

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 **15 July 2021**

**Council Chamber, Civic Offices, New Road, Grays, Essex, RM17 6SL (limited seating) and livestreamed via [www.thurrock.gov.uk/webcast](http://www.thurrock.gov.uk/webcast)**

**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民主@thurrock.gov.uk](mailto:direct民主@thurrock.gov.uk) to book a seat.**

**Alternatively, council meetings can be watched live via the Council's online webcast channel: [www.thurrock.gov.uk/webcast](http://www.thurrock.gov.uk/webcast)**

### 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

---

## Agenda

Open to Public and Press

	Page
<b>1 Apologies for Absence</b>	
<b>2 Minutes</b>	<b>5 - 18</b>

To approve as a correct record the minutes of the Planning Committee meeting held on 10 June 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 19 - 22**

### **7 London Gateway Logistics Park Local Development Order 23 - 32**

### **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 20/01743/FUL Stanford Le Hope Railway Station, London Road, Stanford Le Hope, Essex, SS17 0JX 33 - 60**

### **10 20/01662/OUT Greenwise Nurseries, Vange Park Road, Vange, SS16 5LA 61 - 84**

### **11 20/01811/FUL The Willows, Morley Hill, SLH, Essex, SS17 8HY 85 - 100**

### **12 21/00073/FUL 53-55 Third Avenue, SLH, Essex 101 - 122**

### **13 21/00077/FUL Land adjacent Fen Farm Judds Farm and part of Bulphan Fen, Harrow Lane, Bulphan, Essex 123 - 164**

### **14 21/00729/LBC - JD Wetherspoons PLC Old State Cinema George Street Grays Essex RM17 6LZ 165 - 186**

**15      21/00728/FUL - JD Wetherspoons PLC, Old State Cinema,      187 - 204**  
**George Street, Grays, Essex, RM17 6LZ**

Exclusion of the Public and Press

Members are asked to consider whether the press and public should be excluded from the meeting during consideration of an agenda item on the grounds that it involves the likely disclosure of exempt information as specified in Part I of Schedule 12A of the Local Government Act 1972 or it being confidential for the purposes of Section 100A(2) of that Act.

In each case, Members are asked to decide whether, in all the circumstances, the public interest in maintaining the exemption (and discussing the matter in private) outweighs the public interest in disclosing the information.

**16      Planning Appeal for Arisdale Avenue Planning Application      205 - 220**  
**20/00827/FUL**

**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: **7 July 2021**

This page is intentionally left blank

## Information for members of the public and councillors

### Access to Information and Meetings

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. Anyone wishing to attend physically should email [direct.democracy@thurrock.gov.uk](mailto:direct.democracy@thurrock.gov.uk) to book a seat. Alternatively, council meetings can be watched live via the Council's online webcast channel: [www.thurrock.gov.uk/webcast](http://www.thurrock.gov.uk/webcast)

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.

### Recording of meetings

This meeting will be live streamed and recorded with the video recording being published via the Council's online webcast channel: [www.thurrock.gov.uk/webcast](http://www.thurrock.gov.uk/webcast)

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

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

The council welcomes the filming, photography, recording and use of social media at council and committee meetings as a means of reporting on its proceedings because it helps to make the council more transparent and accountable to its local communities.

### Thurrock Council Wi-Fi

Wi-Fi is available throughout the Civic Offices. You can access Wi-Fi on your device by simply turning on the Wi-Fi on your laptop, Smartphone or tablet.

- 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.

The ICT department can offer support for council owned devices only.

## Evacuation Procedures

In the case of an emergency, you should evacuate the building using the nearest available exit and congregate at the assembly point at Kings Walk.

### How to view this agenda on a tablet device



You can view the agenda on your [iPad](#), [Android Device](#) or [Blackberry Playbook](#) with the free modern.gov app.

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

To view any “exempt” information that may be included on the agenda for this meeting, Councillors should:

- Access the modern.gov app
- Enter your username and password

# 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 10 June 2021 at 6.00 pm

---

**Present:** Councillors Tom Kelly (Chair), Steve Liddiard (Vice-Chair), Gary Byrne, Colin Churchman, Mike Fletcher, Terry Piccolo, Georgette Polley, Lee Watson and Abbie Akinbohun (Substitute) (substitute for James Halden)

Steve Taylor, Campaign to Protect Rural England Representative

**Apologies:** Councillor James Halden

**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  
Nadia Houghton, Principal Planner  
Chris Purvis, Major Applications Manager  
Julian Howes, Senior Highway Engineer  
Caroline Robins, Locum Solicitor  
Wendy Le, Senior Democratic Services Officer

---

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

**1. Minutes**

The minutes of the Planning Committee meeting held on 22 April 2021 were approved as a true and correct record.

**2. Item of Urgent Business**

There were no items of urgent business.

The Chair informed the Committee that planning application 20/00284/OUT had been fully withdrawn by the Applicant.

**3. Declaration of Interests**

Councillor Churchman declared an interest on 20/00592/OUT in that he had family and friends who were members of The Springhouse Club. He confirmed that he would not participate in the item.

Steve Taylor declared that he was a member of The Springhouse Club.

**4. 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 emails had been received by a resident, Beverley Johnston, and by the agent, Jennifer Wrayton on planning application 21/00243/FUL. Councillor Polley declared that she had received emails on the same application.

**5. Planning Appeals**

There were no questions or comments from Members.

**RESOLVED:**

**That the report be noted.**

**6. 2020/21 Planning Performance Report**

The Chair asked that officers update Members outside of Committee on s106 contributions for applications that had been approved at Committee.

**RESOLVED:**

**That the report be noted.**

**7. 20/00430/FUL - Coach Park, Pilgrims Lane, North Stifford, Grays, Essex, RM16 5UZ**

The report was presented by Ian Harrison.

Councillor Fletcher noted that the report mentioned that the traffic movements on the site would be reduced and asked what the Applicant was comparing these traffic movements to. He said that there was not much traffic movement that was current going in and out of the site. Ian Harrison explained that the Applicant had based this on the full capacity of the coach and car park if it had been used. Councillor Fletcher commented that this approach was theoretical and questioned if this same approach had been used in the previous application for a three year permission. Ian Harrison said that the previous application had never been determined and this current application had been amended to seek permission for five years.

Steve Taylor commented that the Lower Thames Crossing (LTC) route was not determined yet and that this site was not near the route either. He asked why the site was chosen by Highways England and reasons for a five year temporary use of the site. Ian Harrison confirmed that the site was not near the proposed LTC route but the site was unused land which was why the

Applicant had chosen this instead of a Green Belt site. The site would be used to investigate and monitor the LTC route for a temporary five year period.

Councillor Piccolo questioned how close the exit of the site to the main road was. Julian Howes answered that the exit of the site was past the roundabout on the main road.

Councillor Polley questioned if the site would be returned to its original use after the end of the five year permission. She raised concerns that the site was close to an area where there was a lot of traffic movement and asked what type of vehicles would be going in and out of the site. She mentioned that there had been large vehicles used on the site before for piling work and that there had been an accident involving a crane previously. Ian Harrison answered that the site would revert back to its original use after the five year permission ended. He said that the site would use contracted larger vehicles. Julian Howes added that the site had been used by the A13/M25 group for construction purposes two or three years ago.

Councillor Byrne pointed out that the traffic around the site would increase the traffic issues around area and sought more detail. Julian Howes answered that most of the traffic would be outside of the peak hours so would not worsen the traffic around the area. He said that the site had been in use for the past 18 months with vehicles going in and out of the site which had not increased the traffic around the area.

Councillor Piccolo sought clarification on the 7am – 7pm traffic monitoring hours and asked if it included peak hours which Julian Howes confirmed that it.

The Vice-Chair agreed with the concerns raised on traffic from Members. He commented that he wished to see a travel plan and that he had seen 40 tonne lorries going into the site. He said that the travel plan needed to include the hours that vehicles were allowed in and out of the site as the area had a lot of traffic. The Chair questioned what the overall traffic movements in and out of the site would be when it was in operation. Julian Howes said that the report detailed the number of trips on the site which did not show a significant increase. He said that the site had been in operation for the past 18 months.

The Chair commented that the site could have been running at a higher capacity back in the 1990s or early 2000s and the site was now outdated as it was no longer used as a coach park. He noted that the estimation of traffic movements was used for approval of the application and sought further details. Ian Harrison explained that the Applicant had assessed the site to be operating currently at 40% capacity. This figure was increased to 100% based on the full capacity of the coach park being operated as a contractors compound which was around 850 vehicle movements a day. He said that the figures highlighted that the vehicle movements would still be less than the number of vehicle movements if the site had been operating as a coach and car park.

Speaker Statements were heard from

- Laura Blake, Thames Crossing Action Group – in objection.
- Sarah Collins, Agent – in support.

Councillor Fletcher asked whether the largest vehicles of 20 tonnes were included in the assessment of traffic movements. He asked how confident the service was in that the large vehicles would not cause an obstruction when turning at the roundabout. He noted that a previous application had been refused and asked what the difference was between this application and the previous one. Julian Howes said that he was unable to confirm this without looking at the Transport Assessment but that all vehicle movements should have been included. He went on to say that there was enough room for larger vehicles to turn at the roundabout but not enough room for vehicles waiting to get into the site at the gates. The Highways Team preferred that the gates to the site be placed further back into the site. Ian Harrison said that the previous application had been for a flower market which would have significantly increased the number of traffic movements in the area so had been refused.

Steve Taylor questioned whether there were restrictions placed on exiting the site. He commented that with the site's location, it could potentially have vehicles using routes in local areas such as Ockendon and questioned if vehicles would be required to use the main road networks. Julian Howes answered that the larger vehicles were required to remain on the strategic road networks and to submit road strategies to the Highways Team for agreement. The Highways Team would look to prevent larger vehicles from using local roads but where it was not possible, vehicles would travel though an alternative route. Steve Taylor pointed out that there were alternative sites such as one between the junction of the A127 and M25 that was set up on the Green Belt to monitor the M25. Julian Howes was unable to confirm if the site had been considered.

Councillor Byrne asked whether the previous application to use the site as a flower market had less than 1,700 vehicle movements. Julian Howes answered that the flower market would have resulted in more vehicle movement in a short period of time as the market had been proposed to open for Sundays. This would have impacted the road networks in one day rather than being spread out.

The Chair began the debate by pointing out that the permission may last longer than five years and potentially be for ten years. He said that the number of traffic movements was high but noted that this would not be upheld in an appeal.

The Vice-Chair highlighted his concerns on the traffic and said that he would prefer to see a travel plan before approving the application to ensure that 40 tonne lorries were not operating between 8am – 9am and 3pm – 5.30pm. He said that the site was five miles from the proposed route of the LTC and that there were other sites that could be used which were closer to the route.

Councillor Byrne pointed out that when the site had been in operation as a coach park, there were no traffic movements. He said that coaches dropped people off and then stayed in the coach park for the majority the day. Councillor Fletcher said that the travel plan was needed and that the issue was about the size of the traffic. He said there were traffic concerns around the Pilgrims Lane roundabout and lesson the roundabout by Sainsburys. He was concerned that traffic would be impacted in areas such as Ockendon. Councillor Polley said that the application was premature as the LTC route had not been confirmed yet. She highlighted her concerns on the smaller entrance in to the Pilgrims Lane's traveller site and that the residents there had not been consulted. She pointed out that there was still a reduced amount of traffic due to lockdown restrictions still in place but that there were already traffic issues.

*(Councillor Akinbohun arrived at 6.55pm)*

Councillor Piccolo pointed out that the traffic movements comparison were over 20 years old and was irrelevant as the traffic situation was different with new developments since then. He said that there had not been much work in the site other than exploratory work in the last 18 months and could not consider the traffic movements in this time to be a representative of what it would be for the site if approved. He felt that the site's exit was too close to the A1306 and vehicles exiting the site would cause a blockage to the approach road and increase the traffic congestion. He pointed out that the access was not appropriate and needed to be placed further from the roundabout.

Councillor Watson also highlighted concerns about traffic and said that it was frequently busy throughout the week. She felt that a robust travel plan was needed too.

Jonathan Keen summarised Members' points and said that the site's use was a coach park. If the application was not approved, the site could continue to operate as a coach park with vehicles going in and out of the site. He referred Members to condition two in the report and said that it required that the travel plan be submitted within two months of approval. If not, the use of the coach park would cease. He reassured Members that the travel plan would be assessed by the Highways Team and consider Members' comments particularly on HGV routing on the strategic road network. A condition could also be added to limit the hours of movement for HGVs in and out of the site. There was scope within the application to limit the movement of vehicles. He noted Members' concerns of the site's location and said that the site was an existing established site within the area and that if the use was not permitted for this site, the Applicant could potentially look to a site on the Green Belt.

Councillor Fletcher asked whether the application would come back to a committee meeting if the application was approved subject to a travel plan. Jonathan Keen explained that if the application was approved, the conditions would not come back to Committee as it was not within the terms of reference of Planning Committee. He said that Members would be able to see the

conditions once they were drafted as it was a public document. He reassured Members that their concerns would be addressed in the travel plan and that the conditions were enforceable.

Councillor Piccolo commented that the traffic from the site needed to be controlled. He suggested traffic lights as a form of control. Jonathan Keen said that the gates could be used as a way of controlling traffic out of the site.

Councillor Watson proposed deferring the application so that Members could see the travel plan. Councillor Piccolo seconded this.

*(In line with the Constitution, Chapter 5, Part 3(d), para. 13.5, Councillor Akinbohun was unable to participate and vote on this item as she had not been present at the start of the item.)*

**FOR: (8) Councillors Tom Kelly (Chair), Steve Liddiard (Vice-Chair), Gary Byrne, Colin Churchman, Mike Fletcher, Terry Piccolo, Georgette Polley, Lee Watson.**

**AGAINST: (0)**

**ABSTAINED: (0)**

**8. 20/00592/OUT - The Springhouse, Springhouse Road, Corringham, Essex, SS17 7QT**

The report was presented by Chris Purvis. He informed Committee that there had been an update to the Essex RAMs payment outlined in recommendation B. He said that the new payment was now £12,093.30 as this was increased due to the new financial year.

The Chair thanked Members who had attended the site visit on Wednesday 9 June. In regards to the football pitches, he asked if these were managed by the Applicant and asked why these were not used. He also asked if permission was needed to access the pitches. Chris Purvis answered that the football pitches were maintained by the Applicant and that the pitches shown on photos were from five years ago. He said that the Applicant had informed that the pitches could be used and reinstalled if needed but this area was outside of the application site's proposal. To access the site, he said that permission would be needed from the landowner.

The Chair said that more parking spaces were needed and also acknowledged that more green spaces were needed. He asked why the service had requested for more green spaces instead of parking on the proposal. Chris Purvis explained that the site needed a mixed balance of amenity and green space, and to create a better visual appearance rather than the development being parking dominant aspect. He said that the parking spaces proposed met the Council's draft parking standards.

The Chair pointed out that there were only three visitor parking spaces in the proposal which would cause parking issues. He noted the double stacked parking design and sought more detail. He also asked who would be managing the car parking and what the Council's parking standards were. Chris Purvis indicated on the site plan on where the double stacked parking was proposed to be built. He said that cars would park underground with another car park level on top which required less land use and that there was a planning condition that required full details on this to be provided. He went on to say that there was a car parking management scheme under condition 18 that would require the Applicant to provide the Council with details on the car parking management company. On the Council's parking standards, he explained that the medium accessibility applied in this case which was 1 to 1.25 parking spaces. However, the location of the site was close to the town centre and was considered sustainable so one parking space per dwelling was acceptable.

Councillor Byrne questioned whether the football pitches could be built on in a future planning application. He asked if this land could be protected from development through the planning application that was before the Committee. Chris Purvis answered that the pitches were on private land. He said that if the Applicant proposed to build on this in a future application, there would likely be an objection from Sports England if that sports facility was lost. He said that the site of the football pitches was outside or the red boundary line of the current planning application but could add a planning condition that the football pitches be used as a sport facility only.

Councillor Fletcher asked who had access to the football pitches. He also commented on the lack of car parking spaces as some households would have two cars. Chris Purvis said that the football pitches were within the Applicant's land. Football clubs wishing to use the pitches would have to contact the Applicant as it was private land. On car parking, he explained that the site was centrally located and people would be able to access the site by bus, walking or cycling. Julian Howes added that the current car ownership from the National Census was 0.75 car parking spaces per flat.

The Chair noted that the site was centrally located and pointed out that there was only a bus route and the site was not close to the train station. He felt that parking issues would likely arise in the local area with the development. He asked if there were mitigation measures in place for this. He commented that people could currently park on the road outside the site and this could potentially happen if there were no spaces in the development's car park. He asked whether double yellow lines or Controlled Parking Zone (CPZ) would be installed to prevent this from happening. Julian Howes answered that the walk from the train station was 20 minutes and that the area had accessible transport links. He said that the Council had requested that the Applicant contribute towards a car club and potentially, a number of the parking spaces would be put towards this. He went on to say that the site was within a medium accessible area and although there was a concern of two cars in a household, the parking standards were based on a normal capacity assessment and not at full capacity. He explained that there were public

parking facilities around the area of the site and that the car park would not always be at full capacity.

Referring to paragraph 6.29, Councillor Polley sought clarification on the two way traffic movements and if it included weekends. She commented that double stack parking was expensive and the application may come back to review this. She also asked who would manage the parking enforcement. Julian Howes said that the traffic movements were based on peak morning and evening hours when traffic was worse as more people would leave or enter the site at the peak hours.

Councillor Polley pointed out that the west of the borough was constantly busy as it was close to the M25 and A13. She commented that, if the football pitches were to be used, it would generate a lot of traffic particularly on Sunday mornings and that car clubs did not always work with certain organisations. Julian Howes said that Sunday traffic movements were generally not worse than the traditional peak hour traffic on 8am – 9am and 5pm – 6pm on weekdays. This was due to people going to work or coming home from work and taking children to school in the mornings.

Councillor Polley asked what was considered to be a significant loss of light (in relation to Dove Court); where the electric gate was positioned; and if there was an emergency vehicle access road for the gated development. Julian Howes said that the gates were expected to be set back from the highway to allow enough room for vehicle waiting to get into the development. Chris Purvis added that more details on the gate would be secured through condition 15. Regarding the loss of light, he said that the proposed building closest to Dove Court was set back from the boundary between the site by eight to nine metres. This would not have a material impact on Dove Court that would warrant a refusal of the application. He stated that the daylight and sunlight assessment also supported this.

The Chair commented that the electric gates would need to be set further back into the site. He said that visitors trying to access the site would need a key fob or be allowed entry into the site so would be waiting for access at the entrance of the gate.

Councillor Piccolo pointed out that the football pitches were not part of the current site application and that the Applicant could decide whether to build on it or not. Referring to the car club, he noted that there would be five or seven vehicles and questioned where these cars would park. Julian Howes answered that the logistics of the car club had not been decided yet. Chris Purvis added that the Transport Manager had asked the Applicant to contribute towards a car club and that the Applicant was willing to work with the service to achieve this.

Councillor Watson asked how many of the 98 proposed car parking spaces was for disabled spaces. She queried if this would mean less parking spaces for the proposed units and what the procedure was for unused disabled spaces. She also asked if an additional 23 spaces would be added to meet



the maximum 1.25 car parking spaces for the Council's parking standards. Julian Howes said that the minimum required for disabled spaces would be allocated out of the proposed 98 car parking spaces. He said that the development met the minimum car parking standards in the Council's parking standards. Chris Purvis added that, as part of the car parking management plan, if the spaces were not required for disabled purposes, these could be used for other purposes. The site plan indicated 12 disabled parking spaces.

Referring to the contributions listed in recommendation B, Councillor Akinbohun asked if these were enough to mitigate the impact of the development to the area. Chris Purvis answered that consultees through the consultation process had identified that these contributions were required to mitigate the impacts of the development for it to be considered acceptable.

Speaker Statements were heard from:

- Janet Littmoden, resident in objection to the application.
- Shane Ralph, ward councillor in objection to the application.
- Russell Barnes, agent in support of the application.

The Chair started the debate by saying that the development was a community benefit and would have improved facilities. However, he was concerned that there development did not have enough provide enough parking spaces and would result in parking issues which would bring in the instalment of double yellow lines and CPZs. He pointed out that the car club and double stack parking already indicated that there were not enough car parking spaces.

Councillor Byrne said that he been at the site on Saturday morning to look at the traffic issues and found that there was not much traffic during that time. He said that there were more traffic issues during the week as the Council had opened a youth offender's centre in the area and had not provided parking for visitors and staff who were parking along Springhouse Road. He agreed with the Chair that more parking was needed on the site. He noted that the agent's speaker statement mentioned that the application was community focused and felt that funds could be diverted into Corringham's local community.

Councillor Fletcher agreed that there was not enough parking spaces. He pointed out that the Springhouse Club car park was not always full but that this would change if the development was built. He noted that the sports facilities would be improved which was welcome but the issue was the number of car parking spaces on the site for the proposed dwellings.

In regards to the car club, Councillor Piccolo said that this needed to be located on the site or next to the site as future residents on the development would not use this if it was located too far. He said that there were good transport links in Thurrock going into London which was good for work but not for going anywhere else. He pointed out that people would travel by car to visit friends and family. He said that the lack of parking was a major concern

for him. He noted that the Applicant proposed more green spaces but pointed out that the site was next a large green space.

*The Committee agreed to suspend standing orders at 8.23pm to enable the agenda to be completed.*

The Chair proposed recommendation A of the officer's recommendation and was seconded by Councillor Byrne.

**FOR: (7) Councillors Tom Kelly (Chair), Steve Liddiard (Vice-Chair), Abbie Akinbohun, Gary Byrne, Mike Fletcher, Georgette Polley and Lee Watson.**

**AGAINST: (1) Councillor Terry Piccolo.**

**ABSTAINED: (0)**

Councillor Byrne proposed recommendation B of the officer's recommendation and was seconded by the Vice-Chair.

**FOR: (3) Councillors Steve Liddiard (Vice-Chair), Gary Byrne and Lee Watson.**

**AGAINST: (5) Councillors Tom Kelly (Chair), Abbie Akinbohun, Mike Fletcher, Terry Piccolo and Georgette Polley.**

**ABSTAINED: (0)**

Jonathan Keen referred Members to the Constitution Chapter 5, Part 3 (c), para. 7.2.

The Chair considered proposing a recommendation of refusal on the basis of a lack of parking provision. He said that the development would have an adverse impact on the local road network and lead to the introduction of CPZs in a local economic area that did not currently have CPZs in place. He said that this decision was based on a previous application that had a similar lack of parking spaces proposed. Chris Purvis suggested that Members could defer the application to enable the Applicant to address the issue of the lack of parking spaces in the proposal.

The Chair queried whether there was an option to look further out of the development without encroaching into the green field and keeping the green spaces. He questioned what the potential increase of car parking spaces could be. He said that at least 20 – 30 spaces more would be better. Chris Purvis answered that there was a possibility of 6 to 8 spaces in an area of green space but this would be close to neighbouring residents in some areas of the site. He said that this would be explored and would be within the red line of the site.

The Chair proposed the deferral and Councillor Fletcher seconded.

**FOR: (8) Councillors Tom Kelly (Chair), Steve Liddiard (Vice-Chair), Abbie Akinbohun, Gary Byrne, Mike Fletcher, Terry Piccolo, Georgette Polley and Lee Watson.**

**AGAINST: (0)**

**ABSTAINED: (0)**

*The meeting adjourned at 8.36pm and recommenced at 8.43pm.*

**9. 20/01709/FUL - Land to rear of Bannatynes Sports Centre, Howard Road, Chafford Hundred, Grays**

Councillor Akinbohun declared that she had shown pre-determination on this application as she had made her objections to the application publically. Therefore, she would not be participating on the item.

The report was presented by Matthew Gallagher. Since the publication of the agenda, he stated that three further objections had been received which were the same points from other objections outlined within the report. There was also an updated response from the Council's Urban Design Officer. The Applicant had sought to amend the elevation details from the officer's earlier comments on sunlight and daylight issues. However, the officer's objections still largely remained.

Steve Taylor questioned whether the underground parking area shown in the presentation went underneath the block indicated on the plan or if it extended further underneath the site. He also asked if the other side of the old A13 (A1306) was still designated as Green Belt (GB). He highlighted concerns of a ten storey block of flats built on the edge of the GB. Matthew Gallagher answered that the 2009 and 2018 planning permissions included a basement car park. As it was built over 10 years ago, it had been exposed to the elements since then and would require remedial works to resolve this. He indicated on the plan that the basement car park would be partially underneath both of the proposed blocks. He confirmed that the other side of the old A13 was still GB which also had a leisure use on that site. He said that developments did not have to be built on the GB to have a potential impact on the GB. The proposed development could have an effect on the openness of the GB and the Applicant had recognised this and submitted a landscape and visual impact assessment.

Speaker statements were heard from:

- Gemma Lowry, a resident in objection.
- Augustine Ononaji, ward councillor in objection.
- Tim Bell, agent in support.

Councillor Fletcher started the debate by saying that there was too much development and not enough car parking spaces. The Chair said that he had approved the 2017 application that was still live and had a GP surgery.

However, the NHS had deemed that the area was no longer suitable as it did not fulfil their vision. He stated that the proposal had too much development as well.

Councillor Fletcher proposed the officer's recommendation to refuse planning permission and was seconded by the Vice-Chair.

**FOR: (8) Councillors Tom Kelly (Chair), Steve Liddiard (Vice-Chair), Gary Byrne, Colin Churchman, Mike Fletcher, Terry Piccolo, Georgette Polley and Lee Watson.**

**AGAINST: (0)**

**ABSTAINED: (0)**

**10. 20/00284/OUT - Land West of Lytton Road, River View, Chadwell St Mary, Essex**

This application was withdrawn by the Applicant.

**11. 21/00243/FUL - Wick Place Cottage, Brentwood Road, Bulphan, Essex, RM14 3TJ**

The report was presented by Nadia Houghton.

Speaker statements were heard from:

- Beverley Johnston, a resident in objection.
- Barry Johnson, ward councillor in support.
- James Wiley, agent in support.

Councillor Fletcher sought clarification on whether the smithy was being replaced or restored. Nadia Houghton answered that the smithy would be completely replaced. She said that the footprint of the new smithy was similar to the existing smithy but would be taller in height overall. The materials would be similar but it would be a different structure.

The Chair asked if there had been similar developments in the area. Nadia Houghton answered that she was familiar with the former Pieris Place site that was now the Bonham Grange development. The site had been granted permission in 2015 despite being in the GB but had been identified in the former Development Plan as a potential future site for residential development. There had been a range of Very Special Circumstances (VSC) put forward that had outweighed the harm to the GB in that instance. The application had been consequently recommended for approval because of the VSC including the high quality design materials and the housing supply.

Councillor Polley asked if the smithy building was designated as a heritage asset and what its current use was. Nadia Houghton answered that the building was not listed so was not a heritage building and it was not used as a

smithy. The smithy had been built in the 19<sup>th</sup> century and was currently used for agricultural storage according to the applicant's plans.

Councillor Byrne sought further clarification on why this application was recommended for refusal when the other application had been recommended for approval and was also on the GB. Jonathan Keen explained that the Pieris Place site had been put forward as a potential housing site as part of the work that was being carried out on the Local Plan at that time. This had been highlighted in a Site Specific Allocations DPD document in 2015. The service had placed some weight on this and in combination with other factors, this tipped the balance over in favour of approval. Applications submitted in the same area and for the current application, could not rely on the same DPD document as those sites including the one in the current allocation had not been identified in that DPD document.

Steve Taylor pointed out that the site in the Pieris Place application had been surrounded by three roads. He said that the current application's site was in an open piece of land that was part of the GB with no roads behind it. The Chair said that approving this application would set a precedence for similar future applications on the GB. Matthew Gallagher explained that the background of the Pieris Place application should not be given weight in this current application. He pointed out that the current application could not be compared against other similar live applications either as each application site was assessed on its merits. However, the Pieris Place site was surrounded by roads on all of its sides and was therefore a more contained and different site in comparison to the current application's site. He highlighted the importance of GB openness and permanence on this current application in line with the National Planning Policy Framework.

Councillor Fletcher said that a proposed development on the GB needed to be done correctly and given infrastructure which this current application did not have. Councillor Piccolo raised concerns on the harm to the GB if this application was approved particularly where there were live applications on the GB in the area of the site.

Councillor Fletcher proposed the officer's recommendation to refuse planning permission and was seconded by Councillor Watson.

**FOR: (9) Councillors Tom Kelly (Chair), Steve Liddiard (Vice-Chair), Abbie Akinbohun, Gary Byrne, Colin Churchman, Mike Fletcher, Terry Piccolo, Georgette Polley, Lee Watson.**

**AGAINST: (0)**

**ABSTAINED: (0)**

**The meeting finished at 10.03 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>15 July 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> Louise Reid, Strategic Lead - Development Services	
<b>Accountable Assistant Director:</b> Leigh Nicholson, Interim Assistant Director – Planning, Transportation and Public Protection.	
<b>Accountable Director:</b> Andy Millard, Director – Place	

## Executive Summary

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

### 1.0 Recommendation(s)

1.1 To note the report.

### 2.0 Introduction and Background

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

### 3.0 Appeals Lodged:

3.1 **Application No:** 20/00827/FUL

Location: Former Ford Motor Company, Arisdale Avenue, South Ockendon

Proposal: The erection of 92 units, comprising 86 No. 1 and 2 bed apartments, 2 No. 3 bed dwellings and 4 No. 2 bed dwellings along with associated infrastructure, works and landscaping. (Partial revisions to phase 4 of approval 18/00308/REM Dated 12th June 2018)

3.2 **Application No:** 20/01095/LBC

- Location: 24 Bata Avenue, East Tilbury
- Proposal: (Retrospective) Replacement of window frames, windows, side and rear doors and rendering.
- 3.3 Application No: 21/00037/HHA**
- Location: 16 Birch Close, South Ockendon
- Proposal: Two storey side extension and front porch
- 3.4 Application No: 21/00375/CLOPUD**
- Location: 101 Feenan Highway, Tilbury
- Proposal: Outbuilding
- 3.5 Application No: 20/01727/HHA**
- Location: 51 Stephenson Avenue, Tilbury
- Proposal: (Retrospective) Demolition of existing garage and replace with outbuilding to be used as a gym and as storage space
- 3.6 Application No: 20/00408/FUL**
- Location: Manor View, Southend Road, Corringham
- Proposal: Use of land for a four pitch gypsy/traveller site with layout comprising the siting of six mobile homes, two touring caravans, one day room and a static caravan used as a day room
- 3.7 Enforcement No: 20/00339/BUNUSE**
- Location: Lakshmi Service Station 36 - 38 Southend Road, Grays
- Proposal: Possible hand car wash without the benefit of planning permission and using the access.
- 4.0 Appeals Decisions:**



No appeal decisions have been received.

**5.0 APPEAL PERFORMANCE:**

	APR	MAY	JUN	JUL	AUG	SEP	OCT	NOV	DEC	JAN	FEB	MAR	
Total No of Appeals	1	4	0										5
No Allowed	0	1	0										1
% Allowed	0%	25%	0										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>15 July 2020</b>	<b>ITEM: 7</b>
<b>Planning Committee</b>	
<b>London Gateway Logistics Park Local Development Order</b>	
<b>Wards and communities affected:</b> Corringham and Fobbing Stanford-le-Hope west Stanford East and Corringham Town The Homesteads	<b>Key Decision:</b> Not Applicable
<b>Report of:</b> Matthew Gallagher, Major Applications Manager	
<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

This report is concerned with the planning consenting regime for securing the delivery of the approved strategic development at London Gateway logistics park, to ensure that the economic growth, jobs and investment at the park continue to be delivered in a sustainable manner.

The report explains that development of the logistics park has been subject to the provisions of a Local Development Order (LDO) since 2013. As this order is time-limited, the report explains that the preparation and making (adoption) of a new order is required in good time before the existing order expires in November 2023.

### 1. Recommendation

#### 1.1 To note the report

### 2. Background

2.1 The original planning application for the redevelopment of the former Shell Haven oil refinery site was submitted to the Council in January 2002 (application reference 02/00084/OUT). The application was subsequently “called-in” by the Secretary of State in June 2002 and a public inquiry was

held during 2003. This inquiry also considered an application for a Transport and Works Act Order for works to various railways adjoining the site and a proposed Harbour Empowerment Order, for a new port adjacent to the River Thames. Outline planning permission was granted by the Secretary of State on 30th May 2007

- 2.2 The London Gateway Logistics and Commercial Centre Order 2007, issued pursuant to the Transport and Works Act, came into force on 28th September 2007. The London Gateway Port Harbour Empowerment Order 2008 (HEO) came into force on 16th May 2008 and the dredging operations necessary to create the new port commenced in March 2010. The first berth at London Gateway Port came into operational use in November 2013.
- 2.3 The development consented by the outline planning permission in May 2007 comprised the construction of a road and rail linked logistics and commercial centre, comprising up to approximately 938,600sq.m of commercial floorspace. The planning permission was subject to a s106 legal agreement and a large number of planning conditions. Following the grant of outline planning permission, the former Development Corporation (TTGDC) determined a number of applications from the owners of the site DP World (DPW) for the discharge of planning conditions, variation or non-compliance with planning conditions (under s73 of the Town and Country Planning Act 1990) and a reserved matters application. A commencement of the development approved under the 2007 permission was undertaken by DPW in the form of the construction of a section of internal estate road.
- 2.4 However, between 2008 and 2010 it became clear to DPW, the former TTGDC and the Council that development pursuant to the outline planning permission would be complex. This conclusion was reached principally because the legal effect of the s73 planning consents was to create a number of new, stand-alone planning consents, in addition to the original outline planning permission (ref. 02/00084/OUT). This had the potential to create uncertainty with regard to what had been permitted on the site of the commercial and logistics park and which consent had been implemented. The original planning permission was also subject to a large number of planning conditions (96 in total). This factor, alongside the multiple consents, resulted in a complex layers of conditions which could have led to confusion concerning the status and monitoring of conditions.
- 2.5 In light of these complexities in the planning consents process, in 2011 DPW liaised with both the former TTGDC and the Council to assess the options for achieving greater certainty in the planning process, whilst still

maintaining the nature of the consented development and its associated safeguards. After consideration of the various options available, it was concluded that a Local Development Order (LDO) was the best method of delivering the development consented by the outline planning permission.

### **3 Nature and Status of LDOs**

- 3.1 The provisions covering LDO's are contained within the Town and Country Planning Act 1990, as amended. Primary legislative provisions relating to LDO's were introduced by the Planning and Compulsory Purchase Act 2004, which commenced in 2006. These powers were amended by commencement of Sections 188 and 189 of the Planning Act 2008 in June 2009.
- 3.2 An LDO grants planning permission for the type of development specified in the Order, and by doing so, removes the need for a planning application to be made by a developer / landowner. The power to make an LDO rests with the local planning authority (LPA). LDO's are flexible in that they can apply to a specific site, or to a wider geographical area and can grant planning permission for a specified type or types of development. Conditions may be attached to an LDO or an LDO may grant planning permission unconditionally. The adoption of an LDO can offer benefits to developers in exempting specified developments from the need to apply for a specific planning permission. Thereby, developers will save the time and cost of submitting a planning application. LDO's can also provide certainty to developers and investors by defining what development is acceptable on a site and thereby the development which can be undertaken without the need for planning permission.
- 3.3 An LDO does not remove the need to comply with any environmental legislation. Therefore, the LPA is responsible for ensuring that any requirements under the Environmental Impact Assessment Regulations or Habitats Regulations are met.
- 3.4 As noted above, legislation enables an LDO to be granted unconditionally, or subject to conditions as a means of ensuring that a development will be acceptable in planning terms. Potential conditions on an LDO, therefore, could limit the types and scales of development permitted, require development to comply with design criteria (such as a design code or masterplan) and could require actions to be undertaken prior to development (such as highway improvements). Any conditions attached to an LDO have to pass the same

tests as conditions attached to a normal grant of planning permission. These tests require a condition(s) to be:

- i. necessary;
- ii. relevant to planning;
- iii. relevant to the development to be permitted;
- iv. enforceable;
- v. precise; and
- vi. reasonable in all other respects.

- 3.5 Provisions allow for the monitoring and enforcement of LDO's and it is possible to use a planning condition to require a developer to notify the LPA when development under an LDO is undertaken. An LDO does not influence existing permissions or permitted development rights within the area covered by the Order.
- 3.6 A s106 obligation cannot be required under an LDO, as the LDO constitutes the grant of planning permission. However, this does not prevent a s106 obligation being offered by the developer and negotiated with the LPA.
- 3.7 Where any proposed development within the site of the LDO falls outside the scope of the Order, or the accompanying conditions, a planning application would need to be submitted for consideration and determination in the normal manner. LDO's are normally time limited.
- 3.8 A simplified summary of the key stages in the LDO process is presented below.

#### **LDO Preparation**

1. LPA prepares a draft LDO and statement of reasons with accompanying documentation (EIA etc.)



#### **Consultation / Publicity**

2. LPA consult persons whose interests would be affected by the LDO and those persons they would have been required to consult on an application for planning permission for development proposed by the LDO
3. LPA sends copies of the draft LDO and Statement of Reasons to consultees. Draft LDO and Statement of Reasons made available for inspection, on-line and advertised
4. LPA displays site notices and serves site notices on owners / tenants of the site
5. The consultation period shall last for at least 28 days



### **Consideration of LDO Representations**

6. Taking into account representations, LPA considers whether modifications to the draft LDO are necessary and whether re-consultation is required



### **LDO Adoption**

7. LDO must be adopted by resolution of the LPA for it to take effect.
8. LDO and accompanying documentation sent to the Secretary of State

## **4 The Existing LDO**

4.1 As noted at paragraph 2.5 above, both the Council and the former TTGDC resolved to progress an LDO for the commercial and logistics park site at the end of 2011 / early 2012. This decision was taken following resolutions of the Full Council and Planning Committee of the former TTGDC. Unlike a conventional planning application where some details can be submitted after the grant of permission via planning conditions or the submission of applications for the approval of reserved matters, the full details, justification and evidence for the development to be permitted by an LDO must be provided 'upfront'. Work on the preparation of documentation for the current LDO commenced in 2012. In June 2013 the draft LDO was completed and Full Council resolved to proceed with formal consultation and publicity.

4.2 Following a 6-week consultation period, followed by a limited re-consultation (to address changes to the Travel Plan and LDO drafting), Full Council resolved to make the LDO in November 2013. The matter was referred to the Secretary of State, who did not intervene, and the LDO was made on 7<sup>th</sup> November 2013.

4.3 In summary, the LDO grants permission for:

- 829,700sq.m of commercial floorspace within Use Classes B1(b), B1(c), B2 and B8,
- changes of use between the Use Classes listed above;
- associated infrastructure; and
- site preparation works.

The LDO is subject to a number of planning conditions which apply both to the four components of development described above and generally across the LDO site. Development permitted by the LDO is also subject to adherence with 'compliance' documents, comprising a Design Code, Code of Construction Practice and an Ecological Mitigation and Management Plan. A s106 agreement accompanied the LDO which principally addresses reducing the impacts of the development on transport networks. The existing LDO is time-limited and will expire in November 2023.

4.4 One of the general planning conditions applying to the LDO site requires that, prior to commencement of development, details and plans of development are submitted to the LPA using a prior notification form (LDOPND). Since the making of the LDO in November 2013 a number of LDOPND submissions have been made for elements of infrastructure and buildings on development plots. At the time of writing 11no. buildings have been subject to the LDOPND process totalling c.259,000sq.m of commercial floorspace. Existing occupiers on the LDO site include Dixons Carphone, UPS, Lidl, Made.com and DHL.

## **5 The need for a new LDO ('LDO2')**

5.1 As noted at paragraph 4.2 above, the existing LDO will expire in November 2023. The LDO has been successful in simplifying the planning consenting regime for development at the logistics park and offers commercial benefits to DPW as potential occupiers can proceed with development on-site in a relatively short space of time. Members of the Committee may be aware of the emerging proposals for the 'Thames Freeport' which includes London Gateway. It is considered that the benefits of a simplified planning regime conferred by an LDO have synergies with Freeport status.

5.2 Therefore, both Officers and DPW see the benefits of preparing a new LDO or LDO2 before the existing LDO expires. As before, preparation of LDO2 will require the preparation of significant documentation before a formal consultation and publicity exercise. Although the existing LDO does not expire until November 2023, it is expedient to commence preparation of LDO2 now. It is likely that LDO2 will be broadly similar to the existing LDO. However, the opportunity will be taken to review the existing Order and incorporate necessary revisions in light of the period of time which has elapsed since the preparation of the LDO and to ensure that LDO2 is fit for purpose.

5.3 Officers are currently preparing a Planning Performance Agreement (PPA) with DPW as a means of establishing a project management tool for the LDO process. The preparation of LDO2 will include a significant amount of documentation, requiring the appointment of consultants and advisors to draft, inter-alia, the Environmental Statement required by the Environmental Impact Assessment Regulations, a report to enable screening pursuant to the Habitats Regulations and legal documents. The PPA will include provisions ensuring that the Council's costs associated with the appointment of consultants are covered by DPW – as it is DPW as landowner who shares in the benefits conferred by the Order. The PPA will also seek to ensure that there is sufficient Officer resource to progress LDO2.



- 5.4 The decision firstly on whether to firstly engage in consultation on the draft LDO2 and secondly make LDO2 will be matters for Full Council to determine. However, in the interests of transparency this report is presented to Planning Committee so that Members are updated and aware of the situation. Relevant portfolio holders will also be briefed on this matter.

## **6 Conclusion**

- 6.1 Development on the site of the London Gateway logistics park has been undertaken pursuant to an LDO since November 2013. To date, c.30% of the total of 829,700sq.m floorspace consented by the LDO has been subject to the LDOPND. According to the most recent annual monitoring report produced by DPW for the LDO site, five of the operational buildings employ c.830 people (employment figures for the remaining buildings are unknown). Officers consider that the existing LDO has been successful in simplifying planning procedures for the site and thereby delivering new commercial floorspace and employment.
- 6.2 As the current LDO expires in November 2023, both Officers and DPW consider that the benefits of the Order should continue to be realised through a new LDO. In order to ensure a seamless transition between the existing LDO and LDO2, work to prepare the new Order has been initiated and will continue throughout 2021 and into 2022.

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

N/A

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

- 8.1 The London Gateway site, comprising both London Gateway port and London Gateway logistics park, is one of the Council's regeneration and growth hubs. Indeed due to the scale of the site, the port and logistics park have a wider sub-regional importance. The ongoing development of the logistics park site, via the LDO, will make a significant contribution to the delivery of the Council's growth and regeneration ambitions.

## **9. Implications**

### **9.1 Financial**

Discussions are ongoing between Officers and DPW to secure a commitment from DPW, via a Planning Performance Agreement (PPA), to meet the Council's costs in respect of the development and adoption of Local Development Order (LDO2). There are no expected additional costs for the Council

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

## 9.2 Legal

Given the nature of this report and the recommendation there are not considered to be any legal implications directly arising from it. The following is by way of background information on the relevant legal context.

Sections 40 and 41 of the Planning and Compulsory Purchase Act 2004 inserted sections 61A and D into the Town and Country Planning Act 1990. It is at the discretion of the local planning authority as to whether to make an LDO and a local planning authority can choose to restrict the scope of an LDO. Schedule 4A of the Town and Country Planning Act 1990 and articles 38 and 41 of the Town and Country Planning (Development Management Procedure) (England) Order 2015 will be relevant to the progression of LDO2.

The procedures for the preparation, consultation / publicity and making on an LDO are set out in primary and secondary legislation. The provisions of both the Environmental Impact Assessment and Habitats Regulations will apply to LDO2.

The existing LDO is accompanied by a s106 legal agreement and it is likely that a new s106 will be negotiated in parallel with LDO2.

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

## 9.3 Diversity and Equality

The Environmental Statement supporting LDO2 will include an assessment of the socio-economic effects of the development. Prior to any Council decision to make LDO2 a formal consultation and engagement process, described in section 3.8 above, will be undertaken.

Implications verified by: **Roxanne Scanlon**

**Community Engagement and Project  
Monitoring Officer**

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

None.

10. **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 the existing LDO and other supporting documentation can be viewed online: [www.thurrock.gov.uk/growth](http://www.thurrock.gov.uk/growth).

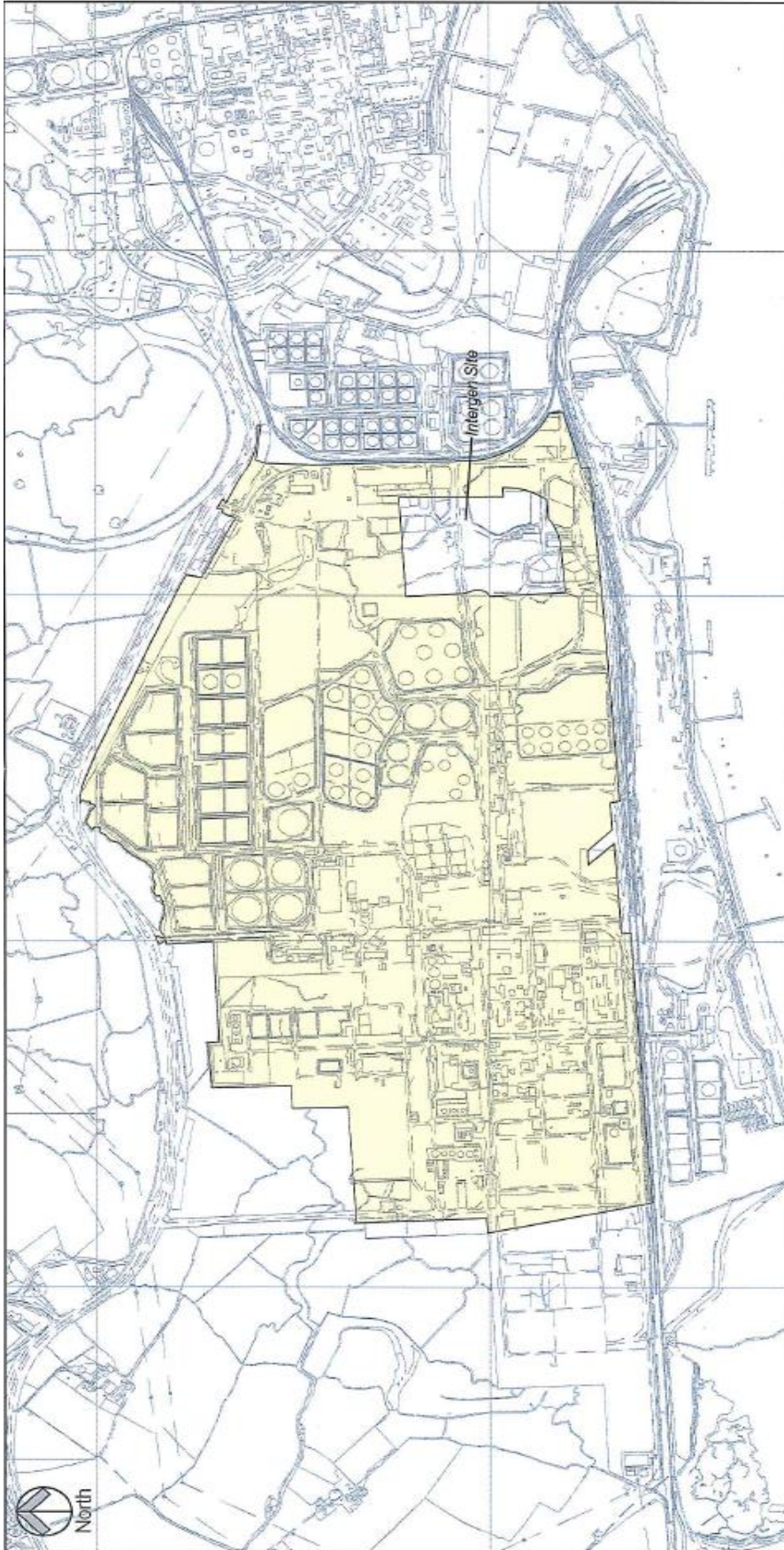
11. **Appendices to the report**

- None

**Report Author:**

Matthew Gallagher

Major Applications Manager



Drawing No.: ?		Revision: A
Drawn by: MS		Date: 24/04/12
Scale 1: 12 000 @ A3 		
Based upon the Ordnance Survey 1:1250 scale map with the permission of The Controller of Her Majesty's Stationery Office © Crown Copyright O.S. Licence No. JL 50080A		
7 St Peter Street, Winchester, SO23 8BW T: (01962) 07414 F: (01962) 07415 E: info@adamshendry.co.uk W: www.adamshendry.co.uk		

**FIGURE D: Proposed LDO Boundary**

Proposed LDO Boundary

Source: LGFL

# Agenda Item 9

Planning Committee 15 July 2021	Application Reference: 20/01743/FUL
---------------------------------	-------------------------------------

<b>Reference:</b> 20/01743/FUL	<b>Site:</b> Stanford Le Hope Railway Station London Road Stanford Le Hope Essex SS17 0JX
<b>Ward:</b> Stanford Le Hope West	<b>Proposal:</b> Construction of new station buildings, a new footbridge, forecourt, ancillary commercial unit (class E/F.2) and widening of platform 1

<b>Plan Number(s):</b>		
Reference	Name	Received
60636799-ACM-SFO-PL-DRG-EAR-000001 Rev A01	Proposed Footbridge Stairs Plans	15 December 2020
60636799-ACM-SFO-PL-DRG-EAR-000002 Rev A02	Proposed Platform Level GA Plan Platforms 01 & 02	15 December 2020
60636799-ACM-SFO-PL-DRG-EAR-000003 Rev A01	Proposed Roof Level GA Plan	15 December 2020
60636799-ACM-SFO-PL-DRG-EAR-000009 Rev A02	Proposed Footbridge Sections and Elevations	15 December 2020
60636799-ACM-SFO-ZZ-DRG-EAR-000012 Rev A01	Proposed Building Sections 1/50	15 December 2020
60636799-ACM-SFO-ZZ-DRG-EAR-000013 Rev A02	Proposed Building Sections 1/100	15 December 2020
60636799-ACM-SFO-ZZ-DRG-ECV-000200 Rev A01	Existing Site Plan	15 December 2020
60636799-ACM-SFO-ZZ-DRG-ECV-000200 Rev A01	Proposed Site Plan	15 December 2020
60636799-ACM-SFO-ZZ-DRG-ECV-000405 Rev A01	Footbridge and Lift Plan and Sections	15 December 2020
13015-04 000 301-S3-P4	Site Location Plan	15 December 2020
No number	Land Ownership Boundaries Plan	15 December 2020

<p>The application is also accompanied by:</p> <ul style="list-style-type: none"> <li>- Air Quality Assessment and update statement</li> </ul>
--

<ul style="list-style-type: none"> <li>- Arboriculture Report and update statement</li> <li>- Flood Risk Assessment</li> <li>- Lighting Assessment</li> <li>- Noise &amp; Vibration Assessment</li> <li>- Planning Support Statement (including Design and Access Statement, Energy Statement, Sustainability and Transport Assessment)</li> <li>- Travel Plan</li> </ul>	
<b>Applicant:</b> Thurrock Council	<b>Validated:</b> 16 December 2020 <b>Date of expiry:</b> 19 July 2021 (Extension of time agreed with applicant)
<b>Recommendation:</b> Approve, subject to conditions	

This application is scheduled as a committee item as the application has been submitted by the Council, in accordance with Part 3 (b) Section 2 2.1 (b) of the Council's Constitution.

## 1.0 Background

- 1.1 Consideration of this application was deferred at the 11 February 2021 Planning Committee meeting to enable a comprehensive plan for the station and the Daybreak site to be brought forward and for the tender to be completed to have certainty for costing.
- 1.2 A copy of the report presented to the February Committee meeting is attached.

## 2.0 UPDATE FROM THE APPLICANT

- 2.1 *Since the February Committee meeting the project team has focussed efforts to ensure that the design for the station is economical and provides for all the key requirements of the design in terms of safety and operability.*
- 2.2 *In parallel a detailed review of the Transport Hub concept has been undertaken. Significant challenges and constraints were identified that need to be properly addressed in the emerging design.*
- 2.3 *The current focus is to:*

- *Secure planning permission so that invitation for tenders can be issued and the station re-build programme can commence without further delay;*
- *Work with the Thurrock Council Planning team to develop a master plan concept for the surrounding area to ensure that appropriate interchange facilities are brought forward in an integrated manner that maximises potential to use the Station as a catalyst for local regeneration.*

### **3.0 CONSULTATIONS AND REPRESENTATIONS**

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

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

- 4.1 Planning legislation requires that planning applications are considered as they have been submitted. The station application does not rely on the Transport Hub element and should be decided on its own merits.
- 4.2 Planning legislation does not allow for the consideration of procurement, in connection with development of a site, as a material planning consideration. For clarification purposes the applicant has confirmed that the procurement process can only commence after a grant of planning permission

### **5.0 CONCLUSION**

In light of the update and information officers are of the opinion that the station application can be considered by Planning Committee. The recommendation remains one of approval for the reasons stated in 7.0 of the February Committee report. Those conditions are reattached below for ease of reference.

### **6.0 RECOMMENDATION**

- 6.1 Approve, subject to the following conditions:

#### **TIME LIMIT**

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

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

#### **PLANS**

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

<b>Plan Number(s):</b>		
Reference	Name	Received
60636799-ACM-SFO-PL-DRG-EAR-000001 Rev A01	Proposed Footbridge Stairs Plans	15 December 2020
60636799-ACM-SFO-PL-DRG-EAR-000002 Rev A02	Proposed Platform Level GA Plan Platforms 01 & 02	15 December 2020
60636799-ACM-SFO-PL-DRG-EAR-000003 Rev A01	Proposed Roof Level GA Plan	15 December 2020
60636799-ACM-SFO-PL-DRG-EAR-000009 Rev A02	Proposed Footbridge Sections and Elevations	15 December 2020
60636799-ACM-SFO-ZZ-DRG-EAR-000012 Rev A01	Proposed Building Sections 1/50	15 December 2020
60636799-ACM-SFO-ZZ-DRG-EAR-000013 Rev A02	Proposed Building Sections 1/100	15 December 2020
60636799-ACM-SFO-ZZ-DRG-ECV-000200 Rev A01	Existing Site Plan	15 December 2020
60636799-ACM-SFO-ZZ-DRG-ECV-000200 Rev A01	Proposed Site Plan	15 December 2020
60636799-ACM-SFO-ZZ-DRG-ECV-000405 Rev A01	Footbridge and Lift Plan and Sections	15 December 2020
13015-04 000 301-S3-P4	Site Location Plan	15 December 2020
No number	Land Ownership Boundaries Plan	15 December 2020

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

**DETAILS OF MATERIALS/SAMPLES TO BE SUBMITTED**

- 3 Notwithstanding the information on the approved plans, no development shall commence above ground level until written details or samples of all materials to be



used in the construction of the external surfaces of the development hereby permitted have been submitted to and approved in writing by the local planning authority. The development shall be carried out using the materials and details as approved.

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

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

- 4 No demolition or construction works shall commence until a Construction Environmental Management Plan [CEMP] has been submitted to and approved in writing by the local planning authority in writing. The CEMP should contain or address the following matters:

- a) Construction hours and delivery times for construction purposes,
- b) Hours and duration of any piling operations;
- c) Vehicle haul routing in connection with construction and engineering operations;
- d) Wheel washing and sheeting of vehicles transporting loose aggregates or similar materials on or off site;
- e) Details of construction access;
- f) Details of temporary hoarding/boundary treatment;
- g) Method for the control of noise with reference to BS5228 together with a monitoring regime;
- h) Measures to reduce vibration and mitigate the impacts on sensitive receptors together with a monitoring regime.

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

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

### **LANDSCAPING**

- 5 No development shall take place until full details of the provision and subsequent retention of both hard and soft landscape works on the site have been submitted to and approved in writing by the local planning authority. These details shall include:

- 1) Details of proposed schedules of species of trees and shrubs to be planted, planting layouts with stock sizes and planting numbers/densities.

- 2) Details of the planting scheme implementation programme, including ground protection and preparation, weed clearance, stock sizes, seeding rates, planting methods, mulching, plant protection, staking and/or other support
- 3) Details of the aftercare and maintenance programme

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

#### Hard Landscape works

- 4) Details 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].

#### **NO VENTILATION AND EXTRACTION – UNLESS OTHERWISE AGREED**

- 6 No external plant or machinery shall be used unless and until details of the ventilation and extraction equipment have been submitted to and approved in writing by the Local Planning Authority. Any measures required by the Local Planning Authority to reduce noise from the plant or equipment shall be completed prior to the ventilation and extraction equipment being brought into use and retained and maintained as such .

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].

**FLOOD WARNING AND EVACUATION PLAN [FWEP] – details to be provided**

- 7 Prior to the first operational use of the buildings hereby approved a Flood Warning and Evacuation Plan [FWEP] for the development shall be submitted to and approved in writing by the local planning authority. The approved measures within the Flood Warning and Evacuation Plan [FWEP] shall be implemented, shall be made available for inspection by all users of the site and shall be displayed in a visible location all times thereafter.

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

**Informatives**

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

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

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

- 3 Environmental Permitting Regulations

The applicant may need an environmental permit for flood risk activities if they want to do work in, under, over or within 8 metres (m) from a fluvial main river and from any flood defence structure or culvert or 16m from a tidal main river and from any flood defence structure or culvert. Stanford Brook, is designated a 'main river'. Application forms and further information can be found at: <https://www.gov.uk/guidance/flood-risk-activities-environmental-permits> Anyone carrying out these activities without a permit where one is required, is breaking the law.

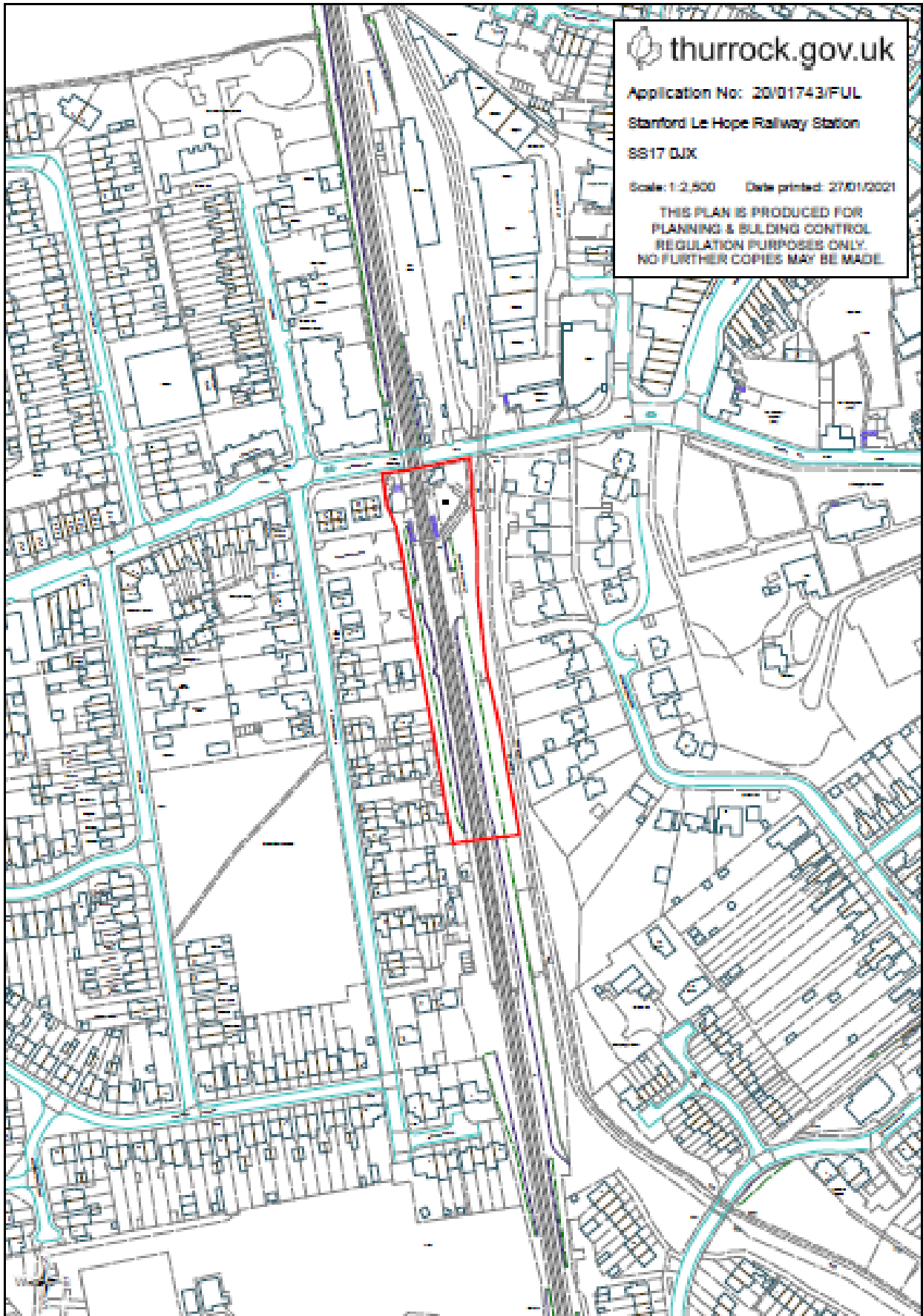
- 4 Wildlife and Countryside Act 1981 (as amended)

A small population of common lizard in a woodchip pile in the land adjacent to platform 1. Given the lack of surrounding suitable habitat this population would be very small and localised. Reptiles are protected under the Wildlife and Countryside Act 1981 (as amended) from being killed or injured. It will be necessary therefore for these animals to be removed to a suitable receptor prior to any construction works in this area. This work can commence once the animals are active in the spring.

**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)



© Crown copyright and database rights 2021 Ordnance Survey 100025487

This page is intentionally left blank

Planning Committee 11.02.2021	Application Reference: 20/01743/FUL
-------------------------------	-------------------------------------

<b>Reference:</b> 20/01743/FUL	<b>Site:</b> Stanford Le Hope Railway Station London Road Stanford Le Hope Essex SS17 0JX
<b>Ward:</b> Stanford Le Hope West	<b>Proposal:</b> Construction of new station buildings, a new footbridge, forecourt, ancillary commercial unit (class E/F.2) and widening of platform 1

<b>Plan Number(s):</b>		
Reference	Name	Received
60636799-ACM-SFO-PL-DRG-EAR-000001 Rev A01	Proposed Footbridge Stairs Plans	15 December 2020
60636799-ACM-SFO-PL-DRG-EAR-000002 Rev A02	Proposed Platform Level GA Plan Platforms 01 & 02	15 December 2020
60636799-ACM-SFO-PL-DRG-EAR-000003 Rev A01	Proposed Roof Level GA Plan	15 December 2020
60636799-ACM-SFO-PL-DRG-EAR-000009 Rev A02	Proposed Footbridge Sections and Elevations	15 December 2020
60636799-ACM-SFO-ZZ-DRG-EAR-000012 Rev A01	Proposed Building Sections 1/50	15 December 2020
60636799-ACM-SFO-ZZ-DRG-EAR-000013 Rev A02	Proposed Building Sections 1/100	15 December 2020
60636799-ACM-SFO-ZZ-DRG-ECV-000200 Rev A01	Existing Site Plan	15 December 2020
60636799-ACM-SFO-ZZ-DRG-ECV-000200 Rev A01	Proposed Site Plan	15 December 2020
60636799-ACM-SFO-ZZ-DRG-ECV-000405 Rev A01	Footbridge and Lift Plan and Sections	15 December 2020
13015-04 000 301-S3-P4	Site Location Plan	15 December 2020
No number	Land Ownership Boundaries Plan	15 December 2020

The application is also accompanied by:

- Air Quality Assessment and update statement

Planning Committee 11.02.2021	Application Reference: 20/01743/FUL
-------------------------------	-------------------------------------

<ul style="list-style-type: none"> <li>- Arboriculture Report and update statement</li> <li>- Flood Risk Assessment</li> <li>- Lighting Assessment</li> <li>- Noise &amp; Vibration Assessment</li> <li>- Planning Support Statement (including Design and Access Statement, Energy Statement, Sustainability and Transport Assessment)</li> <li>- Travel Plan</li> </ul>	
<b>Applicant:</b> Thurrock Council	<b>Validated:</b> 16 December 2020  <b>Date of expiry:</b> 15 February 2021 (Extension of time agreed with applicant)
<b>Recommendation:</b> Approve, subject to conditions	

This application is scheduled as a committee item as the application has been submitted by the Council, in accordance with Part 3 (b) Section 2 2.1 (b) of the Council's Constitution.

## 1.0 DESCRIPTION OF PROPOSAL

- 1.1 This application seeks planning permission to redevelop the site to provide modern station buildings, a new footbridge and widen Platform 1.
- 1.2 The new station buildings would be single storey in height made up from lightweight prefabricated material covered by a modular canopy system. The larger building to the east of the railway line would provide accommodation for operational requirements; ticket office, staff welfare facilities, toilets and a commercial unit. The smaller building to the west of the railway line would provide a covered second gate line.
- 1.3 The access for pedestrians would be from the main and secondary station entrances from the southern footway on London Road, where step-free access would be provided.
- 1.4 The new footbridge would be further to the south of the existing footbridge and would have an integral lift. The new structure would be enclosed with an architectural mesh



to the sides of the walkway and the roof would be enclosed with insulated aluminium panel.

## 2.0 SITE DESCRIPTION

- 2.1 The existing station site forms a land parcel measuring 0.37 hectare to the south of London Road and some 50m from the junction with King Street. The original station dates from 1850s and the current main station and platforms were built in the 1960s. The station buildings have recently been demolished and there is currently hoarding around the site and temporary structures. There is a pedestrian bridge over the railway line.
- 2.2 The site is designated on the Core Strategy Proposals Map as being within a Local Nature Reserve, associated with the adjacent Mucking Creek which passes in close proximity to the eastern boundary, with private residential housing and associated rear access road adjoining the eastern bank of the creek. There are further residential uses including flats and a communal car park to the west of the site and west of the rail line.

## 3.0 RELEVANT HISTORY

Application Reference	Description of Proposal	Decision
17/01504/FUL	Redevelopment of existing station to provide a new station building of 517 sq.m, new footbridge, forecourt and associated vehicle drop off and pick up areas, 84 new cycle spaces and ancillary retail (Class A1/A3) premises	Approved

## 4.0 CONSULTATIONS AND REPRESENTATIONS

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

### PUBLICITY:

- 4.2 This application has been advertised by way of individual neighbour notification letters and public site notice which has been displayed nearby. One objection has been received objecting to the proposal due to access to the site, additional traffic and the lack of public access to the footbridge.

- 4.3 EMERGENCY PLANNING:

No objection, subject to Flood Warning Evacuation Plan condition.

4.4 ENVIRONMENT AGENCY:

No objection.

4.5 ENVIRONMENTAL HEALTH:

No response received.

4.6 HIGHWAYS:

No objection.

4.7 LANDSCAPE AND ECOLOGY:

No objection.

4.8 NETWORK RAIL:

No objection.

**5.0 POLICY CONTEXT**

**National Planning Guidance**

National Planning Policy Framework (NPPF)

5.1 The revised NPPF was published on 19 February 2019. 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.

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

- 2. Achieving sustainable development
- 4. Decision-making
- 6. Building a strong, competitive economy
- 7. Ensuring the vitality of town centres
- 9. Promoting sustainable transport
- 12. Achieving well-designed places
- 14. Meeting the challenge of climate change, flooding and coastal change

### National Planning Practice Guidance (PPG)

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

- Air Quality
- Climate change
- Design: process and tools
- Determining a planning application
- Effective use of land
- Flood Risk and Coastal Change
- Light pollution
- Noise
- Use of Planning Conditions

### **Local Planning Policy**

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

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

#### SPATIAL POLICIES:

- CSSP3: Sustainable Infrastructure

#### THEMATIC POLICIES:

- CSTP10: Community Facilities
- CSTP15: Transport in Greater Thurrock
- CSTP16: National and Regional Transport Networks
- CSTP22: Thurrock Design
- CSTP23: Thurrock Character and Distinctiveness
- CSTP25: Addressing Climate Change
- CSTP26: Renewable or Low-Carbon Energy Generation
- CSTP27: Management and Reduction of Flood Risk
- CSTP33: Strategic Infrastructure Provision

## POLICIES FOR THE MANAGEMENT OF DEVELOPMENT

- PMD1: Minimising Pollution and Impacts on Amenity
- PMD2: Design and Layout
- PMD10: Transport Assessments and Travel Plans
- PMD12: Sustainable Buildings
- PMD15: Flood Risk Assessment
- PMD16: Developer Contributions

### Thurrock Local Plan

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

### Thurrock Design Strategy

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

## **6.0 ASSESSMENT**

- 6.1 The assessment below covers the following areas:

- I. Principle of the development
- II. Design and layout
- III. Impact upon biodiversity and ecology
- IV. Impact to residential amenity
- V. Traffic impact, access and car parking
- VI. Flood risk and site drainage

## I. PRINCIPLE OF THE DEVELOPMENT

- 6.2 The NPPF states that the planning system should place significant weight on the need to support economic growth by encouraging and not impeding sustainable growth (paragraph 80). The NPPF also describes the importance of transport in facilitating sustainable development. Within chapter 9, *Promoting sustainable transport*, the NPPF stresses that transport systems needs to be balanced in favour of sustainable transport modes and that Local Authorities should work with transport providers to develop strategies for the provision of viable infrastructure necessary to support sustainable development, including transport investment necessary to support strategies for the growth of ports or other major travel demands in their areas.
- 6.3 The proposal represents significant investment in infrastructure within the public transport network which would help to support the Council's wider regeneration aims in one of the key hubs in the Borough. The upgrading of the station will lead to wider benefits to the local area with the subsequent enhanced accessibility to the station for commuters and employees in the nearby area.
- 6.4 The proposal would create a modern station (with the future proposed improvement to the car park and a bus turnaround area on the opposite side of the road) and improved cycle storage facilities which would encourage passengers to adopt alternative methods of transport to access the station and travel within and outside of the Borough. The present application can be seen as phase 1 of the development, with the bus turnaround and car park area as phase 2. This phase 2 element is currently being finalised with working taking place on the comprehensive design. This detailed planning application is imminent. Planning policies have for many years supported sustainable forms of transport, of which rail travel is an important part. In this respect, the application satisfies many of the policies mentioned in national and local policy documents including chapter 9 of the NPPF.
- 6.5 The scheme would make the station more convenient due to the larger size of the station building and platforms. This is considered necessary for the local area, with developments such as London Gateway in close proximity. The recent growth in housing in the area along with new employment opportunities have and will continue to result in increased passenger numbers which will not be able to be accommodated within the existing station in the future.
- 6.6 In conclusion under this heading, the proposal accords a range of Core Strategy policies and guidance contained in the NPPF. The principle of the redevelopment is therefore considered to be sound.

## II. DESIGN AND LAYOUT

- 6.7 The proposal comprises the complete redevelopment of the station buildings on both sides of the railway line. The larger station building largely follows the footprint of the previous building, although it will be closer to the highway. The buildings would be finished in an anodized aluminium finish. The steel structural elements would be powder coated and the canopies would be covered with transparent polycarbonate sheet panels.
- 6.8 The footbridge would be demolished and rebuilt further to the south of the site to allow for a sloped access and lifts. The footbridge would be enclosed with an architectural mesh and the roof would be enclosed with a standing seam insulated aluminium panel.
- 6.9 The design of the previous station reflected the era of its construction. In contrast, the modern design of the new station building would have a positive impact on the visual qualities of the immediate surroundings and provide a much improved facility for passengers.
- 6.10 The open appearance of the building will create a visual link between the building and the street frontage, allowing pedestrians to see into the building and passengers to see out towards the street. The design of the bridge provides a strong link between the buildings on each side of the track. The new station building and site layout would be a vast improvement to the present situation and the buildings formerly on the site. The replacement buildings would be visually more attractive and more suitable to the function they perform.
- 6.11 In conclusion under this heading, the proposal is considered to enhance the area and comply with Policies PMD2 and CSTP22 of the Core Strategy.

## III. IMPACT UPON BIODIVERSITY AND ECOLOGY

- 6.12 Policy CSTP18 states that the Council will restore, protect, enhance and where appropriate create its green assets and sees green infrastructure as a means to address the connectivity between urban and rural areas in the Borough and ensure that such green assets are multi-functional in use.
- 6.13 The application site lies within part of a 'Green Chain' running through the site north to south. The Council's Landscape and Ecology Advisor considers the scheme design would make a positive improvement to the existing streetscape. The proposal broadly follows the existing site footprint and would have even less impact on the adjacent Mucking Creek than the previously consented scheme.

- 6.14 There are 12 new trees proposed to mitigate for the loss of existing screening. It is considered that additional planting should be provided to reinforce this initial planting to screen views for residents in Chantry Crescent. This can be dealt with by condition.
- 6.15 With regard to wildlife, the Council's Landscape and Ecology Advisor indicates that the habitat interest of the site is relatively low. A bat, water vole and otter survey were carried out prior to the submission of the application. The surveys revealed no sign of these species. However, a small population of common lizard were found in a woodchip pile in the land adjacent to platform 1. This is very small and localised however reptiles are protected under the Wildlife and Countryside Act 1981 (as amended) from being killed or injured. Therefore these reptiles will need to be removed to a suitable receptor prior to any construction works in this area. This work can commence once the reptiles are active in the spring.
- 6.16 In conclusion under this heading, the loss of trees could be mitigated by the planting of new trees after the construction of the replacement station building is completed. A landscaping scheme should be secured by condition on any consent granted to ensure the visual appearance and landscape quality of the area is protected. Additionally, the lizards are protected under legislation and subject to suitable relocation, no objection is raised.
- 6.17 In view of the above, there are no objections to the scheme on landscape or ecology grounds complying with CSTP18.

#### IV. IMPACT TO RESIDENTIAL AMENITY

- 6.18 The station redevelopment would bring about many benefits to the wider area but policy PMD1 states that it is important that development does not adversely affect nearby properties. The loss of the established trees between the station and the properties in Chantry Crescent will need to be mitigated. The plans indicate that significant mature planting will be provided between the new station building and the adjacent properties in Chantry Crescent and this will need to be addressed via condition.
- 6.19 The station buildings themselves would not affect amenities of any nearby properties to a harmful degree, but the footbridge has the potential to cause nearby neighbours the perception of overlooking and possible noise. It is recognised that the footbridge is proposed to enclosed in steel mesh which will minimised impacts and it is also recognised that an existing, open air footbridge has been in situ at this station for many years, albeit not in the exact location where the new bridge would be located.

- 6.20 In conclusion under this heading, with the provision of additional landscaping/tree screening, the Construction Environment Management Plan (CEMP) to mitigate harm during construction and a restriction on any external flues, the proposal is acceptable with regard to the requirements of Core Strategy Policy PMD1.

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

- 6.21 A separate planning application for car and bus facilities will be submitted imminently on land to the opposite side of the road. The current proposal itself does not offer any improved or changed access for cars or buses, which was proposed within the previous application however there have been no objections from the Highway Authority to the current proposal.

#### VI. FLOOD RISK AND SITE DRAINAGE

- 6.22 Parts of the site are within Flood Zone 3 which is at a high risk from flooding, although much is Flood Zone 1. The Council has undertaken a sequential test for the site within its Local Plan (as the application site lies within one of the Borough's regeneration areas) and concluded that test to be passed as there are no other alternative sites. The exception test is met as the development cannot take place elsewhere as there is a significant amount of railway infrastructure which is already in place.
- 6.23 The proposed finished floor level of 7.4m AOD would retain an adequate standard of protection with regard to potential flooding from a tidal defence breach or flooding from Stanford Brook, surface water flooding, groundwater flooding or sewer surcharge.
- 6.24 The Council's Emergency Planning Officer has suggested a Flood Warning and Evacuation Plan [FWEP] as some of the building is within Flood Zone 3. This is considered reasonable and necessary.
- 6.25 Modelling results indicate that the development would have no adverse impact on flood levels in the brook for a range of flood frequencies and that there would be no loss of floodplain storage or reduction in flood flow capacity. The scheme is considered to meet the relevant tests of the NPPF and Core Strategy policies CSTP27 and PMD15.

### 7.0 CONCLUSIONS AND REASONS FOR APPROVAL



Planning Committee 11.02.2021	Application Reference: 20/01743/FUL
-------------------------------	-------------------------------------

- 7.1 The development of a modern station is considered necessary for local residents and is also recognised as a key driver for further regeneration in Stanford Le Hope and Thurrock as a whole.
- 7.2 The visual appearance of the station would be significantly improved from the previous station building and would create to a modern gateway to Stanford Le Hope. Through careful consideration a suitable landscaping scheme can be provided which will ensure the development is successfully integrated into the landscape and the privacy and amenity of nearby residents is protected.
- 7.3 Overall, the redevelopment of this site is to be welcomed and approval is therefore recommended.

## 8.0 RECOMMENDATION

- 8.1 Approve, subject to the following conditions:

### TIME LIMIT

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

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

### PLANS

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

Plan Number(s):		
Reference	Name	Received
60636799-ACM-SFO-PL-DRG-EAR-000001 Rev A01	Proposed Footbridge Stairs Plans	15 December 2020
60636799-ACM-SFO-PL-DRG-EAR-000002 Rev A02	Proposed Platform Level GA Plan Platforms 01 & 02	15 December 2020
60636799-ACM-SFO-PL-DRG-EAR-000003 Rev A01	Proposed Roof Level GA Plan	15 December 2020

Planning Committee 11.02.2021	Application Reference: 20/01743/FUL
-------------------------------	-------------------------------------

60636799-ACM-SFO-PL-DRG-EAR-000009 Rev A02	Proposed Footbridge Sections and Elevations	15 December 2020
60636799-ACM-SFO-ZZ-DRG-EAR-000012 Rev A01	Proposed Building Sections 1/50	15 December 2020
60636799-ACM-SFO-ZZ-DRG-EAR-000013 Rev A02	Proposed Building Sections 1/100	15 December 2020
60636799-ACM-SFO-ZZ-DRG-ECV-000200 Rev A01	Existing Site Plan	15 December 2020
60636799-ACM-SFO-ZZ-DRG-ECV-000200 Rev A01	Proposed Site Plan	15 December 2020
60636799-ACM-SFO-ZZ-DRG-ECV-000405 Rev A01	Footbridge and Lift Plan and Sections	15 December 2020
13015-04 000 301-S3-P4	Site Location Plan	15 December 2020
No number	Land Ownership Boundaries Plan	15 December 2020

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

#### **DETAILS OF MATERIALS/SAMPLES TO BE SUBMITTED**

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

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

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

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

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

- a) Construction hours and delivery times for construction purposes,
- b) Hours and duration of any piling operations;
- c) Vehicle haul routing in connection with construction and engineering operations;
- d) Wheel washing and sheeting of vehicles transporting loose aggregates or similar materials on or off site;
- e) Details of construction access;
- f) Details of temporary hoarding/boundary treatment;
- g) Method for the control of noise with reference to BS5228 together with a monitoring regime;
- h) Measures to reduce vibration and mitigate the impacts on sensitive receptors together with a monitoring regime.

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

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

## **LANDSCAPING**

- 5 No development shall take place until full details of the provision and subsequent retention of both hard and soft landscape works on the site have been submitted to and approved in writing by the local planning authority. These details shall include:

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

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

shall be planted in the same place, unless the local planning authority gives its written consent to any variation

#### Hard Landscape works

- 4) Details 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].

#### **NO VENTILATION AND EXTRACTION – UNLESS OTHERWISE AGREED**

- 6 No external plant or machinery shall be used unless and until details of the ventilation and extraction equipment have been submitted to and approved in writing by the Local Planning Authority. Any measures required by the Local Planning Authority to reduce noise from the plant or equipment shall be completed prior to the ventilation and extraction equipment being brought into use and retained and maintained as such .

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].

#### **FLOOD WARNING AND EVACUATION PLAN [FWEP] – details to be provided**

- 7 Prior to the first operational use of the buildings hereby approved a Flood Warning and Evacuation Plan [FWEP] for the development shall be submitted to and approved in writing by the local planning authority. The approved measures within the Flood Warning and Evacuation Plan [FWEP] shall be implemented, shall be made available for inspection by all users of the site and shall be displayed in a visible location all times thereafter.

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

**Informatives**

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

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

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

- 3 Environmental Permitting Regulations

The applicant may need an environmental permit for flood risk activities if they want to do work in, under, over or within 8 metres (m) from a fluvial main river and from any flood defence structure or culvert or 16m from a tidal main river and from any flood defence structure or culvert. Stanford Brook, is designated a 'main river'. Application forms and further information can be found at: <https://www.gov.uk/guidance/flood-risk-activities-environmental-permits>

Anyone carrying out these activities without a permit where one is required, is breaking the law.

- 4 Wildlife and Countryside Act 1981 (as amended)

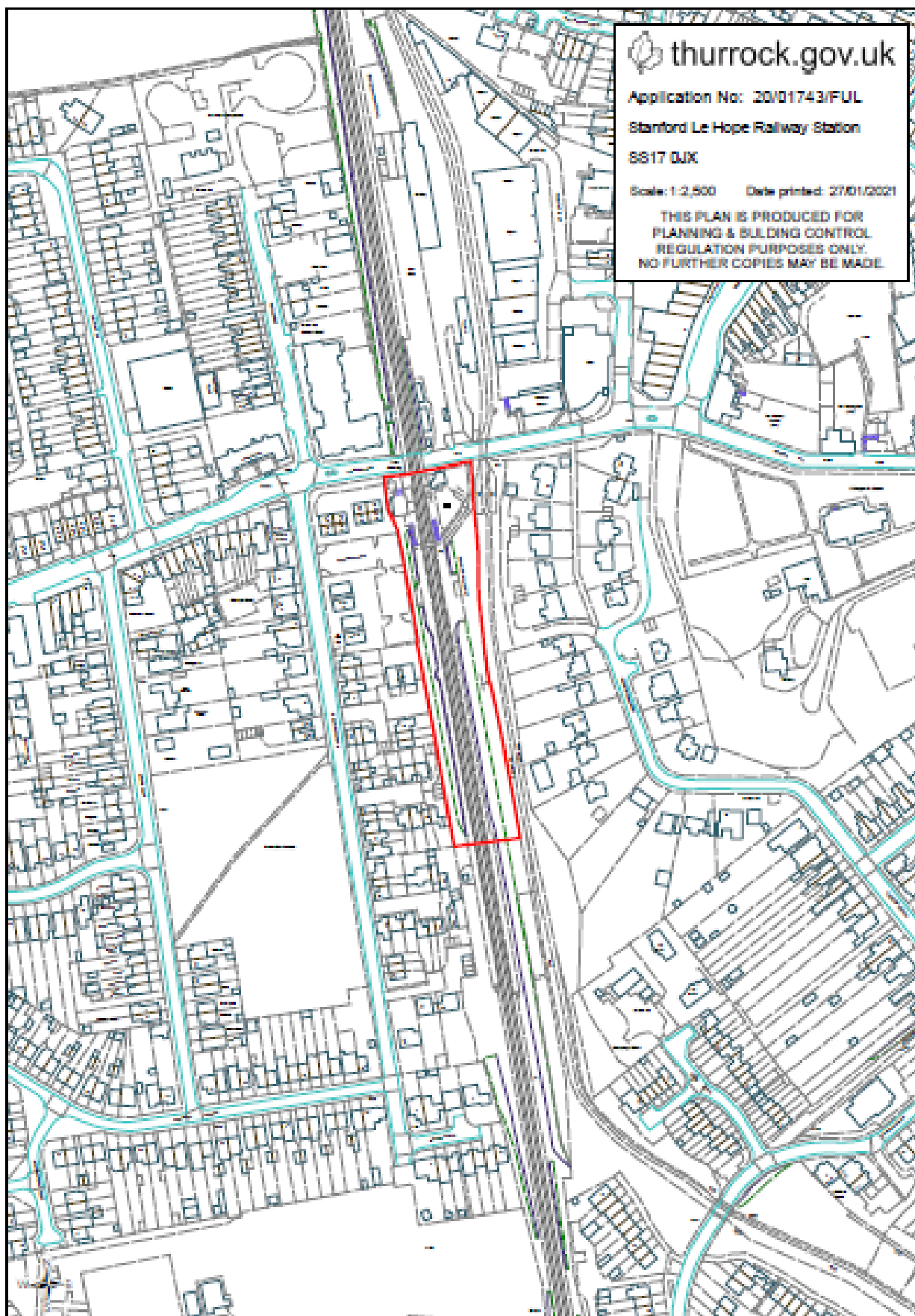
A small population of common lizard in a woodchip pile in the land adjacent to platform 1. Given the lack of surrounding suitable habitat this population would be very small and localised. Reptiles are protected under the Wildlife and Countryside Act 1981 (as amended) from being killed or injured. It will be necessary therefore for these animals to be removed to a suitable receptor prior to any construction works in this area. This work can commence once the animals are active in the spring.

**Documents:**

Planning Committee 11.02.2021	Application Reference: 20/01743/FUL
-------------------------------	-------------------------------------

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

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



© Crown copyright and database rights 2021 Ordnance Survey 100025457

This page is intentionally left blank



<b>Reference:</b> 20/01662/OUT	<b>Site:</b> Greenwise Nurseries Vange Park Road Vange SS16 5LA
<b>Ward:</b> Corringham And Fobbing	<b>Proposal:</b> Outline planning application for demolition of the existing structures and the construction of up to 60 houses (18 to be custom-build and 21 to be affordable homes). To include determination of the matter of access (matters relating to appearance, landscaping, layout and scale reserved)

<b>Plan Number(s):</b>		
Reference	Name	Received
D-01	Site Location Plan and Block Plan as Existing	30 November 2020
D-14	Design Development	30 November 2020
D-15	Topographical Survey	30 November 2020
D-16 Rev D	Block Plan - Illustrative	30 November 2020
D-17	Contours & Levels as Proposed	30 November 2020
D-18	Parameters (Indicative)	30 November 2020
D-19	Infrastructure (Indicative)	30 November 2020
D-20	Open Space (Indicative)	30 November 2020
D-21	Dwelling Mix (Indicative)	30 November 2020
D-22	Aspect (Indicative)	30 November 2020
D-23	Boundary Treatments (Indicative)	30 November 2020
D-24	Sections (Indicative)	30 November 2020

- |   |
|---|
| <p>The application is also accompanied by:</p> <ul style="list-style-type: none"> <li>- Acoustic Report</li> <li>- Contamination Report</li> <li>- Design and Access Statement</li> <li>- Ecology Report</li> <li>- Landscape and Visual Effects Appraisal with Appendices</li> <li>- Planning Support Statement with Appendices</li> <li>- Remediation Method Statement</li> </ul> |
|---|

- Transport Statement	
<b>Applicant:</b> JP & MD Properties Ltd	<b>Validated:</b> 30 November 2020  <b>Date of expiry:</b> 19 July 2021 (Extension of time agreed with applicant)
<b>Recommendation:</b> Refuse planning permission	

This application is scheduled for determination by the Council’s Planning Committee because the application was called in by Cllr G Rice, Cllr S Shinnick, Cllr V Holloway, Cllr D Chuwku and Cllr M Kerin (in accordance with the Constitution Chapter 5, Part 3 (b), 2.1 (d) (ii)) to examine Green belt issues and the density of the site.

**1.0 DESCRIPTION OF PROPOSAL**

1.1 This application seeks outline planning permission (with all matters reserved with the exception of access) for the development of the site for up to 60 houses. The table below summarises the main points of detail contained within the development proposal:

Site Area	2.33 Ha
Residential Development	Market Housing (Traditional) – 21 Market Housing (Custom Build) – 18 Affordable Housing - 21  TOTAL 60 units  Sizes of units: 18 x 2 bedroom 34 x 3 bedroom 8 x 4 bedroom

1.2 This is an application for outline planning permission with only the matter of access for detailed consideration at this stage. Details of the appearance, landscaping, layout and scale of the proposed development are reserved for future approval if outline planning permission were to be granted. Permission is sought for “up to 60 new dwellings” and this figure should therefore be viewed as a maximum. The mix of residential units shown in the table above should be interpreted as indicative.

### 1.3 Access

This is a matter for detailed consideration at this stage and is defined as the 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. The application proposes that the sole vehicular access to the residential uses on-site would be from Vange Park Road fairly centrally along the frontage.

### 1.4 Appearance

Appearance is reserved for future approval if outline planning permission is granted.

### 1.5 Landscaping

Although details of landscaping are reserved for future approval, an open space strategy plan has been submitted indicating a green 'spine' through the site with an open area to the rear (north) of the site incorporating a 15m buffer between buildings and the adjacent Site of Special Scientific Interest (SSSI).

1.6 Although landscaping is a matter of details reserved for future approval if outline planning permission is granted, flood mitigation / alleviation works are proposed which would include the re-profiling of ground levels. Flood compensation storage would be increased in the form of three swales and an attenuation area.

### 1.7 Layout

An indication of the way the site could be developed is shown on the submitted masterplan drawings. Residential development could potentially comprise detached, semi-detached and terrace houses. As stated above, there would be open space through the site and to the rear of the site, with the main area of open space.

### 1.8 Scale

An indication of the scale of the development is provided on the submitted masterplan drawings which show two, three and four bedroom houses arranged as detached, semi-detached and terraces.

## **2.0 SITE DESCRIPTION**

2.1 The application site is a roughly rectangular area of land on the north-west side of Vange Park Road, north of the A13 and close to the boundary of Thurrock and

Basildon. The site lies within the Green Belt and there is a Site of Special Scientific Interest (SSSI) to the northern boundary of the site.

- 2.2 The site measures 2.3 hectares and is presently used for the storage of building materials including skips, vehicles, and containers. Access to the site is via Vange Park Road.
- 2.3 The site has a lawful development certificate for growing plants and retail sales of plants, the importation of plants and retail sale of plants, the use of land for storage and display for sale of garden material and garden equipment and for the display and sale of building materials and other materials in the open.

**3.0 RELEVANT HISTORY**

Application Reference	Description of Proposal	Decision
18/00450/OUT	The erection of up to 31 custom-build homes (Use Class C3). All matters reserved, with the exception of access from Vange Park Road.	Approved
10/00470/LDC	The use of the land for growing plants and retail sale thereof together with importation of plants and retail sale of plants. The use of land for storage and display for sale of garden material and garden equipment predominantly in the open. Use of land for storage and display for sale of building materials and other general materials unrelated to garden, predominantly in the open. Use of land for general storage of building and other materials predominantly in the open together with all associated buildings.	Deemed Lawful
07/01198/FUL	Stationing of a mobile home for residential purposes and associated hard standing for a temporary period of three years.	Refused
07/00318/TTGFUL	Stationing of a mobile home for residential purposes and associated hard standing for a temporary period of three years.	Refused
05/00495/LDC	Existing use of building for manufacturing process (B1).	Refused
04/01251/LDC	Existing use of the building hatched on the	Approved

	attached plan dated 29 Nov 2004 for sale of books, video, music tapes and compact discs between the business hours of 8am - 5pm Mon-Fri, 8am - 4pm Sat and 10am - 4pm Sun.	
94/00439/FUL	Four greenhouses	Approved
91/00086/FUL	Change of use from Nursery to Garden Centre.	Refused

#### 4.0 CONSULTATIONS AND REPRESENTATIONS

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

#### 4.2 PUBLICITY:

This application has been advertised by way of individual neighbour notification letters, press advert and public site notice which has been displayed nearby. There were five comments received, four were objections and one neither supported nor objected to the proposal. The matters raised are:

- Access to the site
- Highways safety
- Effect to schools and healthcare
- Site 'cut off'
- Loss of amenity

#### 4.3 ANGLIAN WATER:

No objections, subject to condition regarding on-site foul water drainage works.

#### 4.4 BASILDON COUNCIL:

No comments received.

#### 4.5 EDUCATION:

No objection, subject to a S106 contribution towards nursery and primary provision.

4.6 EMERGENCY PLANNING:

No objection.

4.7 ENVIRONMENT AGENCY:

No objection.

4.8 ENVIRONMENTAL HEALTH:

No objection, subject to conditions for a Construction Environment Management Plan (CEMP), contaminated land, noise and sound insulation.

4.9 FLOOD RISK MANAGER:

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

4.10 HIGHWAYS (ESSEX COUNTY COUNCIL):

No objection.

4.11 HIGHWAYS (THURROCK):

No objection.

4.12 LANDSCAPE & ECOLOGY:

No objection, subject to RAMS payment.

4.13 NATURAL ENGLAND:

No objection as 15m buffer between development and SSSI retained.

4.14 NHS:

No objection, subject to contribution towards healthcare.

4.15 POLICE:

No objection, subject to condition requiring Secured by Design (SBD).

## 5.0 POLICY CONTEXT

### National Planning Guidance

#### National Planning Policy Framework (NPPF)

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

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

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

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

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

- 2. Achieving sustainable development
- 5. Delivering a sufficient supply of homes
- 8. Promoting healthy and safe communities
- 9. Promoting sustainable transport
- 11. Making effective use of land
- 12. Achieving well-designed places
- 13. Protecting Green Belt land

- 14. Meeting the challenge of climate change, flooding and coastal change
- 15. Conserving and enhancing the natural environment

### National Planning Practice Guidance (PPG)

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

- Climate change
- Design: process and tools
- Determining a planning application
- Effective use of land
- Fees for planning applications
- Flood Risk and Coastal Change
- Green Belt
- Healthy and safe communities
- Housing and economic land availability assessment
- Housing and economic needs assessment
- Housing needs of different groups
- Housing: optional technical standards
- Land affected by contamination
- Lawful development certificates
- Natural Environment
- Noise
- Open space, sports and recreation facilities, public rights of way and local green space
- Planning obligations
- Renewable and low carbon energy
- Self-build and custom housebuilding
- Transport evidence bases in plan making and decision taking
- Travel plans, transport assessments and statements in decision-taking
- Use of Planning Conditions

### **Local Planning Policy**

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

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



Strategy policies apply to the proposals:

OVERARCHING SUSTAINABLE DEVELOPMENT POLICY:

- OSDP1: Promotion of Sustainable Growth and Regeneration in Thurrock

SPATIAL POLICIES:

- CSSP1: Sustainable Housing and Locations
- CSSP4: Sustainable Green Belt

THEMATIC POLICIES:

- CSTP1: Strategic Housing Provision
- CSTP2: The Provision Of Affordable Housing
- CSTP19: Biodiversity
- CSTP22: Thurrock Design
- CSTP23: Thurrock Character and Distinctiveness

POLICIES FOR THE MANAGEMENT OF DEVELOPMENT

- PMD1: Minimising Pollution and Impacts on Amenity
- PMD2: Design and Layout
- PMD6: Development in the Green Belt
- PMD7: Biodiversity, Geological Conservation and Development
- PMD8: Parking Standards
- PMD9: Road Network Hierarchy
- PMD15: Flood Risk Assessment
- PMD16: Developer Contributions

Thurrock Local Plan

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

## Thurrock Design Strategy

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

## **6.0 ASSESSMENT**

### Procedure:

- 6.1 With reference to procedure, this application has been advertised as being a departure from the Development Plan. Should the Planning Committee resolve to grant planning permission (contrary to recommendation), 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 1000 sqm 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 (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 application is assessed under the following headings:

- I. Principle and the impact upon the Green Belt
- II. Design and layout
- III. Landscape and ecology
- IV. Access, traffic impact and parking
- V. Flood risk and site drainage
- VI. Affordable housing and contributions

### **I. PRINCIPLE AND THE IMPACT UPON THE GREEN BELT**

- 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 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. 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.
- 6.5 Paragraph 133 within Chapter 13 of the NPPF states that the Government attaches great importance to Green Belts and that the *"fundamental aim of Green Belt policy is to prevent urban sprawl by keeping land permanently open; the essential characteristics of Green Belt are their openness and their permanence."* Paragraph 145 states that a local planning authority should regard the construction of new buildings as inappropriate in Green Belt unless they fall within a limited number of exceptions to this which include:
  - 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.
- 6.6 The site, due to its planning history, which includes the lawful development certificate for the use as a garden nursery, is considered to fall within the NPPF definition of Previously Developed Land (PDL). However, the proposed development of 60 houses would result in an increased built form which would also be spread across a wider area than the current sporadic use of the site. Whilst this is an outline application with all detail except access reserved, the applicant has stated the footprint of the current proposal is less than the parameters of the previous outline approval for 31 custom build units. The previous scheme would have provided large, custom build units within larger plots. The current scheme would almost double the number of dwellings, but on smaller plots. Notwithstanding the footprint and volume across the site, a development of 60 units when compared to a development of 31

units would have a much greater impact in terms of actual built form: further houses, more plots, more hardstandings and cars and more residential paraphernalia such as sheds and other outbuildings. Consequently, 60 smaller units is considerably more harmful than up to 31 larger units.

- 6.7 In terms of the second part of g) the proposal would contribute to affordable housing need, albeit not in an ideal location as it is not an accessible location without a car. This contribution to affordable housing does not counter the harm to the Green Belt in this location. As a matter of judgement, the proposal would create substantial harm to the openness of the Green Belt. Consequently, the proposals comprise inappropriate development with reference to the NPPF and policy PMD6.

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

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

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

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

- 6.10 In response to each of these five purposes:

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

- 6.11 The site is located in a relatively isolated location, to the south of the town of Basildon, (just within Thurrock's borough boundary) close to sporadic established properties, some of a 'Plot Land' style nature. 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*

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

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

6.13 The site constitutes PDL, nonetheless the proposal would result in encroachment in the countryside with the development of 60 units and would therefore conflict with this Green Belt purpose.

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

6.14 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*

6.15 The development could occur in an urban area and so the development does not assist in urban regeneration. It is recognised that the site constitutes PDL, the current use and previous approval were deemed acceptable, nonetheless the increase to 60 units and not being 100% custom build is unacceptable as these should be constructed within the urban area. On balance, it is considered that the proposal would conflict with this purpose.

6.16 In light of the above analysis, it is considered that the proposals would clearly be harmful to openness and 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

6.17 Neither the NPPF nor the Adopted Core Strategy provide guidance as to what can comprise 'very special circumstances', either singly or in combination. However, some interpretation of very special circumstances (VSC) has been provided by the Courts. The rarity or uniqueness of a factor may make it very special, but it has also been held that the aggregation of commonplace factors could combine to create very special circumstances (i.e. 'very special' is not necessarily to be interpreted as the converse of 'commonplace'). However, the demonstration of very special circumstances is a 'high' test and the circumstances which are relied upon must be genuinely 'very special'. In considering whether 'very special circumstances' exist, factors put forward by an applicant which are generic or capable of being easily replicated on other sites, could be used on different sites leading to a decrease in the

openness of the Green Belt. The provisions of very special circumstances which are specific and not easily replicable may help to reduce the risk of such a precedent being created. Mitigation measures designed to reduce the impact of a proposal are generally not capable of being 'very special circumstances'. Ultimately, whether any particular combination of factors amounts to very special circumstances will be a matter of planning judgment for the decision-taker.

6.18 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*".

6.19 The Planning Support Statement (paragraph 4.46) sets out the applicant's very special circumstances which are assessed below:

a. *Tangible contribution of 60 dwellings in the context of the five year housing supply deficit of a mix in accordance with identified housing need.*

6.20 The applicant states that the Council has consistently failed to provide a five year supply of deliverable housing land. The adoption of the new Local Plan has been delayed and there will be a long wait until a remedy to the persistent shortfall in the supply of deliverable housing land is available to the Local Planning Authority.

#### 6.21 Consideration

The issue of housing land supply has been considered by the Committee regularly for planning applications within the Green Belt.

6.22 National planning policy as expressed at paragraph 59 of the NPPF states that 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.

- 6.23 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.
- 6.24 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.
- 6.25 However, the presumption in favour of sustainable development 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 it is considered 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.
- b) The existing lawful open storage use of the site as specified under the Certificate of Lawfulness 10/00470/LDC. The site constitutes previously developed land. With associated fall-back position*
- 6.26 The applicant considers that the lawful use of land for growing plants and retail sales of plants, the importation of plants and retail sale of plants, the use of land for storage and display for sale of garden material and garden equipment and for the display and sale of building materials and other materials in the open should be afforded significant weight in the determination of the application. They note that there are no restrictions on vehicle movements entering or leaving the site, or relating to the

quantum of material being stored on site.

### Consideration

- 6.27 It is accepted the site can be lawfully used for the activities described above. The site has been active for a number of years but the scale of the use is relatively low key. There are few buildings on the site and materials are largely stored in the open. Whilst it is clearly not preferable to have open storage on a site in the Green Belt it is accepted that the use is lawful and that the use could be carried on. The Certificate of Lawfulness (10/00470/LDC, issued in 2010) certifies the legality of the existing uses on the site, for a mixed composite use which includes the storage of general materials, as well as a garden nursery use. The certificate relates to specifically identified uses and does not allow free, uncontrolled use of the land, although the certificate does not limit the extent of the various component uses, for example the amount or extent of any building materials, provided the use of the site remains in a composite use as expressed in the wording of the certificate.
- 6.28 The present use of the land appear to be minimal however this does not mean that the site could not increase in terms of scale and activity. The consideration in this case is to compare the fall-back position (i.e. what the applicant can do without any fresh planning permission) with what would happen as a result of the permission.
- 6.29 In terms of weighing the fall-back in the planning balance, the consideration must be firstly, whether there is a fall-back use, secondly whether there is a likelihood or real prospect of it occurring and thirdly if the answer to the second question is “yes” a comparison must be made between the two positions.
- 6.30 It has already been established that the use has not ceased and there is the lawful ability to carry it on. In relation to the prospect of it continuing, there has not been any evidence provided to show that the use would increase in scale, if the use were to continue, but under the certificate of lawfulness description and parameters, it could. In its present form there is relatively little impact on the Green Belt and surrounding area however the owner could legitimately establish additional stock piles of ‘other materials’ on the site and allow vehicles to run in and out of the site unrestricted. This could lead to significant harm to the amenity of neighbours and harm to the Green Belt.
- 6.31 The very nature of open storage and retail sales means that the impact on openness at any one time would vary. However the LDC does allow for significant expansion, continuous activities and disturbance to local residents. It is against the basis of the LDC that the applicant considers the proposed development to have less than substantial harm on the Green Belt.



- 6.32 In conclusion under this heading, it is considered that this factor should be given significant weight in the determination of the application as a very special circumstance.

c) Extant Outline Permission for 31 Dwellings

- 6.33 The applicant considers the extant permission for 31 custom build dwellings is a material consideration that should be given significant weight in the determination of the application. They state the proposed development will result in a reduction of 214 sq.m of total floorspace across the site will not result in substantial harm to the Green Belt and will have less impact than the extant permission.

Consideration

- 6.34 The NPPF states that LPAs should plan for people who want to build their own homes. The previous application was the first, and only one of two, custom build housing schemes within the Borough with planning permission, albeit outline permission. This factor was afforded significant weight and was the factor which tipped the balance of harm versus benefits to demonstrate the VSCs previously. The current proposal is a mix of housing and takes the proposal away from the previous extant permission as there is 70% non-custom build now proposed at the site. Therefore, the current proposal is very different and can only carry limited weight towards VSCs.

d) The Provision of Affordable Housing

- 6.35 The applicant considers that as 35% of the proposed units will be affordable homes, directly in accordance with the LPA's affordable housing policy CSTP2, this should be afforded significant weight towards very special circumstances.

Consideration

- 6.36 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 affordable housing, 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 affordable housing 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 affordable housing. Instead it is the delivery of new homes, including policy-compliant affordable housing, which is the relevant factor attracting positive weight.

*e) The Provision of Custom Build Housing*

- 6.37 The applicant considers the provision of custom build housing is a matter which contributes to VSCs. This is due to a lack of other sites within the borough with planning permission and should be afforded significant weight towards VSCs.
- 6.38 The applicant cites an appeal decision Great Dunmow (appeal ref: APP/C1570/A/14/2223280), with the Inspector in allowing the appeal noted there had been “little opportunity for self-builders in recent years” and that demand existed for self-build evidenced by the self-build register maintained by the Council. And further, accordingly, “the provision of custom/self – build housing [should be afforded] significant weight”.

Consideration

- 6.39 As set out above, the previous application was the first custom build housing development within the Borough with planning permission, albeit outline permission. This factor was afforded significant weight and was the factor which tipped the balance of harm versus benefits to demonstrate the VSCs necessarily to allow for a departure from normal Green Belt planning policy.
- 6.40 The provision of custom-build homes is a specific market area which government guidance seeks to develop and it is acknowledged that the Core Strategy does not presently provide any sites specifically for this purpose.
- 6.41 The provision of custom-build homes is a specific market area which government guidance seeks to develop and it is acknowledged that the Core Strategy does not presently provide any sites specifically for this purpose.
- 6.42 However, the current proposal offers 18 custom build units, which is 30% of the overall units to be provided on the site. Therefore, it is considered that this changes the weight able to be attributed to the provision of custom build, as it now constitutes a minor element of the proposal. The approved application was 100% custom build. It is considered that the change to the proposal in terms of being entirely custom build to a mix of tenures has altered the potential benefits and thereby the planning balance in terms of VSCs which made the previous application acceptable. Therefore, the provision of 30% custom-build at the site is afforded limited weight.

*f) Increased ecological value of the site which is currently of low ecological value.*

- 6.43 The applicant considers the development would lead to an increase in the ecological value of the site.

Consideration

6.44 The site itself comprises large areas of hardstanding and the ecological appraisal considers the site to be of generally low ecological value. The Council’s Landscape and Ecology Advisor agrees with this assessment. It is considered that, if appropriately designed, the play area, swales and other landscape elements could provide biodiversity gains. Therefore, the increased ecological value can be afforded limited weight towards the proposals.

Summary of Very Special Circumstances

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

<b>Summary of Green Belt Harm and Very Special Circumstances</b>			
<b>Harm</b>	<b>Weight</b>	<b>Factors Promoted as Very Special Circumstances</b>	<b>Weight</b>
Inappropriate Development	Substantial	Lack of Five Year Supply of Deliverable Housing Land/Unmet housing need including the provision of affordable housing	Significant weight
Conflict (to varying degrees) with a number of the purposes of including land in the Green Belt – purposes c and e.	Substantial	Previously Developed Land with Open Storage Use (with fall-back position.	Significant weight
		Extant Outline Permission for 31 Dwellings	Limited weight
		Provision of Custom Build Housing	Limited weight
		Increased ecological value of the site	Limited weight

6.46 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 and loss of openness. 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.

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

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

6.48 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 and associated affordable housing are material considerations which weigh strongly in favour of the proposals. However, these benefits must be weighed against the harm to the Green Belt set out above. It is concluded that the Green Belt arguments are finely balanced. However, the policy 'test' at para. 144 is that harm must be clearly outweighed. For this application it is considered that the benefits of the proposals, although laudable, do not clearly outweigh the Green Belt harm and as a consequence VSC do not apply.

## II. DESIGN AND LAYOUT

6.49 The application has been submitted in outline form, with details of the access point only for consideration. If approved, the custom build element of the proposal would be subject to a 'Design Code' which would govern the main parameters of the buildings and the specific materials to be used on each plot.

6.50 Although not a matter for full consideration under this outline application, it is considered that an appropriate site layout could be achieved. As a discrete topic (aside from the Green Belt and wider landscape issues) it is considered that the design and layout of the site could be acceptable. The Design Code would ensure the custom build properties would be of an appropriate scale and use materials which would not have a detrimental impact on the local area. The market and affordable houses would be considered under a reserved matters application. In design terms

the proposals would be in accordance with Policies PMD2 and CSPT22 of the Core Strategy.

### III. LANDSCAPE AND ECOLOGY

- 6.51 Policy PMD7 indicates that proposals will be required to demonstrate that any significant biodiversity habitat or geological interest of recognised local value is retained and enhanced on-site and recognises that the Council is committed to ensuring that all designated biodiversity sites such as Sites of Special Scientific Interest (SSSI), Local Wildlife Site and Local Nature Reserves are protected.
- 6.52 The site is immediately adjacent to part of the Langdon Ridge SSSI. Part of the woods forming the northern and part of the western boundary are designated as a Local Wildlife Site. The plans show a 15m buffer to the northern end of the site between the proposed built development and the SSSI which complies with the recommendations of Natural England and the Council's Landscape and Ecology Advisor.
- 6.53 The application site slopes down from the northern part of the site toward Vange Park Road. Although not raising any specific issues in terms of landscape impact, the Landscape Advisor notes that the layout is quite formal compared to the existing pattern of development in the area and suggests it is important that the final layout responds appropriately to the location.
- 6.54 The site is within the Essex Coast RAMS Zone of Influence and therefore it would be necessary for the LPA to secure a contribution towards mitigation of the effects of recreational disturbance on Thames Estuary and Marshes SPA. In the event that the application is approved such a contribution could be secured via an appropriate Legal Agreement. The applicant indicated their willingness to make such a contribution and would draft a Legal Agreement if the application is determined favourably.

### VI. ACCESS, TRAFFIC IMPACT AND PARKING

- 6.55 The Council's Highways Officer and Essex County Council Highways raise no objection to the principle of the development on this site subject to conditions. The application is within an area of low accessibility and parking needs to be in line with the Council's draft parking standards. The residents of this residential development would depend virtually exclusively on the private car. The potential for the implementation of electric vehicle spaces in communal parking areas such as those associated with flats and parking squares should be evidenced. Additionally, each dwelling is also required to provide one covered, secure cycle parking space per dwelling. Accordingly, subject to conditions, the proposal is considered to comply with Policies PMD8, PMD9, and PMD10.

## V. FLOOD RISK AND SITE DRAINAGE

- 6.56 The site is outside of Flood Risk Zone 3, but is in excess of 1ha. A Flood Risk Assessment (FRA) has accordingly been provided with the application. The Council's Flood Risk Manager has reviewed this document and is satisfied with it subject to conditions relating to the provision of a drainage strategy. Accordingly the proposal complies with Policy PMD15.

## VI. AFFORDABLE HOUSING AND CONTRIBUTIONS

- 6.57 Policy CSTP2 seeks the provision of 35% affordable housing and policy PMD16 seeks planning obligations through S106 agreement (as appropriate) to mitigate the impact of development. The applicant has committed to 35% affordable housing on site.
- 6.58 The Council's Education Team advise a financial contribution is required to mitigate the impact of the development on primary and secondary school provision in the locality. The Council's Infrastructure Requirement List identifies extensions to nursery and primary school and secondary schools in Corringham and Stanford le Hope. The applicant has agreed to a contribution towards local education facilities.
- 6.59 NHS have advised a contribution is required towards local healthcare facilities. The applicant has agreed to this contribution.
- 6.60 In light of the above, the proposal would comply with Policy PMD16 and CSTP2.

## 7.0 CONCLUSIONS AND REASONS FOR REFUSAL

- 7.1 The principal issue for consideration in this case is the assessment of the proposals against planning policies for the Green Belt and whether there are very special circumstances which outweigh harm such that a departure from normal policy can be justified. The proposals are 'inappropriate development' in the Green Belt and would lead to a loss of openness. Substantial weight should be attached to this harm in the balance of considerations.
- 7.2 The applicant has cited factors to suggest there are very special circumstances to justify the proposed development within the Green Belt. It is a finely balanced case as the site is PDL and a fully custom build proposal for half the number now proposed was considered acceptable. Doubling the number of units at the site would urbanise the site and have a far greater impact on openness compared to the previous scheme. On balance, given the combination of factors and weight identified above and it is concluded that the case for very special circumstances does not outweigh

the harm to the Green Belt described above.

## **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. 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).

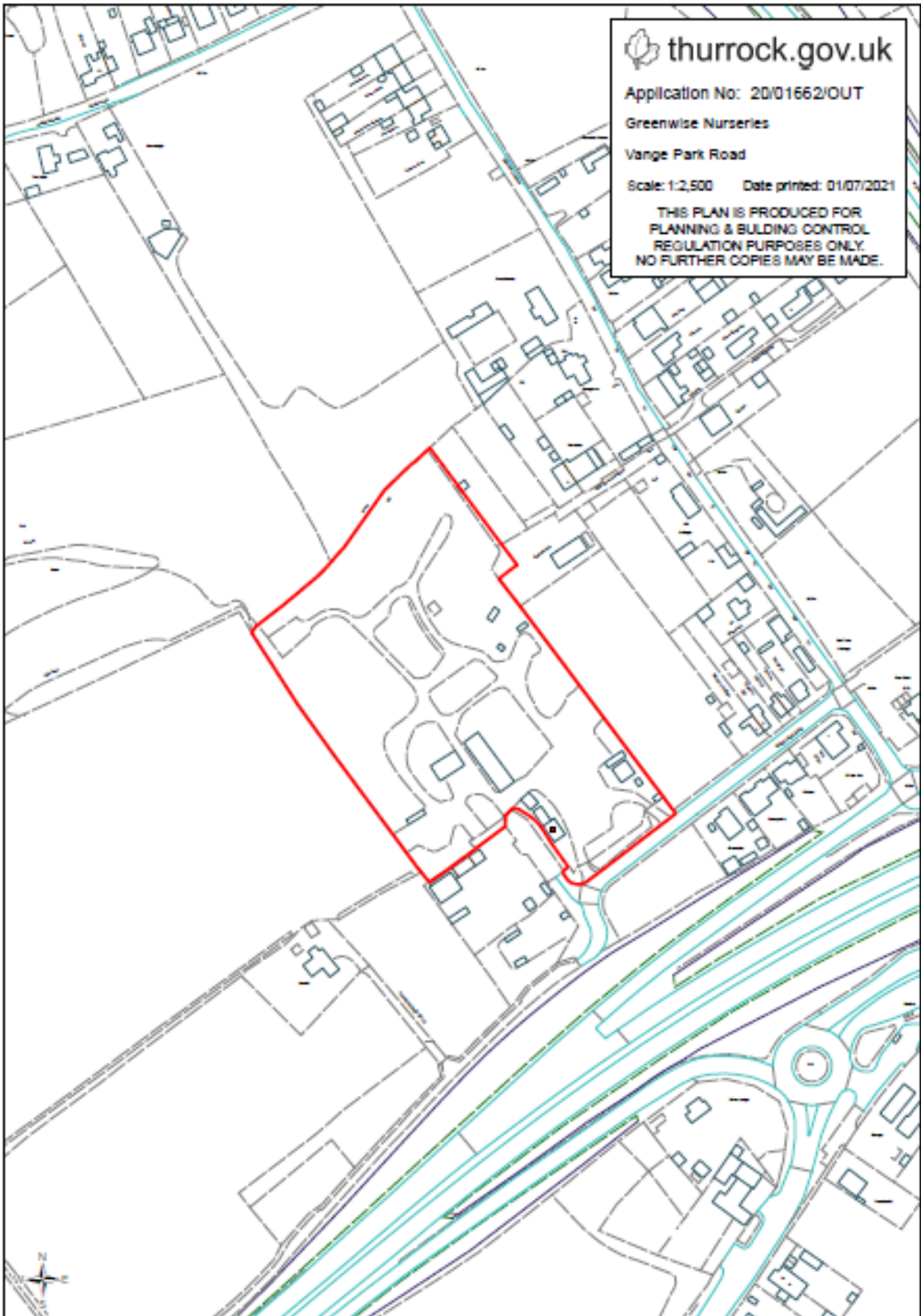
### Positive and Proactive Statement

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)



© Crown copyright and database rights 2021 Ordnance Survey 100025457



<b>Reference:</b> 20/01811/FUL	<b>Site:</b> The Willows Morley Hill Stanford Le Hope Essex SS17 8HY
<b>Ward:</b> The Homesteads	<b>Proposal:</b> Demolition of the existing bungalow on the site and the erection of 8 no. new bungalows, associated landscaping and parking.

Plan Number(s):		
Reference	Name	Received
001_02	Location Plan	3rd June 2021
002_01	Existing Site Layout	3rd June 2021
200_03	Proposed Site Layout	3rd June 2021
201	Proposed Plans	5th January 2021
202	Proposed Plans	5th January 2021
203	Proposed Plans	5th January 2021
204	Sections	5th January 2021
205_01	Preliminary Vehicle Swept Path	3rd June 2021
206_01	Preliminary Vehicle Swept Path Refuse Vehicle	3rd June 2021
207_01	Visibility Sight Lines	3rd June 2021
208_01	Preliminary Vehicle Swept Path Reversing into Site	3rd June 2021
The application is also accompanied by:  - Design and Access Statement		
<b>Applicant:</b> Mr Beckford	<b>Validated:</b> 6 January 2021  <b>Date of expiry:</b> 19 July 2021  <b>(Extension of Time as agreed by Applicant)</b>	
<b>Recommendation:</b> Approve subject to conditions		

This application is scheduled for determination by the Council's Planning Committee because the application was called in by Cllr J Halden, Cllr A Anderson, Cllr G Collins, Cllr D Huelin and Cllr T Piccolo in accordance with Part 3 (b) 2.1 (d)(ii) of the Council's constitution to examine concerns regarding poor access and overdevelopment.

**1.0 DESCRIPTION OF PROPOSAL**

- 1.1 The application seeks permission to demolish the existing detached residential bungalow on site and erect 8 detached bungalows with associated landscaping and parking.
- 1.2 The proposed development would be arranged as a residential cul-de-sac and would consist of six 2-bedroom and two 3-bedroom bungalows.

**2.0 SITE DESCRIPTION**

- 2.1 The application site is a generous residential plot accessed directly from Morley Hill, and is currently occupied by a detached bungalow with several outbuildings set within a large open garden. The application site also comprises part of the footway and unadopted highway along Morley Hill, to facilitate access.
- 2.2 There is a single vehicle access to the southern end of the site. The broadly rectangular residential plot covers 0.29 hectares and is bordered by residential properties in all directions, including the unadopted stretch of Morley Hill to the immediate west.
- 2.3 A footpath linking Morley Hill to Howell Road and Milton Road running west-east is situated across the northern boundary of the site. Beyond the surrounding residential development lies the railway line to the north.

**3.0 RELEVANT HISTORY**

Application Reference	Description	Decision
71/00317/FUL	Extend dwelling	Approved
20/30176/PMIN	Demolition of the existing bungalow on the site and the erection of 8 no. new bungalows	Advice Given

**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. There were comments received from eleven different addresses, two of these

were in support of the proposal, and nine objections.

The matters raised in support are summarised as:

- Shortage of bungalows in the Borough;
- Attractive scheme;

The matters raised in objection are summarised as:

- Concerns regarding size, condition and ownership of access;
- Overdevelopment;
- Overlooking;
- Increased noise;
- Materials would be unacceptable;
- Loss of views;
- Additional traffic and parking impacts;
- Potential eyesore;
- Devaluation of properties.

#### 4.3 CADENT GAS:

No objections

#### 4.4 ENVIRONMENTAL HEALTH:

No objections, subject to conditions.

#### 4.5 HEALTH AND SAFETY EXECUTIVE:

Do not advise against granting permission.

#### 4.6 HIGHWAYS:

No objections, subject to conditions.

#### 4.7 LANDSCAPE AND ECOLOGY:

No objections, subject to conditions and RAMS mitigation.

## 5.0 POLICY CONTEXT

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

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

5. Delivering a sufficient supply of homes;
8. Promoting healthy and safe communities;
9. Promoting sustainable communities;
12. Achieving well-designed places;
15. Conserving and enhancing the natural environment.

### 5.2 National Planning Practice Guidance (NPPG)

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

- Design: process and tools
- Determining a planning application
- 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)

#### 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)
- PMD8 (Parking Standards)

#### 5.4 Thurrock Local Plan

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

#### 5.5 Thurrock Design Strategy

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

### 6.0 **ASSESSMENT**

6.1 The assessment below covers the following areas:

- I. Principle of development
- II. Design and Layout
- III. Amenity Impact
- IV. Traffic Impact, Access and Car Parking
- V. Landscape and Ecology

## VI. Other matters

### I. PRINCIPLE OF THE DEVELOPMENT

- 6.2 The site is identified in the Core Strategy as part of the Homesteads Ward. Core Strategy Policy CSTP23 seeks to protect residential precincts such as The Homesteads where the original spacious pattern of development has been eroded by significant infilling and backland development.
- 6.3 Policy H11 of the Thurrock Borough Local Plan 1997 is not a saved policy but provides a good background to the situation – that the Homesteads ward was the subject of rapid house building in the 1960-1980s, which dramatically altered the character of the area. Specifically, the Homesteads ward has suffered with extensive infilling and subdivision of large private gardens.
- 6.4 The policy then refers to Annexe A9 which is saved and relevant as it links to Core Strategy Policy CSTP23. The Annexe restricts development which would harm the character of The Homesteads. This Annexe recognised the importance of retaining the original character of The Homesteads against further infilling and backland development.
- 6.5 However, the application site is specifically identified in Annexe 9 as an ‘exception site’ where development would be acceptable. As such, there is no in-principle objection to the residential development of this site subject to normal development management policies being met.

### II. DESIGN AND LAYOUT

- 6.6 The National Planning Policy Framework (NPPF) states that the creation of high quality buildings and places is fundamental to what the planning and development process should achieve. Good design is a key aspect of sustainable development, creates better places in which to live and work and helps make development acceptable to communities.
- 6.7 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.
- 6.8 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.

- 6.9 Policy CSTP23 of the Core Strategy states the Council will protect, manage and enhance the character of Thurrock to ensure improved quality and strengthened sense of place.
- 6.10 The proposed development would adopt a cul-de-sac style layout across this large plot. A cul-de-sac layout would not be out of character with the surrounding development pattern and the increased density would reflect the overall residential character of the immediate area.
- 6.11 The plans submitted show the development would comprise three dwelling types providing two and three bedroom bungalows, with proportions consistent and typical with other properties in the immediate area.
- 6.12 The applicant proposes to use high quality materials, featuring red brickwork and weatherboarding, and tiled pitched roofs resulting in a modern style development, whilst taking inspiration from existing materials found within Morley Hill. The fenestration and fine detailing of the scheme is considered acceptable and will be secured via appropriate planning condition. The proposed layout and design would be considered acceptable with respect to its appearance and impact upon the character of the immediate area and would comply with policies CSTP22, CSTP23 and PMD2 of the adopted Core Strategy, and the NPPF.

### III. AMENITY AND IMPACT OF DEVELOPMENT

- 6.13 The plans submitted indicate the eight proposed dwellings would be of a size in line with the Council's internal and external amenity space standards, as well as national space standards. Based on the layout there would be suitable light and outlook for the habitable rooms of each dwelling. There would also be suitable levels of privacy. The proposal would therefore accord with the requirements of Policy PMD1 in terms of amenity for future occupants.
- 6.14 The proposed dwellings closest to the neighbouring property to the south at 98 Morley Hill, would be orientated in such a way that they would be 'back-to-flank' and given the dwellings would be bungalows, there would be no first floor windows which would avoid concerns of overlooking and amenity. In addition a 1.8m high close boarded fence is proposed to separate the plots. Given the separation from other neighbouring properties, it is not considered that there would be significant detrimental impact as a result of the proposed development.
- 6.15 As noted above, the amenity of both existing and the prospective residents in terms of loss of light, overbearing impact or loss of privacy to neighbouring properties is considered acceptable, in accordance with policy PMD1.

- 6.16 Given the proximity to neighbouring properties, the Council's Environmental Health Officer has recommended conditions restricting construction hours and prohibiting bonfires. A Construction Environmental Management Plan would also be reasonable, to further protect neighbouring residents.

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

- 6.17 The northern section of Morley Hill where the application site is located is a private residential road, unadopted by the local Highways Authority and with an uneven coverage of hardsurfacing. The site has an existing vehicle access to its southern corner closest to the neighbouring dwelling at no. 98 Morley Hill. The proposal seeks to reposition the access to a location central along the frontage with Morley Hill. The Council's Highway Officer has raised no objections to the access and sight splay arrangements subject to conditions relating to its detailed design.
- 6.18 This development is located in a medium accessibility area. Thurrock Draft Parking Standards state that 2-3 bedroom dwellings in a medium accessibility area are required to provide 2 off street parking spaces and 0.25 visitor spaces per dwelling. The plans submitted demonstrate two off-street parking spaces per dwelling and two visitors' parking spaces. As such the development would comply with the Council's draft parking standards, and policy PMD8.
- 6.19 In the interests of futureproofing the site, suitable infrastructure to support electric vehicle charging should also be incorporated and this would be secured via planning condition.

#### V. LANDSCAPE AND ECOLOGY

- 6.20 The site currently contains a single dwelling set within a large garden. The Council's Landscape and Ecology Advisor has advised that there are no trees of any significance on site, nor any features to support protected species and has raised no in principle objection to the proposal.
- 6.21 Given the limited details regarding hard and soft landscaping, it would be reasonable to impose a planning condition requiring a detailed landscape scheme to be submitted to and approved by the Local Planning Authority prior to commencement.
- 6.22 The site is within the zone of influence for the Essex Coast RAMS. The proposal would result in a net increase of 7 units. Based on the current tariff a payment of £879.06 would be required for this scheme. The applicant has agreed to pay this contribution.

#### VI. OTHER MATTERS



- 6.23 Several neighbours on Morley Hill have raised concerns regarding potential land ownership conflicts between the applicant and those neighbours living immediately adjacent to the application site on Morley Hill. The application site includes all of the land within The Willows, which is privately owned, and the grass verges and access road immediately opposite The Willows. This area of land is not registered with a named title at the Land Registry. As such the landowner is unknown and unregistered. All steps required of an applicant or interested party in such circumstances have been followed, that is, to carry out the necessary searches and place an advertisement in the local newspaper. The applicant has stated that all of these steps have been undertaken and it is considered that all due processes have been followed with respect to the limits of the planning application process. Moreover, the land immediately opposite The Willows does not obviously belong to anyone who could be notified as a landowner. The LPA is satisfied that all reasonable steps have been undertaken.
- 6.24 Comments have also been received relating to the devaluation of existing properties in the area and the loss of views across the site. Whilst the Council notes residents' comments, house prices are not able to be considered as material planning considerations.
- 6.25 Objections have also been received relating to increased noise as a result of the construction phase. Whilst it is noted that there would be some disruption, the scale of the development is considered to be relatively minor, and furthermore, a CEMP condition would be required as part of any planning permission to protect neighbouring properties. There would be no conflict with policy PMD1 as a result.

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

- 7.1 The application site is specifically identified in Annexe 9 as one where development would be acceptable and would be in accordance with Policy CSTP23 for the area.
- 7.2 The proposed dwellings are considered acceptable in density, scale and character, with no adverse implications in terms of privacy and amenity for existing and future residents.
- 7.3 The level of parking provision is considered to be acceptable in the context of the location of the proposal and it would effectively put to use an urban land in keeping with the NPPF.
- 7.4 The proposal is therefore acceptable and in accordance with Policies CSTP22, CSTP23, PMD1, PMD2 and PMD8 of the Core Strategy.

**8.0 RECOMMENDATION**

Approve, subject to the following conditions:

**TIME LIMIT**

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

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

**PLANS LIST**

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

<b>Plan Number(s):</b>		
Reference	Name	Received
001_02	Location Plan	3rd June 2021
002_01	Existing Site Layout	3rd June 2021
200_03	Proposed Site Layout	3rd June 2021
201	Proposed Plans	5th January 2021
202	Proposed Plans	5th January 2021
203	Proposed Plans	5th January 2021
204	Sections	5th January 2021
205_01	Preliminary Vehicle Swept Path	3rd June 2021
206_01	Preliminary Vehicle Swept Path Refuse Vehicle	3rd June 2021
207_01	Visibility Sight Lines	3rd June 2021
208_01	Preliminary Vehicle Swept Path Reversing into Site	3rd June 2021

**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].

**SAMPLES OF MATERIALS**

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

**Reason:** 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].

## **DESIGN DETAILS**

4 Notwithstanding the submitted plans, prior to the commencement of development above ground level, details shall be submitted to the Local Planning Authority showing the following:

- Window design, including recesses and cills
- Door design, including any recesses
- Gutters, fascia and soffits

Thereafter, development shall be carried out strictly in accordance with the details approved.

**Reason:** In the interests of the character and visual amenities of the area, in accordance with Policies PMD2 and CSTP22 of the Core Strategy.

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

5 No demolition or construction works shall commence until a Construction Environmental Management Plan [CEMP] has been submitted to and approved in writing by the local planning authority in writing. The CEMP should contain or address the following matters:

- (a) Hours of use for the demolition and construction of the development
- (b) Hours and duration of any piling operations,
- (c) Details of any temporary hardstandings;
- (d) Details of temporary hoarding;
- (e) Details of the method for the control of noise with reference to BS5228 together with a monitoring regime;
- (f) Measures to reduce vibration and mitigate the impacts on sensitive receptors together with a monitoring regime;
- (g) Measures to reduce dust with air quality mitigation and monitoring,
- (h) Measures for water management including waste water and surface water discharge;
- (i) A method statement for the prevention of contamination of soil and groundwater and air pollution, including the storage of fuel and chemicals;

- (j) Details of a procedure to deal with any unforeseen contamination, should it be encountered during development;
- (k) A Site Waste Management Plan,
- (l) Details of security lighting layout and design; and
- (m) Contact details for site managers including information about community liaison including a method for handling and monitoring complaints.

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

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

**HOURS OF CONSTRUCTION**

- 6 No demolition or construction works in connection with the development shall take place on the site at any time on any Sunday or Bank / Public Holiday, nor on any other day except between the following times:

Monday to Friday	0800 – 1800 hours
Saturdays	0800 – 1300 hours

Unless in association with an emergency or the prior written approval of the local planning authority has been obtained. If impact piling is required, these operations shall only take place between the hours of 0900 - 1800 hours on weekdays.

**Reason:** In the interest of protecting surrounding residential amenity and in accordance with policy PMD1 of the adopted Thurrock LDF Core Strategy and Policies for the Management of Development [2015].

**DETAILS OF VEHICULAR ACCESS**

- 7 Prior to the first occupation of development hereby permitted, details showing the layout, dimensions and construction specification of the proposed access to the highway shall be approved in writing and implemented in accordance with those details.

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

**JUNCTION DETAILS**

- 8 Prior to the first occupation of the development hereby permitted, the proposed estate

road and unmade section of Morley Hill, footways and footpaths, turning spaces and driveways (where applicable) between the dwelling(s) and the existing highway, shall be properly consolidated and surfaced. The footways and footpaths between any dwelling and the existing highway shall be complete within six months from the date of occupation of the first dwelling.

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

### **SIGHT SPLAYS**

- 9 Prior to occupation of the development hereby permitted sight splays measuring 2.4 metres x 25 metres shall be provided at each side of the proposed access and shall thereafter be retained and maintained so that no obstruction is present above the level of the adjoining highway carriageway.

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

### **ELECTRIC VEHICLE CHARGING POINTS**

- 10 The development shall not be occupied until details of a scheme of electric vehicle charging points and timetable for implementation have been submitted to and approved in writing by the local planning authority. The scheme shall be implemented in accordance with the approved details and retained in full working order permanently thereafter.

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

### **RESIDENTIAL PARKING**

- 11 Prior to the first occupation of the dwelling(s) the areas shown on drawing number 200 03 as car parking space(s) shall be provided for off street parking purposes. Notwithstanding the Town & Country Planning (General Permitted Development) Order 2015 (or any order revoking and re-enacting that Order with or without modification) no permanent development shall be carried out on the site so as to preclude the use of these parking space(s).

**Reason:** In the interests of highway safety and amenity and to ensure that adequate

car parking provision is available in accordance with policy PMD8

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

- 12 No development shall take place until full details of the provision and subsequent retention of both hard and soft landscape works on the site have been submitted to and approved in writing by the local planning authority. These details shall include:
- 1) Details of proposed schedules of species of trees and shrubs to be planted, planting layouts with stock sizes and planting numbers/densities.
  - 2) Details of the planting scheme implementation programme, including ground protection and preparation, weed clearance, stock sizes, seeding rates, planting methods, mulching, plant protection, staking and/or other support
  - 3) Details of the aftercare and maintenance programme

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

Hard Landscape works

- 4) Details 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].

### **BOUNDARY TREATMENTS**

- 13 No development above ground level shall commence until details of the siting, height,

design and materials of the treatment of all boundaries within the site, including gates, fences, walls, railings and piers have been submitted to and approved in writing by the local planning authority. The boundary treatments as approved shall be completed prior to the first occupation of the development and shall be retained as such thereafter.

**Reason:** 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].

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

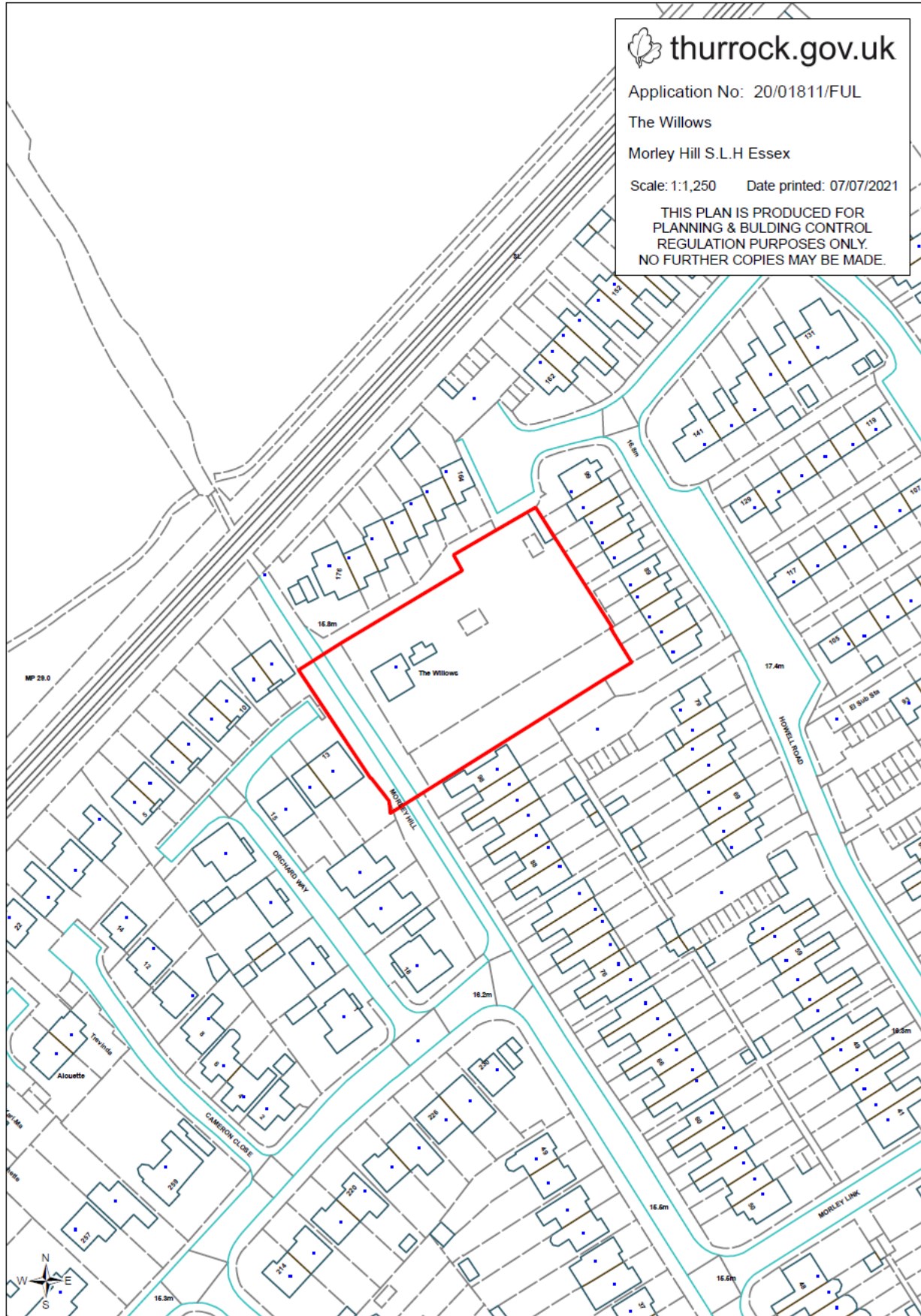
- 14 Notwithstanding the provisions of Schedule 2, Part 1, Classes A, B, C and E of the Town & Country Planning (General Permitted Development) Order 2015 (or any order revoking and re-enacting that Order with or without modification) no extensions, roof extensions or outbuildings shall be erected on the dwellings.

**Reason:** To ensure that the proposed development is satisfactorily integrated with its immediate surroundings and to ensure the design quality and integrity of the development in accordance with Policy PMD2 of the adopted Thurrock Local Development Framework Core Strategy and Policies for the Management of Development DPD (2015).

#### **Documents:**

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

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



© Crown copyright and database rights 2021 Ordnance Survey 100025457



<b>Reference:</b> 21/00073/FUL	<b>Site:</b> 53 - 55 Third Avenue Stanford Le Hope Essex
<b>Ward:</b> The Homesteads	<b>Proposal:</b> Seven dwellings with associated access road, hardstanding, landscaping and bike stores following the demolition of two existing detached dwellings

Plan Number(s):		
Reference	Name	Received
1572/P1 Rev B	Site Location Plan	18 March 2021
1572/P2 Rev B	Existing Block Plan	19 January 2021
1572/P14	Proposed Cycle Store	19 January 2021
1572 P15	Existing Layout No.53 Third Avenue	19 January 2021
1572 P16	Existing Layout No.55 Third Avenue	19 January 2021
1572 P17 Rev C	Proposed Block Plan	16 April 2021
1572 P18 Rev A	Plot 1 Proposed Layout and Elevations	19 January 2021
1572 P19 Rev A	Plot 2 Proposed Layout and Elevations	19 January 2021
1572 P20 Rev A	Plots 3 & 4 Proposed Layout and Elevations	19 January 2021
1572 P21 Rev A	Plot 5 Proposed Layout and Elevations	19 January 2021
1572 P22 Rev A	Plot 6 Proposed Layout and Elevations	19 January 2021
1572 P23 Rev A	Plot 7 Proposed Layout and Elevations	19 January 2021
1572 P24 Rev A	Existing and Proposed Street Scenes	19 January 2021

The application is also accompanied by:

- Arboricultural Assessment, A G Mitchell Countryside dated January 2020
- Design & Access Statement, Rev F
- Planning Statement, ref. IC/2271 dated January 2020
- Transport Note, ref. WIE14973.100.R.3.1.1.TN dated 23 January 2019

<b>Applicant:</b> Cedarmill Developments Ltd	<b>Validated:</b> 26 January 2021  <b>Date of expiry:</b> 19 July 2021
---	--

	<b>(Extension of Time agreed with applicant)</b>
<b>Recommendation:</b> Grant planning permission, subject to conditions and s106 Agreement	

This application is scheduled for determination by the Council's Planning Committee because the application was called in by Cllr Collins, Halden, Kelly, Hebb and Byrne in accordance with Part 3 (b) 2.1 (d)(i) of the Council's constitution to consider the impact of the proposal on the character of the Homesteads Ward.

## 1.0 DESCRIPTION OF PROPOSAL

- 1.1 This is an application for full planning permission for seven dwellings consisting of one semi-detached pair and five detached dwellings following the demolition of the two existing detached dwellings. The proposal would also include an access road, hardstanding, landscaping and bike stores.
- 1.2 This is a resubmission of the scheme following the refusal of previous application 20/00067/FUL which was subsequently dismissed at appeal (appeal ref APP/M1595/W/20/3251730). In relation to the previous application, the primary change is confirmation of a s106 contribution towards Recreational Disturbance Avoidance and Mitigation Strategy (RAMS) and Traffic Regulation Order (TRO).

## 2.0 SITE DESCRIPTION

- 2.1 The application site is presently two separate plots of land both of which contain detached bungalows with rooms in the roof. These dwellings are to the south west side of Third Avenue which is within a residential area of Stanford-le-Hope. Both existing dwellings benefit from large rear gardens which back onto a block of garages located off Rose Valley Crescent. The site has a total area of 0.29 hectares and is surrounded to the side and rear by residential dwellings, garages and gardens.
- 2.2 The site is within the Homesteads ward within Stanford-le-Hope. This is a designated residential precinct which is identified as being an area where character is a key issue. The Homesteads ward is identified as being intensively developed in the past and therefore proposals for backland development must be very carefully considered.
- 2.3 The site is approximately 800m from the central shopping area in Corringham and 1.7km from the centre of Stanford-le-Hope and 2km from the station. There are protected (TPO) Oak trees towards the front boundary of the site which would be retained.

**3.0 RELEVANT HISTORY**

Application Reference	Description of Proposal	Decision
20/01527/FUL	Change of use of small Houses of Multiple Occupancy (C4 use) to form new large HMOs (Sui Generis). Proposed first floor extensions including alterations to the roof and single storey rear extensions; with associated car parking and cycle and refuse storage.	Refused
20/00067/FUL	Seven dwellings with associated access road, hardstanding, landscaping and bike stores following the demolition of two existing detached dwellings.	Refused – Appealed – Dismissed
19/00269/FUL	Nine dwellings with associated access road, hardstanding, landscaping and bike stores following the demolition of two existing detached bungalows.	Refused – Appealed – Dismissed

**4.0 CONSULTATIONS AND REPRESENTATIONS**

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

4.2 This application has been advertised by way of individual neighbour notification letters and public site notice which has been displayed nearby. There have been 16 comments of objection received in relation to this application. The issues raised can be summarised as follows:

- Loss of light;
- Loss of privacy;
- Air/Light/Noise Pollution;
- Noise from construction;
- Traffic/parking from construction;
- Flood risk and surface water;
- Access to the site;
- Parking;
- Traffic;
- Highway safety;
- Emergency service access;
- Overdevelopment in the Homesteads area;

- Impact upon the character of the area;
- Contrary to policy;
- Loss of green space;
- Impact on community facilities;
- Impact on drains;
- Impact on infrastructure;
- Removal of trees;
- Previous refusal.

#### 4.3 ANGLIAN WATER:

No comment. Below threshold for response.

#### 4.4 ENVIRONMENTAL HEALTH:

No objection, subject to conditions.

#### 4.5 HIGHWAYS:

No objection, subject to conditions and S106.

#### 4.6 LANDSCAPE AND ECOLOGY ADVISOR:

No objection, subject to conditions and RAMS contribution.

### 5.0 POLICY CONTEXT

#### **National Planning Guidance**

#### National Planning Policy Framework (NPPF)

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

- c) approving development proposals that accord with an up-to-date development plan without delay; or
- d) where there are no relevant development plan policies, or the policies which are most important for determining the application are out of date<sup>1</sup>, granting permission unless:

- i. the application of policies in this Framework that protect areas or assets of particular importance provides a clear reason for refusing the development proposed<sup>2</sup>; or
- ii any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in this Framework taken as a whole.

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

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

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

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

#### National Planning Practice Guidance (PPG)

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

- Design: process and tools
- Determining a planning application
- Effective use of land
- Housing and economic land availability assessment
- Housing and economic needs assessment

- Housing needs of different groups
- Housing: optional technical standards
- Natural Environment
- Noise
- Plan-making
- Planning obligations
- Transport evidence bases in plan making and decision taking
- Tree Preservation Orders and trees in conservation areas
- Use of Planning Conditions

### **Local Planning Policy**

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

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

#### OVERARCHING SUSTAINABLE DEVELOPMENT POLICY:

- OSDP1: Promotion of Sustainable Growth and Regeneration in Thurrock

#### SPATIAL POLICIES:

- CSSP1: Sustainable Housing and Locations

#### THEMATIC POLICIES:

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

#### POLICIES FOR THE MANAGEMENT OF DEVELOPMENT

- PMD1: Minimising Pollution and Impacts on Amenity
- PMD2: Design and Layout
- PMD8: Parking Standards
- PMD9: Road Network Hierarchy
- PMD15: Flood Risk Assessment
- PMD16: Developer Contributions

### Thurrock Local Plan

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

### Thurrock Design Strategy

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

## **6.0 ASSESSMENT**

### Background

- 6.1 This application has been submitted following the refusal of 20/00067/FUL, which was subsequently dismissed on appeal (appeal ref APP/M1595/W/20/3251730). The application was originally refused for the following reason:

*The proposed development, by reason of the subdivision and overdevelopment of these existing generous residential plots in the Homesteads Ward, an area in which spacious gardens are a particularly valuable character trait, would result in a significant adverse impact upon this identified character area. The proposal thereby conflicts with the aims and intentions of policies CSTEP22, CSTEP23 and PMD2 of the Core Strategy 2015 and paragraph 127 of the National Planning Policy Framework 2019.*

- 6.2 In dismissing the appeal in relation to this application the Inspector concluded the following:

*I have found that the proposal would not be harmful with regard to the first main issue, concerning the effect on character and appearance. However, I have also found that adequate provision would not be secured to mitigate the likely significant effects on a protected European site and to fund a TRO, which finding must outweigh that in*

*favour of the appeal. Accordingly, for the reasons given above and having regard to all other matters raised, it is concluded that the appeal should be dismissed.*

6.3 Therefore, the Planning Inspectorate did not support the Council over the concern relating to impact of back land development upon the Homesteads. In this case the appeal was only dismissed because the Planning Inspectorate were concerned with the mechanism for securing the RAMS payment and Traffic Regulation Order ('TRO'). The appeal decision is a material consideration that must be taken into account in the assessment of the new application.

6.4 The assessment below covers the following areas:

- I. Principle of the development
- II. Design and layout and impact upon the area
- III. Traffic impact, access and car parking
- IV. Flood risk and drainage
- V. Effect on neighbouring properties
- VI. Ecology and landscaping
- VII. Other matters

#### I. PRINCIPLE OF THE DEVELOPMENT

6.5 The site is identified in the Adopted Interim Proposals Map accompanying the Core Strategy (2015) as part of The Homesteads ward. Core Strategy Policy CSTP23 protects residential precincts such as The Homesteads where the original spacious pattern of development has been eroded by significant infilling and backland development.

6.6 Policy H11 of the Thurrock Borough Local Plan 1997 is not a saved policy but provides a good background to the situation – that The Homesteads ward was the subject of rapid house building in the 1960-1980s, which dramatically altered the character of the area. Specifically, The Homesteads ward has suffered with extensive infilling and subdivision of large private gardens. The policy then refers to Annex A9 which is saved and relevant as it links to Core Strategy Policy CSTP23. The Annex restricts development which would harm the character of The Homesteads. In accordance with the above referenced policies, the Council has strived to protect the spacious plots that characterise The Homesteads Ward. The current plots are spacious with large rear gardens which contribute towards the identified special character of the area.

6.7 The decision notice for the previous application indicated that officers and Members considered the proposal constituted overdevelopment of the spacious plots which are a valuable character trait within the area. The Planning Inspector stated "*the proposed development should be considered on its merits and impacts in relation to*



*the more contemporary development plan policies and in relation to the specific local context".* The Inspector considered that *"development in this case would largely retain the intrinsic open and spacious character of the site and, therefore, the fact that the proposal involves backland development should not weigh against it as a matter of principle"*. The recent appeal decision for an identical proposal leads to an acceptance, that in this instance, the principle of developing the site would be acceptable as the effect to the character of the area is acceptable.

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

- 6.8 The proposed dwellings would be of a relatively uniform traditional hipped roof design. There would be some variation in the appearance of the buildings in particular in terms of the materials to be used with a mix of facing brick and weatherboarding along with tiled roofs. The eaves and ridge height of the dwellings would be relatively similar across the proposed development. There would be some variation in the scale and bulk which would be primarily due to the differing width of some of the buildings.
- 6.9 There are a mix of house types and designs in the area including detached, semi-detached and terraced properties. These are generally of traditional design with hipped or pitched roofs and follow a relatively uniform forward building line. The proposal includes two detached dwellings and a semi-detached pair located along the frontage with Third Avenue. This is considered to be acceptable in terms of appearance and to the immediate street scene. This view was confirmed by the Planning Inspector at the recent appeal decision commenting that *"these (properties) would be positioned on broadly the same footprint and front building line as the existing dwellings. Their design and appearance would be similar to the overall character and appearance of properties in this part of Third Avenue. As such, the change to the street scene to the front of the site would not be harmful."*
- 6.10 There would be a central access road between plots 2 and 3 which would provide access to the three dwellings located within what is currently garden space for the existing dwellings, albeit fenced off presently. Whilst these dwellings would not be prominent in the street scene there would be views afforded towards them, from the access road. They would also be visible from other vantage points around the site.
- 6.11 The Inspector concluded (paragraph 15) *"the spacing between the three dwellings would reflect the layout of dwellings in the surrounding area. Moreover, there would be generous and substantive separation between the row of three dwellings and surrounding residential development, resulting from the size of the new dwellings' gardens, the retained long gardens to the east and the single storey garages adjacent to the southern and western boundaries. As such, while the new dwellings would be visible from the public realm to some extent, they would be surrounded by a greater degree of separation and openness than the general layout of development in the*

*wider area. Consequently, the principal characteristic of the site, its openness and spaciousness, would not be compromised to such an extent that the development would result in material harm”.*

- 6.12 The appeal decision goes on to further establish the acceptable nature of the proposal in paragraph 16: *I acknowledge that the three dwellings to the rear would introduce a form of backland development in this location, but the Inspector’s main concern in the previous appeal [a scheme which comprised more dwellings] concerning the pattern of development related to the cramped nature of the development, with three more dwellings than in this case. For the reasons given, the development in this case would largely retain the intrinsic open and spacious character of the site and, therefore, the fact that the proposal involves backland development should not weigh against it as a matter of principle.*
- 6.13 Given the above it is considered that the proposal would not negatively impact upon the character of the area. Therefore the proposal would not result in a significant adverse impact upon the general character of the area contrary to policies PMD2, CSTP22 and CSTP23 and the National Planning Policy Framework 2019.
- 6.14 Each dwelling would be of a sufficient size to provide a suitable living environment for future occupiers. There would also be suitable levels of privacy for future occupiers.
- 6.15 In conclusion under this heading, the design and layout of the properties, alongside the accommodation provided, meets the requirements of CSTP22, CSTP23 and PMD2.

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

- 6.16 The proposal would utilise three existing vehicular crossovers in order to provide access to the parking areas of plots 1 and 4 and the access road which would be created towards the centre of the site. Access to Plots 2 and 3 would be via side access points onto the central access road. The Council’s Highway Officer has raised no objection to the scheme but has suggested that a financial contribution should be sought from the developer to fund a Traffic Regulation Order (TRO) which could be used to introduce measures to prevent vehicles parking obstructing the access points. Members are advised that TROs are subject to a separate consultation process and should any objections be received these would be reported to the Portfolio Member for review and determination whether to proceed with the TRO. Given the nature of the proposal it is considered that it is necessary to explore a TRO in this location to prevent parking at the junctions. Subject to a Legal Agreement securing a financial contribution towards a TRO in the location, no objection is raised

and the proposal is considered acceptable with regards to highway safety and capacity.

- 6.17 The proposal includes 14 allocated parking spaces along with 2 visitor spaces providing a total of 16 parking spaces overall. The site is identified as being within an area of medium accessibility, as set out in the Council's Draft Parking Standards, due to its relative proximity to Corringham Town Centre. In such locations there is a requirement for 1.5 to 2.0 spaces per dwelling with 0.25 spaces per dwelling provided as visitor or unallocated spaces. The standards also state that for houses for 4 or more bedrooms an additional parking space will be permitted which would take these houses up to 3 spaces although it is not indicated that this is a requirement.
- 6.18 The proposal would provide two allocated spaces per dwelling and 0.29 visitor, which is considered acceptable; PINS concluded this was acceptable within the appeal decision. The Council's Highway Officer has raised no objection to this level of provision. Therefore whilst the concerns of residents regarding parking are noted it is considered, in this instance, that the level of parking provision would be acceptable and therefore the proposal complies with the requirements of policy PMD8.
- 6.19 With regards to cycle and refuse storage there is adequate space indicated for these to the side and rear of the proposed dwellings. Details of the cycle storage have been provided with the application and it is considered that these would be appropriate and provide the necessary level of storage for each dwelling.
- 6.20 Information has been provided with the application in relation to refuse collection including a swept path analysis which demonstrates that a refuse vehicle could access the site. This would allow for refuse collection to be from the front of each property which is considered to be appropriate.
- 6.21 In conclusion under this heading, no objection is raised by the Council's Highway Officer; the detail of the proposal and level of parking provided at the site is acceptable subject to conditions detailed above. Therefore, the proposal complies with the relevant parts of PMD2, PMD8 and PMD9.

#### IV. FLOOD RISK AND DRAINAGE

- 6.22 The application does not constitute a major application for the purposes of considering the drainage implications. However the principle of a suitable surface water drainage strategy was established in the consideration of a previous application. Given the proposal results in a significant level of built form along with the concerns raised by residents regarding surface water in the area it would be

appropriate to impose a condition on any permission granted requiring the submission of details of a surface water drainage scheme.

#### V. EFFECT ON NEIGHBOURING PROPERTIES

- 6.23 Plots 1-4 would be in a relatively similar location to the existing properties on the site. They would not breach the 60 or 45 degree angles to the nearest front or rear facing habitable room windows of the neighbours. Whilst it is acknowledged that there would be some additional views to the rear at a high level this is not unusual in an urban residential environment and given the level of existing mutual overlooking would not result in a significant loss of privacy from these dwellings. These plots do include side facing windows at first and second floor level which could overlook neighbouring properties. However, these windows serve non-habitable rooms and could be conditioned to be obscure glazed in order to restrict any overlooking.
- 6.24 Plots 5 to 7 are located to the rear of the site a significant distance from the rear of neighbouring properties on Third Avenue. Plot 5 would be set in from the boundary with No.51a. Given the separation distance to the boundary along with the fact that the primary impact would be towards the rear of this neighbour's garden, it is considered there would not be an overly dominant or overbearing impact upon this neighbour's garden space.
- 6.25 With regards to the impact of Plot 5 on privacy the proposal includes side facing windows at first floor level which could be conditioned to be obscure glazed and fixed shut. There would be some views from the front facing windows of Plot 5 towards No.51A, however given the angle and distance of these views it is considered that this would not result in a significant loss of privacy.
- 6.26 In terms of Plot 7 this would be separated from the nearest neighbours on Rose Valley Crescent by an access road and given the retained separation distance of approximately 18m to the rear of this neighbour it is considered that there would not be a significant loss of light or overbearing impact upon these neighbours. Plot 7 does include side facing windows facing these neighbours, however, these would serve non-habitable rooms and could be conditioned to be obscure glazed and fixed shut about a floor level height of 1.7ms in order to ensure there is no significant loss of privacy.
- 6.27 To the rear of the site is a block of garages and it is considered that given the separation distance to the nearest properties beyond there would not be a significant loss of light, overbearing impact or loss of privacy to neighbours to the rear.

- 6.28 The proposal would result in an increase in vehicular movements to and within the site. There would also be some additional disturbance due to the siting of properties within a currently open area. However, whilst it is acknowledged that this would impact upon neighbours it is considered that this would be compatible with the residential use of the surrounding area. As such this would not represent a justifiable reason for refusal. It is considered reasonable and necessary to condition removal of Permitted Development rights, so any further development at the properties would need formal planning permission.

## VI. ECOLOGY AND LANDSCAPING

- 6.29 There are two trees which are subject to Tree Preservation Orders ('TPO's') located within the front gardens of the existing properties. Both are mature Oaks; while it is noted that the tree at No.53 is smaller and has been subject to works in the past both significantly contribute to the amenity of the street scene. The Council's Landscape and Ecology Advisor was consulted on the application and advised that the proposal should not further affect the trees provided the measures outlined in the arboricultural report were undertaken. A condition would be recommended on any planning permission granted requiring submission of an arboricultural method statement and tree protection details.
- 6.30 The site is within the Essex Coast RAMS Zone of Influence and therefore it would be necessary for the LPA to secure a contribution towards mitigation of the effects of recreational disturbance on Thames Estuary and Marshes SPA. In the event that the application is approved such a contribution could be secured via an appropriate Legal Agreement. The applicant indicated their willingness to make such a contribution and would draft a Legal Agreement if the application is determined favourably.

## VII. OTHER MATTERS

- 6.31 Policy PMD16 states that where needs would arise as a result of development; the Council will seek to secure planning obligations under Section 106 of the Town and Country Planning Act 1990 and any other relevant guidance. The policy states that the Council will seek to ensure that development proposals contribute to the delivery of strategic infrastructure to enable the cumulative impact of development to be managed and to meet the reasonable cost of new infrastructure made necessary by the proposal.
- 6.32 It is not possible to secure an affordable housing provision in this instance because the proposal falls short of the Government's threshold of 10 units or more. The Council's Highway Officer has stated a contribution would be necessary towards a

Traffic Regulation Order (TRO) to introduce waiting or parking restrictions around the entrance to the site. In the event that planning permission were to be granted a s106 Legal Agreement would be necessary to secure a contribution towards the TRO. A suitable Legal Agreement would be progressed should Members determine the application favourably.

- 6.33 Concerns regarding the impact of construction works are noted. Whilst this would not represent a reason for refusal it is considered that if planning permission were to be granted it would be appropriate to impose a condition regarding a Construction Environmental Management Plan (CEMP) in order to limit the level of disturbance to neighbours during construction works. A condition relating to the control of the hours of construction is considered necessary and is also recommended.
- 6.34 Concerns have been raised regarding the impact upon drains, however, Anglian Water advised on a previous application for 10 dwellings that there is adequate capacity to accommodate the development.
- 6.35 Whilst comments regarding the impact upon community facilities and infrastructure are noted it is considered that a scheme of this size is unlikely to have a significant additional impact. The proposal would fall below the threshold for a contribution towards infrastructure and the Government has previously advised it would be unreasonable to impose such a requirement on any planning permission.

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

- 7.1 The proposed development would result in a more intensive development of a site within the Homesteads Ward. Nonetheless, this has been deemed as acceptable by the Planning Inspectorate who concluded that the level of development proposed would not affect the character of the area in this site and location. Whilst policy CSTP23 protects the particular character and overdevelopment of sites within such identified residential precinct even with the backland development proposed this would not significantly affect the character of the area. The proposal would encroach into a large area of open garden space to the rear of properties on Third Avenue and Rose Valley Crescent but it would not have an adverse impact upon the special character of the Homesteads Ward and therefore complies with policies CSTP22, CSTP23 and PMD2.
- 7.2 Matters of detail have been determined as acceptable within the previous appeal decision. PINS only concern was the lack of completion of a s106 for RAMS and TRO contributions. The applicant has confirmed that this would be completed if the application is approved and therefore the proposal is recommended for approval.

**8.0 RECOMMENDATION**

8.1 Approve, subject to the following:

A) 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:

- Ecology – A financial contribution of £636.50 towards the Essex Coast RAMS strategy to mitigate the impact of the development upon the Thames Estuary and Marshes SPA.
- Traffic Regulation Order - £5,000 to explore options to introduce measures to prevent vehicles parking obstructing the access points.

B) the following planning conditions:

**TIME LIMIT**

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

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

**PLANS**

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

<b>Plan Number(s):</b>		
Reference	Name	Received
1572/P1 Rev B	Site Location Plan	18 March 2021
1572/P2 Rev B	Existing Block Plan	19 January 2021
1572/P14	Proposed Cycle Store	19 January 2021
1572 P15	Existing Layout No.53 Third Avenue	19 January 2021
1572 P16	Existing Layout No.55 Third Avenue	19 January 2021
1572 P17 Rev C	Proposed Block Plan	16 April 2021
1572 P18 Rev A	Plot 1 Proposed Layout and Elevations	19 January 2021
1572 P19 Rev A	Plot 2 Proposed Layout and Elevations	19 January 2021
1572 P20 Rev A	Plots 3 & 4 Proposed Layout and Elevations	19 January 2021
1572 P21 Rev A	Plot 5 Proposed Layout and Elevations	19 January 2021
1572 P22 Rev A	Plot 6 Proposed Layout and Elevations	19 January 2021
1572 P23 Rev A	Plot 7 Proposed Layout and Elevations	19 January 2021

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

### **DETAILS OF MATERIALS/SAMPLES TO BE SUBMITTED**

- 3 No development shall commence above ground level until written details or samples of all materials to be used in the construction of the external surfaces of the development hereby permitted have been submitted to and approved in writing by the local planning authority. The development shall be carried out using the materials and details as approved.

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

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

- 4 No demolition or construction works shall commence until a Construction Environmental Management Plan [CEMP] has been submitted to and approved in writing by the local planning authority in writing. The CEMP should contain or address the following matters:
- (a) Hours for the construction of the development
  - (b) Hours and duration of any piling operations,
  - (c) Wheel washing and sheeting of vehicles transporting loose aggregates or similar materials on or off site,
  - (d) Details of construction any access or temporary access, and details of temporary parking requirements;
  - (e) Location and size of on-site compounds [including the design layout of any proposed temporary artificial lighting systems];
  - (f) Details of any temporary hardstandings;
  - (g) Details of temporary hoarding;
  - (h) Details of the method for the control of noise with reference to BS5228-1:2009+A1:2014 Code of Practice for noise together with a monitoring regime;
  - (i) Measures to reduce vibration and mitigate the impacts on sensitive receptors together with a monitoring regime ;
  - (j) Measures to reduce dust with air quality mitigation and monitoring,

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

Reason: In order to minimise any adverse impacts arising from the construction of



the development in accordance with policy PMD1 of the adopted Thurrock LDF Core Strategy and Policies for the Management of Development [2015].

### **BOUNDARY TREATMENTS**

- 5 Prior to the first use or operation of the development, details of the design, materials and colour of the fences and other boundary treatments shall be submitted to and approved in writing by the local planning authority. The fences and other boundary treatments as approved shall be completed prior to the first use or operation of the development and shall be retained and maintained as such thereafter.

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

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

- 6 No development shall take place above ground level until full details of both hard and soft landscape works to be carried out have been submitted to and approved in writing by the local planning authority. These details shall have regard to the arboricultural method statement include the layout of the hard landscaped areas with the materials and finishes to be used and details of the soft landscape works including schedules of shrubs and trees to be planted, noting the species, stock size, proposed numbers/densities and details of the planting scheme's implementation, aftercare and maintenance programme. The hard landscape works shall be carried out as approved prior to first occupation of the development hereby approved unless otherwise first agreed in writing by the local planning authority. The soft landscape works shall be carried out as approved within the first available planting season (October to March inclusive) following the commencement of the development, unless otherwise first agreed in writing by the local planning authority. If within a period of five years from the date of the planting of any tree or plant, or any tree or plant planted in its replacement, is removed, uprooted, destroyed, dies, or becomes, in the opinion of the local planning authority, seriously damaged or defective, another tree or plant of the same species and size as that originally planted shall be planted in the same place, unless the local planning authority gives its written consent to any variation.

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

## **ARBORICULTURAL METHOD STATEMENT**

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

- Tree survey detailing works required;
- Trees to be retained;
- Tree retention protection plan;
- Arboricultural method statement (including drainage service runs and construction of hard surfaces).

The protective fencing and ground protection shall be retained until all equipment, machinery and surplus materials have been removed from the site. The tree protection measures shall be carried out in accordance with the approved details.

Reason: To secure the retention of the trees within the site in the interests of visual amenity and the character of the area in accordance with policies CSTP18 and PMD2 of the adopted Thurrock LDF Core Strategy and Policies for the Management of Development [2015]

## **SURFACE WATER DRAINAGE**

- 8 No development shall commence until a scheme for the provision and implementation of surface water drainage incorporating sustainable urban drainage schemes (SuDS) and an assessment of the hydrological and hydrogeological context of the development has been submitted to and approved in writing by the local planning authority. The surface water drainage scheme shall be constructed and completed in accordance with the details as approved prior to the occupation of the development hereby permitted.

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

## **PARKING PROVISION – AS SHOWN ON THE APPROVED PLANS**

- 9 The development hereby permitted shall not be first occupied until such time as the vehicle parking area shown on the approved plans, including any parking spaces for the mobility impaired, has been hard surfaced, sealed and marked out as shown on the approved plans. The vehicle parking areas shall be retained in this form at all

times thereafter. The vehicle parking areas shall not be used for any purpose other than the parking of vehicles that are related to the use of the approved development.

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

### **OBSCURE GLAZING**

- 10 Prior to the first occupation of the buildings hereby permitted, the first floor windows in the flank elevations shall be glazed with opaque glass and of a non-openable design with the exception of a top hung fanlight (which shall be at least 1.7m above internal floor level) and shall be retained as such thereafter.

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

### **REMOVAL OF PD RIGHTS – EXTENSIONS, GARAGES AND OUTBUILDINGS**

- 11 Notwithstanding the provisions of Schedule 2, Part 1 Classes A, B, C, D and E of the Town & Country Planning (General Permitted Development) Order 2015 (or any Order amending, revoking or re-enacting that Order) no extensions or alterations to the dwellings hereby approved shall be undertaken and no outbuildings shall be erected within the site without planning permission having been obtained from the local planning authority.

Reason: In order to safeguard the openness of the Green Belt and the visual amenity of the area in accordance with policies PMD2 and PMD6 of the adopted Thurrock LDF 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 within the application (as originally submitted) and negotiating, with the Applicant/Agent, acceptable amendments to the proposal to address those concerns. As a result, the Local Planning Authority has been able to grant planning permission for an acceptable proposal, in accordance with the presumption in favour of sustainable development, as set out within the National Planning Policy Framework.

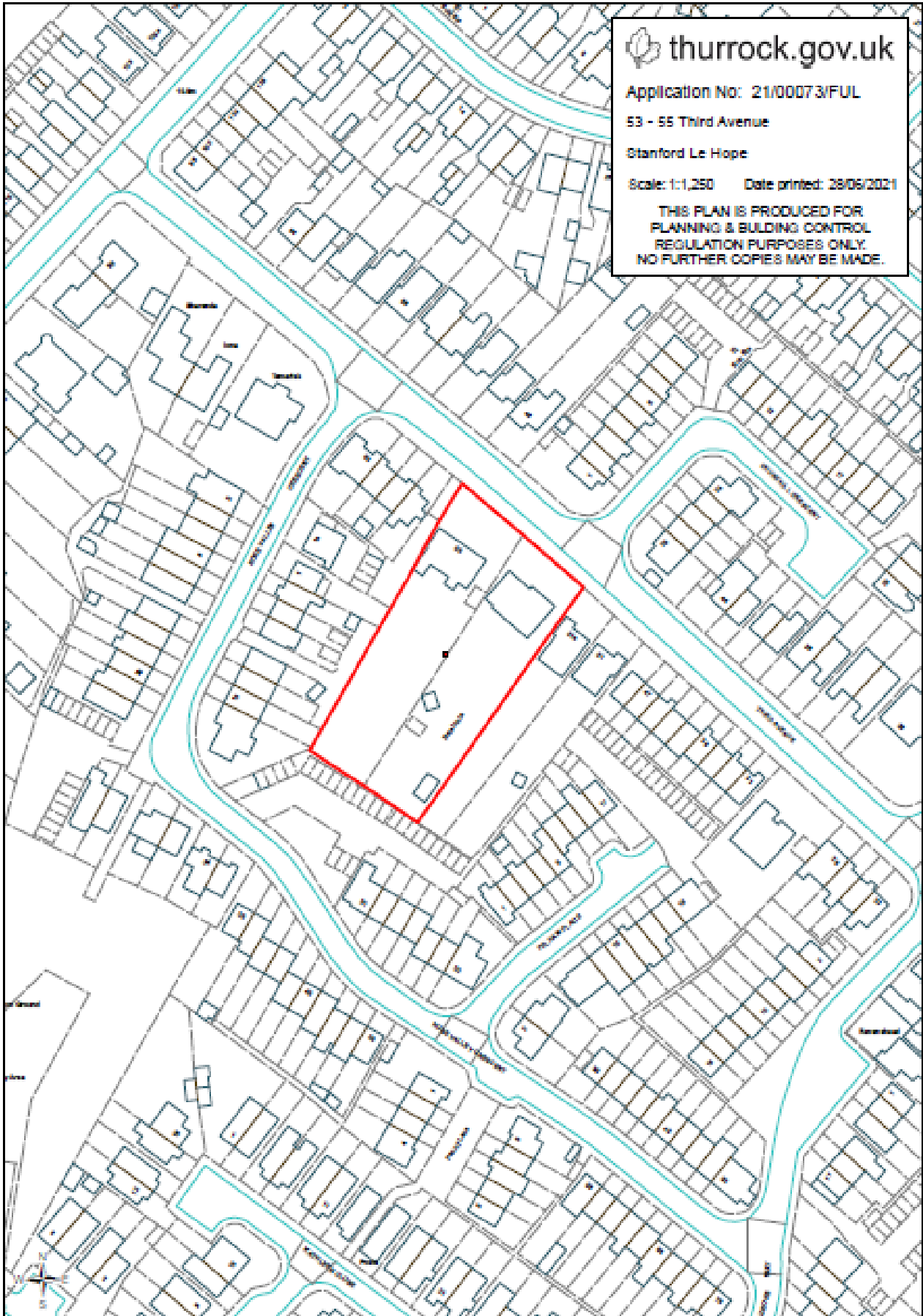
- 2 The amendments to the vehicle access points onto Third Avenue may require authorisation of the Local Highways Authority. Any works which are required within the limits of the highway reserve require the permission of the Highway Authority and must be carried out under the supervision of the Highway Authority's staff. The applicant is, therefore, advised to contact the Authority at the address shown below before undertaking such works.

Highways  
Thurrock Council, Civic Offices, New Road,  
Grays, Essex, RM17 6SL.  
Telephone:- (01375) 366 100

**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)



This page is intentionally left blank

<b>Reference:</b> 21/00077/FUL	<b>Site:</b> Land adjacent Fen Farm Judds Farm and part of Bulphan Fen Harrow Lane, Bulphan Essex
<b>Ward:</b> Orsett	<b>Proposal:</b> Installation of renewable led energy generating station comprising ground-mounted photovoltaic solar arrays and battery-based electricity storage containers together with substation, inverter/transformer stations, site accesses, grid connection cable, internal access tracks, security measures, access gates, other ancillary infrastructure, landscaping and biodiversity enhancements

<b>Plan Number(s):</b>		
Reference	Name	Received
BF1.0 Rev v.b	Consolidated Location Plan	20 January 2021
BF1.1 Rev v.b	Location Plan 1 (Havering)	20 January 2021
BF1.2 Rev v.b	Location Plan 2 (Thurrock)	20 January 2021
BF2.0 Rev v.b	Consolidated Site Location Plan	20 January 2021
BF2.1 Rev v.c	Consolidated Location Plan 1 (Havering)	20 January 2021
BF2.2 Rev v.c	Consolidated Location Plan 2 (Thurrock)	20 January 2021
BF3.0 Rev 03	PV Elevations	20 January 2021
BF4.0 Rev 01	Inverter/Transformer Stations	20 January 2021
BF5.0 Rev 01	Internal Access Road Detail	20 January 2021
BF6.0 Rev 01	Fence and Gate Elevations	20 January 2021
BF7.0 Rev 01	Weather Station	20 January 2021
BF8.0 Rev 01	Substation Elevations	20 January 2021
BF9.0 Rev 01	Control Room Elevations	20 January 2021
BF10.0 Rev 01	Auxiliary Transformer	20 January 2021
BF11.0 Rev 01	CCTV Elevations	20 January 2021
BF12.0 Rev 01	Battery Container Elevations 40ft	20 January 2021
BF13.0 Rev 01	Storage Container Elevations 40ft	20 January 2021
BF13.0 Rev 01	PV Elevations Ballast	17 May 2021
BF14.0 Rev v.a	Field Topographical Data	20 January 2021
7509_005_D	Landscape and Ecological Enhancement Plan	20 January 2021
No no's	Preliminary Greyscale	17 May 2021

The application is also accompanied by:

- R003 Planning Statement including Green Belt Assessment
- R004 Design and Access Statement
- R005 Construction Traffic Management Plan
- R006 Non-Technical Summary of the Environmental Statement
- R007 Environmental Statement Main Text
- R008 Environmental Statement Technical Appendices
- R009 Landscape and Ecological Management Plan
- R010 Flood Risk Assessment and Drainage Strategy
- R011 Noise Impact Assessment
- R012 Ecological Appraisal Report (including Biodiversity Net Gain Statement)
- R013 Statement of Community Involvement
- R014 Agricultural Land Classification Report
- R015 Heritage Assessment Desk Based Assessment
- R016 Interim Archaeology Geophys Report
- R017 Glint and Glare Assessment
- Ecology Data File (parts 1 – 26)
- Ground Channel

**Applicant:**

Mr Simon Wheeler  
Warley Green Limited

**Validated:**

18 January 2021

**Date of expiry:**

19 July 2021 (Extension of time agreed with applicant)

**Recommendation:** Grant outline planning permission, as per the recommendation set out at paragraph 8.1 of this report

**1.0 DESCRIPTION OF PROPOSAL**

1.1 The table below gives a summary of the proposal:



Gross site area	138 hectares
Gross site area of PV panels	106 hectares
Power output	49.9MW of clean renewable electricity to the National Grid (providing the equivalent annual electrical needs of approximately 16,103 Thurrock family homes)

- 1.2 This application seeks planning permission to construct and operate a solar farm and battery storage facility with associated infrastructure. The solar arrays would be located wholly within Thurrock, but this is a cross boundary application with the underground cable providing the grid connection to the Warley National Grid Substation at North Ockendon, which is in London Borough of Havering (LBH). The applicant has therefore submitted joint applications with the relevant red line boundary plans to the two respective local planning authorities.
  
- 1.3 The solar panels would be 3m high, ground mounted on tracking frames. It is proposed to use solar arrays with bifacial panels and a tracking system to follow the path of the sun. This means that their height will vary throughout the day, but the maximum height would be 3m. The arrays will be installed on posts driven into the ground. The proposed inverters and battery storage units would be housed in containers 12m long and 2.9m high. The largest element would be a single substation 12.5m x 5.5m x 4.2m. It is proposed to install 2.2m high deer fencing around the perimeter of the site. The fencing would be set back at least 5m either side of all public rights of way. Buffer zones are proposed whereby no solar panels will be sited within 10m of a public right of way or within 9m of a drainage ditch. There would be no development within 15m of the top of the bank alongside of the Mardyke, or within 6m of the top of a boundary drainage ditch or watercourse.
  
- 1.4 When operational, the solar farm and battery storage would supply up to 49.9MW to the National Grid, which is the equivalent of the annual electrical needs of approximately 16,100 family homes. The site would be operational for 35 years. The solar farm would be decommissioned at the end of this period, with all panels and associated infrastructure (including below ground infrastructure) removed from the site. The land would then be restored to agricultural use.
  
- 1.5 The scheme proposes a maximum electrical output of 49.9MW which is the maximum output which can be considered by a local planning authority via a conventional planning application. Proposals involving an output of 50MW or more are classified

as ‘Nationally Significant Infrastructure Projects’ (NSIPs) by the Planning Act 2008 and are considered by the relevant Secretary of State via the Development consent Order (DCO) process.

- 1.6 Due to the scale of the site, the development requires an Environmental Impact Assessment (EIA) and the application is therefore supported by an Environmental Statement (ES). The only topic which was scoped-in to the ES is Landscape and Visual Impact.

**2.0 SITE DESCRIPTION**

- 2.1 The site comprises 18 adjoining arable fields with associated hedgerows on Bulphan Fen approximately 600m to the west of Bulphan village. The Thurrock site area is approximately 138 hectares (the overall site area including LBH is approximately 143 hectares). The site is relatively low-lying, flat fenland and is all Grade 3b ‘Moderate’ soil within the applicant’s Agricultural Land Classification (ALC). Access to the site is via Harrow Road and Fen Lane. There are a number of public rights of way within the site area. The site lies within flood zones 1, 2 and 3a. The site is within the Metropolitan Green Belt (GB). There are no statutory ecological designations affecting the site. However, the site is within ‘impact zones’ drawn around SSSIs located to the north-east and north-west.
- 2.2 The proposed route of the Lower Thames Crossing (LTC) lies immediately to the south west of the site.

**3.0 RELEVANT HISTORY**

Application Reference	Description of Proposal	Decision
P0059.21	Installation of renewable led energy generating station comprising ground-mounted photovoltaic solar arrays and battery-based electricity storage containers together with substation, inverter/transformer stations, site accesses, internal access tracks, security measures, access gates, other ancillary infrastructure, grid connection cable, landscaping and biodiversity enhancements	Under consideration

20/01296/SCO	Request for an Environmental Impact Assessment (EIA) Scoping Opinion: Proposed solar farm and battery storage	Advice given
20/01178/SCR	Request for a Screening Opinion under Part 2 (6) of The Town and Country Planning (Environmental Impact Assessment) Regulations 2017: Proposed development comprising solar farm and battery storage facility	EIA required

**4.0 CONSULTATIONS AND REPRESENTATIONS**

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

**PUBLICITY:**

4.2 This application has been advertised by way of individual neighbour notification letters, press advert and public site notices which have been displayed within and adjacent to the site. The proposals have been advertised as a major development, as affecting a public footpath, as accompanied by an Environmental Statement, as a departure from the Development Plan and as affecting the setting of a listed building.

4.3 There were 29 comments of objection received. The matters raised are summarised below:

- Traffic routing;
- Effect to public rights of way;
- Reflected light/glare affecting traffic (LTC);
- Loss of wildlife;
- Pollution in construction stage;
- Detrimental visual impact;
- Solar panels are not really clean energy;
- Damaged solar panels release toxins;
- Loss agricultural land;

- Harm to character of the countryside;
- Lead to flooding;
- Precedence for future development of the site for housing;
- S106 for community causes is a bribe, doesn't comply with regulations;
- S106 could be provided to dredge Mardyke to maintain drainage;
- Doesn't meet sequential flood risk test;
- Negative effect to house prices;
- Solar farms should not and are usually not so near to homes.

#### 4.4 ANGLIAN WATER:

No objections.

#### 4.5 ARCHAEOLOGY:

No objections, subject to conditions regarding a programme of archaeological investigation and post excavation analysis.

#### 4.6 CADENT:

No response received.

#### 4.7 EMERGENCY PLANNING:

No objections, subject to condition regarding a Flood Warning Evacuation Plan.

#### 4.8 ENVIRONMENT AGENCY:

No objections. As the site lies within flood zones 1, 2 and 3a. Therefore it is necessary for the application to pass the Sequential and Exception Tests.

#### 4.9 ENVIRONMENTAL HEALTH:

No objections.

#### 4.10 ESSEX FIELD CLUB:

Object to the proposal, do not consider information provide enough information to prove biodiversity net gain.

**4.11 FLOOD RISK MANAGER:**

No objection, subject to condition regarding soil management.

**4.12 HIGHWAYS:**

No objections, subject to conditions regarding HGV routing/logging and road condition surveys.

**4.13 HIGHWAYS ENGLAND:**

No response received.

**4.14 HISTORIC BUILDINGS:**

No objections.

**4.15 LANDSCAPE AND ECOLOGY:**

No objections.

**4.16 LONDON BOROUGH OR HAVERING:**

No response received.

**4.17 NATIONAL GRID:**

No response received.

**4.18 NATURAL ENGLAND:**

No objection.

**4.19 PUBLIC RIGHTS OF WAY:**

Recommend contribution towards footpaths/bridleways.

**5.0 POLICY CONTEXT****National Planning Guidance****5.1 National Planning Policy Framework (NPPF)**

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

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

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

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

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

- 2. Achieving sustainable development
- 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
- 15. Conserving and enhancing the natural environment
- 16. Conserving and enhancing the historic environment

## 5.2 National Planning Practice Guidance (PPG)

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

- Before submitting an application
- Climate change
- Design: process and tools
- Determining a planning application
- Effective use of land
- Environmental Impact Assessment
- Fees for planning applications
- Flood Risk and Coastal Change
- Green Belt
- Hazardous Substances
- Historic environment
- Making an application
- Natural Environment
- Noise
- Open space, sports and recreation facilities, public rights of way and local green space
- Planning obligations
- Renewable and low carbon energy
- Travel plans, transport assessments and statements in decision-taking
- Use of Planning Conditions

5.3 PPG states that the need for renewable or low carbon energy does not automatically override environmental protections. The first part of the Solar PV Strategy, published in October 2013, states that solar PV should be *“appropriately sited, give weight to environmental considerations such as landscape and visual impact, heritage and local amenity, and provide opportunities for local community to influence decisions that affect them”*.

5.4 PPG sets out criteria for assessing ground-mounted solar project planning applications. The following extract is taken from the guidance (Paragraph: 013, Reference ID: 5-013-20150327):

*“The deployment of large-scale solar farms can have a negative impact on the rural environment, particularly in undulating landscapes. However, the visual impact of a well-planned and well-screened solar farm can be properly addressed within the landscape if planned sensitively.*

*Particular factors a local planning authority will need to consider include:*

- *encouraging the effective use of land by focusing large scale solar farms on previously developed and non agricultural land, provided that it is not of high environmental value;*
- *where a proposal involves greenfield land, whether*
  - (i) *the proposed use of any agricultural land has been shown to be necessary and poorer quality land has been used in preference to higher quality land; and*
  - (ii) *the proposal allows for continued agricultural use where applicable and/or encourages biodiversity improvements around arrays. See also a speech by the Minister for Energy and Climate Change, the Rt Hon Gregory Barker MP, to the solar PV industry on 25 April 2013 and Written Ministerial Statement – Solar energy: protecting the local and global environment – made on 25 March 2015.*
- *that solar farms are normally temporary structures and planning conditions can be used to ensure that the installations are removed when no longer in use and the land is restored to its previous use;*
- *the proposal’s visual impact, the effect on landscape of glint and glare (see guidance on landscape assessment) and on neighbouring uses and aircraft safety;*
- *the extent to which there may be additional impacts if solar arrays follow the daily movement of the sun;*
- *the need for, and impact of, security measures such as lights and fencing;*
- *great care should be taken to ensure heritage assets are conserved in a manner appropriate to their significance, including the impact of proposals on views important to their setting. As the significance of a heritage asset derives not only from its physical presence, but also from its setting, careful consideration should be given to the impact of large scale solar farms on such assets. Depending on their scale, design and prominence, a large scale solar farm within the setting of a heritage asset may cause substantial harm to the significance of the asset;*
- *the potential to mitigate landscape and visual impacts through, for example, screening with native hedges;*
- *the energy generating potential, which can vary for a number of reasons including, latitude and aspect.*

*The approach to assessing cumulative landscape and visual impact of large scale solar farms is likely to be the same as assessing the impact of wind turbines. However, in the case of ground-mounted solar panels it should be noted that with effective screening and appropriate land topography the area of a zone of visual influence could be zero.”*

## 5.5 UK Solar PV Strategy

Part 1 of the Government’s (Department for Energy and Climate Change – DECC)



UK Solar PV Strategy (2013) set out the four guiding principles for deployment of solar in the UK. These principles are:

- Support for solar PV should allow cost-effective projects to proceed and to make a cost-effective contribution to UK carbon emission objectives in the context of overall energy goals – ensuring that solar PV has a role alongside other energy generation technologies in delivering carbon reductions, energy security and affordability for consumers.
- Support for solar PV should deliver genuine carbon reductions that help meet the UK's target of 15 per cent renewable energy from final consumption by 2020 and in supporting the decarbonisation of our economy in the longer term – ensuring that all the carbon impacts of solar PV deployment are fully understood.
- support for solar PV should ensure proposals are appropriately sited, give proper weight to environmental considerations such as landscape and visual impact, heritage and local amenity, and provide opportunities for local communities to influence decisions that affect them.
- Support for solar PV should assess and respond to the impacts of deployment on: grid systems balancing; grid connectivity; and financial incentives – ensuring that we address the challenges of deploying high volumes of solar PV.

5.6 Part 2 of the DECC's UK Solar PV Strategy (2014) refers to ambitions for deployment, including large-scale ground-mounted solar PV deployment. The Strategy highlights the planning guidance for renewable energy development provided by PPG.

5.7 There are a number of other Government directions on solar, including:

- Committee on Climate Change (9 December 2020) published its Sixth Carbon Budget which indicated that in order to achieve the UK's legally-binding commitment of net zero carbon by 2050, the UK should target 85GW of installed solar by that date, enough to generate some 10-15% of the nation's electricity.
- The Energy White Paper (December 2020) noted the importance of solar in future energy generation.

National Policy Statements:

5.8 Although National Policy Statements (NPS) apply specifically to NSIPs and applications under the Planning Act 2008 for DCOs, NPS reference (EN-1: Overarching National Policy Statement for Energy - 2011) states that *"In England and Wales this NPS is likely to be a material consideration in decision making on applications that fall under the Town and Country Planning Act 1990 (as amended). Whether, and to what extent, this NPS is a material consideration will be judged on a case by case basis"*. The content of EN-1 could therefore be relevant to the current case. Paragraph no. 3.4.5 of EN-1 refers to *"UK commitments to sourcing 15% of*

*energy from renewable sources by 2020. To hit this target, and to largely decarbonise the power sector by 2030, it is necessary to bring forward new renewable electricity generating projects as soon as possible. The need for new renewable electricity generation projects is therefore urgent".* Part 5 of EN-1 refers to the generic impact of land use including open space, green infrastructure and GB. With regard to decision taking, paragraph 5.10.17 of EN-1 states:

- 5.9 *"When located in the GB, energy infrastructure projects are likely to comprise 'inappropriate development'<sup>134</sup>. Inappropriate development is by definition harmful to the GB and the general planning policy presumption against it applies with equal force in relation to major energy infrastructure projects. The IPC will need to assess whether there are very special circumstances to justify inappropriate development. Very special circumstances will not exist unless the harm by reason of inappropriateness, and any other harm, is outweighed by other considerations. In view of the presumption against inappropriate development, the IPC will attach substantial weight to the harm to the GB when considering any application for such development while taking account, in relation to renewable and linear infrastructure, of the extent to which its physical characteristics are such that it has limited or no impact on the fundamental purposes of GB designation".*

### **Local Planning Policy**

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

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

#### OVERARCHING SUSTAINABLE DEVELOPMENT POLICY:

- OSDP1: Promotion of Sustainable Growth and Regeneration in Thurrock

#### SPATIAL POLICIES:

- CSSP3: Sustainable Infrastructure
- CSSP4: Sustainable Green Belt
- CSSP5: Sustainable Greengrid

#### THEMATIC POLICIES:

- CSTP15: Transport in Greater Thurrock
- CSTP18: Green Infrastructure
- CSTP19: Biodiversity

- CSTP20: Open Space
- CSTP21: Productive Land
- CSTP22: Thurrock Design
- CSTP23: Thurrock Character and Distinctiveness
- CSTP24: Heritage Assets and the Historic Environment
- CSTP25: Addressing Climate Change
- CSTP26: Renewable or Low-Carbon Energy Generation
- CSTP27: Management and Reduction of Flood Risk
- CSTP33: Strategic Infrastructure Provision

## POLICIES FOR THE MANAGEMENT OF DEVELOPMENT

- PMD1: Minimising Pollution and Impacts on Amenity
- PMD2: Design and Layout
- PMD4: Historic Environment
- PMD6: Development in the Green Belt
- PMD7: Biodiversity, Geological Conservation and Development
- PMD8: Parking Standards
- PMD9: Road Network Hierarchy
- PMD10: Transport Assessments and Travel Plans
- PMD13: Decentralised, Renewable and Low Carbon Energy Generation
- PMD 14: Carbon Neutral Development
- PMD15: Flood Risk Assessment
- PMD16: Developer Contributions

### 5.11 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.

### 5.12 Thurrock Design Strategy

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

## 6.0 ASSESSMENT

### 6.1 Procedure:

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

- 6.2 The development is considered to be development requiring an Environmental Impact Assessment (EIA), therefore the application has been accompanied by an Environmental Statement (ES). The ES considers the environmental effects of the proposed development during construction and on completion and includes measures either to prevent, reduce or offset any significant adverse effects on the environment.
- 6.3 The Council has a statutory duty to examine the ES submitted with the application and reach a reasoned conclusion on the significant effects of the proposed development on the environment that are likely to arise as a result of the proposed development. If planning permission is to be granted, the Council must ensure that all appropriate mitigation and monitoring measures are secured. EIA is, therefore, an integral component of the planning process for significant developments. EIA leads to improved decision making by providing the development management process with better information. EIA not only helps to determine whether development should be permitted, but also facilitates the drafting of planning conditions and planning obligations in order to control development, avoid or mitigate adverse effects and enhance beneficial effects. Therefore, it is vital that the environmental issues raised by the application are assessed in a robust and transparent manner.
- 6.4 In order to fulfil the requirements of the EIA Regulations it is necessary to ensure (a) that the Council has taken into account the environmental information submitted, and (b) that any planning permission granted is consistent with the development which has been assessed. To achieve this second objective the Council has the ability to impose planning conditions and secure other mitigation measures through planning obligations in a s106 agreement.

6.5 The assessment below covers the following areas:

- I. Principle of the development and impact on GB;
- II. Landscape and visual impact;
- III. Traffic impact, access and parking;
- IV. Agricultural land classification;
- V. Effect on neighbouring properties;
- VI. Flood risk;
- VII. Archaeology;
- VIII. Built Heritage assets;
- IX. Ecology;
- X. Planning obligations; and
- XI. EIA matters.

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

6.6 There is a need for energy production in the UK and this is supported within planning policies to secure production, including energy from varied and low carbon sources. Paragraph 148 of the NPPF states *The planning system should support the transition to a low carbon future in a changing climate and support renewable and low carbon energy and associated infrastructure.* Paragraph 151 states plans should seek *To help increase the use and supply of renewable and low carbon energy and heat,* CSTP26 states *As part of the shift to low-carbon future and to tackle climate change, the Council will encourage opportunities to generate energy from non-fossil fuel and low-carbon sources.* Part. II of CSTP26 requires that *The Council will promote the delivery of renewable and low-carbon energy developments utilising technology such as solar panels, biomass heating, small-scale wind turbine, photovoltaic cells, Combined Heat and Power and other methods.* However, this encouragement of renewable energy generation is still subject to GB policies.

6.7 Under the heading of the impact of the proposals on the GB, it is necessary to refer to the following key questions:

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

1. Whether the proposals constitute inappropriate development in the GB

- 6.8 The site is identified on the LDF 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.
- 6.9 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 a local planning authority should regard the construction of new buildings as inappropriate in the GB.
- 6.10 Paragraph 147 states *“When located in the Green Belt, elements of many renewable energy projects will comprise inappropriate development. In such cases developers will need to demonstrate very special circumstances if projects are to proceed. Such very special circumstances may include the wider environmental benefits associated with increased production of energy from renewable sources”.*
- 6.11 Given the above the proposal would comprise inappropriate development with reference to the NPPF and Policy PMD6.
2. The effect of the proposals on the open nature of the GB and the purposes of including land within it
- 6.12 Having established that the proposals are inappropriate development, it is necessary to consider the matter of harm. Inappropriate development is, by definition, harmful to the GB, but it is also necessary to consider whether there is any other harm to the GB and the purposes of including land therein.
- 6.13 As noted above, paragraph 133 of the NPPF states that the fundamental aim of GB policy is to prevent urban sprawl by keeping land permanently open; the essential characteristics of GBs being described as their openness and their permanence. The proposals would comprise a substantial amount of new 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.

- 6.14 In terms of the bullet points above, openness in a spatial sense would be affected by the proposals which comprise a large development on what is presently open GB land. In terms of the visual aspect of openness, due to the nature of the site the visual effects would be limited as there are limited vantage points whereby the proposal would be viewable in its entirety.
- 6.15 The duration of the proposal is for a temporary period of 35 years operation. The site would then be returned to its present 'open' state. Although 35 years is still a considerable period of time, it is a very different proposal to a permanent building and therefore means the land would eventually be returned to undeveloped GB.
- 6.16 The degree of activity to be generated by the development would differ through the construction and operational phases. There would be some traffic generation during construction, which is likely to take approximately 40 weeks. However, this would not be excessive with 7 HGV movements a day (14 two way movements). When operational, there would be minimal vehicle movements associated with the site. Therefore, it is not considered that the proposal would impact openness in terms of activity generated, especially when the lifetime of the proposal is taken into account, the impact is negligible.
- 6.17 Paragraph 134 of the NPPF sets out the five purposes which the GB serves as follows:
- a. to check the unrestricted sprawl of large built-up areas;
  - b. to prevent neighbouring towns from merging into one another;
  - c. to assist in safeguarding the countryside from encroachment;
  - d. to preserve the setting and special character of historic towns; and
  - e. to assist in urban regeneration, by encouraging the recycling of derelict and other urban land.
- 6.18 In response to each of these five purposes:
- a. to check the unrestricted sprawl of large built-up areas*
- 6.19 The site is located within a rural area outside the village of Bulphan. 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 built form on the site, albeit temporary.
- b. to prevent neighbouring towns from merging into one another*

6.20 On a broad geographical scale the site lies in between the towns of Basildon, Upminster and South Ockendon, however the proposal does not adjoin any of these towns. The development would not conflict with this Green Belt purpose to any material or significant degree.

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

6.21 With regard to the third GB purpose, the proposal would involve built development on parts of the site which are currently open and free of any built form. The term “countryside” can conceivably include different landscape characteristics (e.g. farmland, woodland, marshland etc.) and there can be no dispute that the site comprises “countryside” for the purposes of applying the NPPF policy test. The proposal would lead to a large area being covered with panels which are 3m in height. It is clear that the level of development proposed would encroach upon the countryside in this location and would constitute material harm to the openness and rural character of the GB. The development would consequently conflict with this purpose.

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

6.22 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*

6.23 In general terms, the development could occur in the urban area, but there is a spatial imperative why GB land is required to accommodate the proposals. There are no sites in the urban area of 138 hectares which have convenient access to a grid connection with the scale of sub-station required to handle 49.9MW. Therefore, the proposed development does not conflict with the fifth purpose of the Green Belt.

6.24 In light of the above analysis, it is considered that the proposals would clearly be harmful to openness and would be contrary to purpose (c) 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 GB is clearly outweighed by other considerations so as to amount to the Very Special Circumstances (VSC) necessary to justify inappropriate development

6.25 Neither the NPPF nor the Adopted Core Strategy provide guidance as to what can comprise ‘very special circumstances’ (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 very special circumstances (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 sites leading to a decrease in the openness of the Green Belt. The provisions of VSC which are specific and not easily replicable may help to reduce the risk of such a precedent being created. Mitigation measures designed to reduce the impact of a proposal are generally not capable of being VSC. Ultimately, whether any particular combination of factors amounts to VSC will be a matter of planning judgment for the decision-taker.

6.26 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*".

6.27 The Planning Statement sets out the applicant's VSC case which is listed and then assessed below:

1. Increasing Renewable Energy Generation
2. Climate Emergency
3. Energy Security
4. Best Available Technology
5. Good Design
6. Alternatives
7. Temporary and Reversible Impacts
8. Biodiversity Net Gain
9. Soil Regeneration
10. Green Infrastructure
11. Farm Diversification
12. Transmission Vs Distribution Connection

1. *Increasing Renewable Energy Generation (the Proposed Development would supply up to 49.9MW to the National Grid, providing the equivalent annual electrical needs of approximately 16,100 family homes in Thurrock. The anticipated CO2 displacement is around 23,600 tonnes per annum, which*

*represents an emission saving equivalent of a reduction in c.7,800 cars on the road every year).*

- 6.28 The applicant considers the creation of renewable energy generation should be afforded significant weight in the planning balance.
- 6.29 A Committee on Climate Change 'Progress Report' 2020 states that the path to achieving net-zero emissions by 2050 will necessarily entail a steeper reduction in emissions over the intervening three decades and to reach the UK's new Net Zero target. Reaching net-zero emissions in the UK will require all energy to be delivered to consumers in zero carbon forms (i.e. electricity, hydrogen, hot water in heat networks) and come from low carbon sources (i.e. renewables and nuclear etc).

### Consideration

- 6.30 The generation of renewable energy is promoted throughout local and national planning policies. Paragraph 154 of the NPPF confirms that applicants do not need to demonstrate the need for renewable or low carbon energy. Even small-scale projects provide a valuable contribution to cutting greenhouse gas emissions. The NPPF states that commercial scale projects outside of planned areas, need to demonstrate that the proposed location meets the criteria used in identifying suitable areas.
- 6.31 The proposal is for a large scale solar farm and policy CSTP26 *Renewable or Low-Carbon Energy Generation* states that the Council will promote the delivery of renewable and low-carbon energy developments utilising technology such as solar panels. The policy also states that the Council will view an application as unacceptable where it produces a significant adverse impact that cannot be mitigated, including cumulative landscape or visual impacts. It is considered that the provision of a large scale solar farm and the benefits of renewable energy generation can be given significant positive weight in the planning balance.

### *2. Climate Emergency*

- 6.32 In May 2019 a national climate emergency was declared by the UK Parliament. MPs called on Government to make changes that included the setting of a radical and ambitious new target of reaching net zero emissions before 2050. Thurrock Council declared a Climate Emergency in October 2019 which requires that the Council's activities become net-zero carbon by 2030. The Council recognised the need to consider strategies and actions which are currently being developed by the Council and other partner organisations and develop a strategy in line with a target of net-zero carbon by 2030. The applicant considers that this is afforded substantial weight in the planning balance.

### Consideration

- 6.33 The proposal would supply up to 49.9MW to the National Grid, which is the equivalent of the annual electrical needs of approximately 16,100 family homes. This is a significant contribution towards increasing the proportion of renewable and low carbon energy generation to reduce the consumption of fossil fuels and the associated carbon footprint. Whilst it is agreed that Council has declared a climate emergency, this is not a planning 'policy' and amounts to substantially the same matter as covered within (1) above. Therefore, it can be given moderate positive weight to the planning balance.

### *3. Energy Security*

- 6.34 The applicant considers that the proposal supplies clean renewable energy to the National Grid, comprising secure, distributed and diversified energy generation which accords with the Government's policy on energy security as identified within NPS EN-1 which explains the need for energy security allied with a reduction in carbon emissions. They consider this should be afforded substantial weight in the planning balance.

### Consideration

- 6.35 There is an undisputed need for new energy generation sources including renewables. A large resource such as that proposed would aid both energy security and the amount of energy provided by renewable sources within the Borough as required by national and local policies. It is agreed that the contribution to energy security should be afforded substantial weight in the planning balance.

### *4. Best Available Technology*

- 6.36 The applicant states that the proposal comprises the latest best available technology that delivers greater levels of solar efficiency by utilising a solar tracking system, together with bifacial panels which, between them increase continuous electrical productivity by 20-25% when compared to traditional fixed solar arrays. This maximises renewable energy production from the site whilst providing security of supply in accordance with Government Policy in reducing the reliance on fossil fuel generation as back up, thereby avoiding the adverse environmental and climate effects. The applicant considers this should be afforded significant weight in the planning balance.

### Consideration

- 6.37 Solar technology is always evolving, as with any technology, especially ones which are future climate change focussed. The tracking system would enable the system to enable increased productivity and the efficiency of production. Whilst the applicant considers this should be afforded significant weight, Officers consider that this is an 'operational' factor, rather than a consideration which relates to GB matters. Therefore no positive weight can be attached to using the best technology.

### *5. Good Design*

- 6.38 The overall design and layout of the site has been thought out to minimise harm and provide significant benefits to the development as a whole. The applicant considers this should be afforded moderate weight in the planning balance.

#### Consideration

- 6.39 The applicant has designed the proposal to best meet with all planning policies, so to maximise output and avoid any unacceptable impacts to any nearby properties and the wider area. Any such proposal of this scale, would obviously have impacts, but these need to be balanced with the benefits of such a scheme. It is agreed this can be granted some positive weight.

### *6. Alternatives*

- 6.40 The applicant has, in the ES at Chapter 3 (Document Ref: R007), set out the alternatives considered as part of the evolution of the design and location of the proposed development. This includes an explanation of the alternative sites considered. Overall, it concludes that within the defined Study Area, there are no alternative sites which are suitable and available for the proposed development. The applicant considers this should be afforded substantial weight in the planning balance.

#### Consideration

- 6.41 In terms of a proposal such as the current application, the planning considerations are complex and far reaching. The applicant has investigated other sites within the locality and concludes there are no alternative sites which could accommodate the proposal. The solar farm requires a large area for the solar panels themselves and the necessary connection to the grid via a sub-station with sufficient capacity to allow the solar farm to function. In this case, the site would connect to the Warley sub-station located west of Upminster and c.1.9km from the application site. This sub-station connects to the National Grid. The lack of alternative appropriate sites for a resource such as the proposed should be afforded significant weight.

## 7. *Temporary and Reversible Impacts*

- 6.42 The solar farm is proposed for a lifetime of 35 operational years. After the 35-year period the generating station would be decommissioned. All electricity generating equipment and built structures associated with the proposed development would be removed from the site and it would continue in agricultural use. It is therefore considered that the proposal is a temporary development. This also aligns with paragraph 13 of the Planning Practice Guidance which states that solar farms are normally temporary structures and planning conditions can be used to ensure that the installations are removed when no longer in use and the land is restored to its previous use. Construction traffic associated with the solar farm would be limited to the construction period of 40 weeks and will not have a material effect on the safety or operation of the local highway network. The applicant suggests this is afforded substantial weight in the planning balance.

### Consideration

- 6.43 The temporary nature of the proposal, albeit for 35 years, is a matter which weighs in favour of the proposal. The solar farm would not have some of the impacts associated with many traditional built-development proposals and would be conditioned to return the area back to open land after 35 years. Officers consider this can be afforded some positive weight.

## 8. *Biodiversity Net Gain*

- 6.44 The applicant sets out a number of biodiversity benefits within the accompanying Landscape and Ecological Management Plan (LEMP Document Ref: R009). The LEMP sets out how the proposal would lead to significant enhancement of the biodiversity of the site. This is demonstrated by the Net Biodiversity Gain Statement contained within the Ecological Appraisal Report (Document Ref. R012), which concludes that there will be a net gain of 57.3% for habitats and 112% for hedgerows through the implementation of the Proposed Development. This is afforded substantial weight in the planning balance.

### Consideration

- 6.45 Both the NPPF and Core Strategy Policy PMD7 require, when determining planning applications that local planning authorities aim to conserve and enhance biodiversity by applying a number of principles including the encouragement of opportunities to incorporate biodiversity in and around developments. The Council's Landscape and Ecology Advisor has confirmed that the site is presently of low ecological value and the mitigation and enhancement put forward would increase biodiversity net gain of the site. Therefore, Biodiversity Net Gain should be afforded moderate weight within

the planning balance.

### 9. *Soil Regeneration*

- 6.46 The Soil Strategy for England, which builds on Defra's 'Soil Action Plan for England (2004-2006)', sets out an ambitious vision to protect and improve soil to meet an increased global demand for food and to help combat the adverse effects of climate change.

The Agricultural Land Classification Report, (ALC report Ref: R014), states the greatest benefits in terms of increase in soil organic matter (SOM), and hence soil organic carbon (SOC), can be realised through land use change from intensive arable to grasslands. Likewise, SOM and SOC are increased when cultivation of the land for crops (tillage) is stopped and the land is uncultivated (zero tillage). Global evidence suggests that zero tillage results in more total soil carbon storage when applied for 12 years or more. Therefore, there is evidence that conversion of land from arable to grassland which is uncultivated over the long-term (>12 years), such as that under solar farm arrays, increases SOC and SOM. The applicant considers this is afforded moderate weight in the planning balance.

#### Consideration

- 6.47 The site is within soil categorisation 3b and therefore within the lower grades agricultural land which does not require the special consideration given to Best and Most Versatile soils within Grades 1, 2 and 3a. Additionally, the opportunity to leave the land fallow for a number of years could allow the land to regenerate to being an agricultural land resource in the future. However, the opportunity to leave the land fallow does not require a solar farm and the Council considers this factor has no positive weight towards in the planning balance.

### 10. *Green Infrastructure*

- 6.48 The enhanced landscape structure will greatly improve green infrastructure corridors and connectivity across and within the site and therefore the applicant considers this should be afforded considerable weight in the planning balance.

#### Consideration

- 6.49 Policy CSSP5 seeks to safeguard biodiversity and create ecosystem opportunities and Policy PMD7 requires significant biodiversity habitat to be retained or if this is not possible, any loss is mitigated. The development would lead to biodiversity net gain and the green infrastructure corridors would be improved. Therefore, this can

factor be afforded moderate positive weight.

### 11. Farm Diversification

6.50 Renewable energy is an important form of farm diversification, recognised by the National Farmers Union (NFU) as an important step towards making British agriculture carbon neutral within two decades. As farming is responsible for around a tenth of UK greenhouse gas emissions, supporting renewable energy farm diversification projects will be a vital step to reaching net zero. This should be afforded moderate weight in the planning balance.

#### Consideration

6.51 The adopted Core Strategy does not have any specific policies concerning farm diversification. The NPPF in *Supporting a prosperous rural economy*, paragraph 83 states *Planning policies and decisions should enable:*  
*b) the development and diversification of agricultural and other land-based rural businesses.*

As the applicant has stated, farming is responsible for a significant percentage of carbon production and marginal farming land can be redirected to offset this. Therefore, it is agreed that this can be afforded moderate positive weight in the planning balance.

### 12. Transmission Vs Distribution Connection

6.52 The advantage of connecting into the National Grid (Transmission) Network rather than the Distribution Network is that once a connection is identified, then a search can begin to identify the most suitable solar development land. This avoids considerable delays in securing both the connection with the Distribution Network Operator (DNO), land and ultimately the delivery of renewable energy to meet the UK's net zero target. This is afforded moderate weight in the planning balance.

#### Consideration

6.53 There is a separate application over the borough boundary to connect to the national grid. The solar farm would generate 49.9MW and this means the proposal should be ideally connected to the National Grid (Transmission) Network to ensure the plant connects directly into the Grid, rather than via the Distribution Network. This is important in terms of the efficiency of the proposal that the central system utilised. This factor links to some other of the considerations brought forward by the applicant

in terms of why this site has been proposed. It is agreed this can be given moderate positive weight.

6.54 A summary of the weight which has been placed on the various GB considerations is provided below:

<b>Summary of Green Belt Harm and Very Special Circumstances</b>			
<b>Harm</b>	<b>Weight</b>	<b>Factors Promoted as Very Special Circumstances</b>	<b>Weight</b>
Inappropriate development, harm to openness and conflict with Green Belt – purpose c.	Substantial	1. Increasing Renewable Energy Generation	Significant weight
		2. Climate Emergency	Moderate weight
		3. Energy Security	Substantial weight
		4. Best Available Technology	No weight
		5. Good Design	Some weight
		6. Alternatives	Significant weight
		7. Temporary and Reversible Impacts	Some weight
		8. Biodiversity Net Gain	Moderate weight
		9. Soil Regeneration	No weight
		10. Green Infrastructure	Moderate weight
		11. Farm Diversification	Moderate weight
		12. Transmission Vs Distribution Connection	Moderate weight

6.55 As ever, in reaching a conclusion on GB issues, a judgement as to the balance between harm and whether the harm is clearly outweighed must be reached. In this case there is harm to the GB with reference to inappropriate development and loss of openness. Several factors have been promoted by the applicant as considerations and it is for the Committee to judge:

- i. the weight to be attributed to these factors;



- ii. whether the factors are genuinely 'very special' (i.e. site specific) or whether the accumulation of generic factors combine at this location to comprise 'very special circumstances'.

6.56 Taking into account all GB considerations, Officers are of the opinion that the identified harm to the GB is clearly outweighed by the accumulation of factors described above, so as to amount to the very special circumstances justifying inappropriate development.

## II. LANDSCAPE AND VISUAL IMPACT

6.57 Landscape and Visual Impact was the only topic to be scoped into the Environmental Statement. In consultation with the Council's Landscape and Ecology Advisor, it was agreed that the Land of the Fanns Landscape Character Assessment would be most appropriate published study for this site rather than Thurrock Council's Landscape Capacity Study. Additional viewpoints were requested to confirm potential effects from rights of way including one closer to Orsett. The Landscape and Visual Impact Assessment (LVIA) methodology is considered appropriate.

### Baseline

6.58 Thurrock Reclaimed Fens, as the site is referred to within the Fanns Landscape Character Assessment, forms a low lying inland basin which contrasts with the rising land of the Brentwood Wooded Hills to the north, Ockendon Rolling Farmland to the west, Langdon Hills to the east and Orsett Lowland Farmland to the south.

6.59 The Landscape Character Assessment (LCA) considers the area to be of a moderate-low landscape quality. This is as a result of *'intensive farming and gradual loss of defining characteristics which reflected its wetland past.'* The LCA did not consider sensitivity or susceptibility. The LVIA therefore has attempted to establish this and suggests that the ability of the landscape to accommodate low level development would be of a medium-low susceptibility.

6.60 The landscape has suffered from intensive farming practices and many of the historic field boundaries have been removed. Nonetheless, the area retains an open character and the landform is relatively intact and has not been subject to the effects of activities such as mineral extraction. The Land of the Fanns LCA deems the open expansive views to be one of the characteristics that makes the Thurrock Reclaimed Fens special.

### Impact

- 6.61 The character of the application site is low-lying and expansive fenland landscape, therefore the Zone of Theoretical Visibility (ZTV) is large. However, given the relatively low height of the solar arrays and associated structures the Zone of Visual Influence (ZVI) itself is smaller, this is agreed by the Council's Landscape and Ecology Advisor, as shown in Figure 6.4 (Document R008).
- 6.62 The existing hedges and landscape patterns would aid the accommodation of development such as a solar farm due the low heights of the various elements. Nonetheless, at 138 hectares, this is a large scale development and therefore the sensitivity would be higher. While the effects on landscape character are localised, it is accepted that the scheme would have large scale effects within the site and immediate surroundings. This is a fundamental change from an agricultural landscape to a solar farm and would be a new feature in a predominantly rural landscape.
- 6.63 The Council's Landscape and Ecology Advisor has stated that whilst they agree with the LVIA conclusion that the effects on landscape character for the site and within approximately 250m of the boundaries would be high-medium magnitude of moderate significance. These effects would decrease as the distance from the site increases. They consider the magnitude to be closer to high and at the high end of moderate significance due to the scale of scheme.
- 6.64 The visual effects would be similar to those of landscape character, with the main effects being to viewpoints close to or within the site. The visual effects would be most significant for users of the public rights of way, up to major-moderate, as they will directly experience the new expansive development. Comprehensive landscape and ecology mitigation measures such as tree and hedge planting have been proposed, but these will take time to establish.
- 6.65 The Council's draft Landscape Sensitivity Evaluation considered that solar farms over 5ha would have a moderate sensitivity, which would increase with scale. This scheme is significantly larger and therefore it is considered that the sensitivity would be at the highest end of moderate. Nonetheless, it is accepted that the design has sought to consider changes in topography, existing hedges and other features to reduce effects.

#### Mitigation

- 6.66 There are a number of mitigation measures within the proposal in terms of the landscape and visual impacts. There would be planting of hedgerows and woodland as well as improved grassland, wildflower and scrub areas. This includes enhancement of existing hedgerows, creation of a substantial green corridor along PRow from Bulphan, and planting of substantial areas of neutral grassland

underneath the solar panels and neutral grassland with wildflowers and scrub throughout the site. The Landscape and Ecology Management Plan (LEMP – document R009) details the short and long term management of new and existing habitats. The objective of the LEMP is to help integrate the development into its surrounding landscape, minimise potential negative visual and landscape impacts (in so far as possible) and enhance the existing landscape structure, amenity value and biodiversity.

- 6.67 The Council's Landscape and Ecology Advisor concludes *'The proposed mitigation would enhance visual interest for those using the rights of way. Changes in farming practice and the need to increase measures to tackle climate change also need to be taken into account; even in a 'do-nothing' option it is likely that the character of this area will change. The most significant potential cumulative effects would arise from the construction of the Lower Thames Crossing (LTC) immediately adjacent to the site'*.

#### Residual Impact

- 6.68 The LCA considers the area to be tranquil and containing dark skies. This scheme would not generate noise or traffic and will be unlit. It is considered therefore that it would not adversely affect these qualities. Guidance to conserve and enhance character includes preserving and enhancing the network of hedgerows and hedgerow trees, coverts of deciduous woodland, ponds and improving access. The design and mitigation measures have sought to deliver these enhancements.
- 6.69 The Council's Landscape and Ecology Advisor concludes *'that this large-scale scheme would have effects that would be important for local residents and rights of way users as it will alter the character markedly and the proposed mitigation will take several years to establish to achieve the most effective screening. The separate LCAs each recognise however that the existing landscape, dominated by intensive agriculture, has lost many of its historic landscape features such as fen and hedgerows. As a result its landscape quality is relatively low despite the area being relatively undeveloped'*.
- 6.70 The proposal is within an undeveloped part of Thurrock, which is unfortunate. The design and mitigation methods put forward have sought to minimise harm and restore and enhance landscape features. When balancing the landscape and visual effects with the need to produce cleaner energy it is not considered that objection to the scheme on landscape and visual grounds could be substantiated.

### III. TRAFFIC IMPACT, ACCESS AND PARKING

- 6.71 The highways issues relating to this development proposal are predominantly for the

construction and the decommissioning phases of the development. There would be two construction vehicle access points on Fen Lane. Most of construction vehicles would access the site via an existing agricultural access on Fen Lane to the east of the junction with Dunnings Lane which is within Thurrock. This access is already used by large vehicles and is considered suitable for HGVs.

- 6.72 The applicant has confirmed there would be an average of 5 to 6 HGVs per day (10 to 12 two-way movements) during the construction phase of 40 weeks. The operational period would require a small amount of vehicular movements; it is likely there would be two LGV movements a month. There are concerns from local residents regarding the routing of the HGVs through Bulphan village itself and the A128, however this is the most direct and practical route. It is of a suitable width without weight or height restrictions and is therefore considered appropriate to accommodate vehicles associated with the construction phase. Other routes were investigated by the applicant, but these roads are not suitable for larger vehicles. The applicant's Construction Traffic Management Plan (CTMP) states HGV construction traffic would be routed to avoid right turns onto the A128 on the outbound trip and via A13 so left hand turns only.
- 6.73 The timings of the HGV movements would be restricted to times outside of school hours and rush hour, so only between 9.30am and 2.30pm Mondays to Fridays and 8am to 1pm on Saturdays, with none allowed on Sundays or Bank Holidays. There would also be road condition surveys required by condition to ensure that if any damage does occur to the highway that is put right at the cost of the applicant.
- 6.74 It is concluded that, subject to planning conditions, construction traffic associated with the proposal would not have a material effect on the safety or operation of the local highway network.

#### IV. AGRICULTURAL LAND CLASSIFICATION

- 6.75 The Planning Practice Guidance (PPG) identifies a number of factors which should be taken into account by local planning authorities when determining applications for large-scale PV solar farms, including encouraging the effective use of land by focussing large scale solar farms on previously developed and non-agricultural land, provided that it is not of high environmental value. The PPG highlights that best quality agricultural land (Grades 1, 2 and 3a) should be preserved with preference being given to areas of poorer quality land (Grades 3b, 4 and 5).
- 6.76 Based on the submitted site specific Agricultural Land Classification report all the land within the proposal site is classified as grade 3b. The findings of the detailed site-specific land classification study report show that the land is capable of being developed as a solar farm as its temporary loss will not adversely affect agricultural

productivity in the area. The DCLG publication 'planning practice guidance for renewable and low carbon energy' (July 2013), recognises that solar farms are temporary structures. At the end of the 35 year period of the panels being in place, the land would be restored to its existing agricultural use and this will be controlled by a condition.

#### V. EFFECT ON NEIGHBOURING PROPERTIES

- 6.77 Whilst the site is rural in nature there are some properties nearby, notably Fen Farm and Cottages and Judds Farm. The Council's Environmental Health Officer has confirmed that in terms of noise they do not consider the proposal would lead to any unacceptable noise to any sensitive receptors.
- 6.78 In terms of visual effects to these nearby properties, there would be an effect to their outlook where it is towards the solar panels. However, these would be set back at least 10m from the boundary of the proposal site and therefore this means the set back from the properties would be considerable. The panels would not be within close proximity to Fen Farm and Cottages and Judds Farm and the effect would not be unreasonable.
- 6.79 The glint and glare from the solar panels is very little. They are made up of silicon-based PV cells that are encased in a glass covering. Glass does not have a true specular reflection but does reflect a certain magnitude of light. The manufacturers of the panels use anti-reflective coating in the glass that changes the reflectivity from specular distribution to diffuse distribution. Therefore, as light falls onto the solar panels, most of the sunlight is transmitted to the cell beneath the glass with only a small amount reflected back in a multiple of angles and magnitudes. The result is an object that is perceived to have very little glare.

#### VI. FLOOD RISK

- 6.80 Part of the site lies within Flood Zone 3, the high probability zone. The Environment Agency have confirmed a solar farm is considered to be 'essential infrastructure' land use in Table 2: Flood Risk Vulnerability Classification of the Planning Practice Guidance. It is therefore necessary for the application to pass the Sequential and Exception Tests, which is the responsibility of the Council. The Environment Agency do not object.

#### Sequential Test

- 6.81 The proposal has to be in its proposed location due to the available capacity in the national grid in the area, owing to its close proximity to the electricity distribution station just to the north west of the site. Additionally, there are no known available

sites of 138 hectares which are located wholly within an area of lower flood risk. Therefore, it is considered that the Sequential Test is passed.

### Exception Test

6.82 The Flood Risk Vulnerability Classification requires that the Exception Test is also applied. The NPPF states that:

*“For the exception test to be passed it should be demonstrated that:*

- a) the development would provide wider sustainability benefits to the community that outweigh the flood risk; and*
- b) the development will be safe for its lifetime taking account of the vulnerability of its users, without increasing flood risk elsewhere, and, where possible, will reduce flood risk overall”*

6.83 The design of the proposed layout has incorporated any vulnerable parts of the proposal in the areas at lowest risk of flooding. So, the substation and battery storage area would be located outside areas at risk of fluvial flooding, reservoir flooding and the tidal breach extent. The solar panels would be elevated on framework at least 0.8m above ground level, and, therefore, would not impede any surface water flowpaths or displace any ponding of surface water. The Flood Risk Assessment demonstrates that the development would not result in any increase in flood risk off-site or it increase flood risk on-site. Therefore, the proposal is considered to meet the exception test.

6.84 In terms of surface water drainage, the Council’s Flood Risk Manager has confirmed that they do not object to the proposal with a condition regarding landscaping details, soil management plan, maintenance plan, the details of organisation responsible for maintenance and a confirmation that site will be maintained during its installation and operational period has been submitted to, and approved in writing by, the local planning authority.

## VII. ARCHAEOLOGY

6.85 The Historic Environment Record shows that the proposed development covers a large area of the Bulphan Fen where very little archaeological research has been undertaken. The one piece of archaeological work on the edge of the development area has shown the presence of Bronze Age occupation within a thin pipeline corridor. The Heritage statement has not only identified the potential of field 4 but has also identified the site of the former farm of Castle’s Farm. The date of Castle’s Farm remains unclear and it would be hoped that development could avoid this area if this is identified as being of medieval or earlier date. Castle Farm was Castle Field in 1429 and the Place name Bulphan derives from marshland marked by a *burh* or

fortified place which raises the question whether Castle Farm lies on the site of the former *Burh*.

- 6.86 The Council's Archaeology Advisor has confirmed they have no objections to the proposal with conditions to mitigate any possible effect to archaeology.

#### VIII. BUILT HERITAGE ASSETS

- 6.87 The Council's Historic Buildings Advisor has advised *there is a lack of visibility between the designated heritage assets, resulting from the tall hedges and trees within the study area, the site would be obscured from view. In addition, views of the designated heritage assets from within the site are equally obscured. Due to hedges and trees, there is no view of the spire of Grade I Listed church of St Mary in Bulphan (List Entry 1111617) and any views of the church from the site are not considered to have historic significance.*

- 6.88 The development proposed would not have a negative impact on the setting of the designated heritage assets and would not result in harm to their significance. The development would result in less than substantial harm to the non-designated heritage assets within the site and this harm should be weighed against the public benefits of the proposed development, in line with local policies and Paragraph 196 of the NPPF. Therefore, it is considered any effect to built heritage assets are outweighed by the public benefits of cleaner energy generation.

#### IX. ECOLOGY

- 6.89 Ecological surveys were undertaken to support the application. These found that most of the existing habitats were of generally local ecological value, being dominated by arable and improved grassland. Habitats of Principal Importance included hedgerows (although these were species poor and often poorly maintained) and ponds, two of which contained Great Crested Newts. One badger sett was recorded and an assemblage of 11 nesting bird species of principal importance. While no water vole were recorded these were scoped in due to part records of presence within the Mardyke.
- 6.90 Mitigation measures have been incorporated into the Landscape and Ecological Management Plan (LEMP). These include measures to buffer and enhance existing hedges, and the planting of new hedges, creating woodland buffers, ecologically appropriate grassland throughout the site and buffers around existing ponds and watercourses. Measures have been incorporated to benefit a range of protected species. It is agreed that the proposed measures should result in some beneficial effects.

- 6.91 Given the poor condition and generally low value of the existing habitat it is agreed that proposed ecological mitigation and enhancement measures should result in a significant biodiversity net gain. The Council's Landscape and Ecology Advisor has stated that, should the scheme be permitted, it is important that the LEMP is reviewed in light of the emerging Lower Thames Crossing mitigation for the area; in particular this could see increased potential for water vole along the Mardyke. In view of the above there is no objection to the proposal on ecology grounds.

#### X. PLANNING OBLIGATIONS

- 6.92 The applicant has offered a Community Benefit Agreement, with suggestions of a contribution towards Bulphan in Bloom or children's play equipment in a local park. However, it is not considered that the proposed agreement would meet the tests as the NPPF requires that any S106 agreement should be:

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

The Community Benefit Fund would not meet any of the requirements of a S106 agreement.

#### XI. EIA MATTERS

- 6.93 In coming to its view on the proposed development the local planning authority has taken into account the content of the ES submitted with the application, further information to the ES, as well as representations that have been submitted by third parties. The ES considers the potential impacts of the proposal and sets out appropriate mitigation measures.
- 6.94 The ES considers the impact of the development in terms of landscape and visual matters. Subject to appropriate mitigation which can be secured appropriate planning conditions, the ES concludes that any impact arising from the construction and operation of the development would be within acceptable limits and would not be significant. Having taken into account representations received from others, Officers consider that the proposed development is acceptable, subject to referral to the Secretary of State and compliance with a number of planning conditions to be imposed upon any consent granted.

### 7.0 CONCLUSIONS AND REASONS FOR APPROVAL

- 7.1 The proposals would comprise inappropriate development in the GB. Furthermore,



the proposed development would lead to a loss of openness and would, to a degree, be harmful to purpose (c) of including land within the Green Belt. Substantial weight should be attached to this harm in the balance of considerations.

- 7.2 The applicant has cited a number of factors which are promoted as comprising very special circumstances which outweigh the harm to the GB. It is considered that significant weight should be attached to the benefits of providing renewable energy, including the reduction in carbon emissions. The temporary nature of the development attracts some weight and weight can also be attached to the economic, social and environmental benefits of the proposals. On balance it is concluded on this point that the benefits of the proposals clearly outweigh the substantial harm to the Green Belt described above, and therefore a departure from normal GB policies is justified.
- 7.3 There are no objections to the proposals on the grounds of impact on amenity, heritage assets, flood risk or the surrounding highways network. The proposals also have the potential to provide benefits to ecology in the form of habitat creation and the proposals would ensure the continued agricultural use of the land. Finally, the proposals would not result in any material harm to landscape and visual receptors.

## **8.0 RECOMMENDATION**

8.1 Grant planning permission subject to:

- (i) Referral to the Secretary of State under the terms of the Town and Country Planning (Consultation) (England) Direction 2009; and
- (ii) Subject to the application not being called-in by the Secretary of State for determination, grant planning permission subject to the following conditions:

### **TIME LIMIT**

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

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

### **PLANS LIST**

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

<b>Plan Number(s):</b>		
Reference	Name	Received
BF1.0 Rev v.b	Consolidated Location Plan	20 January 2021
BF1.1 Rev v.b	Location Plan 1 (Havering)	20 January 2021
BF1.2 Rev v.b	Location Plan 2 (Thurrock)	20 January 2021
BF2.0 Rev v.b	Consolidated Site Location Plan	20 January 2021
BF2.1 Rev v.c	Consolidated Location Plan 1 (Havering)	20 January 2021
BF2.2 Rev v.c	Consolidated Location Plan 2 (Thurrock)	20 January 2021
BF3.0 Rev 03	PV Elevations	20 January 2021
BF4.0 Rev 01	Inverter/Transformer Stations	20 January 2021
BF5.0 Rev 01	Internal Access Road Detail	20 January 2021
BF6.0 Rev 01	Fence and Gate Elevations	20 January 2021
BF7.0 Rev 01	Weather Station	20 January 2021
BF8.0 Rev 01	Substation Elevations	20 January 2021
BF9.0 Rev 01	Control Room Elevations	20 January 2021
BF10.0 Rev 01	Auxiliary Transformer	20 January 2021
BF11.0 Rev 01	CCTV Elevations	20 January 2021
BF12.0 Rev 01	Battery Container Elevations 40ft	20 January 2021
BF13.0 Rev 01	Storage Container Elevations 40ft	20 January 2021
BF13.0 Rev 01	PV Elevations Ballast	17 May 2021
BF14.0 Rev v.a	Field Topographical Data	20 January 2021
7509_005_D	Landscape and Ecological Enhancement Plan	20 January 2021
No no's	Preliminary Greyscale	17 May 2021

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].

**TEMPORARY PERIOD AND DECOMMISSIONING**

3. Planning permission is hereby granted for a temporary period of 35 years from the first commercial export of energy. No later than one week before the first commercial export of energy the applicant shall supply written notice of the first commercial event. On the 35<sup>th</sup> anniversary of the first commercial export of energy the use shall cease. Prior to the 35<sup>th</sup> anniversary of the first commercial export of energy the solar panels and all ancillary equipment and structures shall be decommissioned and removed

from the site in accordance with the Decommissioning Method Statement agreed pursuant to Condition 4.

Reason: In order to accord with the terms of the submitted planning application and to ensure the satisfactory restoration of this Green Belt site.

#### **DECOMMISSIONING METHOD STATEMENT**

4. Within three months of the cessation of power production on the site a Decommissioning Method Statement shall be submitted to and approved in writing by the local planning authority. The Statement shall include the timing for decommissioning of the solar farm if it ceases to be operational, along with the measures, and a timetable for their completion, to secure the removal of panels, plant, fencing and equipment. Decommissioning shall be carried out in accordance with the approved Statement and details including the timing of works.

Reason: To ensure the satisfactory restoration of the site in the Green Belt in accordance with policy PMD6 of the adopted Thurrock LDF Core Strategy and Policies for the Management of Development [2015].

#### **CONSTRUCTION PERIOD**

5. The construction period shall be no more than 40 weeks unless otherwise agreed in writing by the local planning authority. Notice of commencement of the development must be given to the local planning authority in writing no less than one week before commencement.

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

#### **CONSTRUCTION TRAFFIC MANAGEMENT PLAN [CTMP]**

6. Construction and decommissioning works on site shall only take place in accordance with the CTMP (ref. R005 dated June 2021) and in particular the following elements of that document:
  - Routing of construction vehicles; and
  - Time of HGVs accessing the site

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

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

7. No construction works shall commence until a Construction Environmental Management Plan [CEMP] has been submitted to and approved in writing by the local planning authority in writing. The CEMP should contain or address the following matters:

- (a) Details of construction any access or temporary access, and details of temporary parking requirements;
- (b) Location and size of on-site compounds [including the design layout of any proposed temporary artificial lighting systems];
- (c) Details of any temporary hardstandings;
- (d) Details of temporary hoarding;
- (e) Contact details for site managers including information about community liaison including a method for handling and monitoring complaints;
- (f) Wheel washing facilities; and
- (g) Days and hours of construction activities.

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

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

### **ROAD CONDITION SURVEY**

8. No construction works shall commence until a Road Condition Survey, the details of which to be previously agreed in writing by the local planning authority has been submitted to and approved in writing by the local planning authority. A further Road Condition Survey shall then be submitted within one month of the completion of construction works. Any degradation of existing road surfaces directly due to the impact of construction of the development will be remediated in accordance with details to the previously agreed in writing by the local planning authority.

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].

### **HGV BOOKING SYSTEM**

9. HGV movements from the site shall be limited to a maximum of 14 two-way movements per day (7 in and 7 out movements) A log of HGV movements shall be kept and submitted to the local planning authority for review upon written request. This log shall record details of the registration, origin, destination and operators of each HGV entering and leaving a plot within the site and the time of such movements.

Reason: In the interests of amenity and highway and pedestrian safety, in accordance with policy PMD1 of the adopted Thurrock LDF Core Strategy and Policies for the Management of Development [2015].

### **ACCORDANCE WITH ENVIRONMENTAL STATEMENT**

10. The development hereby permitted shall be carried out in accordance with the recommendations and mitigation measures contained with the Environmental Statement and schemes submitted with the application. Reason: To protect and improve the appearance of the site in the interests of visual amenity of the area and to provide biodiversity enhancement opportunities, in accordance with policy PMD1, PMD2, PMD6 and PMD7 of the adopted Thurrock LDF Core Strategy and Policies for the Management of Development [2015].

### **LANDSCAPE AND ECOLOGICAL MANAGEMENT PLAN (LEMP)**

11. The landscape and ecological mitigation measures and schemes within the LEMP (document R009 Landscape and Ecological Management Plan and plan number 7509\_005\_D) shall be implemented in full in accordance with the approved program with the new planting carried out in the first available planting season after the commencement of the development unless otherwise agreed in writing by the local planning authority and shall be maintained as approved for the duration of the approved development. Any trees or plants, which within a period of five years from the completion of the development die, are removed or become seriously damaged or diseased, shall be replaced in the next planting season with others of a similar size or species unless the local planning authority approves alternatives in writing.

Within 6 months of the first export of energy from the site the applicant shall undertake a review of the LEMP to consider whether there are opportunities for further enhancement as a result of mitigation proposals associated with the Lower Thames Crossing shall be submitted to and approved in writing by the local planning

authority. If this review concludes there are reasonable further enhancements as a result of the Lower Thames Crossing, these enhancements shall be implemented as agreed.

Reason: To protect and improve the appearance of the site in the interests of visual amenity of the area and to provide biodiversity enhancement opportunities, in accordance with policy PMD1, PMD2, PMD6 and PMD7 of the adopted Thurrock LDF Core Strategy and Policies for the Management of Development [2015].

### **ARCHAEOLOGICAL WORK AND MITIGATION**

12. No demolition/development or preliminary groundworks shall take place until the Applicant or their successors in title has secured the implementation of a programme of archaeological work in accordance with a written scheme of investigation and specification which has been submitted to and approved in writing by the local planning authority. Following on from the works of investigation, no demolition/development or preliminary groundworks shall take place until the outcome of the investigations have been submitted to and agreed in writing with the local planning authority. The outcome of the investigations shall also detail any further safeguarding measures to ensure preservation in situ of any important archaeological remains and / or further archaeological investigation, such agreed measures shall be employed in accordance with the agreed scheme and timetable.

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

### **ARCHAEOLOGY – POST EXCAVATION ASSESSMENT**

13. The applicant will submit to the local planning authority a post excavation assessment (to be submitted within six months of the completion of the fieldwork, unless otherwise agreed in advance with the Local Planning Authority). This will result in the completion of post excavation analysis, preparation of a full site archive and report ready for deposition at the local museum, and submission of a publication report.

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

### **EXTERNAL LIGHTING/SECURITY MEASURES**

14. No external artificial lighting or other security measures other than those agreed as part of this permission shall be installed during the operation of the site as a solar PV facility without the prior written agreement of the Local Planning Authority.

Reason: In the interests of amenity and ecology and biodiversity and to ensure that the development can be integrated within its immediate surroundings in accordance with Policies PMD1 and PMD2 and PMD7 of the adopted Thurrock LDF 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:

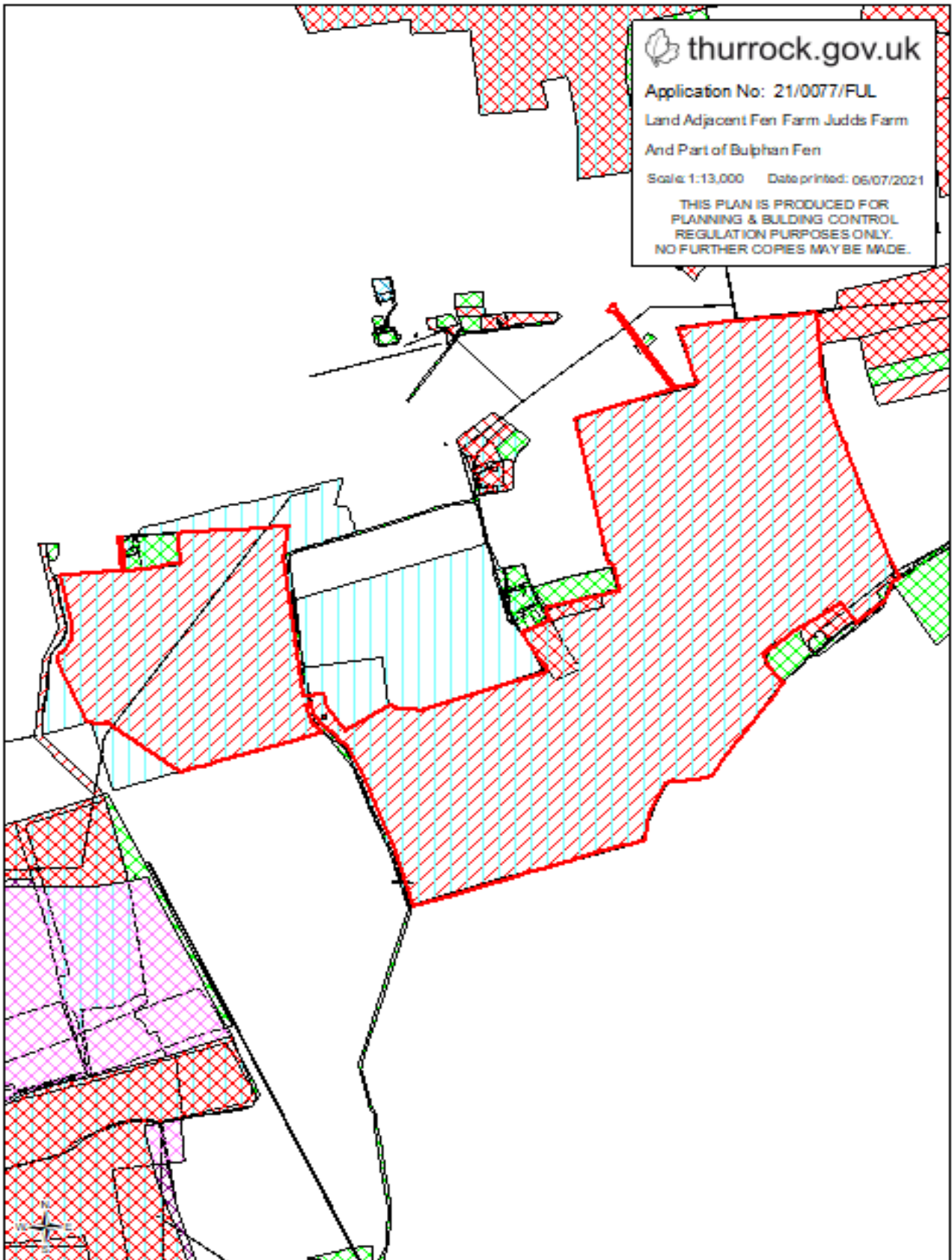
The Local Planning Authority has acted positively and proactively in determining this application by identifying matters of concern within the application (as originally submitted) and negotiating, with the Applicant/Agent, acceptable amendments to the proposal to address those concerns. As a result, the Local Planning Authority has been able to grant planning permission for an acceptable proposal, in accordance with the presumption in favour of sustainable development, as set out within the National Planning Policy Framework.

2. Public Rights of Way The grant of planning permission does not permit any changes, alterations, obstructions, diversions, closures or additional use by motor vehicles of any public rights of way affected by the proposal, the developer is required to contact the Council's public rights of way team for permission prior to undertaking any works.

### **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> 21/00729/LBC	<b>Site:</b> JD Wetherspoons PLC Old State Cinema George Street Grays Essex RM17 6LZ
<b>Ward:</b> Grays Riverside	<b>Proposal:</b> Works to create public house and ancillary areas within existing building, including full internal refurbishment and redecoration scheme and external works including creation of beer garden

<b>Plan Number(s):</b>		
Reference	Name	Received
7055 PL 602	Proposed Plans	5th May 2021
7055 PL 602	Proposed Plans	5th May 2021
7055 PL 603	Proposed Plans	5th May 2021
7055 PL 603	Proposed Plans	5th May 2021
7055 PL 604	Proposed Plans	5th May 2021
7055 PL-01	Location Plan	5th May 2021
7055 PL-02	Site Layout	5th May 2021
7055 PL-16	Proposed Plans	5th May 2021
7055	Other	5th May 2021
7055	Existing Plans	5th May 2021
7055 PL 001	Existing Plans	5th May 2021
7055 PL 002	Existing Plans	5th May 2021
7055 PL 003	Existing Plans	5th May 2021
7055 PL 004	Existing Plans	5th May 2021
7055 PL 005	Existing Plans	5th May 2021
7055 PL 006	Existing Plans	5th May 2021
7055 PL 010	Existing Plans	5th May 2021
7055 PL 011	Existing Plans	5th May 2021
7055 PL 012	Existing Plans	5th May 2021
7055 PL 013	Existing Plans	5th May 2021
7055 PL 014	Existing Plans	5th May 2021
7055 PL 020	Existing Plans	5th May 2021
7055 PL 021	Existing Plans	5th May 2021

7055 PL 022	Existing Plans	5th May 2021
7055 PL 040	Existing Plans	5th May 2021
7055 PL 041	Existing Plans	5th May 2021
7055 PL 042	Existing Plans	5th May 2021
7055 PL 043	Existing Plans	5th May 2021
7055 PL 044	Existing Plans	5th May 2021
7055 PL 045	Existing Plans	5th May 2021
7055 PL 046	Elevations	5th May 2021
7055 PL 047	Elevations	5th May 2021
7055 PL 048	Elevations	5th May 2021
7055 PL 049	Elevations	5th May 2021
7055 PL 050	Sections	5th May 2021
7055 PL 051	Sections	5th May 2021
7055 PL 058	Sections	5th May 2021
7055 PL 100	Proposed Plans	5th May 2021
7055 PL 100	Proposed Plans	5th May 2021
7055 PL 200	Proposed Plans	5th May 2021
7055 PL 300	Proposed Plans	5th May 2021
7055 PL 330	Proposed Plans	5th May 2021
7055 PL 360	Proposed Plans	5th May 2021
7055 PL 400	Proposed Plans	5th May 2021
7055 PL 401	Proposed Plans	5th May 2021
7055 PL 402	Proposed Plans	5th May 2021
7055 PL 403	Proposed Plans	5th May 2021
7055 PL 408	Other	5th May 2021
7055 PL 409	Proposed Plans	5th May 2021
7055 PL 410	Proposed Plans	5th May 2021
7055 PL 500	Proposed Plans	5th May 2021
7055 PL 501	Proposed Plans	5th May 2021
7055 PL 502	Proposed Plans	5th May 2021
7055 PL 503	Proposed Plans	5th May 2021
7055 PL 600	Proposed Plans	5th May 2021
7055 PL 601	Proposed Plans	5th May 2021

The application is also accompanied by:

- Asbestos removal methodology
- Asbestos status report

- Cinema Organ Society Report
- Delivery Management Survey
- Flood Risk Assessment
- Design and Access Statement
- Heritage Statement
- State Compton Organ Report

**Applicant:**

J D Wetherspoon PLC

**Validated:**

5 May 2021

**Date of expiry:**

19 July 2021 (Agreed extension of time)

**Recommendation:** Approve, subject to conditions:**1.0 DESCRIPTION OF PROPOSAL**

- 1.1 This application seeks listed building consent for works to the former State Cinema to enable its use as a public house. The accompanying application (ref. 21/00728/FUL) for the change of use of the building is reported elsewhere on this agenda.
- 1.2 The application proposes works to the building categorised as 'General works'; 'Ground floor works' and 'First floor works':
- 1.3 General works:
- Removal or consolidation of asbestos finishes throughout the building;
  - Repair of existing fabric in like for like materials;
  - Removal of 1980s finishes and decoration.
- 1.4 Ground floor works:
- The restoration of the main entrance lobby, including the removal of 1980s fabric;
  - The restoration of the stalls foyer, including the removal of 1980s fabric and the insertion of new seating;
  - The creation of 2 new sets of double doors into the auditorium;
  - The removal of the seats from the auditorium (ground floor only);
  - The creation of 3 tiered levels in place of the sloping auditorium floor;
  - The restoration of the Compton organ;

- The insertion of a barrier between the stage and the organ pit to comply with Wetherspoon's safety policy;
- The creation of a bar, store and washing up station in the stalls area;
- The creation of three tall windows in the wall at the back of the stage;
- The creation of a beer garden in some of the existing WCs, shops and store areas to the south of the stage;
- The creation of a kitchen in two of the former shop units of the auditorium and the creation of a servery between the kitchen and auditorium;
- The restoration of the shop frontages and glazing pattern of the façade facing onto George Street;
- The insertion of a goods lift within the new kitchen space;
- Minor alterations to ancillary spaces and WCs to the rear of the auditorium (south-east corner).

#### 1.5 First floor works:

- The creation of WCs in the circle foyer
- The restoration of the ceiling and lights in the circle foyer
- The area in the southeast corner of the building at the rear of the circle which currently contains WCs, a kitchen and a store will also be adapted to create more WCs
- The insertion of fire safety doors which will follow the design precedent of original sets of double doors in the building

#### 1.6 External changes to the building comprise:

- Five windows in the western elevation facing towards the George Street entrance of the Morrisons store
- Four windows in the northern elevation facing towards the Morrisons service yard

## 2.0 SITE DESCRIPTION

2.1 The State Cinema is located on the north side of George Street and to the south of London Road Grays and is a free standing building unattached to other buildings or structures.

2.2 George Street is a pedestrian precinct which runs east-west from the High Street to the Morrisons supermarket and car park. To the north of the State Cinema is the service yard of the supermarket and opposite is the former Post Office building. To the east is a narrow lane (referred to in the application as State Lane) which provides pedestrian access from London Road to George Street and to the rear of High Street properties. To the west is an open hardsurfaced area adjacent to the supermarket. Land to the north-west is used for informal parking wholly unrelated to the State

Cinema.

- 2.3 The building can be seen over a wider area of the town centre due to its height especially that of the tower with its distinctive lettering which can be seen from various parts of central Grays.
- 2.4 The town centre comprises a wide variety of building types. There have been many changes post war. The historic road pattern has significantly changed and the relationship between buildings and spaces has been eroded. Ground floor commercial premises are modern with synthetic materials and appearance. Traditional buildings appear much altered or eroded in terms of context though some notable examples remain including the former magistrates court building, the former Ritz Cinema (now Mecca Bingo) and the State Cinema.
- 2.5 The State Cinema was originally listed at Grade II in February 1985 and upgraded to Grade II\* in 2000. It currently appears on the national list of Historic Buildings at Risk prepared by English Heritage. It was constructed in 1938 and was designed by FGM Chancellor of Frank Matcham & Co for Frederick's Electric Theatres. Many of the original internal art deco features including lamps, decoration and the Compton organ which rises from under the stage remain although some elements have been stolen recently. Grays had another 'super-cinema' by Chancellor dating from 1930 and that was The Regal on New Road; it has since been demolished.
- 2.6 The State Cinema is constructed of brown brick and has a flat roof. The main elevation is the southern frontage on which there is cream and black decoration by way of faience (glazed decorated pottery) cladding. At the south east corner is a tower with an overhanging flat roof, the name State in large squared capitals set into the recessed frieze beneath the roof overhang. The building is massive in form and unrelieved by details making its external appearance rather austere. The form is emphasized and articulated by pilaster buttresses on the north east and west elevations.
- 2.7 The building form steps up to the tower which is decorated with cream and black faience. The tower is described as squat by Pevsner in his book on the buildings of Essex. It sits above a circular lobby with glazed doors which provides the main entrance point. The lobby has a dome and frieze detail and the George Street frontage contains small shop units unconnected to the interior spaces.
- 2.8 There are two main storeys of foyers to the auditorium which is steeply raked and which can seat approximately 2,200. The foyers are linked by an open well staircase which is served by windows on the east.
- 2.9 In the listing the State Cinema is described as being one of the best preserved of the 1930s 'super cinemas'. It has retained even small details of decor and machinery and is unusual in having not been subdivided or significantly altered. It has been vandalised within the last six months in spite of the best efforts of the owner. The projection room to the rear and above the circle is still equipped with some of the original projectors and lighting effects lanterns.
- 2.10 The building operated as a cinema from 1938 until the late 1980s and after a period

of closure re-opened in 1991 as a wine bar and nightclub. However, the building has been unused since approximately 1998. Although the building has been considered as structurally sound in the past, damage associated with water ingress was identified as early as 2003. Although works of repair have periodically been undertaken issues arising from defective roof coverings and defective rainwater goods remain. An inspection of the interior of the building shows continuing issues of water ingress.

**3.0 RELEVANT HISTORY**

Reference	Description	Decision
91/00622/FUL	Part change of use to include ground floor bar & first floor circle bar & restaurant, redecoration & reinstatement/additional lighting	Approved
97/00619/FUL	Change of use to D1 (place of worship) in addition to the current use D2 (Cinema and place of entertainment)	Withdrawn
98/00163/FUL	Change of use to D1 (place of worship) in addition to the current use D2 (cinema and place of entertainment)	Allowed at appeal
11/50367/TTGLBC	Change of use refurbishment and alterations to former cinema to form a mixed leisure centre including conference and entertainment facilities, restaurant, shops and bars.	Approved
11/50366/TTGFUL	Change of use, refurbishment & alterations to former cinema to form a mixed leisure centre including conference and entertainment facilities, restaurant, shops and bars.	Approved
15/00981/FUL	Change of use of former cinema to drinking establishment (Use Class A4) including full internal refurbishment and redecoration scheme retaining original auditorium, creation of external beer garden and terrace above first floor. Full repair and restoration of external envelope. Provision of additional windows and doors at ground and first floor level.	Lapsed

15/00982/LBC	Change of use of former cinema to drinking establishment (Use Class A4) including full internal refurbishment and redecoration scheme retaining original auditorium, creation of external beer garden and terrace above first floor. Full repair and restoration of external envelope. Provision of additional windows and doors at ground and first floor level.	Lapsed
17/01616/FUL	Change of use of building from Cinema (use class D2) to Public House (use class A4) and associated internal and external works to facilitate use, including the creation of external beer garden on frontage to George Street	Approved
17/01617/LBC	Works to create public house and ancillary areas within existing building, including full internal refurbishment and redecoration scheme and external works including creation of beer garden and full repair of external envelope as found necessary following dilapidation survey	Approved.
21/00728/FUL	Change of use of building from cinema to public house and associated internal and external works to facilitate use, including the creation of external beer garden on frontage to George Street full repair of external envelope as found necessary following dilapidation's survey	Pending consideration on this Agenda

3.1 Applications 17/01616/FUL & 17/01617/LBC have not been implemented and expire on 20 August 2021.

3.2 Since those applications were approved in August 2018 the applicant has reviewed those approvals and decided that changes were needed to the window pattern of the building. These matters will be considered in more detail in this report.

**4.0 CONSULTATIONS AND REPRESENTATIONS**

**PUBLICITY:**

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

4.2 Two letters have been received supporting the proposal in principle, supporting the reuse of the building, the creation of jobs and supporting the restoration of the

building.

## CONSULTATION RESPONSES

- 4.3 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)

### HISTORIC BUILDING ADVISOR:

- 4.4 No objections subject to conditions.

### HISTORIC ENGLAND:

- 4.5 No objections (the harm the fabric of the building is outweighed by the beneficial use of the building)

### TWENTIETH CENTURY SOCIETY:

- 4.6 Support the proposed scheme.

### THEATRES TRUST:

- 4.7 Support the proposals, subject to conditions.

### CINEMA THEATRE ASSOCIATION:

- 4.8 Support the proposal to create a viable and sustainable use.

## 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.

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

2. Achieving sustainable development
12. Achieving well designed places
15. Conserving and enhancing the natural environment

## 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:

- Historic environment

## 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 Core Strategy 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

- OSDP1: Promotion of Sustainable Growth and Regeneration in Thurrock

## THEMATIC POLICIES

- CSTP22: Thurrock Design
- CSTP23: Thurrock Character and Distinctiveness
- CSTP25: Heritage Assets and the Historic Environment

## POLICIES FOR MANAGEMENT OF DEVELOPMENT

- PMD2: Design and Layout
- PMD4: Historic Environment

### 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 issue for consideration in this application is the impact of the changes on the character, integrity and historic value of the listed building. The NPPF requires local planning authorities to take account of the desirability of sustaining and enhancing the significance of heritage assets and putting them to viable uses consistent with their conservation and new development making a positive contribution to local character and distinctiveness (para. 192). It also states that great weight should be given to the conservation of heritage assets (para. 193). Harm to such assets and their significance should require clear and convincing justification (para. 194). Should

proposals give rise to less than substantial harm to the significance of a heritage asset, planning authorities should weigh that harm against such public benefits as would also arise, including securing its optimum viable use (para.196).

- 6.2 Listed buildings are a limited resource but they should not be protected in their original condition at all costs. In the case of the State, it can be seen that failure to secure a new use has in fact been significantly harmful to the building. National planning guidance sets out that buildings may, where appropriate, be adapted or modified both to secure sustainable development. To this end para. 185 of the NPPF states that plans should set out a positive strategy for the conservation and enjoyment of the historic environment and this strategy should take into account (inter-alia) the desirability of sustaining and enhancing the significance of heritage assets and putting them to viable uses consistent with their conservation.
- 6.3 The State is listed at Grade II\* not because of exceptional quality but because of the rarity of its survival without significant change. There have been modest changes over the years but most have been in keeping or at least not permanently disfiguring. The building is one of a type and form once common and now extremely rare due to a wide variety of socio-economic changes, both locally and nationally and patterns of activity, again both locally and nationally.
- 6.4 Therefore, there is a very strong presumption in favour of the conservation of the State Cinema. The starting point of the assessment is that the value of the building is very high and that changes should not cumulatively or individually erode the significance, character or appearance so that any benefits would be outweighed. It is essential to ensure that where alterations are necessary or justified there should not have an adverse impact upon the significance of the building. Any loss of significance or harm to it should be justified in a clear and convincing way.
- 6.5 Changes must be weighed against the benefit of securing a use for the building and the implementation of a use. The State Cinema has been without use for more than twenty years.
- 6.6 Re-use of the building would be beneficial. The building has been subject to vandalism and has been secured necessarily by unattractive metal grills. Recent site visits by Officers from the Council and experts from Essex County Council and Historic England show that significant harm has been caused to the building, by amongst other things, water ingress caused by a lack of beneficial use.
- 6.7 The most significant change to the external appearance include the provision of five floor to ceiling windows on the back of the stage on the western elevation facing a blank wall of the Morrisons supermarket. In the most recently approved scheme three smaller windows were proposed. Four windows are also now proposed on the 'rear' elevation, facing the Morrisons service yard. Clearly an essential attribute of a cinema is the necessity for darkness, whereas the new occupier wants to light the main public areas via natural light where possible. The number and scale of these windows have been discussed via the specialist advisors at length. The applicant has accepted that there needs to be a method of screens or blinds in the inside of these new windows to allow the sense of a solid wall being achieved again from inside the building. This matter could be covered by condition and suitable glazing could be provided so as

not to harm the utilitarian outer appearance of the building.

- 6.8 Internally there are two major significant changes; the removal of the seating in the ground floor auditorium and associated creation of a three-tiered floor and the creation of a service hatch between the original shop units and the main auditorium.
- 6.9 The loss of the seating and the change in levels is regrettable; however the seating is to be retained in the first floor auditorium and the applicant has indicated that the seating in the upper auditorium will be restored and, where it cannot be restored or repaired, the seats from the ground floor will be used to replace damaged seating. This would ensure the best of the seating remains in the building. With regards to the floor levels although the original slope of the building will be lost, the levels will still decrease from back to front; the stage and steps up to the stage will remain and the sense of being in an auditorium will remain. This will ensure the essence of the feel of the building will be retained to a degree.
- 6.10 Some of the existing shop units would be changed into the main kitchen. The applicant has advised that for commercial reasons there has to be a servery area between the kitchen and the main seating area and that doors between the two areas are not suitable for the high turnover expected. This matter has been discussed at length with the applicant; again with the same concerns about the 'loss' of the sense of main auditorium feeling like a cinema. However, on balance, this concern is considered to be overcome by the beneficial use of the building as a whole.
- 6.11 The application proposes a number of elements that would be seen as positive; such as the removal of 1980s partitioning and faux art deco features at first floor that do not match the original building; the restoration of the existing shop fronts onto George Street and perhaps most important the restoration of the Compton Organ. These are all significantly beneficial and positive parts of the scheme.
- 6.12 Between the areas of harm and positive interventions fall other changes; that are detailed in the description, but do not warrant full discussion in the report.
- 6.13 Rooftop plant is necessary as the building cannot be properly used without air circulation and heating. There is no possibility of location at ground level and positioning on the roof is acceptable if handled appropriately and would not give rise to a loss of significance. Similarly, given the proposed use and general security requirements, CCTV cameras will be required to be installed externally.
- 6.14 In the case of this application the matter of the significance of the proposed changes is very important. The scheme would not alter the essential character of the building but it would change from its original use as constructed to a broader, more relevant contemporary use. However, it would still fall into the category as a place of entertainment, recreation and leisure and would be capable of being used as a performance space, given the existence of seating areas and the retention of the stage area.
- 6.15 In terms of appearance the building would change little externally save for the new windows (which are on the less public sides of the building). While roof plant is proposed it would have a modest impact provided siting was carefully considered.

- 6.16 As detailed in the planning history there have been two approvals in 1998 and 2011 for the change of use of the building (to different uses). Arguably these permissions may have involved less permanent changes to the building than the current scheme. However they have not been implemented and the ownership of the site has changed since. No other viable scheme has been put forward since 2011 and the condition of the building has deteriorated since these approvals and since the last scheme to turn the building into a pub was approved.
- 6.17 Whilst the increase in windows in the current scheme compared to the approved 2017 scheme is regrettable the current applicant has been working with the Council and heritage experts on the revised plans and has narrowed down the additional number of openings significantly compared with the early mooted revisions.
- 6.18 The building is at continued risk unless and until a use is found and alterations agreed. The scheme which has come forward proposes some changes to the building, however statutory and non-statutory consultees support the proposals. Final matters of detail can be covered by condition. In light of the above, it is recommended approval is given for listed building consent.

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

- 7.1 The building has been vacant for nearly 23 years and it is accepted that a cinema in its original form is no longer viable.
- 7.2 The proposal as put forward would see the building used for a public leisure use, similar to the original use.
- 7.3 The works proposed by this application vary in nature from harmful (new windows, loss of both seating and sloped floor in ground floor auditorium and server hatch) through limited harm to positive benefits (removal of later additions, restoration of shop fronts and restoration of the Compton Organ).
- 7.4 On balance, although there a degree of harm to its significance, the Council's specialist advisors and Historic England are satisfied that there is a clear and convincing justification for the works that are proposed. The retention and restoration of the key historic elements of the building will ensure its original purposes continue to be understood.

## **8.0 RECOMMENDATION**

Approve, subject to the following conditions:

### **TIME**

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

Reason: To comply with Section 18(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990

### **ADDITIONAL REPAIRS**

- 2 Details of necessary repairs in addition to the approved plans shall be submitted to and approved in writing by the local planning authority and the repairs shall then be carried in accordance with the approved details.

The local planning authority shall be notified in writing of the date on which works are proposed to commence on site at least 14 days prior to such commencement in order to provide an opportunity, as required, for a site meeting involving a representative from the local planning authority, the applicant, agent and contractor to consider detailed elements of the works and to allow for a watching brief throughout the period of works.

Reason: To safeguard the special architectural or historic interest, character, appearance and integrity of the heritage asset in accordance with Policy PMD4 of the adopted Thurrock Core Strategy and Policies for the Management of Development [2015].

### **BUILDING RECORDING (1)**

- 3 No development shall commence until a programme of historic building recording (Level 4 as referenced in Historic England's Guide to Good Recording (May 2016)) has been undertaken, in accordance with a written scheme of investigation which has been submitted to and approved in writing by the Local Planning Authority.

Reason: To safeguard the special architectural or historic interest, character, appearance and integrity of the heritage asset in accordance with Policy PMD4 of the adopted Thurrock Core Strategy and Policies for the Management of Development [2015].

### **BUILDING RECORDING (2)**

- 4 Prior to the first use a comprehensive photographic record 'as built' shall be submitted to and approved in writing by the Local Planning Authority. This shall include photographic Types 1-7 as referenced in Historic England's Guide to Good Recording (May 2016).

Reason: To safeguard the special architectural or historic interest, character, appearance and integrity of the heritage asset in accordance with Policy PMD4 of the adopted Thurrock Core Strategy and Policies for the Management of Development [2015].

### **MATERIALS AND PAINT COLOURS**

- 5 No development shall commence until samples of any materials to be used as final

internal and external finishes have been submitted to and approved in writing by the local planning authority. The development shall be implemented in accordance with the approved details and permanently maintained as such.

This shall include details of the proposed interior paint scheme including all colours.

Reason: To safeguard the special architectural or historic interest, character, appearance and integrity of the heritage asset in accordance with Policy PMD4 of the adopted Thurrock Core Strategy and Policies for the Management of Development [2015].

### **SAMPLE PANEL (1)**

6 Prior to the commencement of external repair, a sample area of 1 square metre maximum of external brickwork shall be cleaned and repointed and approved in writing by the local planning authority. This area shall indicate:

- Mortar mix, colour and pointing profile,
- Method of cleaning,
- The works shall be implemented in accordance with the approved details and shall be permanently maintained as such.

Reason: To safeguard the special architectural or historic interest, character, appearance and integrity of the heritage asset in accordance with Policy PMD4 of the adopted Thurrock Core Strategy and Policies for the Management of Development [2015].

### **SAMPLE PANEL (2)**

7 Prior to the commencement of external repair, a sample area of 1 square metre maximum of external faience shall be cleaned and repaired and approved in writing by the local planning authority. This area shall indicate:

- Method of cleaning,
- Method of repair including sample of necessary replacement faience to match existing.
- The works shall be implemented in accordance with the approved details and shall be permanently maintained as such.

Reason: To safeguard the special architectural or historic interest, character, appearance and integrity of the heritage asset in accordance with Policy PMD4 of the adopted Thurrock Core Strategy and Policies for the Management of Development [2015].

**SHOP-FRONTS**

- 8 Notwithstanding details within the approved application, no development shall commence until additional drawings that show details of proposed new shop fronts to be used by section and elevation at scales between 1:20 and 1:1 as appropriate have been submitted to and approved in writing by the local planning authority. These shall be of timber and designed to reflect those original to the building utilising archive sources where possible. Works shall be implemented in accordance with the approved details and shall be permanently maintained as such.

Reason: To safeguard the special architectural or historic interest, character, appearance and integrity of the heritage asset in accordance with Policy PMD4 of the adopted Thurrock Core Strategy and Policies for the Management of Development [2015].

**WINDOWS**

- 9 Notwithstanding details within the approved application, no development shall commence until additional drawings that show details of proposed new windows and doors to be used by section and elevation at scales between 1:20 and 1:1 as appropriate have been submitted to and approved in writing by the local planning authority. Works shall be implemented in accordance with the approved details and shall be permanently maintained as such.

Reason: To safeguard the special architectural or historic interest, character, appearance and integrity of the heritage asset in accordance with Policy PMD4 of the adopted Thurrock Core Strategy and Policies for the Management of Development [2015].

**CANOPY**

- 10 Notwithstanding details within the approved application, no development shall commence until additional drawings that show details of proposed canopy to be used by section and elevation at scales between 1:20 and 1:1 as appropriate have been submitted to and approved in writing by the local planning authority. Works shall be implemented in accordance with the approved details and shall be permanently maintained as such.

Reason: To safeguard the special architectural or historic interest, character, appearance and integrity of the heritage asset in accordance with Policy PMD4 of the adopted Thurrock Core Strategy and Policies for the Management of Development [2015].

**SIGNAGE**

- 11 Notwithstanding details within the approved application, prior to occupation additional drawings that show details of proposed signage by section and elevation at scales between 1:20 and 1:1 as appropriate have been submitted to and approved in writing



by the local planning authority. Works shall be implemented in accordance with the approved details and shall be permanently maintained as such.

Reason: To safeguard the special architectural or historic interest, character, appearance and integrity of the heritage asset in accordance with Policy PMD4 of the adopted Thurrock Core Strategy and Policies for the Management of Development [2015].

### **TOWER**

- 12 Notwithstanding details within the approved application, no development shall commence until additional drawings that show details of proposed tower by section and elevation at scales between 1:20 and 1:1 as appropriate have been submitted to and approved in writing by the local planning authority. These shall include details of glazing, lettering and illumination. Works shall be implemented in accordance with the approved details and shall be permanently maintained as such.

Reason: To safeguard the special architectural or historic interest, character, appearance and integrity of the heritage asset in accordance with Policy PMD4 of the adopted Thurrock Core Strategy and Policies for the Management of Development [2015].

### **ORGAN**

- 13 Prior to the first use of the building, the Compton cinema organ shall be restored to function. The details of this restoration shall be submitted to the Local Planning Authority, and once agreed the works shall be carried out in accordance strictly with the details approved.

Reason: To safeguard the special architectural or historic interest, character, appearance and integrity of the heritage asset in accordance with Policy PMD4 of the adopted Thurrock Core Strategy and Policies for the Management of Development [2015].

### **INTERNAL (GENERAL 1)**

- 14 Internal works shall not be commenced until a schedule of all new, internal surface materials including walls, ceilings and floors and a schedule of all internal and external joinery indicating the proposed finish and decoration to be used has been submitted to and approved in writing by the local planning authority. Works shall be implemented in accordance with the approved details and shall be permanently maintained as such.

Reason: To safeguard the special architectural or historic interest, character, appearance and integrity of the heritage asset in accordance with Policy PMD4 of the adopted Thurrock Core Strategy and Policies for the Management of Development [2015].

**INTERNAL (GENERAL 2)**

- 15 Prior to the commencement of development a schedule of all internal fixtures, fittings and free-standing furniture for retention shall be submitted to and approved in writing by the local planning authority. These items shall thereafter be permanently maintained on site.

Reason: To safeguard the special architectural or historic interest, character, appearance and integrity of the heritage asset in accordance with Policy PMD4 of the adopted Thurrock Core Strategy and Policies for the Management of Development [2015].

**LIGHTING**

- 16 Prior to the commencement of development details of all internal lighting shall be submitted to and approved by the local planning authority. This should include details of repair to existing light fittings together with all new light fittings with publicly accessible areas. Works shall be implemented in accordance with the approved details and shall be permanently maintained as such.

Reason: To safeguard the special architectural or historic interest, character, appearance and integrity of the heritage asset in accordance with Policy PMD4 of the adopted Thurrock Core Strategy and Policies for the Management of Development [2015].

**STALLS ENTRANCE BOOTH**

- 17 Notwithstanding details within the approved application, prior to the commencement of development revised drawings showing the retention of the stalls entrance booth shall be submitted to and approved in writing by the local planning authority. Thereafter development shall be carried out strictly in accordance with the details approved.

Reason: To safeguard the special architectural or historic interest, character, appearance and integrity of the heritage asset in accordance with Policy PMD4 of the adopted Thurrock Core Strategy and Policies for the Management of Development [2015].

**PROJECTOR ROOM**

- 18 Prior to the commencement of development a schedule of proposed works to the projector room and details of the equipment's conservation shall be submitted to and approved by the local planning authority. Thereafter development shall be carried out strictly in accordance with the details approved.

Reason: To safeguard the special architectural or historic interest, character, appearance and integrity of the heritage asset in accordance with Policy PMD4 of the adopted Thurrock Core Strategy and Policies for the Management of

Development [2015].

### **STAIRCASE TO CIRCLE FOYER**

- 19 Prior to the commencement of development details of repair to, or replacement of, the handrail between ground floor and the circle foyer shall be submitted to and approved by the local planning authority. Thereafter development shall be carried out strictly in accordance with the details approved.

Reason: To safeguard the special architectural or historic interest, character, appearance and integrity of the heritage asset in accordance with Policy PMD4 of the adopted Thurrock Core Strategy and Policies for the Management of Development [2015].

### **REPLACEMENT PLASTER**

- 20 With the exception of the auditorium ceiling, all ceilings and decorative plasterwork scheduled for replacement shall be of fibrous plaster. Prior to commencement of development a detailed methodology for works to historic plasterwork in accordance with the Association of British Theatre Technicians Guidance Note 20 and Historic England guide for the care and management of fibrous plaster 'Historic Fibrous Plaster in the UK' shall be submitted to the Local Planning Authority for approval. Works undertaken must be in accordance with the approved methodology

Reason: To safeguard the special architectural or historic interest, character, appearance and integrity of the heritage asset in accordance with Policy PMD4 of the adopted Thurrock Core Strategy and Policies for the Management of Development [2015].

### **SEATING**

- 21 Prior to works commencing a method statement detailing the proposed refurbishment of seating within the circle and ground floor area shall be submitted to and approved in writing by the local planning authority.

Reason: To safeguard the special architectural or historic interest, character, appearance and integrity of the heritage asset in accordance with Policy PMD4 of the adopted Thurrock Core Strategy and Policies for the Management of Development [2015].

### **BLINDS**

- 22 Prior to occupation additional drawings that show details of the proposed electronic black out blinds to the new windows in the north and west glazing areas by section and elevation at scales between 1:20 and 1:1 as appropriate have been submitted to and approved in writing by the local planning authority. Works shall be implemented in accordance with the approved details prior to the first use and shall be permanently maintained as such.

Reason: To safeguard the special architectural or historic interest, character, appearance and integrity of the heritage asset in accordance with Policy PMD4 of the adopted Thurrock Core Strategy and Policies for the Management of Development [2015].

### **SERVICE RUNS AND PENETRATIONS**

- 23 Prior to the commencement of any works, scale drawings showing the locations and design of the all existing and additional services runs must be submitted and approved in writing by the local planning authority. Works shall be implemented in accordance with the approved details.

Reason: To safeguard the special architectural or historic interest, character, appearance and integrity of the heritage asset in accordance with Policy PMD4 of the adopted Thurrock Core Strategy and Policies for the Management of Development [2015].

### **INSTALLATION OF WINDOWS**

- 24 Prior to the commencement of any works, a written method statement (including scale drawings at 1:20) shall be provided describing in detail the proposed method of how the walls and elevation will be retained in situ whilst the works are carried out and the windows are inserted, to be submitted to and approved in writing by the local planning authority. The works shall be implemented in accordance with the approved method statement and drawings

Reason: To safeguard the special architectural or historic interest, character, appearance and integrity of the heritage asset in accordance with Policy PMD4 of the adopted Thurrock Core Strategy and Policies for the Management of Development [2015].

### **DETAIL OF REMOVAL OF BRICKWORK FOR WINDOW OPENINGS**

- 25 Prior to the commencement of any works, a written method statement shall be provided describing in detail the proposed method of brick removal and ends made good, which should be by hand and not involve any machine cutting tools. This shall be submitted to and approved in writing by the local planning authority. The works shall be implemented in accordance with the approved method statement

Reason: To safeguard the special architectural or historic interest, character, appearance and integrity of the heritage asset in accordance with Policy PMD4 of the adopted Thurrock Core Strategy and Policies for the Management of Development [2015].

### **PULL-DOWN SCREEN**

- 26 Prior to first use of the building additional drawings that show details of a proposed pull-down screen by section and elevation at scales between 1:20 and 1:1 as appropriate shall be submitted to the local planning authority for approval. Works

shall be implemented in accordance with the approved details and shall be permanently maintained as such.

Reason: To safeguard the special architectural or historic interest, character, appearance and integrity of the heritage asset in accordance with Policy PMD4 of the adopted Thurrock Core Strategy and Policies for the Management of Development [2015].

### **ROOF COVERING**

- 27 The current roof coverings must be completely replaced with the Ruberoid covering on steel decking as shown in the long section A-A (drawing PL500).

Reason: In the interests of the long term protection of the building to safeguard the special architectural or historic interest, character, appearance and integrity of the heritage asset in accordance with Policy PMD4 of the adopted Thurrock Core Strategy and Policies for the Management of Development [2015].

### **Informative(s):**

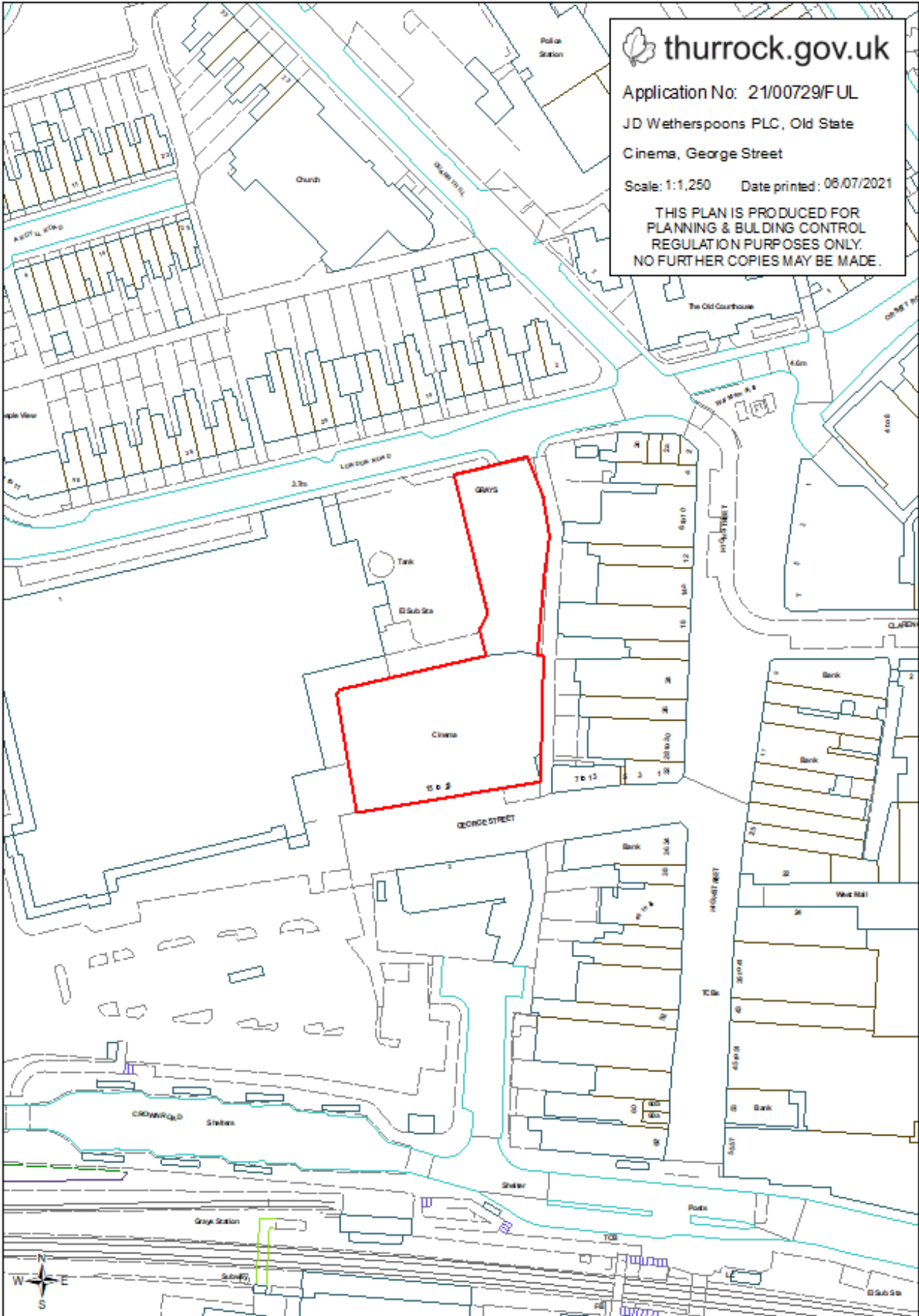
- 1 Town and Country Planning (Development Management Procedure) (England) Order 2015 (as amended) - Positive and Proactive Statement:

The Local Planning Authority has acted positively and proactively in determining this application by identifying matters of concern within the application (as originally submitted) and negotiating, with the Applicant/Agent, acceptable amendments to the proposal to address those concerns. As a result, the Local Planning Authority has been able to grant planning permission for an acceptable proposal, in accordance with the presumption in favour of sustainable development, as set out within the National Planning Policy Framework.

### **Documents:**

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

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



<b>Reference:</b> 21/00728/FUL	<b>Site:</b> JD Wetherspoons PLC Old State Cinema George Street Grays Essex RM17 6LZ
<b>Ward:</b> Grays Riverside	<b>Proposal:</b> Change of use of building from cinema to public house and associated internal and external works to facilitate use, including the creation of external beer garden on frontage to George Street and external repair works

<b>Plan Number(s):</b>		
Reference	Name	Received
PL001	Existing Plans	5th May 2021
PL002	Existing Plans	5th May 2021
PL003	Existing Plans	5th May 2021
PL004	Existing Plans	5th May 2021
PL005	Existing Plans	5th May 2021
PL006	Existing Plans	5th May 2021
PL010	Existing Elevations	5th May 2021
PL011	Existing Elevations	5th May 2021
PL012	Drawing	5th May 2021
PL013	Existing Elevations	5th May 2021
PL014	Existing Elevations	5th May 2021
PL020	Sections	5th May 2021
PL021	Sections	5th May 2021
PL022	Sections	5th May 2021
PL040	Existing Plans	5th May 2021
PL041	Existing Plans	5th May 2021
PL042	Existing Plans	5th May 2021
PL043	Existing Plans	5th May 2021
PL044	Existing Plans	5th May 2021
PL045	Existing Plans	5th May 2021
PL046	Existing Elevations	5th May 2021
PL047	Existing Elevations	5th May 2021

PL048	Existing Elevations	5th May 2021
PL049	Existing Elevations	5th May 2021
PL050	Sections	5th May 2021
PL100	Proposed Plans	5th May 2021
PL100	Proposed Plans	5th May 2021
PL200	Proposed Plans	5th May 2021
PL300	Proposed Plans	5th May 2021
PL330	Proposed Plans	5th May 2021
PL360	Proposed Plans	5th May 2021
PL400	Proposed Plans	5th May 2021
PL401	Proposed Plans	5th May 2021
PL402	Proposed Plans	5th May 2021
PL403	Proposed Plans	5th May 2021
PL408	Proposed Plans	5th May 2021
PL409	Proposed Plans	5th May 2021
PL410	Proposed Plans	5th May 2021
PL500	Sections	5th May 2021
PL501	Sections	5th May 2021
PL502	Sections	5th May 2021
PL503	Sections	5th May 2021
PL600	Proposed Elevations	5th May 2021
PL601	Proposed Elevations	5th May 2021
PL602	Proposed Elevations	5th May 2021
PL602	Proposed Elevations	5th May 2021
PL603	Proposed Elevations	5th May 2021
PL603	Proposed Elevations	5th May 2021
PL604	Proposed Elevations	5th May 2021
PL01	Location Plan	5th May 2021
PL02	Site Layout	5th May 2021
PL16	Proposed Plans	5th May 2021
(No Nos.)	Proposed Plans	5th May 2021
(No Nos.)	Proposed Plans	5th May 2021
(No Nos.)	Proposed Plans	5th May 2021
(No Nos.)	Proposed Plans	5th May 2021
(No Nos.)	Proposed Plans	5th May 2021
(No Nos.)	Proposed Plans	5th May 2021



The application is also accompanied by:

- Design and Access Statement
- Flood Risk Assessment

**Applicant:**

J D Wetherspoon PLC

**Validated:**

30 April 2021

**Date of expiry:**

19<sup>th</sup> July 2021 (Agreed extension of time)

**Recommendation:** Approve, subject to conditions

**1.0 DESCRIPTION OF PROPOSAL**

- 1.1 This application seeks planning permission for the change of use of the building from the former cinema use to a public house. This application was submitted alongside an application for Listed Building Consent reported separately on this agenda.
- 1.2 The proposal would result in 495 covers at ground floor, a beer garden with 57 covers and 76 covers to be provided on the pavement area. A total of 60 full-time jobs would be created.
- 1.3 The proposed change of use to a public house involves a comprehensive refurbishment of the former cinema building to provide the following internal / external accommodation:

Ground Floor:

- main entrance lobby;
- customer area;
- bar / server;
- kitchen;
- beer garden;
- disabled toilets;
- baby changing facilities;
- ancillary office and
- recycling / bin storage

First Floor:

- customer toilets;
- staff room;
- staff changing areas;
- bin store; and

- cooled beer store

Second Floor:

- ancillary accommodation.

- 1.4 The proposals would leave the existing circle seating area and projector room unchanged with no public access to these areas. The proposals include an outdoor seated area on George Street to the west of the main entrance. This seated area is not located on the public highway. There are no dedicated parking spaces to serve the existing site and no parking spaces are proposed. Food and drink deliveries for the proposed public house would be from the service area to the north of the site (vehicle access from London Road) and then via the access adjacent to the east of the site.

## **2.0 SITE DESCRIPTION**

- 2.1 The State Cinema is located on the north side of George Street and to the south of London Road Grays and is a free standing building unattached to other buildings or structures.
- 2.2 George Street is a pedestrian precinct which runs east-west from the High Street to the Morrisons supermarket and car park. To the north of the State Cinema is the service yard of the supermarket and opposite is the former Post Office building. To the east is a narrow lane (referred to in the application as State Lane) which provides pedestrian access from London Road to George Street and to the rear of High Street properties. To the west is an open hard surfaced area adjacent to the supermarket. Land to the north-west is gated and used for informal parking wholly unrelated to the State Cinema.
- 2.3 The building can be seen over a wider area of the town centre due to its height especially that of the tower with its distinctive lettering which can be seen from various parts of central Grays.
- 2.4 The town centre comprises a wide variety of building types. There have been many changes post war. The historic road pattern has significantly changed and the relationship between buildings and spaces has been eroded. Ground floor commercial premises are modern with synthetic materials and appearance. Traditional buildings appear much altered or eroded in terms of context though some notable examples remain including the former magistrates court building, the former Ritz Cinema (now Mecca Bingo) and the State Cinema.
- 2.5 The State Cinema was originally listed at Grade II in February 1985 and upgraded to Grade II\* in 2000. It currently appears on the national list of Historic Buildings at Risk prepared by English Heritage. It was constructed in 1938 and was designed by FGM Chancellor of Frank Matcham & Co for Frederick's Electric Theatres. Many of the original internal art deco features including lamps, decoration and the Compton organ which rises from under the stage remain although some elements have been stolen

recently. Grays had another ‘super-cinema’ by Chancellor dating from 1930 and that was The Regal on New Road; it has since been demolished.

- 2.6 The State Cinema is constructed of brown brick and has a flat roof. The main elevation is the southern frontage on which there is cream and black decoration by way of faience (glazed decorated pottery) cladding. At the south east corner is a tower with an overhanging flat roof, the name State in large squared capitals set into the recessed frieze beneath the roof overhang. The building is massive in form and unrelieved by details making its external appearance rather austere. The form is emphasized and articulated by pilaster buttresses on the north east and west elevations.
- 2.7 The building form steps up to the tower which is decorated with cream and black faience. The tower is described as squat by Pevsner in his book on the buildings of Essex. It sits above a circular lobby with glazed doors which provides the main entrance point. The lobby has a dome and frieze detail and the George Street frontage contains small shop units unconnected to the interior spaces.
- 2.8 There are two main storeys of foyers to the auditorium which is steeply raked and which can seat approximately 2,200. The foyers are linked by an open well staircase which is served by windows on the east.
- 2.9 In the listing the State Cinema is described as being one of the best preserved of the 1930s ‘super cinemas’. It has retained even small details of decor and machinery and is unusual in having not been subdivided or significantly altered. It has been vandalised within the last six months in spite of the best efforts of the owner. The projection room to the rear and above the circle is still equipped with some of the original projectors and lighting effects lanterns.
- 2.10 The building operated as a cinema from 1938 until the late 1980s and after a period of closure re-opened in 1991 as a wine bar and nightclub. However, the building has been unused since approximately 1998. Although the building has been considered as structurally sound in the past, damage associated with water ingress was identified as early as 2003. Although works of repair have periodically been undertaken issues arising from defective roof coverings and defective rainwater goods remain. An inspection of the interior of the building show continued water ingress.

**3.0 RELEVANT HISTORY**

Reference	Description	Decision
91/00622/FUL	Part change of use to include ground floor bar & first floor circle bar & restaurant , redecoration & reinstatement/additional lighting	Approved
97/00619/FUL	Change of use to D1 (place of worship) in addition to the current use D2 (Cinema and place of entertainment)	Withdrawn

98/00163/FUL	Change of use to D1 (place of worship) in addition to the current use D2 (cinema and place of entertainment)	Allowed at appeal
11/50367/TTGLBC	Change of use refurbishment and alterations to former cinema to form a mixed leisure centre including conference and entertainment facilities, restaurant, shops and bars.	Approved
11/50366/TTGFUL	Change of use, refurbishment & alterations to former cinema to form a mixed leisure centre including conference and entertainment facilities, restaurant, shops and bars.	Approved
15/00981/FUL	Change of use of former cinema to drinking establishment (Use Class A4) including full internal refurbishment and redecoration scheme retaining original auditorium, creation of external beer garden and terrace above first floor. Full repair and restoration of external envelope. Provision of additional windows and doors at ground and first floor level.	Lapsed
15/00982/LBC	Change of use of former cinema to drinking establishment (Use Class A4) including full internal refurbishment and redecoration scheme retaining original auditorium, creation of external beer garden and terrace above first floor. Full repair and restoration of external envelope. Provision of additional windows and doors at ground and first floor level.	Lapsed
17/01617/LBC	Works to create public house and ancillary areas within existing building, including full internal refurbishment and redecoration scheme and external works including creation of beer garden and full repair of external envelope as found necessary following dilapidation survey	Approved
17/01616/FUL	Change of use of building from cinema (Use Class D2) to public house (Use Class A4) and associated internal and external works to facilitate use, including the creation of external beer garden on frontage to George Street	Approved

21/00729/LBC	Works to create public house and ancillary areas within existing building, including full internal refurbishment and redecoration scheme and external works including creation of beer garden	Pending consideration of this Agenda.
--------------	---	---------------------------------------

3.1 Applications 17/01616/FUL & 17/01617/LBC have not been implemented and expire on 20 August 2021.

3.2 Since those applications were approved in August 2018 the applicant has reviewed the approvals and decided that changes were needed to the window pattern of the building. These matters will be considered in more detail in the accompanying listed building application.

**4.0 CONSULTATIONS AND REPRESENTATIONS**

**PUBLICITY:**

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

**4.2 CONSULTATION RESPONSES**

4.3 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)

**4.4 HIGHWAYS:**

No objections.

**4.5 ENVIRONMENT AGENCY:**

No objections

**4.6 THEATRES TRUST:**

Support the proposals which will refurbish and restore the building. The Trust encourage the restoration of the Compton Organ.

**4.7 TWENTIETH CENTURY SOCIETY:**

Support the reuse of the building.

**4.8 FLOOD RISK MANAGER**

Advice offered on drainage options.

## 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.

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:

- Decision Making
- Ensuing the vitality of town centres
- Considering and enhancing the historic environment; and
- 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:

- Design: process and tools;
- Determining a planning application;
- Flood risk and coastal change;
- Healthy & Safe Communities and
- Use of planning conditions

## 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 Core Strategy 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

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

### THEMATIC POLICIES

- CSTP7: Network of Centres
- CSTP8: Vitality & Viability of Existing Centres
- CSTP27: Management and Reduction of Flood Risk

### POLICIES FOR MANAGEMENT OF DEVELOPMENT

- PMD1: Minimising Pollution and Impacts on Amenity
- 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
- II. Highways and Access
- III. Flood Risk and Site Drainage
- IV. Other Matters

#### I. PRINCIPLE OF THE DEVELOPMENT

6.2 The application site lies within Grays Town Centre which is one of the main regeneration and strategic hubs in the Borough. The building is in a poor state of repair and has not been used for some time. A 'Building Condition, Structure and Dilapidations' report (May 2017) which accompanies the application confirms that the building has and continues to suffer water ingress and associated damage.

6.3 Policy CSSP2 (Sustainable Employment Growth) seeks to encourage new employment generating uses in the Key Strategic Hubs. The proposal would bring the building back into use and create in the region of 60 new FTE jobs. The proposal accords with the requirements of Policy CSSP2 in this regard.

6.4 Policy CSTP7 (Network of Centres) acknowledges the hierarchy of Centres in the Borough, positioning Grays as a regeneration hub, focused on providing complementary retail development to Lakeside and encouraging cultural, administrative and education uses. The proposed use will support the regeneration



of the town centre and other town centre uses, and the uses the Council is seeking to promote for Grays. The proposal would comply with Policy CSTP7 in this respect.

- 6.5 Policy CSTP8 (Vitality and Viability of Existing Centres) identifies that the Council will seek to support the retail function of town centres, and that measures to improve the vitality and viability of town centres will be encourage to support the Borough's residents. The centres should act as a focus for retail, leisure, cultural, business and residential uses. The proposed redevelopment of the premises would stimulate the local economy, providing a new wider choice for both the daytime and night time leisure activity in the town centre. The proposal would also provide a greater choice of eating and drinking locations in the town centre and would regenerate the key building in the town centre. The proposal would therefore support the Council's wide aims to regenerate Grays Town Centre in accordance with this policy.
- 6.6 The recently published revised NPPF includes a chapter titled 'Ensuring the vitality of town centres'. Paragraph 85 states that planning decisions should support the role that town centres play at the heart of local communities by taking a positive approach to their growth, management and adaptation. The State is a purpose-built cinema and consequently there is only a very limited range of non-cinema uses which the building could realistically be converted to. The long period of vacancy is evidence of the limited viable alternative uses of the structure. Accordingly, the current proposal which would result in the refurbishment, repair, restoration and perhaps most importantly re-use of the structure as a single entity, is welcomed.
- 6.7 Accordingly, the proposal is considered to be acceptable in principle.

## II. HIGHWAYS AND ACCESS

- 6.8 The applicant's ownership extends only as far as the extremities of the built footprint of the building. The applicant has rights agreed with the adjacent landowner (Morrisons) to service the building from the rear (north), through Morrison's service yard. All deliveries would be taken from this access off London Road.
- 6.9 The submitted plans show that it is proposed to utilise the pedestrianised area 'to the frontage of the site onto George Street as a beer garden although this area does not form part of the adopted highway. Planters and cordons will define the area of the outdoor beer garden with tables and chairs within the area. It should be noted that this area coincides with an area of land that is used regularly by Grays market.
- 6.10 The Council's Highways Officer has no objections to the use of this land, but it is noted a license to use the area would need to be secured from the Highways Authority. This matter could be covered by an Informative on any permission. The site is clearly located in one of the most accessible locations in the Borough, with Grays railway station, bus interchange and public car parks all within easy walking

distance. Although there is no dedicated car parking for the site, this fact reflects the existing situation and given the accessibility to sustainable modes of transport no objections to the absence of on-site parking could be substantiated.

### III. FLOOD RISK

- 6.11 The site lies within tidal Flood Zone 3a, defined by the 'Planning Practice Guidance: Flood Risk and Coastal Change' as having a high probability of flooding. The proposal is for a change of use, to a public house. The proposed use would fall within the 'more vulnerable' use based on the PPG's 'Table 2 - Flood Risk Vulnerability Classification' where development requires application of the 'Exception Test' as identified in the PPG's 'Table 3 – Flood Risk Vulnerability and Flood Zone Compatibility' table.
- 6.12 Before applying the 'Exception Test' consideration needs to be given to the 'Sequential Test', which aims to steer new development to areas with the lowest probability of flooding. This site is located in an urban area and the building has most recently been used for commercial purposes, but the proposal would introduce a 'more vulnerable' use, in terms of flood classification. As the site is previously developed land it is preferable to reuse the building. This factor is given greater weight because the proposals in this case would also bring about the beneficial re-use of a Grade II\* Listed Building. The site is also located in a sustainable location and the use would have wider benefits to the town centre and community. These considerations demonstrate that the Sequential Test is met.
- 6.13 For the 'Exception Test' to be passed the proposed development needs to provide 'wider sustainability benefits to the community that outweigh flood risk' [first part], and demonstrate that the development will be 'safe for its lifetime' [second part]. In addition to reasons stated in the 'Sequential Test' assessment above and the sustainability reasons in terms of the site's location the development can provide 'wider sustainability benefits to the community that outweigh flood risk'. Therefore the first part of the 'Exception Test' is met and the second part is assessed below.
- 6.14 A site specific Flood Risk Assessment has been submitted and is considered acceptable by the Environment Agency (EA), who raise no objections to the proposal. They recommend flood resilience measures be implemented, however these would be likely to cause additional harm to the fabric of the listed building and on balance it is not considered appropriate to require any additional works to be carried out to the building, other than those proposed to facilitate its new use. A Flood Warning Plan is recommended by the EA, this could be covered by a condition. The FRA has therefore demonstrated that the second part of the 'Exception Test' is met. The Flood Risk Manager (FRM) has requested a full drainage survey and strategy be submitted as well as looking at options for rainwater harvesting. The building is long established and Grade II\* listed. Whilst the comments from the FRM are noted given the

established nature of the building and the sensitivity of protecting as much of the building from incursion and changes, it is not considered reasonable to require further surveys or changes to the fabric of the building.

#### IV. OTHER MATTERS

- 6.15 The site is distant from the main built up residential areas of Grays. Whilst there are some residential units above commercial premises towards the northern end of the High Street, it is not considered the use would be harmful to the occupiers of these properties. The site is within a town centre location, where a level of activity during the day and night would be expected. Accordingly no objection on noise or disturbance could be substantiated.
- 6.16 It should be noted that a separate Premises Licence will need to be obtained for the sale of alcohol. As the site is located in a town centre with limited residential accommodation nearby and as the use will be subject to separate licencing it is not considered necessary to impose planning conditions restricting hours of use.

#### 7.0 CONCLUSIONS AND REASON FOR APPROVAL

- 7.1 The proposal would enable the restoration and re-use of one of the most distinctive and recognised buildings in Grays. The site is in one of the Boroughs main regeneration hubs and the proposals would represent a major opportunity to support and regenerate Grays Town Centre. The proposal would bring jobs and footfall to the High Street and create in the region of 60 new jobs. Crucially the proposals involve the re-use of a long-standing vacant heritage asset which has suffered from damage in recent years.
- 7.2 Subject to conditions the proposal is considered to be acceptable.

#### 8.0 RECOMMENDATION

Approve, subject to the following conditions:

##### TIME

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

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

**PLANS**

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

<b>Plan Number(s):</b>		
Reference	Name	Received
PL001	Existing Plans	5th May 2021
PL002	Existing Plans	5th May 2021
PL003	Existing Plans	5th May 2021
PL004	Existing Plans	5th May 2021
PL005	Existing Plans	5th May 2021
PL006	Existing Plans	5th May 2021
PL010	Existing Elevations	5th May 2021
PL011	Existing Elevations	5th May 2021
PL012	Drawing	5th May 2021
PL013	Existing Elevations	5th May 2021
PL014	Existing Elevations	5th May 2021
PL020	Sections	5th May 2021
PL021	Sections	5th May 2021
PL022	Sections	5th May 2021
PL040	Existing Plans	5th May 2021
PL041	Existing Plans	5th May 2021
PL042	Existing Plans	5th May 2021
PL043	Existing Plans	5th May 2021
PL044	Existing Plans	5th May 2021
PL045	Existing Plans	5th May 2021
PL046	Existing Elevations	5th May 2021
PL047	Existing Elevations	5th May 2021
PL048	Existing Elevations	5th May 2021
PL049	Existing Elevations	5th May 2021
PL050	Sections	5th May 2021
PL100	Proposed Plans	5th May 2021
PL100	Proposed Plans	5th May 2021
PL200	Proposed Plans	5th May 2021
PL300	Proposed Plans	5th May 2021
PL330	Proposed Plans	5th May 2021
PL360	Proposed Plans	5th May 2021
PL400	Proposed Plans	5th May 2021

PL401	Proposed Plans	5th May 2021
PL402	Proposed Plans	5th May 2021
PL403	Proposed Plans	5th May 2021
PL408	Proposed Plans	5th May 2021
PL409	Proposed Plans	5th May 2021
PL410	Proposed Plans	5th May 2021
PL500	Sections	5th May 2021
PL501	Sections	5th May 2021
PL502	Sections	5th May 2021
PL503	Sections	5th May 2021
PL600	Proposed Elevations	5th May 2021
PL601	Proposed Elevations	5th May 2021
PL602	Proposed Elevations	5th May 2021
PL602	Proposed Elevations	5th May 2021
PL603	Proposed Elevations	5th May 2021
PL603	Proposed Elevations	5th May 2021
PL604	Proposed Elevations	5th May 2021
PL01	Location Plan	5th May 2021
PL02	Site Layout	5th May 2021
PL16	Proposed Plans	5th May 2021
(No Nos.)	Proposed Plans	5th May 2021
(No Nos.)	Proposed Plans	5th May 2021
(No Nos.)	Proposed Plans	5th May 2021
(No Nos.)	Proposed Plans	5th May 2021
(No Nos.)	Proposed Plans	5th May 2021
(No Nos.)	Proposed Plans	5th May 2021

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

### USE OF PREMISES

- 3 The premises shall only be used as a public house, wine bar or drinking establishment, for purposes as defined within the sui generis use 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]. There shall be no change of use from that use, without the prior written consent of the Local Planning Authority.

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 Core Strategy and Policies for the Management of Development [2015].

#### **DETAILS OF BEER GARDEN**

- 4 Notwithstanding the information on the approved plans, the use hereby permitted shall not commence until written details of the tables, chairs, cordons and planters and any other structures to be used for the beer garden have been submitted to and approved in writing by the local planning authority. The development shall be carried out using the materials and details as approved.

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

#### **CCTV – DETAILS TO BE AGREED**

- 5 Prior to the first operational use of the premises details of any external CCTV equipment shall be submitted to and approved in writing by the local planning authority. The scheme shall be installed and be operational prior to first occupation of the development and retained and maintained thereafter.

REASON: In the interests of amenity, security and crime prevention in accordance with policy PMD2 of the adopted Thurrock Core Strategy and Policies for the Management of Development [2015].

#### **AMPLIFIED SOUND**

- 6 There shall be no amplified sound used outside the premises, unless previously agreed in writing with the local planning authority.

REASON: In the interests of the amenity and to mitigate the impact of development in accordance with by policy PMD1 of the adopted Thurrock Core Strategy and Policies for the Management of Development [2015].

#### **FLOOD WARNING AND EVACUATION PLAN**

- 7 Prior to the first operational use of the building a Flood Warning and Evacuation Plan [FWEP] for the development shall be submitted to and approved in writing by the local planning authority. The approved measures within the Plan shall be implemented, shall be made available for inspection by all users of the site and shall be displayed in a visible location all times thereafter.

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

[2015].

### **EXTRACTION DETAILS**

- 8 Prior to the first operational use of the public house details of any 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 shall be 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 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:

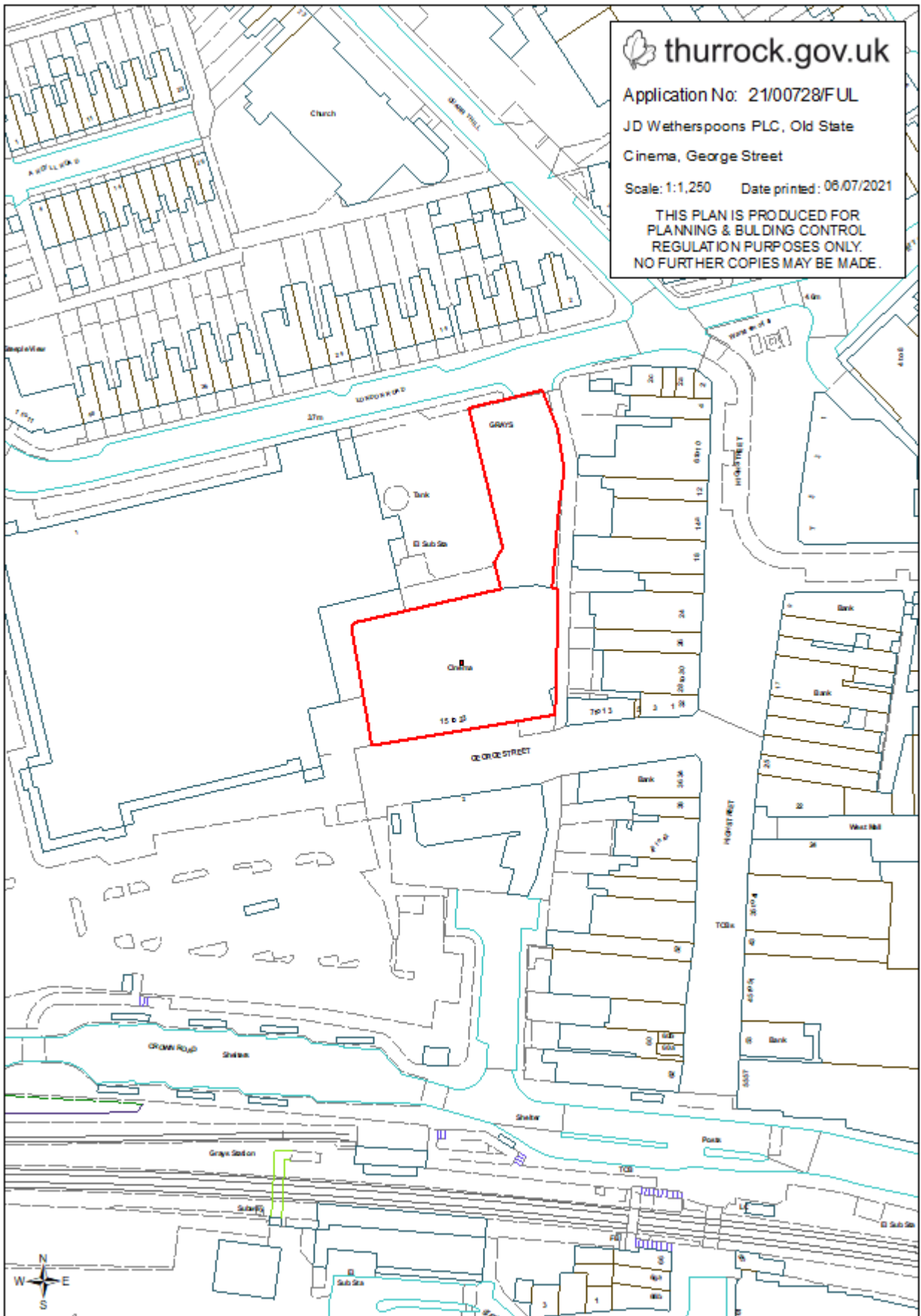
The Local Planning Authority has acted positively and proactively in determining this application by identifying matters of concern within the application (as originally submitted) and negotiating, with the Applicant/Agent, acceptable amendments to the proposal to address those concerns. As a result, the Local Planning Authority has been able to grant planning permission for an acceptable proposal, in accordance with the presumption in favour of sustainable development, as set out within the National Planning Policy Framework.

- 2 The applicant will need a license from the Highways Authority, Thurrock Council to allow the stationing of the equipment for the outdoor beer garden on the public highway.

#### **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)





By virtue of paragraph(s) 3 of Part 1 of Schedule 12A of the Local Government Act 1972.

Document is Restricted

This page is intentionally left blank

By virtue of paragraph(s) 3 of Part 1 of Schedule 12A  
of the Local Government Act 1972.

Document is Restricted

This page is intentionally left blank