no trees within the site that are subject of Tree Preservation Orders (TPO's). The applicant's Arboricultural Impact Assessment identifies that 11 trees would need to be removed and three of these trees would be category B trees (trees of moderate quality) and the rest category C trees (trees of low quality). Trees remaining on site would need to be subject to tree and root protection measures during the construction period. The Council's Landscape and Ecology Advisor raises no objections and the landscaping scheme through the reserved matters could introduce replacement trees to allow for landscape improvement in line with policy PMD2.

### Private Amenity Space

- 6.26 Each apartment would have either a balcony or patio area ranging between 6.5m<sup>2</sup> to 9.5m<sup>2</sup>. Communal amenity space would also be required within the designated areas main areas between the front and rear apartment blocks. Directly to the south is the recreation ground and Corringham Town Park is also a short within walking distance of the site. It is considered that the level of amenity space would be suitable for future occupiers with regard policy PMD2.

## VI. TRAFFIC IMPACT, ACCESS AND CAR PARKING

### Access and Accessibility

- 6.27 The proposal would reduce the number of access points from 3 to 2, one would serve the redeveloped sports facility and the other would provide access to the residential element of the scheme, so this would be an improvement through less vehicle access points onto Springhouse Road. The Highway Officer advised that a 'controlled parking zone' to manage on street parking in this location could be facilitated but

such a requirement is outside of the scope of this planning application. The Highway Officer has raised no objection to the internal road layout and it is considered appropriate for refuse vehicles. No objections are raised in regard to policy PMD9 and paragraph 108 of the NPPF.

- 6.28 In terms of accessibility the site is within close proximity to Corringham town centre for essential shops, services, amenities and multi modal sustainable transport options including a number of bus routes. The Council's Strategic Transport Manager has identified the need for bus infrastructure improvements including the replacement of the bus shelter on Springhouse Road eastbound and enhancements of the westbound bus stop on Gordon Road with a new shelter and a real time passenger information screen.

#### Traffic Impact

- 6.29 The applicant's Transport Assessment (TA) identifies that there would be 55 two way vehicle movements in the weekday AM peak hour and 56 two way vehicle movements in the weekday PM. The TA states that the impact of predicted trip generation would be acceptable within the highway network. The Council's Highway Officer has no objection regarding these vehicle movements but has raised concerns regarding the impact upon the junction of Giffords Cross Road and Springhouse Road as a main route into Corringham. The Council's Highways Officer has advised that a contribution of £100,000 towards improvement measures at the junction of Giffords Cross Road and Springhouse Road would be needed to mitigate the impact of the development. Therefore subject to this mitigation the overall principal of the impact upon the surrounding road network is considered to be acceptable having regard to policies PMD9 and PMD10, and paragraphs 108 and 110 of the NPPF.

#### Parking and Travel Plan

- 6.30 The proposal would provide a total of 98 parking spaces for residential occupiers and for the sports club 70 parking spaces are proposed to the front of the sport centre building. It is considered that the level of parking provision for would be acceptable. In order to ensure that the car park for the sport centre is isn't used by residents a car park management plan would be necessary detailing how parking would be controlled through car parking enforcement, ANPR cameras and similar mechanisms. This can be secured through a planning condition along with a further condition requiring provision of electric vehicle parking and charging facilities. Given the accessibility to local bus services along with local shops and amenities in the nearby town centre and it is considered that the level of parking provision would be acceptable for the residential development in regard to policy PMD8 and paragraph 110 of the NPPF.

- 6.31 With regards to cycle storage the proposal would provide 150 spaces located across three of the residential blocks. There would also be space within the storage area of Block D for mobility scooters and cycles. To encourage cycling to the sports centre it is necessary for cycle parking to be provided within close proximity of the sports centre and this would need to be secured through a planning condition.
- 6.32 Given the accessibility to local bus services along with local shops and amenities in the nearby town centre and it is considered that the level of parking provision would be acceptable for the residential development in regard to policy PMD8 and paragraph 110 of the NPPF.
- 6.33 The proposed development would give rise to the need for a Travel Plan to promote sustainable modes of transport to accord with policy PMD10 and paragraph 111 of the NPPF. The applicant's Framework Travel Plan includes targets of decreasing single occupancy car usage, increase walking and cycling to the development, increase bus and train usage, and increase car sharing and car club uses. The Travel Plan would include welcome parks for new home owners but there is also a need for a travel plan for the sports centre use. The Council's Strategic Transport Manager raises no objection subject to the need for the travel plans to be secured through planning conditions and an associated monitoring fee of £525 per annum for a minimum of five years secured through a planning obligation. The Council's Strategic Transport Manager also requires a financial contribution of £35,000 towards a car club facility and supporting measures for a five year period and this can be secured through a planning obligation.

## VII. FLOOD RISK AND DRAINAGE

- 6.34 The application site is located within the low risk flood zone (Flood Zone 1) and the PPG advises that there is no requirement for application of the Sequential Test or Exception Test as the development is 'appropriate' within this low risk flood zone. As the site area exceeds 1 hectare, the application is accompanied by a Flood Risk Assessment (FRA) which confirms that the site is not at risk from flooding.
- 6.35 The FRA includes surface water details explaining that devices such as permeable paving construction for the parking bays would be used in addition to green roofs, shallow swale, and below-ground geocellular attenuation crates. From these features the surface water would discharge would drain into the existing drainage system at the rear of the site at a controlled discharge rate (where necessary a hydro brake would be used). The Flood Risk Manager raises no objection subject to the use of planning conditions requiring a detailed surface water drainage scheme and details of the future management and maintenance arrangements, which will ensure the drainage requirements to accord with the NPPF and PPG, and policy PMD15.

VIII. BIODIVERSITY AND ECOLOGY

6.36 The Council’s Landscape and Ecology Advisor has stated that the site falls within the ‘Zone of Influence’ of one or more of the European designated sites scoped into the Essex Coast Recreational disturbance Avoidance and Mitigation Strategy (RAMS), which requires a planning obligation. The nearest European designation is the Thames Estuary and Marshes SPA (Special Protection Area) and Ramsar Site.

Habitats Regulations Assessment

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

*Before deciding to give any permission for a plan which:*

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

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

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

Stage	LPA response
Stage 1 is the Screening Assessment	The eastern half of Thurrock is within the zone of influence (Zol) for the Essex Coast RAMS. The following developments within the Zol qualify: <ul style="list-style-type: none"> <li>• New dwellings of 1+ units (excludes replacement dwellings and extensions)</li> <li>• Houses of Multiple Occupancy (HMOs)</li> <li>• Residential care homes and residential institutions (excluding nursing homes)</li> <li>• Residential caravan sites (excludes holiday caravans and campsites)</li> <li>• Gypsies, travellers and travelling show people plots</li> </ul>

	<p>It is anticipated that such development is likely to have a significant effect upon the interest features of the Thames Estuary and Marshes Special Protection Area and Ramsar through increased recreational pressure, when considered either alone or in-combination with other plans and projects. Therefore, an appropriate assessment is needed to assess recreational disturbance impacts. The qualifying features of these sites are set out at the end of this report.</p>
<p>Stage 2 is the Appropriate Assessment</p>	<p>If the proposal is within or directly adjacent to the above European designated site a proportionate financial contribution should be secured in line with the Essex Coast RAMS requirements. Record evidence that this mitigation measure has been secured in the ‘summary’ section below. Consideration of further bespoke recreational mitigation measures may also be required in this case.</p> <p>If the proposal is not within or directly adjacent to the above European designated site then a proportionate financial contribution should be secure in line with the Essex Coast RAMS requirements.</p> <p>A contribution in line with the Essex Coast RAMS should be secured to address likely significant effects in-combination.</p> <p>For development’s under 100 dwelling Natural England need not be consulted on the appropriate assessment and proposed mitigation measures.</p>
<p>Summary of the Appropriate Assessment</p>	<p>The application would result in a net increase of 95 units and is within the Essex Coast RAMS Zol. It therefore meets the criteria set out in Test 1 showing that the scheme is would have likely significant effects to the Thames Estuary and Marshes SPA and therefore requires an Appropriate Assessment</p> <p><b>Summary of recreational disturbance mitigation package:</b></p> <p>The application is for a net increase of 95 dwellings. The site is not within or adjacent to the SPA. It is therefore considered that a proportionate financial contribution in line with Essex Coast RAMS should be made to contribute towards the funding of mitigation measures detailed in the Essex Coast RAMS Strategy.</p>

	The current tariff is £125.58 per unit. Therefore the financial contribution should be £11,930.10 and this can be secured through a planning obligation.
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- 6.39 Having considered the proposed avoidance and mitigation measures above, it is concluded that with mitigation the project will not have an Adverse Effect on the Integrity of the European sites included within the Essex Coast RAMS.
- 6.40 Having made this appropriate assessment of the implications of the plan or project for the site in view of that site’s conservation objectives the authority may now agree to the plan or project under regulation 63 of the Conservation of Habitats and Species Regulations 2017.
- 6.41 If the application were to be approved the proposed development would require the mitigation identified through a financial contribution of £11,930.10 towards the funding of mitigation measures detailed in the Essex Coast RAMS Strategy.
- 6.42 It is therefore recommended that the local planning authority formally determine that, on the basis of the information available and the mitigation identified, the proposed development would not have a likely significant impact on a European site either alone or in combination with other plans or projects, and this forms ‘Recommendation A’.

On Site Ecological Assessment

- 6.43 The applicant’s Ecological Report identifies that the site has limited potential for supporting protected species and contains no habitats of any significance. It is recognised that the proposed green roofs would have the potential to support biodiversity net gain along with planting through a landscaping scheme. The Council’s Landscape and Ecology Advisor raises no objection subject to the inclusion of ecological enhancement measures being implemented which can be secured through a planning condition to meet the requirements of policy PMD7 and paragraph 170 (g) of the NPPF.

**IX. EFFECT ON NEIGHBOURING PROPERTIES**

- 6.44 The nearest neighbouring residential property is to the north in a building known as Dove Court which is approximately 5m from the site’s northern boundary. This building has gardens bordering the boundary and windows in the south elevation which face towards the site and overlook the existing bowling green. The view from the properties in Dove Court would partly change as the side elevation of Block C

would be located approximately 16.7m away (building to building distance), however, the side elevation would not occupy the length of the common boundary. Given the retained separation distance it is considered that there would not be a significant loss of light or overbearing impact upon the residents of Dove Court, which is supported by the applicant's Daylight and Sunlight Assessment. In terms of privacy there would be no windows in the north side elevations of Block C and details of the balcony screening for the apartments can be secured through condition/reserved matters. Given the separation distance it is considered that these would not result in a significant loss of privacy. Overall the proposal would not adversely affect the residential amenities of the occupiers of this building.

- 6.45 The side elevation of Block A would be visible from the properties and gardens in Central Avenue, directly to the north. However, there is already a two storey building located within the site at the end of the gardens to some of these properties. This building would be demolished resulting in an improvement. The distance between Block A and the rear wall of properties in Central Avenue would be approximately 48m. Block A would step down to three stories in height towards the common boundary which would be 5.9m from the side wall of Block A. Given the limited nature of these views and the retained separation distance this would not result in a significant loss of privacy, loss of light or overshadowing, which is supported by the applicant's Daylight and Sunlight Assessment. In terms of privacy there would be no windows in the north side elevations of Block A and details of the balcony screening for the apartments can be secured through condition/reserved matters. Given the separation distance it is considered that these would not result in a significant loss of privacy. Therefore the occupiers of these properties and their gardens would not be adversely affected by the development.
- 6.46 The proposed buildings are considered to be suitably separated from neighbours on the opposite side of Springhouse Road to ensure there would not be a significant impact in terms of loss of light, overbearing impact or loss of privacy.
- 6.47 The proposal would result in an increase in the intensity of the use of the site due to the creation of a new sports club and the additional residential use. The sports club would be sited towards the south east boundary of the site and set back from the road and away from residential properties. It is noted that the sports club includes significant social elements including a bar and function room which could result in noise and disturbance in the evenings. However it is recognised that the existing complex already provides a bar and function rooms. In order to ensure that there would not be a significant impact during unsociable hours it is considered necessary to include a condition in relation to the intended hours of operation of the sports club along with an appropriate noise management plan. This would also be particularly relevant in terms of the occupiers of the proposed residential units which would be in closer proximity to this operation.

- 6.48 Subject to the mitigation measures required through planning condition the proposal would not raise any demonstrable harm to neighbouring amenity in terms policy PMD1 and paragraph 180 of the NPPF.

#### X. ENERGY AND SUSTAINABLE BUILDINGS

- 6.49 In terms of meeting the requirements of policy PMD13 it is stated in the applicant's Design and Access Statement that a range of measures including photovoltaic panels, green walls and roofs, rainwater harvesting, air source heat pumps, heat recovery units, energy efficient fabrics and low water usage fittings would be used throughout the development. It is stated that 20% of the sites total energy generated would be via renewable sources which would comply with policies CSTP25 and PMD13, however, further details of the proposals would need to be agreed through a planning condition.
- 6.50 The BREEAM Feasibility Study demonstrates that an 'Outstanding' rating could be achieved to accord with policy PMD12 and this can be secured through a planning condition.

#### XI. VIABILITY AND PLANNING OBLIGATIONS

- 6.51 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.
- 6.52 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.
- 6.53 Through the consultation process and assessment of this application the proposed development requires the following planning obligations:

- Housing - For 35% of the development to be for affordable housing provision as required by policy CSTP2.
- Education – A financial contribution of £148,574 towards nursery, primary and secondary education provision to mitigate the impact of the development.
- Highways - A financial contribution of £100,000 towards improvements to the junction of Giffords Cross Road and Springhouse Road as a main route into Corringham
- Highways – A financial contribution of £7,500 towards a residents parking scheme
- Strategic Transport – A financial contribution of £35,000 towards a car club facility and associated works for a minimum five year period.
- Strategic Transport – A financial contribution of £40,000 towards bus infrastructure improvements on Springhouse Road and Gordon Road.
- Travel Plan Monitoring – A financial contribution of £525 per annum for a minimum of five years for each Travel Plan for monitoring purposes to mitigate the impact of the development.
- Ecology – A financial contribution of £11,930.10 towards the Essex Coast RAMS strategy to mitigate the impact of the development upon the Thames Estuary and Marshes SPA.

6.54 The applicant has agreed to meet these required planning obligations to mitigate the development.

## XII. SUSTAINABILITY

6.55 Paragraph 7 of the NPPF explains that the purpose of the planning system is to achieve sustainable development and as part of the planning balance consideration has to be given to the Environmental, Social and Economic objectives as outlined in paragraph 8 of the NPPF with all three needing to be satisfied to achieve sustainable development.

6.56 For the economic objective the proposal would create employment opportunities for the construction phase and for the operational use of sport centre development. When the development is occupied new residents and users of the sport centre would contribute to the local economy. The dwellings would provide an opportunity for local people to live, work and use the leisure facilities at the site and in wider area.

6.57 For the social objective the development would help create a new community at this site. For both the social and economic objective the development would provide dwellings for the area and contribute towards the Council's five year housing land supply. The sports centre would have provide sports and social benefits for the users of the site.

- 6.58 For the environmental objective the proposed development would re-use existing previously developed land instead of a greenfield site, it would deliver energy efficient measures, create a high quality designed development, improve visual appearance of the site, increase landscaping, improve connectivity and linkages with Corringham town centre. The surface water management measures would prevent any off site flooding. As identified above the site is accessible by a range of transport modes.
- 6.59 For these reasons stated above the proposed development can satisfy all three objectives of paragraph 8 of the NPPF and where the 'presumption in favour of sustainable development' applies to accord with paragraph 11 of the NPPF.

### XIII. OTHER MATTERS

- 6.60 The Council's Environmental Health Officer advises that there would be no issues for air quality or contaminated land considerations. It is recommended that Construction Environmental Management Plan is secured through condition.
- 6.61 Concerns were raised regarding the possible impact upon the ability for the houses on the opposite side of Springhouse Road to invest in solar panels. Given the orientation and separation distances from these houses it is considered that the proposal would not preclude these dwellings from installing solar panels in the future.
- 6.62 The sale of alcohol would not be unusual in such an establishment and would be controlled by separate licensing legislation. There would also be restrictions on hours of use of the sports club to ensure that the proposal would not unacceptably impact upon neighbouring amenity.

## 7.0 CONCLUSIONS AND REASONS FOR APPROVAL

- 7.1 The proposal would allow for the replacement of the existing and ageing sports facilities would a purpose built new sports centre and would allow for significant improvements when compared to the existing facilities. The proposal would make better use of the space at the site and would also allow for residential development on part of the site which is necessary as enabling development to fund the new sports centre and its uses. The proposal would be acceptable having regard to policies CSTP10, PMD5, paragraph 97 of the NPPF. The proposal is also supported by Sport England.
- 7.2 The 95 apartments provided through the re-development of the site would contribute to the Council's housing land supply and identified housing needs with the provision of 35% of the apartments as affordable housing units. The site benefits from a sustainable location and is within in easy access of Corringham town centre. The

proposal would lead to visual improvements to the site and the immediate surrounding area.

- 7.3 The proposal is acceptable in regard to all other material planning considerations and the proposal would provide number of planning obligations in terms of affordable housing and financial contributions towards education, healthcare, highway improvements, travel plan monitoring and the Essex RAMS payment.
- 7.4 Therefore the recommendation for approval of planning permission is subject to completion of a section 106 agreement and subject to the planning conditions, this is 'Recommendation B' as before consideration of the planning permission is made a decision is needed to determine that the development would not have a likely significant effect on a European site either alone or in combination with other plans or projects, which is 'Recommendation A'.

## 8.0 RECOMMENDATION

### Recommendation A:

- 8.1 That the local planning authority formally determine pursuant to regulation 61 of the Conservation of Habitats and Species Regulations 2017 (as amended), and on the basis of the information available, that the development proposed will not have a likely significant effect on a European site either alone or in combination with other plans or projects.

### Recommendation B:

- 8.2 Approve the application for the reasons given in this report and delegate authority to the Assistant Director – Planning, Transport and Public Protection to grant planning permission subject to all of the following:
- i) the completion and signing of an obligation under s.106 of the Town and Country Planning Act 1990 relating to the following heads of terms:
- Housing - For 35% of the development to be for affordable housing provision as required by policy CSTEP2.
  - Education – A financial contribution of £148,574 towards nursery, primary and secondary education provision to mitigate the impact of the development.
  - Highways - A financial contribution of £100,000 towards improvements to the junction of Giffords Cross Road and Springhouse Road as a main route into Corringham.

- Highways – A financial contribution of £7,500 towards a residents parking scheme
- Strategic Transport – A financial contribution of £35,000 towards a car club facility and associated works for a minimum five year period.
- Strategic Transport – A financial contribution of £40,000 towards bus infrastructure improvements on Springhouse Road and Gordon Road.
- Travel Plan Monitoring – A financial contribution of £525 per annum for a minimum of five years for each Travel Plan for monitoring purposes to mitigate the impact of the development.
- Ecology – A financial contribution of £11,930.10 towards the Essex Coast RAMS strategy to mitigate the impact of the development upon the Thames Estuary and Marshes SPA.

ii) the following planning conditions:

### **Submission of Outstanding Reserved Matters**

1. The development shall be carried out in accordance with plans and particulars relating to the appearance and the landscaping of the site (hereinafter called "the reserved matters"), for which approval shall be obtained from the local planning authority in writing before any development is begun. The development shall be carried out fully in accordance with the details as approved.

**Reason:** The application as submitted does not give particulars sufficient for consideration of the reserved matters.

### **Time limit for the submission of the Outstanding Reserved Matters**

2. Application for the approval of the reserved matters shall be made to the local planning authority before the expiration of three years from the date of this permission.

**Reason:** To comply with the requirements of Section 92(2) of the Town & Country Planning Act 1990 as amended by Section 51 of the Planning and Compulsory Purchase Act 2004.

### **Time limit for the commencement of Outline Planning Permission**

3. The development hereby permitted shall be begun within two years from the date of the final approval of the reserved matters. The development shall be carried out as approved.

**Reason:** To comply with the requirements of Section 92(2) of the Town & Country Planning Act 1990 as amended by Section 51 of the Planning and Compulsory Purchase Act 2004.

Purchase Act 2004.

**Approved Plans List**

- 4 The development shall be carried out in accordance with the plans in regard to the access, layout and scale of the development hereby approved and any plans showing appearance and landscape shall only be used for indicative and illustrative purposes until the appearance and landscape reserved matters have been subsequently approved. The plans approved for this outline permission are listed as follows:

<b>Plan Number(s):</b>		
Reference	Name	Received
338.D	Proposed Street Scene Locations Plan	11th December 2020
339.B	Proposed Street Scenes A and E	22nd May 2020
340.B	Proposed Street Scenes B and F	22nd May 2020
341.C	Proposed Street Scenes C and G	11th December 2020
342.B	Proposed Street Scene D	22nd May 2020
000.G	Location Plan	11th December 2020
001.C	Existing Site Plan	15th December 2020
002.H	Proposed Block Plan	15th December 2020
004.I	Proposed Site Plan including Ground Floor Plans	11th December 2020
007.D	Proposed Site Plan Public Space and Connectivity	11th December 2020
101.B	Existing Floor Plans	22nd May 2020
102.B	Existing Front and Side Elevations	22nd May 2020
103.B	Existing Side and Rear Elevations	22nd May 2020
104.B	Existing Elevations	22nd May 2020
302.B	Proposed Sports Club First Floor Plans	22nd May 2020
303.B	Proposed Sports Club Roof Plans	22nd May 2020
304.C	Proposed Front and Side Elevations	11th December 2020
306.B	Proposed Section and Side Elevations	22nd May 2020
307.B	Proposed Ground Floor Plan Block A	22nd May 2020
308.B	Proposed First Floor Plan Block A	22nd May 2020
309.B	Proposed Second Floor Plan Block A	22nd May 2020
310.B	Proposed Third Floor Plan Block A	22nd May 2020
311.B	Proposed Fourth Floor Plan Block A	22nd May 2020
312.B	Proposed Rear and Side Elevations	22nd May 2020
313.B	Proposed Front and Side Elevations	22nd May 2020
315.D	Proposed Ground Floor Plan Block B	11th December 2020

316.B	Proposed First Floor Plan Block B	22nd May 2020
317.B	Proposed Second Floor Plan Block B	22nd May 2020
318.B	Proposed Roof Plan Block B	22nd May 2020
319.C	Proposed Basement Floor Plan Block B	15th December 2020
320.B	Proposed Rear and Side Elevations	22nd May 2020
321.B	Proposed Front and Side Elevations	22nd May 2020
323.B	Proposed Ground Floor Plan Block C	22nd May 2020
324.B	Proposed First Floor Plan Block C	22nd May 2020
325.B	Proposed Second Floor Plan Block C	22nd May 2020
326.B	Proposed Third Floor Plan Block C	22nd May 2020
327.B	Proposed Roof Plan Block C	22nd May 2020
328.B	Proposed Rear and Side Elevations Block C	22nd May 2020
329.B	Proposed Front and Side Elevations Block C	22nd May 2020
331.E	Proposed Ground Floor Plan Block D	11th December 2020
332.B	Proposed First Floor Plan Block D	22nd May 2020
333.B	Proposed Second Floor Plan Block D	11th December 2020
334.B	Proposed Roof Plan Block D	22nd May 2020
335.B	Proposed Front and Side Elevations Block D	22nd May 2020
336.B	Proposed Rear and Side Elevations Block D	22nd May 2020
305.C	Proposed Sports Club Rear and Side Elevations	28th July 2020
301.E	Proposed Sports Club Ground Floor Plans	11th December 2020
191970-001 Rev E	Proposed Access Plans	20th August 2020
005	Pitch Diagram	15th December 2020
006	Existing Changing Rooms	15th December 2020
105	Existing Sports Club Elevations	15th December 2020

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

### Phasing & Delivery of Sports Centre/Uses

- 5 The development shall not be begun until a detailed programme of phasing of the development has been submitted to and approved in writing by the local planning authority (herein referred to as 'the Phasing Strategy'). The Phasing Strategy shall require the replacement sports centre and sporting facilities to be completed and be made available for use prior to the occupation of 34 apartments or within a timeframe to be agreed in writing with the local planning authority prior the commencement of development. The development shall be implemented in accordance with the approved Phasing Strategy.

**Reason:** To ensure the sports centre and associated uses are implemented on the site prior to completion of all residential uses in order preserve the use of the site for sporting purposes in accordance with policies CSTP10 and PMD5 of adopted Thurrock LDF Core Strategy and Policies for the Management of Development (2015) and paragraph 97 of the NPPF.

### **Bowling Green Details**

- 6 No development of the bowling green hereby permitted shall commence until the following documents have been submitted to and approved in writing by the Local Planning Authority after consultation with Sport England:
- (i) A detailed assessment of ground conditions (including drainage and topography) of the land proposed for the bowling green which identifies constraints which could affect bowling green quality; and
  - (ii) Based on the results of the assessment to be carried out pursuant to (i) above, a detailed scheme which ensures that the bowling green will be provided to an acceptable quality. The scheme shall include a written specification of soils structure, proposed drainage, cultivation, maintenance and other operations associated with grass and sports turf establishment and a programme of implementation.

The approved scheme shall be carried out in accordance with the details as approved prior to occupation of the sports centre.

**Reason:** To ensure that the bowling green is prepared to an adequate standard, is fit for purpose, provides a satisfactory quality of compensatory provision and to accord with policy PMD5 of the adopted Thurrock LDF Core Strategy and Policies for the Management of Development (2015) and paragraph 96 of the NPPF.

### **Definition of Use**

- 7 The sports centre shall only be used for such purposes and for no other purpose including any purpose as defined within Class D2 of the Schedule to the Town &

Country Planning (Use Classes) Order 1987 (as amended) (or in any provision equivalent to that Class in any statutory instrument revoking or re-enacting that Order with or without modification).

**Reason:** In the interests of amenity and to ensure that the development remains integrated with it's immediate as required by policy PMD1 of the adopted Thurrock LDF Core Strategy and Policies for the Management of Development (2015).

#### **Details of Materials/Samples to be submitted**

- 8 The application for approval of reserved matters shall include details of all materials to be used in the construction of the external surfaces.

Notwithstanding the information on the approved plans, no development shall commence above ground level until written details or samples of all materials to be used in the construction of the external surfaces of the development have been submitted to and approved in writing by the local planning authority. The development shall be carried out using the materials and details as approved.

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

#### **Site Levels**

- 9 No development shall commence until details of the existing and finished site levels and finished external surface levels, and the finished floor levels of the buildings hereby permitted have been submitted to and approved by the local planning authority. The development shall be implemented in accordance with the agreed details.

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

#### **Details of Boundary Screening**

10. The application for approval of reserved matters shall include details of the siting, height, design and materials of the treatment of all boundaries including gates, fences, walls, railings and piers to be used.

Prior to the occupation of the development details of the siting, height, design and

materials of the treatment of all boundaries including gates, fences, walls, railings and piers shall be submitted to and approved in writing by the local planning authority. The screening as approved shall be completed prior to the occupation of the development and shall be retained and maintained as such thereafter.

**Reason:** In order to safeguard the amenities of neighbouring occupiers and in the interests of the visual amenity of the area as required by policies PMD1 and PMD2 of the adopted Thurrock LDF Core Strategy and Policies for the Management of Development (2015).

### **Submission of Landscaping Details for Reserved Matters**

- 11 The landscaping details pursuant to the reserved matters referred to in Condition 1 shall provide full details and specifications of both hard and soft landscape works which shall be submitted to and approved in writing by the local planning authority. These details shall include:

Soft landscaping works:

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

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

Hard landscape works:

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

The hard landscape works shall be carried out as approved prior to the first use/

occupation of the development hereby approved and retained and maintained as such thereafter.

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

### **Landscape Management Plan**

- 12 No development shall commence until a landscape management plan, including management responsibilities and maintenance schedules for upkeep of all landscaped areas, other than domestic gardens has been submitted to and approved in writing by the local planning authority. The landscape management plan shall be implemented in accordance with the details as approved and retained thereafter, unless otherwise agreed in writing with the local planning authority.

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

### **Retention of Identified Trees / Hedges**

- 13 The trees and hedges identified for retention on the approved plan within the Arboricultural Impact Assessment which forms part of this permission shall be protected during the course of the development. The trees and/or hedges shall be protected by chestnut paling fencing for the duration of the demolition and construction period at a distance equivalent to not less than the spread from the trunk. The protective fencing and ground protection shall be erected before the commencement of any clearing, demolition and building operations and shall be maintained until all equipment, machinery and surplus materials have been removed from the site. Within the fenced protection zone(s) no materials shall be stored, no rubbish dumped, no fires lit and no buildings erected inside the fence, nor shall any change in ground level be made within the fenced area unless otherwise first agreed in writing by the local planning authority. If within five years from the completion of the development a tree or hedge shown to be retained is removed, destroyed, dies, or becomes, in the opinion of the local planning authority, seriously damaged or defective, a replacement shall be planted within the site of such species and size, and shall be planted at such time, as specified in writing by the local planning authority.

**Reason:** To secure the retention of the trees/hedges within the site in the interests of visual amenity and the character of the area in accordance with policies CSTP18 and PMD2 of the adopted Thurrock LDF Core Strategy and Policies for the Management

of Development (2015).

### **Vehicular Accesses**

- 14 No development shall commence until details of the two accesses onto the highway have been submitted to and approved in writing by the local planning authority. The details shall include layout, dimensions, sight splays, visibility splays and construction specification of the accesses. The apartments and/or sports centre shall not be occupied until the junctions has been laid out, constructed and surface finished in accordance with the details as approved.

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

### **Electric Gate Details**

- 15 The application for approval of reserved matters shall include details of the proposed electric gate shown on the approved plans to access to the apartments. The electric gate shall only be installed as approved prior to the occupation of the apartments and shall be retained and maintained as such thereafter.

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

### **Closure of Existing Accesses**

- 16 Immediately upon the two new accesses hereby permitted being brought into use the existing access shall be permanently closed in accordance with details which shall have been previously submitted to and approved in writing by the local planning authority.

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

### **Parking Provision**

- 17 Prior to the occupation of the development the vehicle parking areas shown on the approved plans, including any parking spaces for the mobility impaired, shall be hard surfaced, sealed and marked out as shown on the approved plans. The vehicle parking

area(s) shall be maintained and retained in this form at all times thereafter. The vehicle parking area(s) shall not be used for any purpose other than the parking of vehicles that are related to the use of the approved development.

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

### **Podium Parking**

- 18 Prior to the occupation of the development details of the final design of the proposed podium parking system as shown on the approved plans shall be submitted to and agreed in writing with the local planning authority. The details shall include how the podium parking system operates, identification of how the spaces would be allocated to each apartment and who will be responsible for the maintenance and management of the installed podium parking system. The podium parking system as approved shall be maintained and retained at all times thereafter. The podium parking system shall not be used for any purpose other than the parking of vehicles.

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

### **Car Parking Management Scheme**

- 19 Prior to the occupation of the development details of a Car Parking Management Strategy specifying the restrictions on car parking, what constitutes an enforceable parking offence, how and by whom this will be administered and enforced to prevent residents parking within the sports centre car park and prevent users of the sports centre parking in the residential car park, which shall be submitted to and approved by the local planning authority. The approved Car Parking Management Strategy shall be implemented and thereafter retained for the duration of the use of the site unless otherwise agreed in by local planning authority.

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

### **Electric Charging Points**

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

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

### **Cycle Parking for Sports Centre/Use**

- 21 Notwithstanding the detailed on the approved plans, prior to the occupation of the sports centre development hereby approved details of the number, size, location, design and materials of secure and weather protected cycle parking/powering two wheelers facilities to be located in close proximity of the sports centres shall be submitted to and agreed in writing with the local planning authority. The agreed facilities shall be installed on site prior to the occupation of the sports centre and shall thereafter be permanently retained for sole use as cycle parking/powering two wheelers facilities for the users and visitors of the development.

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

### **Travel Plan – Residential**

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

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

### **Travel Plan – Sports Centre**

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

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

#### **No additional windows**

- 24 For the reserved matters for 'appearance' there shall be no windows installed in the northern side elevation of Block A and C of the residential apartments.

**Reason:** In the interests of protecting the residential amenities of the properties to the north of the site from overlooking and loss of privacy in accordance with Policies PMD1 and PMD2 of the adopted Thurrock LDF Core Strategy and Policies for the Management of Development (2015).

#### **Balcony Screening**

- 25 The application for approval of reserved matters shall include details of 1.8m high balcony screening to be located at the sides of each balcony for the apartments located on the northern side elevation of Block's A and C. The balcony screening as approved shall be installed prior to the occupation of the apartments in Block's A and C and shall be retained and maintained as such thereafter.

**Reason:** In order to safeguard the amenities of neighbouring occupiers and in the interests of the visual amenity of the area as required by policies PMD1 and PMD2 of the adopted Thurrock LDF Core Strategy and Policies for the Management of Development (2015).

#### **Soundproofing/Noise Insulation**

- 26 Prior to the commencement of development a scheme for noise insulation of the proposed dwellings to protect residential amenity from sports associated uses in Blocks B and D of the development hereby permitted shall be submitted to and agreed in writing with the local planning authority. The scheme shall assess the predicted noise impact and shall propose appropriate measures so that all habitable rooms will achieve 'good' internal levels as specified by BS8233:2014. The scheme shall identify and state the glazing specifications for all the affected windows, including acoustic ventilation, where appropriate. The noise insulation measures and specification shall be implemented within the apartments prior to occupation of the development and shall be permanently retained as approved thereafter.

**Reason:** To protect the amenities of future residential occupiers and to ensure that the development can be integrated within its immediate surroundings in accordance with Policy PMD1 of the adopted Thurrock LDF Core Strategy and Policies for the Management of Development (2015).

#### **Removal of PD Rights - Communal TV/Satellite**

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

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

#### **Refuse and Recycling Storage**

- 28 The refuse and recycling storage facilities as shown on the approved plans shall be constructed and completed prior to the occupation of the development and retained for such purposes at all times thereafter.

**Reason:** To ensure that refuse and recycling provision is provided in the interests of

visual amenity of the area in accordance with policies PMD1 and PMD2 of the adopted Thurrock LDF Core Strategy and Policies for the Management of Development (2015).

### **Surface Water Drainage Scheme**

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

- Verification of the suitability of infiltration of surface water for the development. This should be based on infiltration tests that have been undertaken in accordance with BRE 365 testing procedure and the infiltration testing methods found in chapter 25.3 of The CIRIA SuDS Manual C753.
- Limiting discharge rates to 15l/s for all storm events up to an including the 1 in 100 year rate plus 40% allowance for climate. All relevant permissions to discharge from the site into any outfall should be demonstrated.
- Final modelling and calculations for all areas of the drainage system.
- The appropriate level of treatment for all runoff leaving the site, in line with the Simple Index Approach in chapter 26 of the CIRIA SuDS Manual C753. • Detailed engineering drawings of each component of the drainage scheme.
- A final drainage plan which details exceedance and conveyance routes, FFL and ground levels, and location and sizing of any drainage features.
- A written report summarising the final strategy and highlighting any minor changes to the approved strategy.

The scheme shall subsequently be implemented prior to occupation of the development.

#### **Reason:**

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

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

### **Surface Water Maintenance Plan**

- 30 Prior to the occupation of the development a Maintenance Plan detailing the maintenance arrangements including who is responsible for different elements of the surface water drainage system and the maintenance activities/frequencies has been submitted to and agreed in writing by the local planning authority. Should any part be maintainable by a maintenance company details of long term funding arrangements shall be provided and be implemented for all times thereafter.

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

### **Surface Water Yearly Logs**

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

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

### **Hours of Operation – to be agreed**

- 32 Prior to the occupation of the sports centre and associated uses hereby permitted details of the proposed hours of use and the hours for deliveries and collections shall be submitted to and approved by the local planning authority. The sports centre and uses shall only be used in accordance with the approved hours of use and hours for deliveries and collections at all times thereafter.

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

### **Noise Management Plan**

- 33 Prior to the occupation of the development a noise management plan shall be submitted to and approved by the local planning authority. The details shall include information about any noise generating activities and any use of amplified sound with details of the predicted sound levels to be included in the noise management plan and

mitigation measures to prevent sound impact upon the amenities of nearby neighbouring properties. The noise management plan shall be subject to monitoring purposes and shall be made available for inspection by the local planning authority should any complaints be received. The noise management plan and the identified mitigation measures within shall be implemented as approved and all mitigation measures shall be maintained and retained thereafter.

**Reason:** In the interests of the amenity and to mitigate the impact of development in accordance with by policy PMD1 of the adopted Thurrock LDF Core Strategy and Policies for the Management of Development (2015).

### **Ventilation and Extraction - Food Premises to be agreed**

- 34 Prior to the occupation of the sports centre and associated uses full details of equipment to be installed for the extraction and control of fumes and odours, including details of noise and vibration attenuation together with a maintenance schedule for the future operation of that equipment have been submitted to and approved in writing by the local planning authority. The use hereby permitted shall not take place other than in accordance with these approved details.

**Reason:** In the interests of the amenity and to mitigate the impact of development in accordance with by policy PMD1 of the adopted Thurrock LDF Core Strategy and Policies for the Management of Development (2015).

### **External Lighting – Commercial**

- 35 Prior to the occupation of the sport centre and associated uses on site details of the means of external lighting shall be submitted to and agreed in writing with the local planning authority. The details shall include the siting and design of lighting together with details of the spread and intensity of the light sources and the level of luminance. The lighting shall be installed in accordance with the agreed details prior to occupation of the development and retained and maintained thereafter in the agreed form, unless otherwise agreed in writing by the local planning authority.

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

### **External Lighting – Residential**

- 36 Prior to the occupation of the development details of any external lighting, with the exception of lighting within the apartments and balconies, shall be submitted to and

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

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

### **Ecological Enhancements**

- 37 Prior to the occupation of the development details of ecological enhancement measures to be implemented shall be submitted to and agreed in writing by the local planning authority. The details shall only be implemented in accordance with the agreed details and shall be maintained at all times thereafter.

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

### **BREEAM**

- 38 Prior to the commencement of the development a certificate issued by an accredited Building Research Establishment consultant shall be submitted to the Local Planning Authority to demonstrate that the design of the extensions and building(s) can achieve a BREEAM 'Outstanding' Rating. This shall be supplemented by details of any measures that would need to be secured by the development fit out and a mechanism by which these will be secured. The development shall be built in accordance with the agreed measures and shall achieve a BREEAM 'Outstanding' Rating. A BREEAM post construction review shall be undertaken confirming the BREEAM rating achieved for the extensions and buildings hereby permitted. This shall be submitted to the Local Planning Authority within 6 months of the completion of the development and in any event within 6 months of receipt by the applicant of a written request made by the Local Planning Authority in the event that not all phases are undertaken or completed.

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

### **Renewable Energy**

- 39 Prior to the commencement of development details of measures to demonstrate that

the development will achieve the generation of at least 20% of its energy needs through the use of decentralised, renewable or low carbon technologies shall be submitted to and approved in writing by the local planning authority. The approved measures shall be implemented and operational upon the occupation of the buildings hereby permitted and shall thereafter be retained in the agreed form unless otherwise agreed in writing by the local planning authority.

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

### **Superfast Broadband**

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

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

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

- 41 No demolition or development shall commence until a Construction Environmental Management Plan (CEMP) has been submitted to and approved in writing by the Local Planning Authority in writing. The CEMP should contain or address the following matters:
- (a) Hours of use for the construction of the development;
  - (b) Hours and duration of any piling operations;
  - (c) Vehicle haul routing in connection with construction, remediation and engineering operations;
  - (d) Wheel washing and sheeting of vehicles transporting loose aggregates or similar materials on or off site;
  - (e) Details of construction any access or temporary access, and details of temporary parking requirements; Road condition surveys before demolition and after construction is completed; with assurances that any degradation of existing surfaces will be remediated as part of the development proposals. Extents of road condition surveys to be agreed as part of this CEMP;

- (f) Location and size of on-site compounds (including the design layout of any proposed temporary artificial lighting systems);
- (g) Details of any temporary hardstandings;
- (h) Details of temporary hoarding;
- (i) Method for the control of noise with reference to BS5228 together with a monitoring regime;
- (j) Measures to reduce vibration and mitigate the impacts on sensitive receptors together with a monitoring regime;
- (k) Dust and air quality mitigation and monitoring;
- (l) Water management including waste water and surface water discharge;
- (m) Method statement for the prevention of contamination of soil and groundwater and air pollution, including the storage of fuel and chemicals;
- (n) A Site Waste Management Plan;
- (o) Ecology and environmental protection and mitigation;
- (p) Community liaison including a method for handling and monitoring complaints, contact details for site managers;
- (q) Details of security lighting layout and design; and
- (r) A procedure to deal with any unforeseen contamination, should it be encountered during development.

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

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

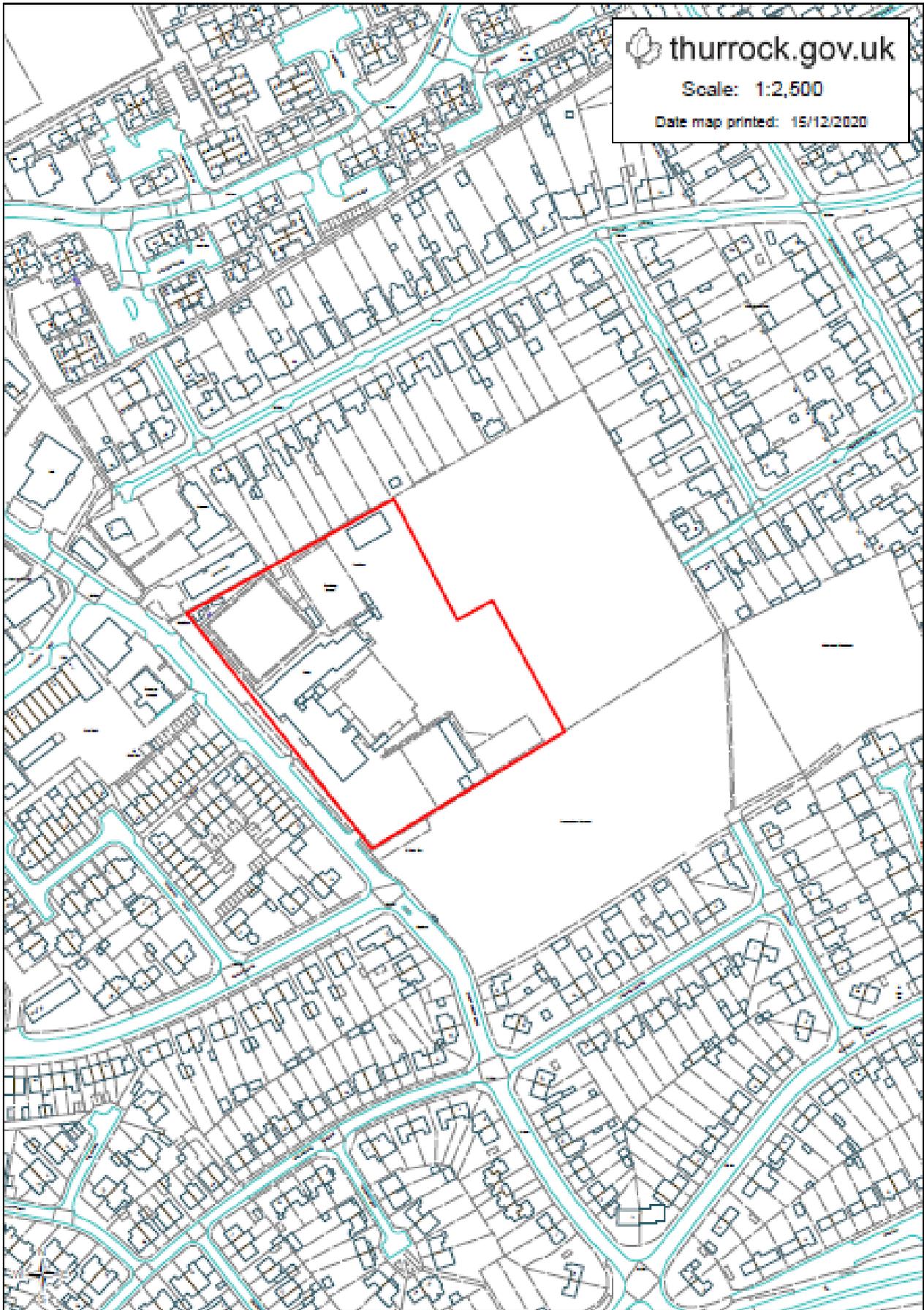
#### Positive and Proactive Statement

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

#### **Documents:**

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





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<b>Reference:</b> 20/01709/FUL	<b>Site:</b> Land to rear of Bannatynes Sports Centre Howard Road Chafford Hundred Grays
<b>Ward:</b> South Chafford	<b>Proposal:</b> Redevelopment to provide up to 344 residential units in buildings ranging 5 to 10 storeys in height with associated landscaping and highway works.

<b>Plan Number(s):</b>		
Reference	Name	Received
0558-BPA-ZZ-DR-A-(P0)0001 Rev.P0	Site Location Plan	08.12.2020
0558-BPA-ZZ-DR-A-(P0)0010 Rev.P0	Demolition Plan	08.12.2020
0558-BPA-ZZ-DR-A-(P0)1100 Rev.P0	Proposed Site Plan	08.12.2020
0558-BPA-ZZ-DR-A-(P0)1110 Rev.P0	Basement GA Plan	08.12.2020
0558-BPA-ZZ-DR-A-(P0)1111 Rev.P0	Ground Floor Plan	08.12.2020
0558-BPA-ZZ-DR-A-(P0)1112 Rev. P1	First To Third Floor GA Plan	07.04.2021
0558-BPA-ZZ-DR-A-(P0)1113 Rev. P1	Fourth Floor GA Plan	07.04.2021
0558-BPA-ZZ-DR-A-(P0)1114 Rev.P1	Fifth Floor GA Plan	07.04.2021
0558-BPA-ZZ-DR-A-(P0)1115 Rev. P1	Sixth Floor GA Plan	07.04.2021
0558-BPA-ZZ-DR-A-(P0)1116 Rev. P1	Seventh Floor GA Plan	07.04.2021
0558-BPA-ZZ-DR-A-(P0)1117 Rev. P1	Eighth Floor GA Plan	07.04.2021
0558-BPA-ZZ-DR-A-(P0)1118 Rev. P1	Ninth Floor GA Plan	07.04.2021
0558-BPA-ZZ-DR-A-(P0)1119 Rev. P0	Roof GA Plan	08.12.2020
0558-BPA-ZZ-DR-A-(P0)1200 Rev. P1	Proposed Site North Elevation	07.04.2021
0558-BPA-ZZ-DR-A-(P0)1201 Rev. P1	Proposed Site East Elevation	07.04.2021
0558-BPA-ZZ-DR-A-(P0)1202 Rev. P1	Proposed Site South Elevation	07.04.2021
0558-BPA-ZZ-DR-A-(P0)1203 Rev. P1	Proposed Site West Elevation	07.04.2021
0558-BPA-ZZ-DR-A-(P0)1210 Rev. P1	Proposed Block A Courtyard Elevations	07.04.2021
0558-BPA-ZZ-DR-A-(P0)1211 Rev. P1	Proposed Block B Courtyard Elevations	07.04.2021
0558-BPA-ZZ-DR-A-(P0)1212 Rev. P1	Proposed Block A East / Block B West	07.04.2021
0558-BPA-ZZ-DR-A-(P0)1300 Rev. P0	Section AA	08.12.2020
0558-BPA-ZZ-DR-A-(P0)1301 Rev. P0	Section BB	08.12.2020
0558-BPA-ZZ-DR-A-(P0)1302 Rev. P0	Sections Through Arterial Road	08.12.2020
0558-BPA-A-DR-A-(P0)3000 Rev. P0	Block A Ground Floor	08.12.2020
0558-BPA-A-DR-A-(P0)3001 Rev. P1	Block A First To Third Floor	07.04.2021
0558-BPA-A-DR-A-(P0)3002 Rev. P1	Block A Fourth Floor	07.04.2021

0558-BPA-A-DR-A-(P0)3003 Rev. P1	Block A Fifth Floor	07.04.2021
0558-BPA-A-DR-A-(P0)3004 Rev. P1	Block A Sixth Floor	07.04.2021
0558-BPA-A-DR-A-(P0)3005 Rev. P1	Block A Seventh Floor	07.04.2021
0558-BPA-A-DR-A-(P0)3006 Rev. P1	Block A Eighth Floor	07.04.2021
0558-BPA-A-DR-A-(P0)3007 Rev. P1	Block A Ninth Floor	07.04.2021
0558-BPA-B-DR-A-(P0)3050 Rev. P1	Block B Ground Floor	07.04.2021
0558-BPA-B-DR-A-(P0)3051 Rev. P1	Block B First To Fifth Floor	07.04.2021
0558-BPA-B-DR-A-(P0)3054 Rev. P1	Block B Sixth Floor	07.04.2021
0558-BPA-B-DR-A-(P0)3055 Rev. P1	Block B Seventh Floor	07.04.2021
0558-BPA-B-DR-A-(P0)3056 Rev. P1	Block B Eighth Floor	07.04.2021
0558-BPA-B-DR-A-(P0)3057 Rev. P1	Block B Ninth Floor	07.04.2021
0558-BPA-ZZ-DR-A-(P0)6000 Rev. P0	Typical Window Detail	08.12.2020
0558-BPA-ZZ-DR-A-(P0)6100 Rev. P0	Typical Entrance Detail	08.12.2020
0558-BPA-ZZ-DR-A-(P0)6200 Rev. P0	Typical Balcony Detail	08.12.2020
0558-BPA-ZZ-DR-A-(P0)6300 Rev. P0	Typical Parapet Detail	08.12.2020
0558-BPA-ZZ-DR-A-(P0)9000 Rev. P0	Entrance View	08.12.2020
0558-BPA-ZZ-DR-A-(P0)9001 Rev. P0	Courtyard View	08.12.2020
0558-BPA-ZZ-DR-A-(P0)9002 Rev. P0	Courtyard West View	08.12.2020
0558-BPA-ZZ-DR-A-(P0)9003 Rev. P0	Landscape View	08.12.2020

The application is also accompanied by:

- Air Quality Assessment;
- Design & Access Statement;
- Energy Statement;
- Fire Strategy Statement;
- Flood Risk Assessment;
- Highways & Transport Note;
- Landscape & Visual Impact Assessment;
- Noise Assessment;
- Planning Obligations Statement;
- Planning Statement;
- Statement of Community Involvement;
- Sunlight / Daylight Assessment (updated);
- Sustainability Statement;
- Transport Assessment;
- Travel Plan; and
- Viability Assessment (updated).

<p><b>Applicant:</b> c/o Agent</p>	<p><b>Validated:</b> 9 December 2020 <b>Date of expiry:</b> 14<sup>th</sup> June 2021 (extension of time agreed by applicant)</p>
<p><b>Recommendation:</b> Refuse planning permission</p>	

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 Chapter 5, Part 3 (b), Section 2 (2.1) (a) of the Council’s constitution) and the level of response to the public consultation exercise.

**1.0 BACKGROUND AND DESCRIPTION OF PROPOSAL**

1.1 In summary, this application proposes the residential redevelopment of a site to the south of the A1306 and north of the Bannatynes sports centre. The principal elements of the proposals are set out in the table below:

Site Area	1.07 Ha
Residential units (by block)	<p><u>Block A1</u> 21 no. one-bed flats 10 no. two-bed flats (including 3 no. wheelchair units) TOTAL: 31 no. flats</p>
	<p><u>Block A2</u> 48 no. one-bed flats 7 no. two-bed flats (including 1 no. wheelchair unit) TOTAL: 55 no. flats</p>
	<p><u>Block A3</u> 30 no. one-bed flats (including 1 no. wheelchair unit) 10 no two-bed flats TOTAL: 40 no. flats</p>
	<p><u>Block B1</u> 81 no. one-bed flats 9 no. two-bed flats (including 4 no. wheelchair units) TOTAL: 90 no. flats</p>
	<p><u>Block B2</u> 64 no. one-bed flats 11 no. two-bed flats (including 1 no. wheelchair unit) TOTAL: 75 no. flats</p>
	<p><u>Block B3</u> 40 no. one-bed flats (including 1 no. wheelchair unit) 13 no. two-bed flats (including 1 no. wheelchair unit) TOTAL: 53 no. flats</p>

Total residential	284 no. one-bed flats (including 2 no. wheelchair units) 60 no. two-bed flats (including 10 no. wheelchair units)  TOTAL: 344 no. flats
Parking	<u>Basement:</u> 159 no. car parking spaces (including 11 no. visitor spaces) 6 no motorcycle spaces  <u>Surface-level:</u> 47 no. car parking spaces (including 10 no. visitor spaces, 5 no. car club spaces and 12 no. wheelchair use spaces) 3 no. motorcycle spaces 20 no. cycle spaces for visitors  <u>Block A:</u> 126 no. cycle spaces  <u>Block B:</u> 218 no. cycle spaces  TOTAL: 206 no. car parking spaces 9 no. motorcycle parking spaces 364 no. cycle parking spaces
Building Heights	<u>Block A:</u> 4 / 5 / 8 / 10-storeys  <u>Block B:</u> 6 / 8 / 9 / 10-storeys
Floorspace	25 no. flat types are proposed, with a number of variants within flat types.  Gross internal floorspace ranges between 39 sq.m and 95 sq.m
Amenity Space	Private amenity space (balconies / terraces) 2,403 sq.m Roof terraces 621 sq.m Landscaped areas 4,647 sq.m
Density	321 dwellings per hectare

1.2 As noted in the ‘Relevant History’ section below, planning permission was granted in 2009 for residential development on the site by the Thurrock Thames Gateway Development Corporation (ref. 08/01156/TTGFUL). Construction works commenced

shortly after consent was issued, however building works were abandoned because the developer experienced financial difficulties. As the 2009 planning permission was implemented, this scheme could be lawfully completed, subject to compliance with relevant planning conditions and s106 obligations. The site has however lain dormant for several years and above ground structures have been removed. It is understood that the site was acquired by the current applicant in 2014.

- 1.3 The current application proposes a residential development using the existing basement car park constructed pursuant to 08/01156/TTGFUL. The various elements of the proposals are described in more detail below.
- 1.4 The site would be redeveloped to provide a total of 344no. one and two-bedroom flats. The mix between different sizes of dwelling is provided in the table at paragraph 1.1 above. Dwellings would be arranged within two buildings each with a footprint broadly forming three-sides of a quadrangle, with an open-end at the south-western corner of each building. Accommodation within each of the buildings would be arranged blocks served by separate access cores. These blocks are referred to as A1, A2, A3, B1, B2 and B3.
- 1.5 When the application was first submitted in December 2020 the applicant proposed that all residential units were to be constructed, let and managed through a private rented sector (PRS) model, rather than built for sale. However, when an updated financial viability appraisal was submitted in April 2021 the applicant confirmed that the scheme would be proceeding on an ‘open market’ basis with 10% of the units offered for affordable home ownership, in accordance with paragraph 64 of the NPPF. This affordable home ownership would comprise a discounted market sale tenure with sale prices set at 80% of market value.
- 1.6 A detailed description of the proposed residential accommodation per block is provided in the table below:

Block	Accommodation	Floorspace	Max. Height
A1	21 no. one-bed 10 no. two bed	39 sq.m to 89 sq.m	Part-four / part-five storeys
A2	48 no. one-bed 7 no. two-bed	48 sq.m to 80 sq.m	Part-four / part-ten storeys
A3	30 no. one-bed 10 no. two-bed	39 sq.m to 63 sq.m	Part-four / part-eight storeys
B1	81 no. one-bed 9 no. two-bed	39 sq.m to 95 sq.m	Part-four / part-nine storeys
B2	64 no. one-bed 11 no. two-bed	39 sq.m to 75 sq.m	Part-six / part-ten storeys

B3	40 x one-bed 13 x two-bed	39 sq.m to 62 sq.m	Part-six / part-eight storeys
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- 1.7 The ground floor of building ‘A’ would include 3no. entrance lobbies with associated stairwells and lift, bicycle storage areas, bin storage, concierge and post room. The ground floor of building ‘B’ would also include entrance lobbies, bicycle and bin storage and an ‘energy centre’ / generator room.
- 1.8 The residential blocks would be modern in appearance with proposed finishing materials comprising white, pink / red and cream-coloured brickwork, glass reinforced concrete (GRC) panels, perforated aluminium panels to proposed balconies and timber / aluminium window frames.
- 1.9 Access to the site for vehicles, pedestrians and cyclists would be via an existing point of access located at the south-western corner of the site which links to Howard Road. Currently Howard Road is effectively a cul-de sac with a ‘hammerhead’ turning area at its northern-end. The western spur of this hammerhead provides access to Trelawney Court whereas the eastern spur accesses both the application site and the parking area for Bannatynes health club. The proposals include the provision of 206 no. car parking spaces, the majority of which (159 no.) would be at basement level with the remaining 47 no. spaces at ground floor level close to the site access and southern boundary. The proposed allocation of the basement and ground floor car parking is described in the table below:

<u>Basement Parking</u>	
Residents car parking	148 spaces
Visitors car parking	11 spaces
Sub-total	159 spaces
Motorcycle parking	6 spaces
<u>Ground / surface level parking</u>	
Wheelchair user car parking	12 spaces
Car club	5 spaces
Visitors car parking	10 spaces
Residents car parking	20 spaces
Sub-total	47 spaces
Motorcycle parking	3 spaces

- 1.10 The applicant has submitted draft heads of terms for a potential s106 legal agreement which include:
- Financial contribution for enhancements to Howard Road and/or adjacent highways infrastructure;
  - Financial contribution toward delivery of a controlled parking zone (CPZ);

- Residents of the proposal will be prohibited from obtaining permits for any surrounding CPZ;
- Five (5) car club spaces provided in perpetuity; and
- Cost of car club membership paid for all residents not with an allocated parking space, for a period of five years.

In accordance with paragraph number 1.5 above, the heads of terms for any s106 agreement will also need to include reference to the provision of 34 units (10%) as discounted market sale units.

## **2.0 SITE DESCRIPTION**

- 2.1 The application site comprises a broadly rectangular-shaped plot of land located to the rear of the Bannatynes sports club, at the northern end of Howard Road and immediately south of the A1306 Arterial Road. The area of the site is c.1.1 hectares and has maximum dimensions of approximately 150m (measured east-west) and 73m (measured north-south). The western part of the site formerly comprised car parking associated with the adjacent club. However, as noted in the 'Relevant History' set out below, the site has been partially developed pursuant to a planning permission for residential development (ref. 08/01156/TTGFUL). At the eastern-end of the site an approved four-storey residential block was partially constructed, whilst adjacent to the site's northern boundary 3no. Separate three-storey terraces of townhouses were also partly constructed. However, all of these residential buildings were not fully completed and, as a result of their exposure to weather, became dilapidated. After an arson attack at the site any former above-ground structures were destroyed. A basement car park has been excavated and a reinforced concrete deck covers a section of this car park. The remaining parts of the site are vacant and becoming overgrown with vegetation. Officers are currently investigating an allegation of use of the site for vehicle storage, vehicle breaking and positioning of containers and demountable structures.
- 2.2 Ground levels across the site are generally flat, aside from the exposed area of basement car parking which sits below adjoining levels. The A1306 Arterial Road adjacent to the northern boundary of the site is located on an embankment between c.2.5m and c.5m above ground levels on-site. The site is located within the low risk flood zone (Zone 1). The site formed part of a gravel pit which was worked during the 1960's and 1970's.
- 2.3 The site is adjoined to the east by the service yard and HGV loading area serving the Sainsbury's supermarket. South of the site is the Bannatynes health club with ancillary parking areas and outdoor tennis courts. Immediately to the west of the site is Trelawney Place, a development of 64 no. flats within three and four-storey buildings constructed in the early 2000's. The site, along with the health club,

Trelawney Court, the Chafford Hundred public house and adjoining Premier Inn hotel are accessed from Howard Road, which forms the northern arm of the Fleming Road / Burghley Road / Fenner Road roundabout junction.

**3.0 RELEVANT PLANNING HISTORY**

Application Reference	Description of Proposal	Decision
08/00152/TTGFUL	Redevelopment of site to provide 153 residential units including doctor's surgery, with provision of basement and surface parking, associated servicing and landscaping, works to fitness centre nursery and alterations to fitness centre car park layout, together with other works incidental to the proposals and associated works.	Approved, subject to s106 legal agreement
08/01156/TTGFUL	Redevelopment of site to provide 140 residential units including doctor's surgery, with provision of basement and surface parking, associated servicing and landscaping, works to fitness centre nursery and alterations to fitness centre car park layout, together with other works incidental to the proposals and associated works.	Approved, subject to s106 legal agreement
09/50060/TTGD CD	Discharge of conditions.	Withdrawn
09/50080/TTGD CD	Discharge of conditions 2, 3, 4, 5, 9, 11, 12, 13, 15, 17, 18, 19, 20, 22, 23, 24, 25, 26, 29, 30, 31, 32, 34, 35, 36, 38 and 39 (of planning permission ref. 08/01156/TTGFUL).	Part discharged
11/50301/TTGNMA	Revision of external materials: 1) House type first and second storey's amended from blue engineering brick to light grey render on rear and side elevations. 2) House type balcony party walls amended from blue engineering brick to Siberian larch cladding.	Withdrawn
11/50316/TTGNMA	Revision of external materials: 1) House type first and second storeys amended from blue engineering brick to light grey render on rear and side elevations. 2)	Approved

	House type balcony party walls amended from blue engineering brick to Siberian larch cladding.	
16/00349/SCR	Request for Environmental Impact Assessment (EIA) screening opinion - proposed development comprising 239 no. residential units, landscaping, car / cycle parking and a doctor's surgery (206 sq.m.).	EIA not required
16/00307/FUL	Mixed use development to provide 203 no. residential units, landscaping, car/cycle parking, commercial units (370sq.m.) comprising Class A1 (shops) / Class A2 (financial and professional services) / Class A3 (food and drink) / Class A4 (drinking establishments) / Class A5 (hot food takeaways) / Class D1 (non-residential institutions) floorspace and a doctor's surgery (280sq.m.).	Approved, subject to s106 legal agreement

**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:**

The application has been publicised by the display of site notices, a newspaper advertisement and consultation with neighbouring properties (c.206). The proposals have been advertised as a major development. 154 letters of objection have been received raising the following concerns:

- access to site;
- additional traffic;
- loss of amenity;
- out of character;
- environmental pollution;

- loss of amenity;
- excessive height;
- impact on local infrastructure; and
- inadequate car parking.

The following consultation responses have been received:

4.3 ANGLIAN WATER:

No objection, subject to surface water drainage condition.

4.4 ESSEX & SUFFOLK WATER:

No response received.

4.5 ESSEX FIRE & RESCUE:

No response received.

4.6 ESSEX COUNTY COUNCIL (ARCHAEOLOGY):

No archaeological recommendations offered.

4.7 ESSEX POLICE - ARCHITECTURAL LIAISON:

Recommend that the applicant achieved Secured By Design accreditation.

4.8 NHS ENGLAND:

No response received.

4.9 ENVIRONMENT AGENCY:

No response received.

4.10 EDUCATION:

Request a financial contribution via any s106 agreement to mitigate the impact of the development on nursery and secondary school provision.

4.11 ENVIRONMENTAL HEALTH:

A scheme of noise mitigation should be included that will ensure all habitable rooms will achieve the reasonable internal levels. If planning permission is granted a planning condition is suggested to address a CEMP for the construction phase. It is unlikely that the UK Air Quality Objective for NO<sub>2</sub> will be exceeded, therefore no objections are raised on the grounds of air quality. Measures are recommended to address the matters of ground gas and unforeseen contamination.

#### 4.12 FLOOD RISK MANAGER:

No response received.

#### 4.13 HOUSING:

Express concern that there is no affordable housing proposed. The lack of any affordable housing of any tenure in a 344 unit scheme does little to contribute towards a mixed and balanced community. Reserve judgement on the case for 0% Affordable Private Rent dwellings on viability grounds.

NB – this response was drafted to comment on the originally submitted proposal for a private rented sector tenure. The scheme has been revised to a private sale tenure with 10% of units allocated for affordable home ownership.

#### 4.14 HIGHWAYS:

Further information required - traffic impact from the increase in dwellings is a concern, and will likely lead to a significant impact on the Burghley Road and Fenner Road link from the A1306 to the A126. There is also the factor of parking and displacement from the development onto the local network. It is noted the proposed development is in a sustainable location close to local amenities, however, it will need to be made clear how the parking on site will be used sufficiently as well as prevent overflow onto the network.

#### 4.15 URBAN DESIGN:

Cannot offer support for the proposals. There is too much development proposed on this site which undermines the external and internal environment (both the public realm and the flats for future residents).

## 5.0 POLICY CONTEXT

### 5.1 National Planning Policy Framework (NPPF)

The revised NPPF was published on 24th July 2018 (and subsequently updated with minor amendments on 19th February 2019). The NPPF sets out the Government's planning policies. Paragraph 11 of the Framework sets out a presumption in favour of sustainable development. 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.

As the proposals include a significant element of residential development, paragraph 11(d) is relevant to a degree in respect of the five year supply of deliverable housing. The Council's most recently published figure for housing land supply (July 2016) refers to a supply of between 2.5 to 2.7 years and it is to be expected that this figure has reduced as completions on large development sites has progressed. Accordingly, as residential development is the key component of the proposals the 'tilted balance' in favour of granting permission is engaged (subject to paragraph 11 (d) (i) and (ii)).

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

- 5. Delivering a sufficient supply of homes;
- 6. Building a strong, competitive economy;

8. Promoting healthy and safe communities;
9. Promoting sustainable transport;
11. Making effective use of land
12. Achieving well-designed places; and
14. Meeting the challenge of climate change, flooding and coastal change.

## 5.2 National Planning Policy Guidance (NPPG)

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

- Air quality;
- Build to rent;
- Climate change;
- Design: process and tools;
- Determining a planning application;
- Effective use of land;
- Flood risk and coastal change;
- Healthy & Safe Communities;
- Noise;
- Planning obligations;
- Renewable and low carbon energy;
- Travel Plans, Transport Assessments and Statements;
- Use of planning conditions; and
- Viability.

## 5.3 Thurrock Local Development Framework (2015)

The Council adopted the “Core Strategy and Policies for the Management of Development Plan Document” (as amended) in 2015. The Adopted Interim Proposals Map accompanying the LDF shows the site as land with no specific notation. However, as noted above, the site benefits from an extant planning permission for residential development which has been commenced. The following Core Strategy policies in particular apply to the proposals:

## SPATIAL POLICIES

- CSSP1: Sustainable Housing and Locations
- CSSP3: Sustainable Infrastructure
- OSDP1: Promotion of Sustainable Growth and Regeneration in Thurrock

## THEMATIC POLICIES

- CSTP1: Strategic Housing Provision
- CSTP2: The Provision of Affordable Housing
- CSTP9: Well-being: Leisure and Sports
- CSTP10: Community Facilities
- CSTP11: Health Provision
- CSTP14: Transport in the Thurrock Urban Area: Purfleet to Tilbury
- 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
- PMD3: Tall Buildings
- 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 planning issues to be considered in this case are:

- i. Development plan designation & principle of development
- ii. Site layout & design
- iii. Landscape & visual impact
- iv. Impact on amenity
- v. Highways & transportation issues
- vi. Noise & air quality
- vii. Flood risk
- viii. Sustainability
- ix. Viability & planning obligations

6.2 It is relevant that the planning permission for residential redevelopment of the site (ref. 08/01156/TTGFUL) was commenced and, as such, could be completed subject to compliance with the associated planning conditions and s106 obligations. The comparison between this consented scheme (08/01156/TTGFUL), the most recent but unimplemented consent (ref. 16/00307/FUL) and the current proposals therefore forms part of the analysis below.

6.3 I. DEVELOPMENT PLAN DESIGNATION & PRINCIPLE OF DEVELOPMENT:

The principle of the re-development of this site for residential development has been established by the grant of planning permission under both 08/01156/TTGFUL and 16/00307/FUL. As planning permission ref. 08/01156/OUT was implemented and technically the consent remains live, there can be no objection to the principle of residential redevelopment. Building works on-site ceased several years ago and the above former ground structures have now been removed, although the basement car park was excavated and largely formed from concrete. The site is partly visible from a busy road frontage in this part of the Borough (A1306) which is elevated above

ground levels at the site. Therefore, in broad terms, the principle of removing the now demolished structures and completing a residential development on the site is supported.

- 6.4 The most recent planning permission for the site (ref. 16/00307/FUL) included a small element of non-residential floorspace comprising a doctor's surgery and 'town centre uses' (former Use Classes A1 to A5). However, the current proposal promotes a residential-only development. The consultation response received from NHS England for 16/00307/FUL stated that the proposed surgery provision did not align with their strategy of creating care hubs. The s106 agreement therefore included the flexibility to secure a financial contribution towards healthcare provision as an alternative to built floorspace. Although NHS England has not provided a consultation response to the current application, it would be reasonable to assume that their 'model' for creating hubs remains and therefore a financial contribution to mitigate the impact of the development on primary healthcare provision would be sought. Accordingly there are no land use planning objections to the residential-only development currently proposed.
- 6.5 Planning permission ref. 16/00307/FUL also included 370 sq.m of town centre floorspace (former Use Classes A1 – A5). The applicant sought permission for flexibility across the various Use Classes as no individual occupiers were identified as part of the application. That permission would have allowed for all of the units to be used for any use within the Use Classes sought or any combination across the Use Classes. A total of six commercial units were previously proposed, all with small floorspace totals. The introduction of these non-residential uses responded to comments raised during a CABE design review of the application, where the applicant was encouraged to introduce a mix of uses into the development in order to create a 'destination' and encourage activity. Although no land use planning objections were raised to these town centre uses when 16/00307/FUL was considered, the floorspace was speculative. Given the proximity of the Sainsbury superstore adjacent to the site, it is perhaps debatable whether the commercial uses previously proposed would have been successful. In these circumstances, and in light of the 'unallocated' designation of the site, no objections are raised to a residential-only development.
- 6.6 National planning policy as expressed at paragraph 59 of the NPPF states that (inter-alia) in order to support the Government's objective of significant boosting the supply of homes, it is important that a sufficient amount and variety of land can come forward where it is needed. Paragraph 73 goes on to state that local planning authorities should identify and update annually a supply of specific deliverable sites sufficient to provide a minimum of five years' worth of housing against their housing requirement set out in adopted strategic policies or against their local housing need where the strategic policies are more than five years old. The supply of specific deliverable

sites should include a buffer of 20% where there has been significant under delivery of housing over the previous three years, to improve the prospect of achieving the planned supply.

- 6.7 The most recent published analysis of the Borough's housing land supply is provided in the Thurrock Local Plan Five Year Housing Land Supply Position Statement (July 2016). This statement notes that "*the dwelling requirement set out in the Core Strategy is now considered to be out of date*". Instead, the South Essex Strategic Housing Market Assessment identifies a range of objectively assessed need for Thurrock of between 919 and 973 dwellings per annum (2014 base date). The Statement also assesses the supply of deliverable housing in the five year period from 2016/17 to 2020/21 and concludes that there is a supply of between 2.5 and 2.7 years in relation to the identified objectively assessed need. This figure of between 2.5 and 2.7 years supply was produced some time ago (2016) and it is to be expected that the figure has reduced as completions on a number of larger sites with planning permission has progressed (e.g. Bata Fields, Arisdale Avenue etc.). Although the current supply figure is in the process of being updated, it is accepted that supply is less than the five year (+20%) requirement.
- 6.8 The Government's Housing Delivery Test 2020 suggests a requirement for 3,088 new homes in the Borough between 2017/18 and 2019/20, of which 1,823 or 59% have been delivered. Given this undersupply, the Test confirms that the 'consequence' for Thurrock is that the presumption in favour of sustainable development, as set out by paragraph no. 11 of the NPPF applies.
- 6.9 Paragraph 11 states that plans and decisions should apply a presumption in favour of sustainable development. 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 5 year supply of deliverable housing sites (with the appropriate buffer,

as set out in paragraph 73); or where the Housing Delivery Test indicates that the delivery of housing was substantially below (less than 75% of) the housing requirement over the previous 3 years.

<sup>2</sup>: The policies referred to are those in this Framework (rather than those in development plans) relating to: habitats sites (and those sites listed in paragraph 176) and/or designated as Sites of Special Scientific Interest; land designated as Green Belt, Local Green Space, an Area of Outstanding Natural Beauty, a National Park (or within the Broads Authority) or defined as Heritage Coast; irreplaceable habitats; designated heritage assets (and other heritage assets of archaeological interest referred to in footnote 63 in chapter 16); and areas at risk of flooding or coastal change.

- 6.10 As the Council cannot demonstrate a five-year housing land supply the 'tilted balance' in favour of granting planning permission would apply in this case, unless *"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."*

## II. SITE LAYOUT & DESIGN

- 6.11 The implemented planning permission for residential development (ref. 08/01156/TTGFUL) included the entire site area of the health club (approximately 2.5 hectares). This was because the description of development included works to the fitness centre nursery (currently operated by Busy Bees) and alterations to the health club and nursery car park. The approved works to the nursery and car park alterations have been largely implemented although a number of former nursery car parking spaces remain within the site area of the current application. For reference, the amendments to the car park layout which have been implemented have led to a small increase in the number of spaces available for the health club and nursery.
- 6.12 The approved layout of the site for permission ref. 16/00307/FUL largely corresponds to the approved and implemented development of the site (ref. 08/01156/TTGFUL) and in particular to the site access and basement parking area. The partly implemented development on-site involves a vehicular access from Howard Road at the south-western corner of the site. This approved access ramps down to a basement parking level providing a total of 146 parking spaces. The approved basement car park has been largely excavated and partially covered with a concrete podium. Planning permission ref. 16/00307/FUL retains the existing basement parking level, with adaptations and amendments to increase the number of spaces to 148, to accommodate a basement-level energy centre and to provide additional access stairwells to ground floor level. The current proposal would also retain and adapt the partly-completed basement car park, with the ramp access remaining at its western end. A total of 159 car parking spaces and 6 spaces for motorcycles would be formed within the basement, along with lift cores and stairwells.
- 6.13 At ground floor level, the approved and partly-implemented scheme (ref. 08/01156/TTGFUL) comprises a series of terraced houses and flat blocks aligned east-west along the northern part of the site (parallel with the A1306), with 3no. flat

blocks aligned north-south. The approved building footprint can therefore be described as an inverted 'E' shape. Of these approved residential blocks, the 3 no. terraces of houses (totalling 16 no. 3/4/5-bed units) and Block B (22 no. 1/2/3-bed units) were progressed above ground level before building works ceased.

- 6.14 The proposed arrangement of building blocks for permission ref. 16/00307/FUL closely resembles the approved footprint (08/01156/TTGFUL) in terms of both the position and extent of buildings. Although, with the deletion of houses and substitution with flats there is some increase in built footprint on the northern part of the site, compared to the approved scheme. Nevertheless, the position of buildings in relation to the boundaries of the site remains substantially unchanged for 16/00307/FUL compared with the partly implemented development (ref. 08/01156/TTGFUL).
- 6.15 The currently proposed arrangement of building blocks is more akin to a perimeter block typology with two, mainly square-shaped blocks open at the south-western corner. Both proposed blocks would enclose a central open courtyard area. The general arrangement of open spaces and surface-level parking areas is similar from planning permission ref. 16/00307/FUL, although the previous continuous built frontage to the A1306 would be broken down into two separate blocks by the current proposals.
- 6.16 With regard to the density of residential development the current proposals would result in a density of approximately 321 dph (dwellings per hectare), compared to approximately 127 dph for the approved and implemented development (ref. 08/01156/TTGFUL) and c.184 dph for the most recent planning permission (ref. 16/00307/FUL). National planning policy and guidance within the NPPF and PPG does not contain details of density ranges which may be considered appropriate and it may be stated that the measure of density, on its own, is a crude measure of assessing the acceptability of development proposals.
- 6.17 Chapter 11 (Making Effective Use of Land) states at paragraph 122 (under the heading of 'Achieving appropriate densities' that planning policies and decisions should support development that makes efficient use of land, taking into account:
- (a) *the identified need for different types of housing and other forms of development, and the availability of land suitable for accommodating it;*
  - (b) *local market conditions and viability;*
  - (c) *the availability and capacity of infrastructure and services – both existing and proposed – as well as their potential for further improvement and the scope to promote sustainable travel modes that limit future car use;*

- (d) *the desirability of maintaining an area's prevailing character and setting (including residential gardens), or of promoting regeneration and change; and*
- (e) *the importance of securing well-designed, attractive and healthy places.*

- 6.18 The only reference to residential density within the adopted Core Strategy is at Thematic Policy CSTP1 (Strategic Housing Provision) where reference is made to design-led proposals which seek to optimise the use of land in a manner that is compatible with the local context. In particular, this policy states that *“the Council will strongly resist excessive density that would lead to a poor quality of life for existing and future occupants of the local area and would undermine the Council's commitment of delivering sustainable neighbourhoods”*. Part 2. (iii.) of the policy refers to a minimum density of 60 dph in the Borough's Town Centres, Regeneration Areas, key flagship schemes and other areas with high public transport accessibility and a range of between 30-70 dph outside of these areas. For the reasons set out later in this report, the site can be reasonably described as within a high accessibility area, although the proposed density of 321 dph is considerably more than the minimum 60 dph referred to by CSTP1.
- 6.19 For the purposes of comparison, the built-up area south of Burghley Road / Fleming Road principally comprises two-storey dwellinghouses with a residential density of c.30 dph whereas the three / four storey flatted development at Trelawney Court, adjoining the site to the west, has a density of c. 90 dph. In this context of surrounding development, the proposals would clearly result in a significant increase in density and a more intensive use of the land compared to the surrounding residential development. Although both national and local policy promote the efficient use of land, this policy objective has to be balanced against the *“desirability of maintaining an area's prevailing character and setting”* NPPF paragraph no. 122(d).
- 6.20 Adopted Core Strategy policy CST22 (Thurrock Design) requires (inter-alia) that development proposals must demonstrate a high quality design founded on a thorough understanding of, and positive response to, the local context. Furthermore, policy PMD2 (Design and Layout) requires, inter-alia, 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. With reference to the issue of character, PMD2 requires that proposals for development must:

*“contribute positively to the character of the area in which it is proposed, and to surrounding areas that may be affected by it ... should seek to contribute positively*

*to local views, townscape, heritage assets and natural features, and contribute to the creation of a positive sense of place”.*

- 6.21 In this case, it is considered that the intensive, high density form of development proposed would be at odds with, and out of character, with the prevailing ‘grain’ of residential development in the surrounding area. Although making the most effective use of land is as accepted policy objective, especially in light of the lack of a five-year housing supply, paragraph no. 127 (c) of the NPPF requires planning decision to ensure that developments:

*(c) are sympathetic to local character and history, including the surrounding built environment and landscape setting, while not preventing or discouraging appropriate innovation or change (such as increased densities)*

- 6.22 As a matter of judgement, it is concluded that the amount, form and resultant density of development proposed would be significantly harmful to the character of the area, contrary to both local and national policies.

### III. LANDSCAPE & VISUAL IMPACT

- 6.23 Due to the height of the proposed buildings, the potential impact of the development on landscape, visual and townscape receptors is an important consideration.
- 6.24 With regard to landscape impact, the site is located within the ‘Grays / Chadwell St. Mary Urban Area’ landscape character type, as defined by the Thurrock Landscape Capacity Study 2005. The Study clearly places the site within an urban, built-up landscape character area. Land to the north of the A1306, although within the Green Belt, is defined as an urban fringe landscape character area (North Stifford Corridor) which displays key characteristics which include the electricity transmission pylons and an extensive road network. Overhead high voltage power lines and pylons are positioned to the north and west of the site and views of the site from a number of vantage points are seen in the context of this electrical infrastructure. The A1306 immediately north of the site is elevated c.5m above ground levels at the western end of the site, and c.2.5m above ground levels at the site’s eastern boundary. The embankment between the A1306 carriageway and the site is vegetated and provides a visual screen at lower levels.
- 6.25 As noted in the table at paragraph 1.1 above, the current proposals involve building heights ranging between four and ten-storeys. The approved and implemented development (ref. 08/01156/TTGFUL) comprised a small number of dwellinghouses between two and three-storeys high, although the majority of development comprised four and five-storey buildings. Compared with the implemented scheme, the existing approval (ref. 16/00307/FUL) generally increases buildings heights across the site,

although Block D (located at the south-western corner) would remain unchanged at four-storeys. The current proposal limits building height to four and five storeys within that part of Block A closest to Trelawney Court, but height increases to six, eight, nine and ten-storeys across the remainder of the development.

6.26 For the purposes of comparison, the health club to the south of the site at its maximum roof height is approximately the equivalent height of a four-and-a-half storey residential building and the Sainsbury's superstore is the approximate equivalent height of a three-storey residential building. Trelawney Place immediately to the west is a three and part four-storey high residential block.

6.27 Policy PMD3 of the adopted Core Strategy (as amended) (2015) refers to tall buildings and defines such structures as:

- I. buildings of more than six storeys or a height of two storeys above the prevalent form of development, whichever is the lesser, within an established primarily residential area; or*
- II. buildings of more than six storeys in other locations including recently developed, predominantly residential neighbourhoods.*

6.28 Judged against these criteria, those elements of the development which are eight, nine and ten-storeys in height should be considered as 'tall buildings' under policy PMD3. The policy goes on to state that the Council will assess applications for tall buildings based on evaluation criteria set out in CABE / English Heritage guidance dating from 2007. This 2007 guidance was superseded in 2015 by an advice note published by Historic England. The updated guidance refers principally to the impact of development proposals on designated heritage assets and so is not directly applicable to the current case. However, the 2015 guidance notes that:

*"where full planning permission for a tall building is to be sought, suitable planning conditions and obligations can be used for the detailed design, materials and finishes, and treatment of the public realm".*

It is relevant that the Historic England guidance does not provide a definition of a tall building but instead notes that what might be considered a tall building will vary according to the nature of the local area.

6.29 Given the wording of PMD3 referred to above, it is considered that large parts of the development, namely the eight and ten-storey elements of Block A and the eight, nine and ten-storey elements of Blocks B should be considered as 'tall'.

6.30 Notwithstanding the fact that the 2007 guidance referred to by Policy PMD3 is no longer operative, the Policy states, inter-alia, that:

- i. *The Council will only support those applications, which respond positively to all the relevant criteria. The relevant criteria in Thurrock are:*
- a) *the relationship to context*
  - b) *the effect on historic assets*
  - c) *the relationship to transport infrastructure*
  - d) *the architectural quality of the proposal*
  - e) *the sustainable design and construction of the proposal*
  - f) *the credibility of the design, both technically and financially*
  - g) *the contribution to public space and facilities*
  - h) *the effect on the local environment*
  - i) *the contribution made to permeability*
  - j) *the provision of a well-designed environment.*

6.31 An assessment against these criteria is provided as follows:

- a) the site is immediately adjoined by the elevated A1306 Arterial Road to the north and by large-footprint commercial uses to the east and south. Tradition suburban residential development is generally located further south of the site. The site lies within an urban landscape character area, with an urban fringe landscape (albeit within the Green Belt) further to the north, which is partly characterised by electricity pylons and overhead lines. Nevertheless, substantial elements of both residential blocks are significantly taller than the surrounding context of two, three and four-storey development. Although the proposals would offer the benefit of regenerating an abandoned building site, by reason of excessive height the proposals are considered to be materially harmful to the character of surrounding area and would not have an acceptable relation to local context;
- b) the proposals would not impact on any designated heritage assets;
- c) the transportation implications of the development are considered more fully elsewhere in this report. However, the site access is located approximately 740m walking distance to Chafford Hundred railway station and bus services are routed along both the B186 and A1306. The site is therefore conveniently located for access to public transport, although the proposed height and (as detailed above) density of the development are significant;
- d) the applicant has instructed a competent architectural practice to prepare application drawings and the quality of finishing materials and elements of exterior appearance are not challenged. For information, the architect in this case was involved with the St. Chads (Tilbury) and Echoes (Grays) development. Although elements of the design have merit, the fundamental issue remains that

the proposals involve a significant amount of new development on a relatively small site, resulting in a very high residential density and storey heights which would be expected in town centre locations, rather than on the edge of a suburban housing estate;

- e) an Energy Statement accompanies the planning application which confirms that the proposals would comply with relevant development plan policies for energy efficiency and use of renewable or decentralised energy generation;
- f) elements of the design of the development are considered credible and would create a distinct “place”. Nevertheless, issues related to the internal living environment of the development are considered below. Financial viability is considered later in this report;
- g) as set out above, a residential-only development is considered to acceptable in terms of land use. Two areas of public realm are included within the proposals which realistically would be for use only by future residents, rather than existing local residents;
- h) the effect of the proposals on the local environment is a wide-ranging judgement taking into account all of the chapter headings set out in this report. Although the proposals would result in the benefit of new housing development and the redevelopment of a derelict site, the scale of the proposals would be materially harmful to local character;
- i) the site is essentially in a cul-de-sac location where there are limited opportunities to improve permeability. Although the proposals refer to a footpath connection at the site’s north-eastern corner to the A1306 this link is not within the application site and would be negligible benefit to the wider population;
- j) the appointment of a competent architect is commended. However, the development proposals are excessive in this location and fine-grain design details cannot mitigate the core issue that too much development is proposed.

6.32 Consequently, it is considered therefore that the scheme would fail to score positively as assessed against the Policy PMD3 criteria.

6.33 As large parts of the development are ‘tall’ a planning judgement needs to be reached as to whether part eight, nine and ten- storey development is acceptable in this location. The Council’s general planning policy for design and layout (PMD2) requires proposals to respond to the sensitivity of a site and its surroundings and to optimise the potential of the site to accommodate development. As ever, a balanced judgement is required to weigh the visual impact of the proposals.

- 6.34 Views of the site from the A1306 to the north are limited to road and cyclepath / footway users on this heavily trafficked route. As noted above, the A1306 is between approximately 2.5m and 5m above ground levels on-site and there is existing planting on the embankment which provides a low-level only screen. On the western-most part of the site, where the embankment is at its greatest height, building heights on those blocks closest to the A1306 would be four to five storeys (blocks A1 and part A2). Due to the mitigating impact of the change in levels and existing low level planting, the visual impact of development on the western-most part of the site as seen from the A1306 to the north would, as a matter of judgement, not be materially harmful.
- 6.35 As seen from the A1306 the central and eastern part of the development (part of block A2, block B1 and B2) would be six, nine and ten-storeys high. However, the height of the A1306 embankment reduces to the east such that the full height of these blocks would be more apparent. As a matter of judgement it is considered that the nine and ten-storey elements on the central and eastern part of the development would be visually dominant and harm to visual amenity as seen from viewpoints immediately to the north.
- 6.36 The Sainsbury's superstore service yard adjoins the site to the east and as such public views of the development from this direction are at a longer distance. Views from Burghley Road east of the site are partly influenced by backdrop of the power lines and pylons, and partly filtered by the Sainsbury's building and car park and tree planting around the perimeter of the superstore site. As a matter of judgement, it is considered that the proposed height of the development would not be visually prominent such that there would be material harm as seen from public vantage points to the east of the site.
- 6.37 To the south-east of the site there would be a largely unimpeded view from the Burghley Road / Gilbert Road / Sainsbury's store roundabout of the eight and nine storey elements on the southern elevation of Block B. Although public views from the footpath on the northern side of this junction are some 90m from the development site, and seen within the context of the health club and superstore buildings in the foreground and overhead electricity lines in the background, as a matter of judgement it is considered that the development would be out of character and visually intrusive as seen from the south east.
- 6.38 Views of the development from the south and south-west (Burghley Road and Howard Road) are viewed within the context of the health club building and associated car park in the foreground. Nevertheless, as seen from the Howard Road / Fleming Road / Fenner Road roundabout the eight, nine and ten-storey elements of the development would be visually dominant.

- 6.39 Given the presence of the private Trelawney Place development with the Ockendon to Chafford Hundred railway line beyond, there are no short-distance public views of the site from the west.
- 6.40 In support of the application a 'Townscape and Visual Impact Statement' has been submitted. The conclusion to this Statement refers to the delivery of a 'landmark' building which would define the northern edge of Chafford Hundred and provide a sympathetic transition from the lower rise residential and commercial character to the south and east, and the more industrial land uses to the west. In order to justify these arguments, the Statement considers the potential impacts on a number of short, medium and longer distance views, including viewpoints from the Green Belt to the north. Given the mitigating influences of topography, distance and vegetation it is accepted that the visual and landscape impact of the proposal would not be significant as seen from medium and longer distance viewpoints. The current proposals also need to be considered in the context of the 'live' planning permission (ref. 16/00307/FUL) for 203 dwellings in blocks between four and seven-storeys. Nevertheless, the current development is taller, bulkier and with more mass than the previous approvals. It is considered that proposals would appear as visually dominant and out of character when seen from vantage points close to the site. The benefits of new housing development and regeneration of the site do not justify the scale and height proposed. Similarly, the aim of achieving a 'landmark' building does not necessarily translate into additional height and ultimately any development proposal should be well-mannered in its context, which is not the case here.
- 6.41 In summary under this heading, the development would involve higher buildings compared to the implemented scheme and the current approval. Elements of the proposals would comprise "tall buildings" are defined by policy PMD3. A balanced judgement assessing the visual impact of the proposals in the context of the surrounding area and the policy requirement to maximise the development potential of the site is required. As a matter of judgement, and despite the lack of harm to longer distance viewpoints, it is also concluded that the height, bulk and massing of the development would be dominant and out of character.

#### IV. IMPACT ON AMENITY

- 6.42 Impact on surrounding amenity is confined to the potential impacts on existing residential occupiers at Trelawney Place to the west of the site.
- 6.43 Primary windows at ground, first, second and part-third floor level within the east-facing elevation of Trelawney Place look towards the site. There is a minimum distance of approximately 10m between these windows and the site boundary and there would be an approximate minimum distance of c.20m between existing windows and new development. As noted above, the proposed position of residential

blocks in relation to Trelawney Place is very similar to the implemented development and the current approval (ref. 16/00307/FUL).

- 6.44 The application is accompanied by a Daylight / Sunlight Assessment (November 2020), produced to appraise the impact of the development on adjacent buildings in accordance with the Building Research Establishment (BRE) report, "Site layout planning for daylight and sunlight" (BR 209). Although this document is not specifically referred to by national or local planning policies, it is accepted as the industry standard measure of good practice and relied upon in the production of daylight / sunlight assessments. The applicant's assessment identifies east-facing windows at Trelawney Court as potentially affected and therefore assesses impact on daylight and sunlight to rooms. The conclusions of the daylight assessment are that 9 out of a total of 40 rooms assessed would fail to satisfy both 'Vertical Sky Component' and 'No Sky Line' guidelines and would therefore experience an adverse effect on their diffuse daylighting. However, a detailed analysis of the affected rooms suggest that retained access to light will remain very good. An assessment of the 'Average Daylight Factor' models infringements to the guidelines in 7 rooms from the total of 40, although 6 of these rooms are bedrooms which are principally occupied at night-time. Overall, assessed against the BRE guidance the impact upon daylight would be "negligible" and not dissimilar from the impacts associated with the 2016 scheme (which involved four and five-storey development closest to Trelawney Court).
- 6.45 With reference to sunlight, the applicant's assessment concludes that all potentially affected rooms in Trelawney Court would continue to receive guideline values for 'Annual Probable Sunlight Hours'.
- 6.46 Although the applicant's current assessment does not consider impact on outdoor space, an assessment accompanying 16/00307/FUL modelled that over 50% of the adjoining amenity space would continue to receive at least two full hours of direct sunlight on the 21st March. Therefore, it can be inferred that whilst there will be an increase in shadowing to the amenity space at Trelawney Place, according to the BRE Guidance this increase is considered to be insignificant.
- 6.47 Distances between existing windows at Trelawney Place and proposed windows within the development would be similar to relationships within the part-implemented development and the current approval. It is considered that there would be sufficient separation to ensure a reasonable degree of privacy.
- 6.48 With reference to daylight and sunlight for potential occupiers of the development, the applicant's Assessment (November 2020) states that 629 (84.1%) out of the 748 rooms assessed would satisfy the BRE guidelines for Average Daylight Factor and consequently *"this demonstrates a very good level of internal daylight adequacy to*

*the proposed buildings*". However, the corollary of this statement is that 119 or 15.9% of rooms would not meet the guideline figure for Average Daylight Factor. Comments from the Council's Urban Design Officer note that proposed flats at the lower levels will be most affected as follows:

First Floor – 25 out of 107 (23%) of rooms do not meet the guidelines;  
Second Floor – 26 out of 107 (24%) of rooms do not meet the guidelines;  
Third Floor – 19 out of 107 (18%) of rooms do not meet the guidelines.

- 6.49 A combination of north-facing flats and the proposed repeating floorplan where balconies stack over the windows below exacerbates the issue of inadequate daylighting to the lower floors.
- 6.50 In response to these points, the applicant has submitted an updated Sunlight and Daylight Report (March 2021) to assess the minor changes to the application drawings which are intended to improve daylighting (i.e. changes to balcony positions etc.). On the basis of the minor changes to layout, the revised assessment confirms that 700 (93.6%) out of the 748 rooms assessed would satisfy the BRE guidelines for Average Daylight Factor. Whilst this is an improvement on the previous figure of 629 rooms (84.1%), it is still the case that a number of rooms (48 or 6.4%) would be below the guideline. Core Strategy policy PMD2 (Design and Layout) requires that the layout of all development should optimise the assets of the site, while conforming to the appropriate standards for layout, design and access. Adequate access to daylight for future occupiers of a development is considered to be an 'appropriate standard'.
- 6.51 In support of the application, the applicant refers to paragraph no. 123 of the NPPF as follows:
- "Where there is an existing or anticipated shortage of land for meeting identified housing needs, it is especially important that planning policies and decisions avoid homes being built at low densities, and ensure that developments make optimal use of the potential of each site. In these circumstances:*
- (c) local planning authorities should refuse applications which they consider fail to make efficient use of land, taking into account the policies in this Framework. In this context, when considering applications for housing, authorities should take a flexible approach in applying policies or guidance relating to daylight and sunlight, where they would otherwise inhibit making efficient use of a site (as long as the resulting scheme would provide acceptable living standards)."*
- 6.52 As ever a judgement is required to balance living conditions against efficient use of the site and the revisions to drawings improve the scheme. However, 48 rooms

concentrated at the lower floor levels would fall below guidelines. In addition, a number of the proposed flats at least partly rely on a north-facing aspect which, as mentioned above, for lower level units would include an outlook onto the A1306 embankment. In addition, many of the proposed flats would be single aspect only. In these circumstances, it is considered that satisfactory living conditions with reference to sunlight and daylight would not be achieved for all dwellings, to the detriment of amenity.

6.53 V. HIGHWAYS & TRANSPORTATION ISSUES

With regard to car parking provision, the arrangements for the implemented development (08/01156/TTGOUT), the most recent approval (16/00307/FUL) and the current proposals are set out in the table below:

08/01156/TTGOUT	
Basement	146 spaces (including 6 wheelchair user spaces and 6 surgery staff spaces)
Ground Level	14 residential visitor spaces 8 surgery visitor spaces
TOTAL	168 spaces
16/00307/FUL	
Basement	148 spaces (including 6 wheelchair user spaces)
Ground Level	22 spaces (including 3 wheelchair user spaces)
TOTAL	170 spaces
20/01709/FUL	
Basement	159 spaces (including 11 visitor spaces)
Ground Floor	47 spaces (including 5 car club spaces, 10 visitor spaces and 12 wheelchair user spaces)
TOTAL	206 spaces

6.54 In simple numerical terms, the current proposals would include an increase in car parking provision compared to both the original approval (08/01156/TTGOUT) and the current approval (16/00307/FUL). This increase results from increased capacity within both the basement and at ground floor level. Nevertheless, compared with the previous approval, the current proposal involves a larger number of residential units. The matter of car parking provision is further complicated by the different mix of residential and non-residential uses across the three applications and the associated car parking ‘standards’ which would apply. Planning permission ref. 08/01156/TTGOUT was granted in 2009, before the publication of the draft ‘Thurrock Parking Standards and Good Practice in 2012’. Therefore, in the context of car parking provision, a comparison between the current scheme and 08/01156/TTGOUT is of limited benefit.

6.55 However, the current approved scheme (16/00307/FUL) was assessed against the 2012 draft parking standards and is useful as a comparison. Planning permission ref. 16/00307/FUL proposed a total of 170 car parking spaces, however parking allocated to non-residential uses accounted for 30 of these spaces. A comparison of the residential car parking provision for the current approval and the current proposal is provided in the table below:

Car Parking Provision	
16/00307/FUL: 203 residential units	103 residents parking spaces
	12 visitor spaces
	25 car club spaces
	TOTAL 140 spaces
	c. 0.7 parking spaces per residential unit
20/01709/FUL: 344 residential units	168 residents parking spaces
	21 visitor spaces
	5 car club spaces
	12 wheelchair user spaces
	TOTAL 206 spaces
	c. 0.6 parking spaces per residential unit

6.56 Compared to 16/00307/FUL the current proposals involve a small decrease in the ratio of car parking per residential unit.

6.57 The draft ‘Thurrock Parking Standards and Good Practice’ (2012) document includes a range of suggested parking provision for proposed residential and commercial land uses. Proposed flats in a high accessibility area (defined as within 1km walking distance of a railway station and within an existing or proposed controlled parking zone) attract a suggested range of 0 – 1.0 spaces per dwelling and 0.25 spaces per dwelling for visitors. The site is located (c. 740m) within a 1km walking distance from Chafford Hundred railway station. In addition, existing waiting restrictions apply on Burghley Road, Fenner Road and Fleming Road south of the site and the applicant has offered a financial contribution towards implementation of a controlled parking zone in the immediate vicinity of the site (i.e. Howard Road). Consequently, the site can be considered as a high accessibility location. For residential developments the draft standards promote the use of car clubs, where appropriate. The range of suggested parking standards (2012) as applied to the development proposals is set out in the table below:

Proposed Use	No. of Units	Suggested Parking Range	Minimum Parking	Maximum Parking
Residential	344 flats	0 – 1.0 space per dwelling	0 spaces	344 spaces
			86 spaces	86 spaces

		0.25 visitor spaces per dwelling		Total: 86 spaces	Total: 430 spaces
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- 6.58 Assessed against the draft 2012 parking standards the proposed provision of 206 car parking spaces exceeds the suggested minimum (86 spaces), but only represents c.48% of the suggested maximum car parking figure.
- 6.59 Paragraph 105 of the NPPF (2019) refers to parking standards and states that, if setting local parking standards for residential and non-residential development, local planning authorities should take into account:
- a) the accessibility of the development;
  - b) the type, mix and use of development;
  - c) the availability of and opportunities for public transport;
  - d) local car ownership levels; and
  - e) the need to ensure an adequate provision of spaces for charging plug-in and other ultra low emission vehicles.
- 6.60 Advice within PPG notes that *“Maximum parking standards can lead to poor quality development and congested streets, local planning authorities should seek to ensure parking provision is appropriate to the needs of the development and not reduced below a level that could be considered reasonable”*. (Ref. ID: 42-008-20140306). Therefore, although national planning policy requires that any local parking standards should take locational factors and the characteristics of a proposal into account, a judgement is required as to what is “reasonable” parking provision for an individual development.
- 6.61 In forming a view whether the proposed level of car parking is “reasonable”, Members are reminded that the most recent permission on the site (16/00307/FUL) comprises a residential development, with doctor’s surgery and commercial floorspace with a parking provision at the lower-end of the possible range of parking standards. As noted in the table above, the residential element only of 16/00307/FUL involved a car parking ratio of c.0.7 spaces per dwelling and the current application proposes a ratio of c.0.6 spaces per dwelling. The ratio of car parking spaces per dwelling previously approved and currently proposed are similar and reflect the physical capabilities of the site to accommodate car parking. If the overall quantum of parking which the site can accommodate is considered to be largely ‘fixed’, the judgement is whether the impact of parking requirements of additional dwellings can be adequately mitigated.

In this case, Officers are satisfied that as with 16/00307/FUL, the combination of the site location, the availability of public transport, the nature of the proposals (i.e. smaller one and two-bedroom properties) and the proposed parking measures (i.e. car club, parking management plan, funding for potential extension to the controlled parking zone) adequately mitigate the impact of the additional development compared to the approved development. The difference between the car parking ratio by dwelling for 16/00307/FUL and the current proposal is marginal. Consequently, and as a matter of judgement, the level of car parking provision is considered to be reasonable.

6.62 With regard to the current 'live' approval (16/00307/FUL) consultation comments received from the Highways Officer at that time raised no objection to the proposals, subject to appropriate mitigation measures being secured through s106 obligations and planning conditions. The planning permission (16/00307/FUL) therefore includes s106 obligations and conditions addressing:

- the management of car parking spaces;
- financial contribution towards extending parking controls locally;
- establishment and operation of a car club;
- financial contribution towards highways improvements at the Pilgrims Lane / A1306 junction and / or the Fenner Road / A126 junction; and
- access controls for the basement car park.

6.63 In responding to the current planning application the Highways Officer requests, in summary, that further information is submitted. Concerning matters of detail, the Officer notes the likely impacts of traffic on the A1306 / Burghley Road junction and the A126 / Fenner Road junction. The matter of potential overspill parking onto the surrounding road network is raised as an issue, although the Highways Officer notes the sustainable location of the site. As with permission ref. 16/00307/FUL, the current application includes an offer of s106 obligations which includes provision of a car club, and financial contributions towards local parking restrictions (CPZ) and highways (junction) improvements. Therefore, a package of mitigation measures is offered.

6.64 Paragraph nos. 108 and 109 of the NPPF are relevant to the consideration of development proposals as follows:

*“...it should be ensured that:*

- (a) appropriate opportunities to promote sustainable transport modes can be – or have been – taken up, given the type of development and its location;*

- (b) safe and suitable access to the site can be achieved for all users; and*
- (c) any significant impacts from the development on the transport network (in terms of capacity and congestion), or on highway safety, can be cost effectively mitigated to an acceptable degree.*

*Development should only be prevented or refused on highways grounds if there would be an unacceptable impact on highway safety, or the residual cumulative impacts on the road network would be severe”.*

6.65 In light of the location of the site, the nature of the application, the package of mitigation measures and a comparison between the current proposals and planning permission ref. 16/00307/FUL, it is considered, on balance, that the highways and transport impacts of the development would be acceptable.

#### 6.66 VI. NOISE & AIR QUALITY

A noise assessment, accompanies the planning application which includes the results of a noise monitoring survey. This survey updates the results of a similar survey undertaken to accompany planning application ref. 16/00307/FUL. The 2019 survey concludes that noise from road traffic on the A1306 is the primary noise source affecting the site, with occasional train and aircraft noise audible at night. Noise levels on the proposed development site at present are expected to be, at worst, greater than the Significant Observed Adverse Effect Level (SOAEL) levels and that the risk from noise on the proposed development site is assessed as ‘medium’. The results from the updated noise survey suggest that there could be an observed effect from noise on the site and as a consequence, it will be necessary to mitigate and reduce noise for the future residents to a minimum. With reference to internal noise levels, with standard double-glazed windows, internal noise levels within all room types will be below the maximum levels described in BS 8233:2014 (Guidance on Sound Insulation and Noise Reduction for Buildings).

6.67 However, the applicant’s assessment shows that at the worst affected facades on the site, with a window partially open, internal noise levels will be in excess of the maximum levels described in BS 8233:2014. Therefore, it will be necessary to ensure that ventilation is adequate such that that design of the building does not rely on windows being opened to ensure that the dwellings are well ventilated. The noise assessment recommends that the northern facades of the blocks facing the A1306 have acoustic ventilation to prevent disturbance from road traffic noise. The assessment also recommends that the eastern facades of the blocks facing towards the Sainsburys superstore are also treated with acoustic ventilation as they could be affected by delivery noise from the supermarket’s service yard. In addition, the southern façade of blocks facing towards the Bannatynes health club may also

benefit from acoustic ventilation to prevent against noise intrusion from the plant noise emanating from the club.

- 6.68 With regard to noise levels in external amenity areas, BS 8233:2014 states that *“it is desirable that the external noise level does not exceed 50 dB LAeq,T, with an upper guideline value of 55 dB LAeq,T which would be acceptable in noisier environments.”* BS 8233:2014 further states that that these guideline values are not achievable in all circumstances and in some areas, *“such as city centres or urban areas adjoining the strategic transport network, a compromise between elevated noise levels and other factors, such as the convenience of living in these locations or making efficient use of land resources to ensure development needs can be met, might be warranted. In such a situation, development should be designed to achieve the lowest practicable levels in these external amenity spaces, but should not be prohibited.”*
- 6.69 At the site, the LAeq.16hours was measured at 63 dB, greater than the upper guideline value of 55 dB LAeq,T. This measured noise level is representative of the worst effected north-facing façades closest to the A1306. Therefore, ground floor private garden areas and upper floor private balcony areas on the northern elevation of the blocks may be of limited utility given their proximity to sources of road traffic noise. Nevertheless, the proposed site layout outdoor amenity space within the ‘courtyards’ which will be shielded from the A1306 by the building blocks, which will provide noise attenuation. Therefore, it is likely that some of the proposed communal outdoor amenity spaces will benefit from noise levels of less than 55 dB(A). It is possible to conclude, subject to mitigation, that internal noise levels will be acceptable and external noise levels in parts of the outdoor amenity spaces will also be acceptable. Therefore, subject to planning conditions, there are no objections to the proposals on noise grounds.
- 6.70 The site is located partly within an Air Quality Management Area (AQMA) (No.5) which includes land on both sides of the A1306 in between the Hogg Lane roundabout junction and the South Ockendon – Chafford Hundred railway line. This AQMA is designated for nitrogen dioxide (NO<sub>2</sub>) and particulate matter (PM<sub>10</sub>) associated with traffic movements on the A1306 and A13. An air quality assessment therefore accompanies the proposals. The applicant’s assessment considers both the impacts of air quality on potential future occupants of the development and the impact on air quality of construction activities.
- 6.71 Concentrations of pollutants on site have been assessed using existing monitoring data and air quality modelling. Existing concentrations and predicted concentrations in the opening year of the proposed development (2024), are both within Air Quality Objectives. The air quality impacts of new traffic generation from users of the development onto already highly trafficked roads is modelled as “negligible”. Finally, with reference to the impacts on air quality, dust and other pollutant emissions from

the demolition and construction phases of the development, the site is designated as a “high risk site”. However, with risk-appropriate mitigation via a CEMP, residual effects are not considered to be significant.

- 6.72 The consultation response from the Council’s Environmental Health Officer conclude that it is unlikely that the UK Air Quality Objective for NO<sub>2</sub> will be exceeded. Therefore no objections are raised in terms of air quality for the proposal.

## VII. FLOOD RISK

- 6.73 The site is located within the low risk flood zone (Zone 1) and therefore the requirement for the local planning authority to apply the sequential test does not apply. Residential development is classified as “more vulnerable” within the flood risk vulnerability classification set out by Table 2 of PPG and therefore this land use is “appropriate” as defined within Table 3 of PPG (flood risk vulnerability and flood zone compatibility). Although the site is within the low risk flood zone, as the site area exceeds 1 hectare the application is accompanied by a flood risk assessment (FRA).
- 6.74 The implemented planning permission (ref. 08/01156/TTGFUL) was subject to a planning condition requiring submission an approval of foul and surface water drainage details. Details pursuant to this condition were submitted and approved, and it is evident that elements of the approved drainage infrastructure have been installed on-site. Nevertheless, the current proposals are materially different from the implemented scheme. However, this matter can be addressed by planning condition.

## VIII. SUSTAINABILITY

- 6.75 Adopted Core Strategy policies PMD12 and PMD13 provide the local policy context for assessing the development proposals. PMD12 states that “proposals for new or conversion to residential development must achieve a “Code for Sustainable Homes” level 4 rating, except in respect of any of the Code’s requirements that have been officially superseded by mandatory national standards”. In March 2015 the Government withdrew the Code for new developments. Accordingly, the requirements of PMD12 no longer apply to new residential proposals. Despite the withdrawal of the Code requirements, the applicant has submitted an Energy Statement which refers to measures to reduce energy demand.
- 6.76 Policy PMD13 requires that from the year 2020 major residential developments secure, as a minimum, 20% of their predicted energy from decentralised and renewable or low-carbon sources. The applicant’s Statement proposes the use of air / water source heat pumps and roof-mounted photo-voltaic (PV) panels within the

development. The applicant estimates that these technologies, alongside in-built energy efficiency measures, would result in a 37.1% CO2 saving on site compared against a baseline Part L 2013 Building Regulations compliant scheme. A planning condition could be used to secure compliance with the submitted Energy Statement.

## IX. VIABILITY & PLANNING OBLIGATIONS

- 6.77 Policy CSTP2 of the adopted Core Strategy (2015) states that the Council will seek the minimum provision of 35% of the total number of residential units built to be provided as affordable housing. However, this target is subject to, inter-alia, the economics of providing affordable housing. The policy goes on to state that:

*“the Council recognises that the majority of Thurrock’s identified housing land supply is on previously developed land often subject to a variety of physical constraints. The capacity of a site to deliver a level of affordable housing that can be supported financially will be determined by individual site ‘open book’ economic viability analysis where deemed appropriate”.*

- 6.78 When first submitted for consideration the scheme was promoted as a private rented sector (or Build to Rent) proposal. However, when an updated financial viability report was submitted in April 2021, the covering letter noted:

*“In light of the ongoing pandemic and fast-changing situation, the residential rental market has less strength than when the application was submitted. The applicant is therefore now proceeding on an ‘open market’ basis, with 10% of the units offered for ‘affordable home ownership’ in accordance with paragraph 64 of the NPPF (this is without prejudice to the viability case) ... the tenure would be Discounted Market Sale with sale prices set at 80% of market value”.*

- 6.79 For reference, paragraph 64 of the NPPF is relevant. This paragraph states that for major development proposals involving housing (i.e. 10+ dwellings), planning decisions should expect at least 10% of the homes to be available for affordable home ownership.

- 6.80 The applicant has submitted an updated viability assessment (March 2021) produced on the basis of open market sales which concludes that the development generates a negative residual land value. Despite this, the applicant is prepared to offer “up to” 10% affordable housing. The applicant has also submitted a draft heads of terms for any s106 agreement as follows:

Healthcare:

- Financial contribution to offset additional demand on local health services.

- To be reviewed in discussion with NHS.

Education:

- Financial contribution to offset additional demand on local education services.

Highways:

- Financial contribution for enhancements to Howard Road and/or adjacent highways infrastructure
- Controlled Parking Zone:
  - Financial contribution toward delivery of a CPZ.
  - Residents of the proposal will be prohibited from obtaining permits for any surrounding CPZ.

Car Club:

- Five (5) spaces provided in perpetuity
- Cost of car club membership paid for all residents not with an allocated parking space, for a period of five years
- Monitoring Fees.

- 6.81 In accordance with usual practice, Officers have secured an independent appraisal of the applicant's viability assessment. The appraisal re-runs the viability assessment with different assumptions relating to reduced build costs and increased sales values and concludes a negative residual site value (albeit with a reduced shortfall compared to the applicant's assessment). However, the conclusion is that the scheme is financially unviable.
- 6.82 The applicant's offer to provide 10% (34 units) as discounted market sale units (affordable home ownership) complies within the minimum requirements of NPPF paragraph no. 64. Furthermore, the normal policy requirement for 35% affordable housing can be adjusted in this case in light of the financial viability situation. There is no conflict with Core Strategy policy CSTP2. Finally, the applicant has offered draft heads of terms for a legal agreement which would mitigate the impacts of the proposals in accordance with PMD16.

## **7.0 CONCLUSIONS AND REASON(S) FOR RECOMMENDATION**

- 7.1 This application is the third proposal involving residential development for this site in recent years. The principal of residential development has been established and planning permission ref. 16/00307/FUL also established the principle of developing smaller one and two-bedroom units. However, in comparison with both the most recent planning permission, and by its own measure, the current proposals comprise an intensive use of the site. Although the delivery of new housing on previously developed land is a policy aim alongside making effective use of land, these objectives must be balanced against the desirability of maintaining character and delivering well-designed and healthy places. In this case, it is concluded that the height and density of the development would be out of character locally and visually harmful. Furthermore, a number of proposed rooms would not benefit to access to adequate daylight, to the detriment of amenity of future residents.
- 7.2 Compared with the most recent planning approval (16/00307/FUL) the ratio of proposed car parking spaces is very similar and, subject to mitigation, an objection to the proposals on the grounds of impact to the local highways network could not be sustained. Subject to conditions, there are no objections to the proposals on the grounds of impact on noise, air quality, flood risk or environmental sustainability. Nevertheless, the lack of objection on these points does not overcome the substantive shortfalls in the proposals mentioned above. Accordingly, it is recommended that planning permission is refused.

## **8.0 RECOMMENDATION**

- 8.1 Refuse planning permission for the following reasons:
1. The proposed development, by reason of its height, bulk, mass and resulting density would represent a cramped overdevelopment of the site and would appear visually dominant and out of keeping with the character of the surrounding area, contrary to paragraph nos. 122 and 127 of the NPPF and policy PMD2 of the adopted Thurrock Core Strategy and Policies for the Management of Development (2015).
  2. The proposed development would fail to provide adequate internal daylighting to all rooms to the detriment of the living conditions and amenity of future occupiers and contrary to paragraph no. 127 of the NPPF and policy PMD2 of the adopted Thurrock Core Strategy and Policies for the Management of Development (2015).

Informative(s)

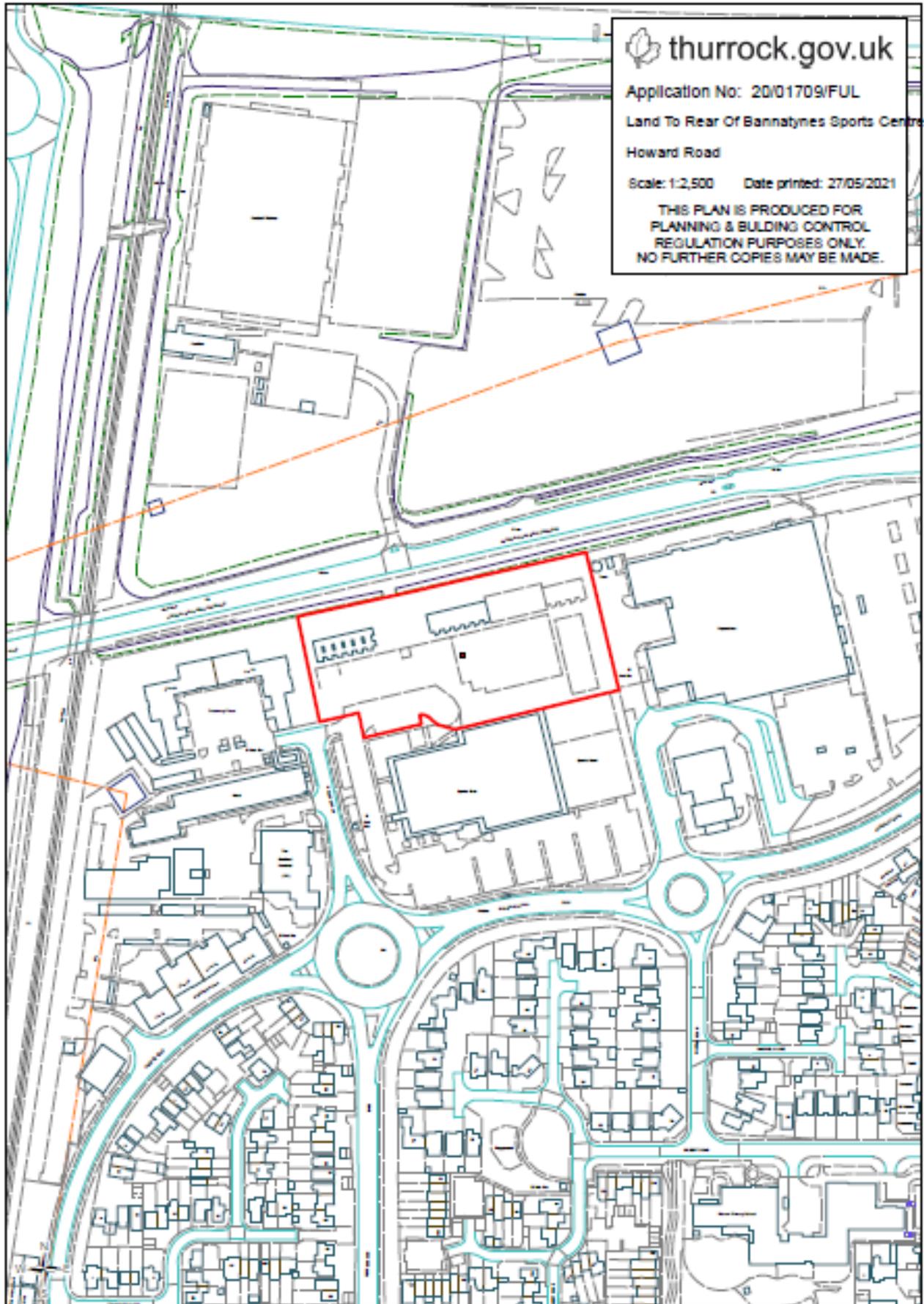
1 Town and Country Planning (Development Management Procedure) (England) Order 2015 (as amended) - Positive and Proactive Statement:

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

**Documents:**

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

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



<b>Reference:</b> 20/00284/OUT	<b>Site:</b> Land west of Lytton Road River View Chadwell St Mary Essex
<b>Ward:</b> Chadwell St Mary	<b>Proposal:</b> Outline application with all matters reserved (except for access) for up to 140 dwellings, open space, parking and associated works including vehicular access onto the B149.

<b>Plan Number(s):</b>		
Reference	Name	Received
CHADs_GA_001_A	Proposed Illustrative Masterplan	05.03.2020
CHADs_GA_002_A	Site Location Plan	05.03.2020
CHADs_GA_011_A	Site Boundary Plan	05.03.2020
CHADs_GA_012_A	Route and Access Plan	05.03.2020
CHADs_GA_013_A	Heights and Density Plan	05.03.2020
CHADs_GA_014_A	Environmental Plan	05.03.2020
CHADs_GA_015_A	Landscape Areas Plan	05.03.2020
CHADs_GA_016_A	Local Amenities Plan	05.03.2020

<p>The application is also accompanied by:</p> <ul style="list-style-type: none"> <li>• Arboricultural Survey Report;</li> <li>• Archaeology Desk Top Study</li> <li>• Contamination Report;</li> <li>• Design and Access Statement;</li> <li>• Ecology Assessment and Biodiversity Questionnaire;</li> <li>• Energy and Sustainability Statement;</li> <li>• Flood Risk Assessment and Drainage Strategy;</li> <li>• Health impact Assessment;</li> <li>• Noise Assessment;</li> <li>• Planning Statement; and</li> <li>• Transport Assessment and Travel Plan.</li> </ul>
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<b>Applicant:</b> Greatview Properties Ltd	<b>Validated:</b> 5 March 2020 <b>Date of expiry:</b> 14 June 2021
<b>Recommendation:</b> Refuse planning permission	

This application has been called in to be determined by the Planning Committee by Cllr Byrne, Cllr Potter, Cllr Rice, Cllr Sammons and Cllr Shinnick in accordance with the Constitution Chapter 5, Part 3 (b), 2.1 (d) (i) to examine Green Belt issues.

## 1.0 BRIEF SUMMARY

- 1.1 This application seeks outline planning permission (with all matters reserved apart from access) for a residential development of up to 140 dwellings, with associated open space, parking etc. The application site is located within the Metropolitan Green Belt and on the south-western edge of Chadwell St. Mary, adjacent to the A1089 (T) Dock Approach Road.

## 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	3.5 Ha
Number of Dwellings	Private Housing (indicative): 12 no. one-bed flats 20 no. two-bed flats 29 no. three-bed houses 30 no. four-bed houses  TOTAL – 91 no. units  Affordable Housing (indicative): 24 no. one bed flats 16 no. two-bed flats 9 no. three-bed houses  TOTAL – 49 no. units  OVERALL TOTAL: up to 140 dwellings
Building Height	Houses – two, three and four storeys (indicative) Flats – four storeys (indicative)
Parking	Houses – 136 spaces (2 spaces per dwelling) (indicative)

	Flats – 72 spaces ( 1 space per dwelling) (indicative) Visitors – 28 spaces (indicative)
Density	40 dwellings per hectare

2.2 This application seeks outline planning permission with all matters (appearance, landscaping, layout and scale) reserved for future approval, apart from access. Vehicular access into the site would be taken from a new road arm onto the existing roundabout located at the junction of the B149 (Chadwell Bypass / Woodview) and River View. An illustrative ‘Routes and Access Plan’ suggests an arrangement of primary and secondary roads within the site. A series of drawings accompanying the Transport Assessment indicate the geometry of the new road access arm, together with footpath extensions and an uncontrolled pedestrian crossing on Wood View.

2.3 A number of illustrative plans are submitted to indicate how a development of up to 140 dwellings could be accommodated on the site as follows:

- Routes and Access Plan

Indicates a main vehicular route aligned broadly north-south, with a series of secondary ‘mews streets’ accessed from the eastern side of the main route. This plan also show the position of the new road arm onto the B149 / River view roundabout junction.

- Heights and Density Plan

Indicates a potential arrangement of two, three and four-storey development across the site. Two and three-storey ‘Mews Houses’ are indicated are indicated on the eastern part of the site, with two and three-storey ‘Town Houses’ in the centre of the site and four-storey ‘Apartments’ located at the south-western corner of the site.

- Environmental Plan

Shows the indicative position of green areas for sustainable urban drainage systems (SUDS) within the site, the position of a 3m high acoustic barrier adjacent to the A1089(T) and a 6m wide ‘air quality margin’ adjacent to the southern and western boundaries.

- Landscape Areas Plan

Shows the indicative location of areas of both soft and hard landscaping to be located adjacent to site boundaries and between areas of built development.

### 3.0 SITE DESCRIPTION

3.1 The application site is a broadly triangular-shaped parcel of land extending to 3.5 Ha in area located on the south-western edge of the built-up area of Chadwell St Mary. The site has a frontage to Wood View of c.140m and a boundary of c.530m with the

A1089(T) Dock Approach Road. The site narrows considerably on the northern part, to a dimension of c.4m at the northern boundary. Although only indicative plans have been submitted, it is unlikely that development could be accommodated on the northern part of the site due to its narrow shape.

- 3.2 As noted above, the Dock Approach Road (A1089(T)) is located adjacent to the western boundary of the site. This road is within a cutting, between c.4-5m below ground levels on-site. A public right of way (PROW) (footpath no. 114) adjoins the eastern boundary of the site. This footpath connects to another PROW (bridleway no. 112) at the site’s northern boundary. This bridleway is aligned east-west and crosses over the A1089(T) immediately north of the site. A vehicular access track serving the rear of existing dwellings in Lytton Road also adjoins the majority of the eastern boundary. Open playing fields adjoin the north-eastern corner of the site.
- 3.3 Ground levels across the site rise gradually to the north. The site is within the low risk flood zone (Zone 1). The northern element of the site comprises part of a former landfill site. The site is within the Green Belt (GB) and is currently used for the grazing of livestock. The site is open apart from a small field shelter close to the southern frontage. Finally, the site lies within an impact zone because of its proximity to the Hangman’s Wood & Deneholes SSSI, located north-west of the site.

**4.0 RELEVANT PLANNING HISTORY**

Application Ref.	Description of Proposal	Decision
67/00057/FUL	Metal recovery by portable plant for a duration not exceeding 2 years	Refused
61/000877/FUL	Extraction of sand and gravel from 25.831 acres of land Woodview, Chadwell St. Mary and restoration of the site for school playing field use	Approved
19/01008/SCR	EIA screening request for development of the site to provide up to 180 dwellings with associated hardstanding, landscaping and public open space.	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 notices. The application has been advertised as a departure from the Development Plan, a major development and as affecting a public right of way.

5.2 Thirteen individual letters of objection have been received, including letters from ward Councillors Muldowney and Chukwu, raising the following matters of concern:

- loss of Green Belt land;
- impact on infrastructure (schools, healthcare etc.);
- inadequate access;
- increased traffic congestion;
- inappropriate use of a former landfill site;
- loss of amenity;
- increased pollution;
- out of character locally; and
- impact on ecology.

### 5.3 CONSULTATION RESPONSES:

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

### 5.4 ANGLIAN WATER:

No objection, suggest a number of informatives referring to waste water treatment.

### 5.5 CADENT (GAS):

Refer to the location of a low / medium pressure gas pipeline along the southern boundary.

### 5.6 ENVIRONMENT AGENCY:

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

### 5.7 ESSEX COUNTY COUNCIL (ARCHAEOLOGY):

Recommend that pre-commencement conditions to secure archaeological investigation are attached to any grant of planning permission.

5.8 ESSEX POLICE:

Recommend that the developer seeks to achieve Secured By Design accreditation.

5.9 HIGHWAYS ENGLAND:

Recommend that a planning condition addressing site drainage is attached to any grant of planning permission.

5.10 NATURAL ENGLAND:

No objection, subject to a planning obligation to secure mitigation as part of the Essex Coast RAMS.

5.11 NHS ENGLAND:

Request a planning obligation to secure a financial contribution of £55,200 in order to mitigate impacts on primary healthcare provision.

5.12 EDUCATION:

Request a planning obligation to secure a financial contribution of £790,076 in order to mitigate impacts on school places locally.

5.13 ENVIRONMENTAL HEALTH:

Request clarification of the need for an air quality report if houses within the development are located within the exceedance line for nitrogen dioxide (NO<sub>2</sub>) associated with an Air Quality Management Area, clarification of acoustic works including detailed specifications for a 3m barrier, glazing and ventilation to houses located within the development and an intrusive investigation report to address the implications for the development of contaminated land associated with a former landfill to the north of the site.

5.14 FLOOD RISK MANAGER:

No objection, subject to conditions addressing surface water drainage.

5.15 HIGHWAYS:

Suggest a number of planning conditions and s106 obligations to mitigate the impact of the development on the local highways network. Travel plan conditions and obligations are also suggested.

**5.16 LANDSCAPE & ECOLOGY ADVISOR:**

No objections on landscape or ecological grounds, subject to mitigation measures.

**5.17 LISTED BUILDINGS / HERITAGE ADVISOR:**

No objection.

**5.18 PUBLIC RIGHTS OF WAY:**

Suggest improvements to footpaths and bridleways in the vicinity of the site.

**5.19 SPORTS & LEISURE:**

Suggest a financial contribution to mitigate the sports needs generated by the development.

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

6.1 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:

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

#### National Planning Practice Guidance (PPG)

6.2 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
- Appropriate Assessment
- Climate change
- Design: process and tools
- Determining a planning application
- Effective use of land
- Flood risk and coastal change
- Green Belt
- Healthy and safe communities
- Housing needs of different groups
- Housing for older and disabled people
- Housing supply and delivery

- Land affected by contamination
- 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

### **Local Planning Policy**

#### Thurrock Local Development Framework (2015)

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

#### OVERARCHING SUSTAINABLE DEVELOPMENT POLICY

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

#### SPATIAL POLICIES

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

#### THEMATIC POLICIES

- CSTP1 (Strategic Housing Provision)
- CSTP2 (The Provision Of Affordable Housing)
- CSTP9 (Well-being: Leisure and Sports)
- CSTP10 (Community Facilities)
- CSTP15 (Transport in Greater Thurrock)
- CSTP18 (Green Infrastructure)
- CSTP19 (Biodiversity)
- CSTP20 (Open Space)
- CSTP22 (Thurrock Design)
- CSTP23 (Thurrock Character and Distinctiveness)
- CSTP25 (Addressing Climate Change)
- CSTP26 (Renewable or Low-Carbon Energy Generation)

- CSTP27 (Management and Reduction of Flood Risk)

## POLICIES FOR MANAGEMENT OF DEVELOPMENT

- PMD1 (Minimising Pollution and Impacts on Amenity)
- PMD2 (Design and Layout)
- PMD4 (Historic Environment)
- PMD5 (Open Spaces, Outdoor Sports and Recreational Facilities)
- PMD7 (Biodiversity, Geological Conservation and Development)
- PMD8 (Parking Standards)
- PMD9 (Road Network Hierarchy)
- PMD10 (Transport Assessments and Travel Plans)
- PMD12 (Sustainable Buildings)
- PMD13 (Decentralised, Renewable and Low Carbon Energy Generation)
- PMD15 (Flood Risk Assessment)
- PMD16 (Developer Contributions)

### 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 Procedure:

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 buildings 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 Green Belt. Therefore the application will need to be referred under paragraph 4 of the Direction (e.g. 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 main issue for consideration in this case is the assessment of compliance with planning policies for and impact on the Green Belt. The assessment below also covers the following areas:

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

### 7.3 I. PRINCIPLE OF THE DEVELOPMENT AND THE IMPACT ON THE GREEN BELT

Under the heading of Green Belt considerations it is necessary to refer to the following key questions:

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

7.4 i. whether the proposals constitute inappropriate development in the Green Belt:

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

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

7.5 Clearly the proposals to construct up to 140 dwellings do not fall into any of the exceptions listed at (a) to (g) in the paragraph above. Consequently, the proposals comprise inappropriate development with reference to the NPPF. Development plan policy, as expressed in the Core Strategy and Policies for the Management of Development (2015) is generally consistent with national policy on Green Belt matters. Core Strategy policy CSSP4 sets out the objective of maintaining the purpose, function and open character of the GB. In order to implement this policy, the Council will:

- maintain the permanence of the boundaries of the Green Belt;
- resist development where there would be any danger of coalescence; and
- maximise opportunities for increased public access, leisure and biodiversity.

7.6 In addition, Core Strategy policy PMD6 states that, inter-alia, planning permission will only be granted for new development in the Green Belt provided it meets as

appropriate the requirements of the NPPF. Consequently, it is a straightforward matter to conclude that the proposals for residential development constitute inappropriate development in the Green Belt.

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

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

7.8 As noted above, paragraph 133 of the NPPF states that the fundamental aim of Green Belt policy is to prevent urban sprawl by keeping land permanently open; the essential characteristics of Green Belts being described as their openness and their permanence. Although this is an application for outline planning permission, with details of layout reserved, it is apparent from the submitted indicative drawings that built development and accompanying curtilages etc. would occupy a large part of the site. The proposals would comprise a substantial amount of new built development in an area which is currently open. Consequently there would be harm to the spatial dimension of openness. Advice published in NPPG (July 2019) addresses the role of the Green Belt in the planning system and, with reference to openness, cites the following matters to be taken into account when assessing impact:

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

7.9 It is considered that the proposed development would have a detrimental impact on both the spatial and visual aspects of openness, i.e. an impact as a result of the footprint of development and building volume. The 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 both residential and commercial elements. This activity would also impact negatively on the openness of the Green Belt.

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

7.11 Paragraph no. 134 of the NPPF sets out the five purposes which the Green Belt serves as follows:

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

7.12 In response to these five purposes:

- although the NPPF does not define the term, it is considered that the settlement of Chadwell St. Mary could reasonably be described as a “large built up area”. The site is located at the south-western edge of the settlement, occupying land adjacent to the A1089(T). Although the proposal; would extend the sprawl of the built-up area of Chadwell, the extent of the sprawl is limited by the presence of the A1089(T). Overall it is concluded that the proposal would result in some limited harm to Green Belt purpose (a);
- Chadwell St. Mary is separated from Little Thurrock and Grays to the west by a ‘corridor’ of open Green Belt land on both sides of the A1089(T). Therefore, at this broad geographic scale, it is considered that the proposed residential development would harm Green Belt purpose (b) which seeks to prevent neighbouring towns from merging;
- as the proposed residential development would be built on land which is currently open, there would be harm to purpose (c) of the Green Belt which is safeguard the countryside from encroachment
- however, as none of the settlements adjacent to the site can be described as historic towns, there would be no harm to Green Belt purpose (d);
- in general terms, the development could occur within in the urban area and, in principle; there is no spatial imperative why GB land is required to accommodate the proposals. The proposed development is inconsistent with purpose (e) of the Green Belt as the proposal might discourage, rather than encourage urban renewal.

7.13 In light of the above analysis, it is considered that the proposals would clearly be harmful to both the visual and spatial aspects of GB openness and would be contrary in varying degrees to purposes (a), (b), (c) and (e) of the above listed purposes of including land in the Green Belt. In accordance with paragraph no. 144 of the NPPF substantial weight should be accorded to this harm.

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

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

*“should ensure that substantial weight is given to any harm to the Green Belt. VSC 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”.*

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

7.16 The Planning Statement (February 2020) and additional representations submitted by the applicant (dated 29th September, 16th December and 18th December 2020) to accompany the application sets out the applicant’s case for VSC under the following main headings:

- I. Unmet housing need;
- II. Provision of affordable housing;
- III. Potential enhanced links to the Greengrid;
- IV. Proposed improvements to Orsett Heath recreation land;
- V. Cycle link improvements;
- VI. Visual improvements to the western entrance to Chadwell St Mary;
- VII. Socio-economic benefits;
- VIII. Cumulative VSC; and

IX. The considerations relied on by Members of the Planning Committee in resolving to approve the Wood View / Chadwell Road residential proposal (ref. 19/01373/OUT) apply to this case.

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

7.18 I. Unmet housing need

Under this heading the applicant refers to the following factors:

The Council's most recent Housing Land Supply Position Statement (2016) refers to a housing land supply of 2.5-2.7 years. In all likelihood, the current figure is below this range. The Government's Housing Delivery Test (2019) showed that between 2016-2019 only 1,868 dwellings were built, representing 66% of a target of 2,835 dwellings. The Government has therefore recommended that the Council provide a 20% in addition to the 5 year housing land supply target. The applicant suggests that the new Local Plan will involve release of Green Belt land for new housing. The applicant has promoted the application site through the Local Plan process (Call for Sites), however, it is considered unlikely that the Local Plan will be adopted until 2022/23. The scheme can deliver housing within 3 or 4 years.

7.19 Assessment:

The issue of housing land supply has been considered by the Committee regularly for planning applications within the Green Belt. The housing land supply consideration carries significant positive weight for planning applications within the Borough. The adopted Core Strategy (2015) sets out the Council's targets for the delivery of new dwellings. Policy CSTP1 states that between April 2009 and March 2021, 13,550 dwellings are required to meet the overall minimum target of 18,500 dwellings (2001 -2021). In addition, provision is made for a further 4,750 dwellings between 2021 -2026. This is a total of 18,300 for the period 2009-2026, equating to an average of 1,076 dwellings per annum.

7.20 National planning policy as expressed at paragraph 59 of the NPPF states that (inter alia) in order to support the Government's objective of significantly boosting the supply of homes, it is important that a sufficient amount and variety of land can come forward where it is needed. Paragraph 73 goes on to state that local planning authorities should identify and update annually a supply of specific deliverable sites sufficient to provide a minimum of five years' worth of housing against their housing requirement set out in adopted strategic policies or against their local housing need where the strategic policies are more than five years old. The supply of specific deliverable sites should include a buffer of 20% where there has been significant under delivery of

housing over the previous three years, to improve the prospect of achieving the planned supply.

- 7.21 The most recent published analysis of the Borough's housing land supply is provided in the Thurrock Local Plan Five Year Housing Land Supply Position Statement (July 2016). This statement notes that "*the dwelling requirement set out in the Core Strategy is now considered to be out of date*". Instead, the South Essex Strategic Housing Market Assessment identifies a range of objectively assessed need for Thurrock of between 919 and 973 dwellings per annum (2014 base date). The Statement also assesses the supply of deliverable housing in the five year period from 2016/17 to 2020/21 and concludes that there is a supply of between 2.5 and 2.7 years in relation to the identified objectively assessed need. This figure of between 2.5 and 2.7 years supply was produced some time ago (2016) and it is to be expected that the figure has reduced as completions on a number of larger sites with planning permission has progressed (Bata Fields, Arisdale Avenue etc.). Although the current supply figure is in the process of being updated, it is common ground with the applicant that supply is less than the five year (+20%) requirement.
- 7.22 The applicant refers to the Government's Housing Delivery Test 2019, however since the application was submitted the Housing Delivery Test for 2020 has been published. The 2020 Test suggests a requirement for 3,088 new homes in the Borough between 2017-18 and 2019/20, of which 1,823 or 59% have been delivered. Given this undersupply, the test confirms that the 'consequence' for Thurrock is that the presumption in favour of sustainable development, as set out by paragraph no. 11 of the NPPF applies.
- 7.23 Although the presumption in favour of sustainable development is a consequence of under-supply measured against the Housing Delivery Test, (para. 11) is only engaged for sites or locations with a Green Belt designation after they have been shown to satisfy Green Belt tests (either of being appropriate development or demonstrating VSC). If Green Belt policy provides a clear reason for refusing permission, there is no scope for the presumption to apply. It is clear from the NPPF (para. 133) that the permanence of the Green Belt is one of its essential characteristics, and this is inevitably eroded if Green Belt land is released to meet a shortfall in the five year housing supply or affordable housing needs. In that context officers consider that the contribution of the proposals towards five year housing land supply, although attracting significant weight, is not a sufficiently strong factor to justify a departure from normal planning policies.
- 7.24 II. Provision of affordable housing (AH)

Under this heading the applicant refers to the following factors:

There is a record of undersupply of AH in the Borough in recent years when compared to the Core Strategy policy requirement of 35% AH on qualifying sites. The proposals offer policy compliant AH of up to 49 units.

7.25 Assessment:

A number of recent appeal decisions in the Borough, including land at Little Thurrock Marshes and land adjacent Bulphan by-pass have confirmed that the contribution towards the delivery of AH, against a backdrop of an historic under-supply is a benefit that attracts significant positive weight in the planning balance. Nevertheless, Members of the Committee are reminded that the provision of AH is a component of the overall supply of new homes (NPPF para. no. 61 refers). The Committee is therefore advised against 'double-counting' the delivery of new homes and AH. Instead it is the delivery of new homes, including policy-compliant AH, which is the relevant factor attracting positive weight.

7.26 III. Potential enhanced links to the Greengrid

Under this heading the applicant refers to the following factors:

The Council's 'Greengrid Strategy 2006-11' refers to a 'Greengrid Opportunities Map' which includes a 'Proposed Strategic Green Link' from Tilbury Marshes to the centre of Chadwell St. Mary. The applicant suggests that this strategic link could be re-routed along the eastern boundary of the site and extend northwards to Orsett Heath.

7.27 Assessment:

It is emphasised that the 'Greengrid Strategy 2006-11' was published by the Council as part of the suite of documents and evidence supporting the Core Strategy (i.e. the development plan). Within the Core Strategy itself 'greengrid' is defined as a strategy which aims to develop multi-functional green spaces that connect the town and countryside within Thurrock and throughout South Essex. Core Strategy policy CSSP5 (Sustainable Greengrid) is one of five Borough-wide spatial policies which set out the spatial distribution, broad locations, allocations and key strategic schemes throughout Thurrock. This policy requires at (I.) that all development proposals take account of the objectives of the Greengrid network and where appropriate contribute to the management and enhancement of the Greengrid. However, Map 3 within the adopted Core Strategy provides only an indicative illustration of the elements of the Thurrock Greengrid. The 'Proposed Strategic Green Link' from Tilbury Marshes to the centre of Chadwell St. Mary should therefore be treated as indicative only.

7.28 As noted in the site description above, a public footpath no.114 adjoins the eastern boundary of the site and the draft heads of terms suggested by the applicant for any

potential s106 obligation include unspecified reference to improvements to the local footpath / cycle network. Cycle link improvements are referred to by the applicant as a factor contributing to VSC and are considered at (5) below. Clearly there is an existing public right of way (footpath no. 114) adjoining the site and this links to bridleway no. 112 north of the site and to public footpath nos. 109 and 208 further north. Consequently there is an established network of local public rights of way. It is a policy objective of CSSP5 that that all development proposals take account of the objectives of the Greengrid network and at this stage, given the strategic nature of Greengrid, the fine-grain detail of how the Greengrid will be delivered on the ground have yet to emerge. In these circumstances only limited positive weight should be attached to the potential for enhanced links to the Greengrid.

#### 7.29 IV. Proposed improvements to Orsett Heath recreation ground

Under this heading the applicant refers to the following factors:

The applicant notes the location of the Orsett Heath recreation ground to the north of the site and suggests that the facility would benefit from investment. The applicant further suggests that there are no proposals to upgrade the recreation ground, but that a package of improvements through a s106 obligation could contribute towards VSC.

#### 7.30 Assessment:

The Orsett Heath recreation ground adjoins the site to the north and provides a number of playing pitches, hardsurfaced playing courts and spaces for informal recreation. Adopted Core Strategy policy PMD5 (Open Spaces, Outdoor Sports and Recreational Facilities) is relevant to this proposal and states at (3.) that proposed development must ensure that:

- i. New open spaces, outdoor sports and recreational facilities are provided in accordance with adopted standards to meet the needs of the development and to address deficiencies.*
- ii. New facilities are fully integrated into the design of development schemes as an element of place making.*
- iii. Facilities are safe and easily accessible to all.*

*Where the Council considers that provision on-site is not feasible or appropriate, it will require developer contributions to improve existing, or provide new, spaces or facilities elsewhere.*

7.31 Although the layout of the proposal is a reserved matter and therefore not for consideration at this time, the submitted 'Landscape Areas Plan' suggests an

arrangement of hard and soft landscaped open spaces throughout the site. As the northern part of the site is narrow and probably unsuitable for built development, this part of the site would in all likelihood remain 'open' and could at least visually link into the adjoining recreation area. Therefore, and in accordance with policy PMD5, it is likely that new open space would be incorporated within the development.

7.32 The applicant's Planning Statement suggests:

*"Currently it is understood that there are no proposals to upgrade or enhance the facility at Orsett Heath, and a package of improvements provided through a s106 planning obligation financial contribution would provide another VSC".*

Members of the Planning Committee will be aware that Core Strategy policy PMD16 addresses the issue of developer contributions which will be sought:

*"... in accordance with the NPPF ... to contribute to the delivery of strategic infrastructure to enable the cumulative impact of development to be managed ... to meet the reasonable cost of new infrastructure made necessary by the proposal ..."*

Paragraph 56 of the NPPF states that planning obligations must only be sought where they meet all of the following tests:

- a) necessary to make the development acceptable in planning terms;
- b) directly related to the development; and
- c) fairly and reasonably related in scale and kind to the development.

7.33 In order to justify planning obligations to meet these tests the Council has an Infrastructure Requirement List (IRL) which identifies a range of physical, social and green infrastructure projects which would engage dependent on the nature of a development proposal. In this case, the IRL identifies three infrastructure projects related to strategic green infrastructure or sport / leisure in Chadwell St. Mary associated with a residential proposal of this scale. None of these three identified projects refer to improvements at Orsett Heath recreation ground. Although the IRL is capable of update to include additional items, at the current moment improvements at the recreation ground have not been identified. Therefore, any financial contributions would be difficult to justify with reference to the IRL and would not be compliant with the NPPF. Accordingly, it is concluded that no positive weight should be attached to this factor.

7.34 V. Cycle link improvements

Under this heading the applicant refers to the following factors:

There are existing cycle links to the north and south of the site. The strategic location of the site could provide the opportunity to create a north-south link to join existing cycle routes together. This factor would benefit health and well-being in the Borough.

7.35 Assessment:

The Council's cycle map (June 2014) show the route of a signed and part traffic-free cycle route running east-west along the B149 to the south of the site and a traffic free cycle route also aligned east-west close to the site's northern boundary and corresponding to bridleway no. 112. The Council's web-site includes proposals for improving the Borough's cycle network, however there is no reference to creating a cycle link along the site's eastern boundary.

7.36 As per the applicant's case for demonstrating VSC under (IV) above, the IRL is applicable. In this case, although the IRL identifies infrastructure projects within Chadwell St. Mary related to active travel and sustainable transport, none of the identified projects refer to a cycle link along within or adjacent to the site. Layout is not a matter for detailed consideration at this point, but it could be expected that the arrangement of pedestrian and cycle routes within the site would in any case allow for movement from the south to the north of the site and vice-versa. Although the IRL is capable of update, the need for a cycle link in this area has not currently been identified on either the IRL or the Council's on-line cycle improvements plans. Consequently, financial contributions would be difficult to justify and would not necessarily be compliant with the NPPF. Accordingly, it is concluded that no positive weight should be attached to this factor.

7.37 VI. Visual improvements to the western entrance to Chadwell St Mary

Under this heading the applicant refers to the following factors:

The view of the 'entrance' into Chadwell St. Mary from the west is seen as a row of fencing and the backs of houses. The proposed redevelopment of the site offers the opportunity to significantly enhance the entrance to the town as seen from the west.

7.38 Assessment:

This is an application seeking outline planning permission only for a residential development of up to 140 dwellings. Therefore, aside from the principle of residential development and whether the site can satisfactorily accommodate that quantum of development, the only matter where 'full' details have been provided relates to access (i.e. accessibility to and within the site for vehicles, cycles and pedestrians in terms of the positioning and treatment of access and circulation routes and how these fit into the surrounding access network). Therefore, the details of the appearance,

landscaping, layout and scale of the proposed development do not form part of the submission and are not for consideration at this stage. As noted at paragraph 2.3 above, a number of illustrative drawings have been submitted to demonstrate how a development of 140 dwellings could be accommodated on-site. However, these drawings only show one possible design solution. Therefore, although the applicant refers to a view across the site from the west towards garden fences and the backs of existing dwellings, there is no reason to suggest that the proposals would result in a significantly enhanced view. Indeed, due to the position of the A1089(T) along the site's western boundary, the applicant's submitted Noise Assessment recommends the installation of a 3m high acoustic barrier along the western site boundary.

7.39 Members of the Planning Committee are reminded of the content of NPPF paragraph no. 133 which defines the essential characteristics of GBs as their openness and permanence. Guidance within NPPG confirms that openness is capable of having both spatial and visual aspects. As this is an application for outline planning permission accompanied by illustrative drawings only, there can be no certainty or confidence that the visual amenities of the site would be significantly enhanced. Indeed a new 3m high acoustic barrier along the western boundary could represent a visually strident and urbanising feature. Accordingly, this factor can be afforded no positive weigh in the consideration of whether VSC exist.

7.40 VII. Socio-economic benefits

Under this heading the applicant refers to the following factors:

- a) the development could facilitate local employment;
- b) provide new homes;
- c) create enhancements to local recreational land'
- d) provide investment into the town;
- e) Enhance the visual appearance of an entrance to Chadwell St. Mary; and
- f) Improve cycle / pedestrian links.

7.41 Assessment:

The majority of factors cited by the applicant under this heading replicate considerations already brought forward and considered elsewhere in this report.

7.42 Paragraph 8 of the NPPF describes the three objectives of the planning system in achieving sustainable development as:

- a) an economic objective;

- b) a social objective; and
- c) an environmental objective.

If approved, during the short-term construction phase there would be some economic benefit associated with on-site employment opportunities. In the longer term, the new households created would through household expenditure, contribute to the local economy. However there would not be a significant long term positive impact due to the limited number of units. The economic benefits of the development should be weighed against the environmental objective of sustainable development which in this case corresponds with protecting Green Belt land. It is not considered that the economic objective outweighs or supersedes the environmental objective and therefore this factor is afforded very limited positive weight.

#### 7.43 VIII. Cumulative VSC

Under this heading the applicant refers to the cumulative effect of the above factors which they consider would outweigh harm so as to result in VSC.

#### 7.44 Assessment:

As noted at paragraph 7.15 above a cumulation or aggregation of factors and considerations can combine to clearly outweigh Green Belt and any other harm such that VSC exist. However, as noted above the demonstration of VSC is a 'high' test and the circumstances which are relied upon must be genuinely 'very special'. In considering whether VSC exist, factors put forward by an applicant which are generic or capable of being easily replicated on other sites, could be used on different cases leading to a decrease in the openness of the Green Belt.

7.45 It is considered that the issue of the potential contribution towards housing land supply, including the provision of policy-compliant affordable housing is a factor which attracts significant positive weight in the planning balance. The potential for enhanced links to the Greengrid and the socio-economic benefits of development are considerations which attract limited or very limited weight in the planning balance. However, the remaining factors cited by the applicant above attract no weight.

7.46 Paragraph no. 143 and 144 of the NPPF are unequivocal in stating:

*"Inappropriate development is, by definition, harmful to the GB and should not be approved except in VSC ... VSC will not exist unless the potential harm to the GB by reason of inappropriateness, and any other harm resulting from the proposal, is clearly outweighed by other considerations."*

Experience from recent large-scale planning appeals in the Borough involving residential development (land at Little Thurrock Marshes / land adjacent Bulphan bypass) confirm that even though the provision of housing (including affordable housing) attracts significant and other factors such as connectivity improvements and economic benefits attract positive weight, the cumulation of these factors does not clearly outweigh Green Belt harm. Therefore, in this case it is considered that the cumulation of benefits does not combine to clearly outweigh the harm to the GB such that VSC do not exist.

7.47 IX. The considerations relied on by Members of the Planning Committee in resolving to approve the Wood View / Chadwell Road residential proposal (ref. 19/01373/OUT) apply to this case

Under this heading the applicant refers to the various benefits and considerations referred to by Members of the Planning Committee in November 2020 in resolving to grant planning permission (contrary to Officer recommendation) for a residential development at a site c. 300m to the west.

7.48 Assessment:

It is a basic tenet of the decision-taking process for planning applications that each case is assessed on its own individual merits and with reference to the policies in the Development Plan. The fact that Members of the Planning Committee weighed the Green Belt harm differently than Officers for a nearby site does not set a precedent whereby Officers should be inconsistent in their advice or recommendation. This factor is immaterial to the consideration of the current case.

7.49 Green Belt Conclusions:

Officers conclude that the proposals for residential development on the site comprise inappropriate development with reference to NPPF paragraph no. 145. Consequently, the development would be harmful by definition with reference to paragraph no. 143. The proposals would reduce the openness (in both spatial and visual terms) of the Green Belt. With reference to the purposes of the Green Belt defined by NPPF para. 134, the proposals would result in varying degrees of sprawl, coalescence and encroachment contrary to Green Belt purposes (a), (b), (c) and (e). In accordance with NPPF paragraph 144 "substantial" weight should be given to this harm.

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

<b>Summary of GB Harm and other considerations promoted as clearly outweighing harm such that VSC exist</b>			
<b>Harm</b>	<b>Weight</b>	<b>Factors promoted by the applicant</b>	<b>Weight</b>
Inappropriate development	Substantial	Unmet housing need including the provision of affordable housing	Significant positive weight
Reduction in the openness of the GB		Potential enhanced links to the Greengrid	Limited positive weight
Conflict (to varying degrees) with a number of the purposes of including land in the GB – purposes (a), (b), (c) and (e).		Proposed improvements to Orsett Heath recreation land	No weight
		Cycle link improvements	No weight
		Visual improvements to the western entrance to Chadwell St Mary	No weight
		Socio-economic benefits	Very limited positive weight
		Cumulative VSC	Not material
		The considerations relied on by Members of the Planning Committee in resolving to approve the Wood View / Chadwell Road residential proposal (ref. 19/01373/OUT) apply to this case	Not material

7.51 As ever in reaching a conclusion on Green Belt issues, a judgement as to the balance between harm and whether the harm is clearly outweighed by other considerations, including the benefits of the development, must be reached. In this case there is harm to the Green Belt with reference to inappropriate development, loss of openness and some conflict with the purposes of the Green Belt. Several factors have been promoted by the applicant as comprising benefits which could clearly outweigh the harm to the Green Belt (and any other harm) so as to comprise the VSC necessary to approve inappropriate development. It is for the Committee to judge:

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

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

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

- 7.53 Therefore, and although every case falls to be determined on its own merits, the benefits of the proposals must clearly outweigh the harm for VSC to exist. If the balancing exercise is finely balanced, then VSC will not exist. In this case it is considered that the contribution towards housing land supply (including affordable housing provision) is a material considerations which weighs strongly in favour of the proposals. There are also limited socio-economic and Greengrid benefits weighing in favour of the proposals. However, these benefits must be weighed against the harm to the Green Belt set out above and in light of the policy ‘test’ at NPPF paragraph no. 144 that harm must be clearly outweighed for VSC to exist. For this application it is considered that the benefits of the proposals do not clearly outweigh the Green Belt harm and as a consequence VSC do not apply.

- 7.54 Notwithstanding the Green Belt considerations detailed above, which are of paramount importance in this case, it is also necessary to consider the relevant material planning considerations set out below. The assessment of other matters (below) is without prejudice to the conclusions reached regarding Green Belt issues.

7.55 II. DESIGN & LAYOUT ISSUES:

In addition to the NPPF, which emphasises the importance of good design, Core Strategy policy CSTP22 (Thurrock Design) requires proposals to have, inter-alia, a *‘positive response to the local context’*, and policy CSTP23 (Thurrock Character & Distinctiveness) seeks inter-alia to *‘protect, manage and enhance the character of Thurrock to ensure improved quality and strengthened sense of place’*. Policy PMD2 states *‘Development must contribute positively to the character of the area in which it is proposed, and to surrounding areas that may be affected by it. It should seek to contribute positively to local views ... and natural features’*.

- 7.56 The Thurrock Design Strategy was adopted as a supplementary planning document in addition to the above policies and endorsed as a material consideration in the determination of planning applications in March 2017. Section 3 of the Guide (titled ‘Designing in Context’) requires applicants to appraise a development site by taking the following considerations into account:

- understanding the place;
- working with site features;

- making connections; and
- building in sustainability.

7.57 The proposal is submitted in outline form, with details reserved for future approval except for means of access. Nonetheless, an indicative layout drawing has been provided with the application. The layout demonstrates a development which would have a mix of houses and flats with associated open space. The illustrative layout drawing therefore indicates a form of development which would accord with Core Strategy policy PMD5 (which requires new development to provide areas of public open space on-site).

7.58 The proposals would result in a maximum density of c.40 dwellings per hectare, although as the northern part of the site is considered unsuitable for built development (due to its size and shape), the net density of residential development would be higher. Core Strategy policy CSTP1 (Strategic Housing Provision) adopts a design-led approach to density, but nevertheless seeks a density range of between 30-70 dwellings per hectare outside of town centre locations, regeneration areas etc. (as is the case here). The likely net residential density of the proposals would be within this range.

7.59 Notwithstanding the Green Belt policy issues considered above, there is no reason to suggest that the detailed layout and design of the proposals would not accord with policy and achieve an acceptable level of design.

### 7.60 III. LANDSCAPE & VISUAL IMPACT

Without prejudice to the impacts on the visual aspect of Green Belt openness considered above, general comments (reflecting the 'outline' nature of the proposals) have been received from the Council's landscape and visual advisor. In summary, there are no objections to the development on landscape grounds. However, there is concern that the amount of development proposed could restrict the opportunity to provide significant on-site amenity and play spaces and will achieve only a limited amount of planting on the western boundary buffer to the A1089(T). Nevertheless, as the details of layout and landscaping are reserved matters, these concerns would not form a reason for refusal.

### 7.61 IV. TRAFFIC IMPACT, ACCESS & CAR PARKING

The planning application is accompanied by a Transport Assessment (TA) and a supplementary TA Addendum submitted in response to comments from the Council's Highways Officer.

- 7.62 The updated consultation response received from the Highways Officer agrees with the conclusions of the TA that the development would not have any significant impact locally. However, there is concern that development will have an impact on the Cross Keys junction and the junction of Marshfoot Road and the A1089(T). Therefore, if a recommendation to grant planning permission were before the Committee s106 planning obligations and conditions would be required to mitigate impact on the highways network.
- 7.63 Based on the indicative mix of residential accommodation, the applicant proposes 2 car parking spaces per house (total 136 spaces), 1 car parking space per flat (72 spaces) and 28 car parking spaces for visitors. Members of the Planning Committee are reminded that this is an application for outline planning permission such that the layout of the development, including the number of car parking spaces, is reserved for future approval. Without prejudice to the Green Belt considerations detailed above, it is considered that a planning condition could be used to required reserved matters submissions to comply with the Council's draft car parking guidance.
- 7.64 Highways England have been consulted as the site adjoins the A1089(T) and no objections are raised, subject to condition. In summary under this heading, it is concluded that there are no objections to the principle of the development on highways grounds, subject to planning obligations and conditions.

#### 7.65 V. FLOOD RISK & DRAINAGE

The site is located within the low risk flood zone (Zone 1). However, as the area of the site exceeds 1 hectare the application is accompanied by a Flood Risk Assessment. The consultation response from the Council's Flood Risk Manager confirms no objection to the proposals, subject to conditions requiring submission and approval of a detailed surface water drainage scheme.

#### 7.66 VI. EFFECT ON NEIGHBOURING PROPERTIES

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

#### 7.67 VII. ECOLOGY & BIODIVERSITY

The site does not form part of a designated site for nature conservation interest (on either a statutory or non-statutory basis). The application is accompanied by an Ecological Survey undertaken in 2017. Although this survey is older than good practice recommends, the Council's Landscape & Ecology Advisor considers that there have been no significant changes in the habitat features on site since the survey

and, as the site of generally low ecological value, the 2017 conclusions are still appropriate. The survey report recommends that a reptile survey be undertaken to confirm presence/absence of animals as the site contains some suitable habitat around the perimeters. Were permission to be granted a planning condition could be used to address this matter, as well as securing ecological mitigation during any construction activity.

#### 7.68 VIII. NOISE

Give the proximity of the site to the A1089(T), the application is accompanied by a Noise Assessment which concludes that mitigation is required in the form of a 3m high acoustic fence along the site's western boundary. The Council's Environmental Health Officer confirms that noise mitigation measures will be required and that a 3m barrier will provide a reduction in noise levels across the site. A planning condition could be used to secure the barrier, along with details of glazing specifications.

#### 7.69 IX. LAND CONTAMINATION

As part of the site comprises a former landfill site, a Phase 1 Ground Contamination Desk Study accompanies the application. This document recommends that further investigations are undertaken. The Environment Agency confirm that planning conditions should be attached to any grant of planning permission to address the risk to controlled waters.

#### 7.70 X. ENERGY & SUSTAINABLE BUILDINGS

Policy PMD13 (Decentralised, Renewable and Low-Carbon Energy Generation) is also relevant to both the residential and football stadium elements of the proposals and requires 20% of energy needs to be generated on-site from these sources, unless unviable. The application is accompanied by an Energy & Sustainability Statement, which given the outline nature of the proposals sets a strategy. It is considered that a planning condition could be used to ensure that the development is policy compliant.

#### 7.71 XI. VIABILITY & PLANNING OBLIGATIONS

The proposals include policy-compliant affordable housing (35%) and in these circumstances no financial viability report is required. If the recommendation before the Planning Committee was to grant planning permission a number of planning obligations would be required via a s106 legal agreement. However, in light of the fundamental Green Belt objection to the application negotiation of a legal agreement has not been pursued with the applicant.

## **8.0 CONCLUSIONS AND REASON(S) FOR RECOMMENDATION**

- 8.1 The principal issue for consideration in this case is the assessment of the proposals against planning policies for the Green Belt and whether there are VSC which clearly outweigh harm such that a departure from normal policy can be justified. The proposals are 'inappropriate development' in the Green Belt, would lead to the loss of openness and would cause varying degrees of harm to some of the purposes of the Green Belt. Substantial weight should be attached to this harm in the balance of considerations. Although both significant and limited weight can be given to some of the benefits of the proposals, the identified harm must be clearly outweighed for VSC to exist. NPPF paragraph no. 144 sets the stringent policy test that harm must be clearly outweighed by other considerations for VSC to exist. It is concluded that the benefits of the development do not clearly outweigh identified harm and consequently a case for VSC does not exist.
- 8.2 Subject to potential planning obligations and conditions there are no objections to the proposals with regard to highways issues, impact on ecology, noise, flood risk or other planning considerations. However, the Green Belt issues remain the primary matter which is of paramount importance in the consideration of this case. Consequently, it is recommended that planning permission is refused.

## **9.0 RECOMMENDATION**

- 9.1 Refuse planning permission for the following reason:

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

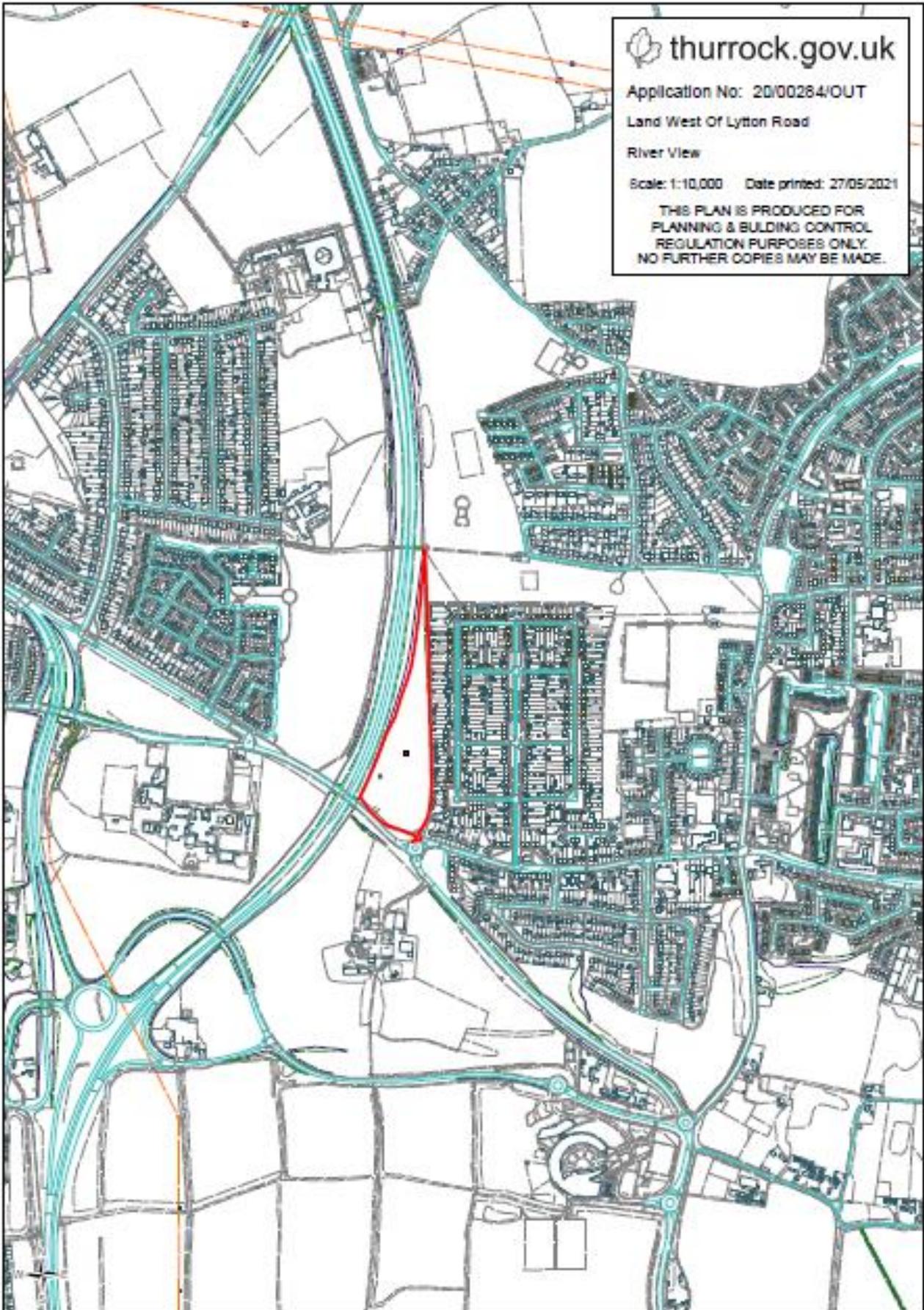
### Positive and Proactive Statement

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

**Documents:**

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

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



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<b>Reference:</b> 21/00243/FUL	<b>Site:</b> Wick Place Cottage Brentwood Road Bulphan Essex RM14 3TJ
<b>Ward:</b> Orsett	<b>Proposal:</b> Demolition of existing outbuildings, replacement of former smithy to create new dwelling and erection of new dwelling, including associated development and access.

Plan Number(s):		
Reference	Name	Received
560001	Proposed Plans	16th February 2021
560002	Proposed Elevations	16th February 2021
560003	Existing Plans	16th February 2021
560004	Proposed Plans	16th February 2021
560005	Site Layout	16th February 2021
560006	Location Plan	16th February 2021
560007	Proposed Plans	16th February 2021
560008	Proposed Plans	16th February 2021
560009	Proposed Plans	16th February 2021

The application is also accompanied by: <ul style="list-style-type: none"> <li>- Cover Letter</li> <li>- Arboricultural Impact Assessment</li> <li>- Design &amp; Access Statement</li> <li>- Planning Support Statement</li> </ul>	
<b>Applicant:</b> Mr G Pinkerton	<b>Validated:</b> 17 February 2021 <b>Date of expiry:</b> 14 June 2021 <b>(Extension of Time as agreed by applicant)</b>
<b>Recommendation:</b> Refuse	

This application is scheduled for determination by the Council’s Planning Committee because the application was called in by Cllr R Gledhill, Cllr J Halden, Cllr S Hebb, Cllr A Jefferies and Cllr B Johnson in accordance with Part 3 (b) 2.1 (d)(ii) of the Council’s constitution to examine the impact on the Green Belt.

**1.0 DESCRIPTION OF PROPOSAL**

- 1.1 This application seeks planning permission to demolish a number of existing buildings and replace the former smithy with a residential dwelling and the erection of additional new chalet-bungalow dwelling.
- 1.2 The proposal includes subdivision of the existing plot into 3 separate residential units, associated vehicular access and hardstanding.

**2.0 SITE DESCRIPTION**

- 2.1 The application site is a detached residential dwelling on the eastern side of Brentwood Road. In addition to the 5-bedroom dwelling, the site hosts 4 outbuildings, namely the former smithy, a 3-bay garage, a stables and a small outbuilding directly adjacent to the highway.
- 2.2 The application site lies within the Metropolitan Green Belt within an area characterised by rural, residential properties. This section of Brentwood Road runs directly parallel to the A128.

**3.0 RELEVANT PLANNING HISTORY**

Application Reference	Description of Proposal	Decision
98/00641/FUL	Proposed conservatory extension	Approved
17/00030/CLOPUD	Proposed development of swimming pool house for use incidental to the enjoyment of the dwelling house.	Approved
17/00032/CLOPUD	Proposed development of two storey rear extension.	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)
- 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. Eleven

comments have been received in total. Ten comments have been received in support of the application on the following grounds:

- Much needed amenity
- Restoration of the former smithy
- Local history
- Enhanced street view
- Housing provision
- Sympathetic design
- Landscaping
- Tidying waste ground
- Ecological enhancements
- Sustainability aspirations

One comment objecting to the application on the following grounds:

- Inappropriate development in the Green Belt.
- Urbanisation of an open site
- Lack of Very Special Circumstances
- Impact on ecology, particularly bats

#### 4.3 ENVIRONMENTAL HEALTH

No objections, subject to conditions.

#### 4.4 HIGHWAYS

Further information required.

#### 4.5 LANDSCAPE AND ECOLOGY:

No objections, subject to conditions and financial contributions.

### 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:

4. Promoting sustainable transport
5. Delivering a sufficient supply of homes
11. Making effective use of land
12. Achieving well-designed places
13. Protecting Green Belt land

## 5.2 National Planning Practice Guidance (NPPG)

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

- Design: process and tools
- Determining a planning application
- Housing and economic needs assessment
- Housing: optional technical standards
- Use of Planning Conditions

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

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

### SPATIAL POLICIES

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

### THEMATIC POLICIES

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

- CSTP23 (Thurrock Character and Distinctiveness)

## POLICIES FOR MANAGEMENT OF DEVELOPMENT

- PMD1 (Minimising Pollution and Impacts on Amenity)
- PMD2 (Design and Layout)
- PMD6 (Development in the Green Belt)
- PMD8 (Parking Standards)
- 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 Procedure:

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 provision of buildings where 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.

6.2 The assessment below covers the following areas:

- I. Principle of the Development
- II. Design and Layout
- III. Neighbouring Amenity
- IV. Living Environment
- V. Traffic Impact, Access and Car Parking
- VI. Impact Upon Ecology and Biodiversity
- VII. Other Matters

I. PRINCIPLE OF THE DEVELOPMENT

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

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

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

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

6.5 Paragraph 133 within Chapter 13 of the NPPF states that the Government attaches great importance to GBs and that the *“fundamental aim of Green Belt policy is to prevent urban sprawl by keeping land permanently open; the essential characteristics of Green Belt are their openness and their permanence.”* Paragraph 143 of the NPPF states that *“Inappropriate development is, by definition, harmful to the Green Belt and should not be approved except in very special circumstances”*. Paragraph 144 goes on to state that local planning authorities should ensure that *“substantial weight”* is given to any harm to the GB and that Very Special Circumstances will not exist unless the potential harm to the GB by way of inappropriateness, and any other harm resulting from the proposal, is clearly outweighed by other considerations. Paragraph 145 of the NPPF states the construction of new buildings in the GB is

inappropriate, with a limited number of exceptions. The applicant has submitted a Planning Statement and, with reference to proposed new buildings in the GB, the applicant maintains that paragraph 145 is relevant.

6.6 The applicant suggests that the following exception to Green Belt development applies:

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

*– not have a greater impact on the openness of the Green Belt than the existing development; or*

*– not cause substantial harm to the openness of the Green Belt, where the development would re-use previously developed land and contribute to meeting an identified affordable housing need within the area of the local planning authority.*

6.7 The NPPF defines Previously Developed Land as “*Land which is or was occupied by a permanent structure, including the curtilage of the developed land*” and specifies that “*it should not be assumed that the whole of the curtilage should be developed*”.

6.8 Within the curtilage of the existing dwelling at Wick Place Cottage, much of the land to the north remains undeveloped, as such not only does this area fall beyond the definition of “previously developed land”, the addition of a dwelling in this location would also have a greater impact on the openness of the Green Belt than the existing development.

6.9 In light of the above, the proposals do not fall within any of the exceptions to inappropriate development as defined in paragraph 145 of the NPPF. Consequently, the proposal comprises inappropriate development in the Metropolitan Green Belt, which is harmful by definition with reference to the NPPF and Core Strategy Policies PMD6 and CSSP4. In accordance with the NPPF (para. 144), substantial weight should be given to this harm.

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

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

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

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

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

In response to each of these five purposes:

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

- 6.12 The site is situated at in a small area of housing along Brentwood Road, between Bulphan and Orsett. For the purposes of the NPPF, the site is considered to be outside of any 'large built up areas'. It would not therefore result in the sprawling of an existing built up area, but it would nonetheless represent the addition of new urban form on the site.

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

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

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

- 6.14 With regards to the third Green Belt purpose, the proposal would involve built development on part of what is currently an open and undeveloped part of the site. The proposed development would spread the built form across the site where there is currently no built form. It is important to note that the scale of the development proposed, despite the replacement of an existing building, would result in 2 additional dwellings, associated hardstanding and vehicle access. It is therefore considered that the proposal would constitute an encroachment of built development into the countryside in this location and would constitute material harm to the open character of the Green Belt. The development would consequently conflict with this purpose.

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

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

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

- 6.16 In general terms, the development could occur in the urban area and, in principle; there is no spatial imperative why Green Belt land is required to accommodate the proposals. The addition of 2 dwellings with associated hardstanding/vehicle accesses is inconsistent with the fifth purpose of the Green Belt.

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

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

- 6.18 The northern area of the application site currently features no built form. It is necessary to consider the extent of the built form to be introduced at the site and the matter of harm to the Green Belt. By nature of the fact the site is void of built form, the conversion of the existing smithy and the erection of a third dwelling combined with the subdivision, additional hardstanding and associated residential paraphernalia would inherently harm the open character of the Green Belt. The amount of hardstanding and volume of structures would inevitably increase. Evidently, the matter of harm to the Green Belt is significant by reason of the extent of built form introduced to the site.
- 6.19 Neither the NPPF nor the Adopted Core Strategy provide guidance as to what can comprise 'Very Special Circumstances', either singly or in combination. However, some interpretation of Very Special Circumstances has been provided by the Courts. The rarity or uniqueness of a factor may make it very special, but it has also been held that the aggregation of commonplace factors could combine to create very special circumstances (i.e. 'very special' is not necessarily to be interpreted as the converse of 'commonplace'). However, the demonstration of very special circumstances is a 'high' test and the circumstances which are relied upon must be genuinely 'very special'. In considering whether 'very special circumstances' exist, factors put forward by an applicant which are generic or capable of being easily replicated on other sites, could be used on different sites leading to a decrease in the openness of the Green Belt. The provisions of very special circumstances which are specific and not easily replicable may help to reduce the risk of such a precedent being created. Mitigation measures designed to reduce the impact of a proposal are generally not capable of being 'very special circumstances'. Ultimately, whether any particular combination of factors amounts to very special circumstances will be a matter of planning judgment for the decision-taker.
- 6.20 With regard to the NPPF, paragraph 143 states that '*inappropriate development is, by definition, harmful to the Green Belt and should not be approved except in very special circumstances*'. Paragraph 144 goes on to state that, when considering any planning application, local planning authorities "*should ensure that substantial weight is given to any harm to the Green Belt. Very special circumstances will not exist unless the potential harm to the Green Belt by reason of inappropriateness, and any other harm, is clearly outweighed by other considerations*".
- 6.21 The applicant has put forward the following case for very special circumstances within the Planning Statement submitted with this application:

1. Permitted Development fall-back

6.22 The applicant’s chief argument is focused upon the ‘Permitted Development fall-back’ position, i.e. that a larger, more obtrusive scheme could be constructed without the need for planning permission, making the proposal more acceptable.

Consideration

6.23 It is recognised that Lawful Development Certificates have been granted in relation to a two-storey rear extension (17/00032/CLOPUD) and a particularly large outbuilding enclosing a swimming pool (17/00030/CLOPUD). The Applicant’s submitted Planning Supporting Statement outlines the existing and proposed volumes and footprints. It is noted that if the proposed development granted under the Lawful Development Certificates is included within the assessment the difference between the existing and lawful development volumes and footprints, in comparison to the proposed development, is significantly reduced. However, these additional developments that were granted more than 3 years ago have not been implemented and do not exist. An assessment of the existing and proposed volumes and footprints is outlined below:

<b>Existing Development</b>	<b>Volume (m<sup>3</sup>)</b>	<b>Footprint (m<sup>2</sup>)</b>
Existing Former Smithy Building (Outbuilding 1)	382.3	93.4
Existing Outbuilding 2	124.9	44.2
Existing Outbuilding 3	42.4	17.3
Existing Outbuilding 4	88.3	34.3
<b>Total</b>	<b>637.9</b>	<b>189.2</b>

<b>Proposed Development</b>		
Converted Smithy Dwelling	579.9	115.6
New Dwelling	530.4	115.6
<b>Total</b>	<b>1110.3</b>	<b>231.2</b>

<b>Difference</b>	<b>+472.4</b>	<b>+42</b>
<b>Percentage Difference</b>	<b>+74%</b>	<b>+22.19%</b>

6.24 It is also noted that these figures do not include the additional hardstanding required for off-street parking. Furthermore, there would be additional fencing and accoutrements associated with subdivision of the site and two additional residential dwellings which do not factor into these figures.

6.25 The Planning Supporting Statement submitted with the application refers to the Permitted Development allowances set out in the General Permitted Development Order 2018 (GPDO) which apply to dwellings within the Green Belt. The applicant contends that if only existing development is considered and the permitted development is not given appropriate weight, an incentive is created for developers to implement permitted development just to propose its demolition as part of a redevelopment proposal. The applicant argues that such an incentive would be

contrary to the principles of sustainability that the planning system should seek to adhere.

- 6.26 Whilst the allowances within the GPDO and any Lawful Development Certificates granted on the site are material considerations, the effect of this is only to grant permission for development within the Green Belt within the limitations set out therein. These allowances do not alter the duty to determine applications in accordance with development plan policies unless material considerations indicate otherwise. In the case of policy PMD6 the intention is to ensure that development and any extensions and alterations to existing buildings do not materially impact upon the open character of the Green Belt. Therefore the allowances in the GPDO do not alter the presumption against inappropriate development in the Green Belt. (This interpretation was supported by the Planning Inspectorate in the dismissing the appeal on application ref 09/00638/FUL Appeal ref: APP/M1595/A/10/2135462/NWF at Manor House Farm, Brentwood Road, Bulphan). It should also be noted that the updated NPPF published in 2019 maintains the same approach in terms of inappropriate development within the Green Belt.
- 6.27 In concluding the above, whilst the GPDO and Lawful Development Certificate decisions are a material consideration these do not override the policies set out in the development plan and the presumption against inappropriate development in the Green Belt. Therefore, as has already been established above, in terms of the development plan the proposals represent inappropriate development in the Green Belt. Accordingly, in light of the above, the PD fall-back should be given very limited weight in the assessment of the proposals.

## 2. Lack of a five year housing land supply and small sites benefits

- 6.28 The applicant has put forward that the LPA cannot currently demonstrate a five year housing land supply, or the required 20% buffer and that the development would make a contribution of 2 dwellings. The applicant therefore considers that significant weight should be afforded to this factor.
- 6.29 The applicant has also highlighted that the NPPF outlines that small and medium sized sites can make an important contribution to meeting the housing contribution, and can be built out quickly. They consider that great weight should be afforded to this factor.

### Consideration

- 6.30 Given that both these cases relate to provision of housing, they will be considered as a joint justification.

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

### 3. Ecological Benefits

6.32 The applicant suggests that the proposal provides an opportunity to secure ecological enhancements through landscaping and biodiversity features.

#### Consideration

6.33 Policy PMD7 seeks to ensure that any significant biodiversity habitat is enhanced. The NPPF also highlights the need to conserve and enhance the natural environment. As such ecological enhancements should be a given in any proposal. In any case, the application site has been assessed as having little ecological value.

6.34 Accordingly, this factor is afforded no weight in the consideration of the proposal.

### 4. Design Benefits

6.35 The applicant suggests that the proposal will replace existing poor quality outbuildings with a well-designed development.

#### Consideration

6.36 The Council's Design Strategy and Residential Alterations and Extensions guide put good design at the heart of all development proposals. The NPPF also highlights good design as being indivisible from good planning. Good design should be a given in any proposal.

6.37 Accordingly, this factor is afforded no weight in the consideration of the proposal.

6.38 A summary of the weight which has been placed on the various Green Belt considerations is provided below;

<b>Harm</b>	<b>Weight</b>	<b>Factors Promoted as Very Special Circumstances</b>	<b>Weight</b>
Inappropriate development	Substantial	PD Fallback	Very limited weight
		Ability to positively contribute towards housing land supply; small sites benefit	Significant weight
Reduction in the openness of the Green Belt		Ecology enhancements	No weight
Conflict (to varying degrees) with a number of the purposes of including land in the Green Belt – purposes c and e.		Design benefits	No weight

6.39 As ever, in reaching a conclusion on Green Belt issues, a judgement as to the balance between harm and whether the harm is clearly outweighed must be reached. In this case there is harm to the Green Belt with reference to both inappropriate development and loss of openness. However, this is not considered to be the full extent of the harm; the other harm is considered further in this report. Several factors have been promoted by the applicant as ‘Very Special Circumstances’ and the matter for judgement is:

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

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

Management of Development (as amended 2015) and the National Planning Policy Framework 2019.

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

- 6.41 Policy PMD2 of the Core Strategy requires that all design proposals should respond to the sensitivity of the site and its surroundings and must contribute positively to the character of the area in which it is proposed and should seek to contribute positively to local views, townscape, heritage assets and natural features and contribute to the creation of a positive sense of place.
- 6.42 Policy CSTP22 of the Core Strategy indicates that development proposals must demonstrate high quality design founded on a thorough understanding of, and positive response to, the local context.
- 6.43 The proposal would subdivide the existing plot into three, including changes to the existing former smithy building and the formation of a brand new building. As a result, the existing plot would become three residential dwellings. There would also be an increase in hardstanding and two additional accesses to Brentwood Road.
- 6.44 The proposal would therefore result in a somewhat more densely packed residential development within an area where the immediate locality has a rural character with a sporadic layout and generously sized plots. Whilst it may not be considered that the proposal would appear so out of character as to warrant recommending refusal for this reason, the development would still be objectionable in principle.

## III. NEIGHBOURING AMENITY

- 6.45 Section 12 of the NPPF refers to design and the standard of amenity. Paragraph 127 paragraph f) states among other things that planning policies and decisions should ensure that developments:
- 6.46 *“Create places that are safe, inclusive and accessible and which promote health and well-being, with a high standard of amenity for existing and future users.”*
- 6.47 Policy PMD1 reinforces the emphasis on the protection of amenity. It seeks to ensure that development does not cause, among other things, invasion of privacy, loss of light or visual intrusion.
- 6.48 Given the location and orientation of the former smithy building and proposed dwelling relative to the adjacent residential properties, it is not envisaged that the proposal would result in overshadowing of and loss of light, or overlooking to the nearby properties.
- 6.49 The subdivision of the site would result in increased movements and noise in contrast with the existing single residential unit, however, the Highway Officer raises no objections.

- 6.50 There would be no significant or adverse impact upon neighbouring amenity as a result of the proposed development, in accordance with policy PMD1.

#### IV. LIVING ENVIRONMENT

- 6.51 With regard to the standard of accommodation for future occupiers, the proposed floor areas and external amenity space provided for the existing dwelling and both of the additional dwellings would comply with Council standards and there would be sufficient natural light to each; as such it is considered that the standard of accommodation would be acceptable.

#### V. TRAFFIC IMPACT AND CAR PARKING

- 6.52 This development is located in a medium accessibility area.
- 6.53 Thurrock Draft Parking Standards state that 2-3 bedroom dwellings in a low accessibility area are required to provide 2 off street parking spaces and 4+ bedrooms are required to provide 3 off street spaces.
- 6.54 The plans submitted sufficient off-street parking spaces for the two proposed dwellings however provision for the existing dwelling falls short of this standard, similarly access to parking for the existing dwelling would result in the loss of the existing hedgerow and front lawn.
- 6.55 Notwithstanding the in principle objections, the application as submitted would be acceptable in respect to highway matters subject to conditions relating to the parking layout and access details.

#### VI. IMPACT UPON ECOLOGY AND BIODIVERSITY

- 6.56 The majority of the application site is currently maintained as garden and has limited ecological value.
- 6.57 A neighbour objection has been received in regards to bats. It is noted that one of the buildings does contain loose tiles and other features that have potential for roosting bats, and there are hedgerows and other features that could be used by commuting bats although the surrounding habitat is not optimal for bats. Were permission to be granted, it would be considered proportionate therefore to condition the production of a bat survey which can be used to confirm presence / likely absence of bats within the site.
- 6.58 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 £127.30 per additional dwelling. This scheme would result in a net increase of 2 units; therefore, were permission to be granted, it would be necessary for the LPA to apply a tariff of £254.60 in order to fund works to mitigate the in-combination effects of recreational disturbance on SPA.

## VII. OTHER MATTERS

- 6.59 Comments have been received in support of the application and which reference a larger development permitted nearby. Each application is determined upon its own merits. Whilst it is noted that there is a more densely populated development to the north-west, this area is enclosed by physical boundaries, namely the A128 and Brentwood Road. As such it does not form part of the more rural area situated immediately to the east of Brentwood Road.

## 7.0 CONCLUSIONS AND REASON(S) FOR REFUSAL

- 7.1 The proposal would result in the replacement of the existing smithy, the erection of a new residential dwelling to the north of Wick Place Cottage and subdivision of the existing plot resulting in a total of three dwellings on the site.
- 7.2 Although the application site is considered residential curtilage, the siting of the proposed dwellings does not constitute Previously Developed Land. Thus, where a proposal represents inappropriate development the applicant must demonstrate Very Special Circumstances which clearly outweigh the harm to the Green Belt. In this case it is not considered that the arguments for very special circumstances outweigh the in principle harm as well as the actual harm to the openness of the Green Belt.
- 7.3 The proposal is clearly contrary to Policies CSSP4, PMD2 and PMD6 of the adopted Thurrock Local Development Framework Core Strategy and Policies for the Management of Development (as amended 2015) and the National Planning Policy Framework 2019.

## 8.0 RECOMMENDATION

- 8.1 Refuse planning permission for the following reason:
- 1 The application site is located within the Green Belt, as identified on the Policies Map accompanying the adopted Thurrock Local Development Framework Core Strategy and Policies for the Management of Development (2015). National and local planning policies for the Green Belt set out within the NPPF and Thurrock Local Development Framework set out a presumption against inappropriate development in the Green Belt. The proposals are considered to constitute inappropriate development with

reference to policy and would by definition be harmful to the Green Belt. It is also considered that the proposals would harm the openness of the Green Belt and would be contrary to purposes c) and e) of the Green Belt, as set out by paragraph 134 of the NPPF. It is considered that the identified harm to the Green Belt is not clearly outweighed by other considerations so as to amount to the very special circumstances required to justify inappropriate development. The proposals are therefore contrary to Part 13 of the NPPF and Policies CSSP4 and PMD6 of the adopted Thurrock Local Development Framework Core Strategy and Policies for the Management of Development (2015).

### **Informative(s)**

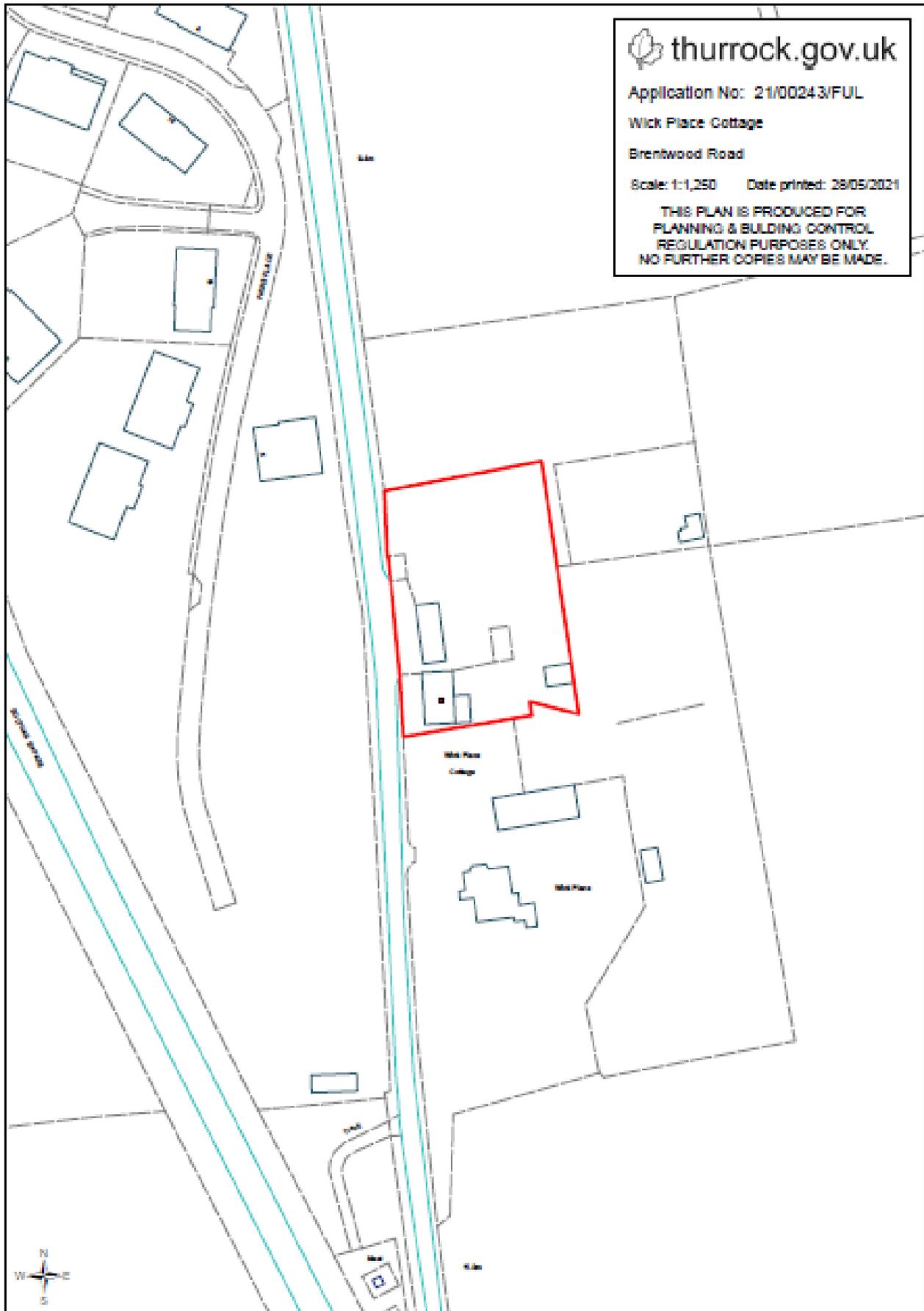
- 1 Town and Country Planning (Development Management Procedure) (England) Order 2015 (as amended) - Positive and Proactive Statement:

The Local Planning Authority has acted positively and proactively in determining this application by identifying matters of concern with the proposal and discussing those with the Applicant/Agent. Unfortunately, it has not been possible to resolve those matters within the timescale allocated for the determination of this planning application. However, the Local Planning Authority has clearly set out, within its report, the steps necessary to remedy the harm identified within the reasons for refusal - which may lead to the submission of a more acceptable proposal in the future. The Local Planning Authority is willing to provide pre-application advice in respect of any future application for a revised development.

### **Documents:**

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

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



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