

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 **6.00pm** on **10 February 2022**

**The Springhouse, Springhouse Road, Corringham, Stanford-le-Hope SS17 7QT**

### Membership:

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

Steve Taylor, Campaign to Protect Rural England Representative

### Substitutes:

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

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### Agenda

Open to Public and Press

	<b>Page</b>
<b>1 Apologies for Absence</b>	
<b>2 Minutes</b>	<b>5 - 14</b>
To approve as a correct record the minutes of the Planning Committee meeting held on 2 December 2021.	
<b>3 Item of Urgent Business</b>	
To receive additional items that the Chair is of the opinion should be considered as a matter of urgency, in accordance with Section 100B (4) (b) of the Local Government Act 1972.	

- 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 15 - 20**
- 7 Public Address to Planning Committee**
- The Planning Committee may allow objectors and applicants/planning agents, and also owners of premises subject to enforcement action, or their agents to address the Committee. The rules for the conduct for addressing the Committee can be found on Thurrock Council's website at <https://www.thurrock.gov.uk/democracy/constitution> Chapter 5, Part 3 (c).
- 8 21/01357/FUL Dilkes Academy, Garron Lane, South Ockendon, RM15 5JQ 21 - 36**
- 9 21/01787/HHA 2 Northlands Close, Stanford Le Hope, Essex, SS17 8DL 37 - 44**
- 10 21/01804/FUL Beauchamp Place, Malvern Road, Grays, RM17 5TH 45 - 64**

**Queries regarding this Agenda or notification of apologies:**

Please contact Kenna-Victoria Healey, Senior Democratic Services Officer by sending an email to [Direct.Democracy@thurrock.gov.uk](mailto:Direct.Democracy@thurrock.gov.uk)

Agenda published on: **2 February 2022**

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### Access to Information and Meetings

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1. If you are feeling ill or have tested positive for Covid and are isolating you should remain at home, the meeting will be webcast and you can attend in that way.
2. You are recommended to wear a face covering (where able) when attending the meeting and moving around the council offices to reduce any chance of infection. Removal of any face covering would be advisable when speaking publically at the meeting.
3. Hand sanitiser will also be available at the entrance for your use.

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# DECLARING INTERESTS FLOWCHART – QUESTIONS TO ASK YOURSELF

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

## Helpful Reminders for Members

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

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

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



Does the business to be transacted at the meeting

- relate to; or
- likely to affect

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

Disclosable Pecuniary Interests shall include your interests or those of:

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

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

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

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

## **Pecuniary**

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

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

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

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

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

## **Non- pecuniary**

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



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

## Our Vision and Priorities for Thurrock

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

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

## Minutes of the Meeting of the Planning Committee held on 2 December 2021 at 6.00 pm

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<b>Present:</b>	Councillors Tom Kelly (Chair), Steve Liddiard (Vice-Chair), Gary Byrne, James Halden, Susan Little, Terry Piccolo, Georgette Polley and Lee Watson
<b>Apologies:</b>	Councillors Colin Churchman and Mike Fletcher
<b>In attendance:</b>	Leigh Nicholson, Assistant Director of Planning, Transport and Public Protection Louise Reid, Strategic Lead - Development Services Ian Harrison, Principal Planner Nadia Houghton, Principal Planner Kenna-Victoria Healey, Senior Democratic Services Officer

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

The Chair stated that there was a time limit for the use of South Essex College venue which was until 9.30pm. He said that if the items on the agenda were not concluded by 9.30pm, the meeting would be adjourned and would recommence at the next Planning Committee meeting on 6 January 2022.

### **55. Minutes**

The minutes of the meeting held on 28 October 2021 were approved as a true and correct record.

### **56. Item of Urgent Business**

There were no items of urgent business.

### **57. Declaration of Interests**

In relation to 21/01557/HHA, Councillor Halden declared that his parents lived on Second Avenue and he supported the call in of the application, however he felt he could hear the application with an open mind.

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

Councillor Kelly, declared the following correspondence which had been received by all Members:

- An email from Councillor Collins in relation to 21/01557/HHA

- An email from Councillor J Kent in relation to 21/01789/TBC
- An email from Mrs H Turp in relation to 21/01578/HHA

All Members declared emails being received in relation to 21/00894/TBC.

## **59. Planning Appeals**

The Assistant Director for Planning, Transport and Public Protection presented the report to Members. Councillor Polley enquired as to whether officers had received the same ratio of applications as on previous years for this time of year. The Assistant Director of Planning, Transport and Public Protection commented the percentage of applications which had been received was around 42% and officers had no concerns as to the amount of applications being submitted. He continued by stating the applications process was kept under review.

### **RESOLVED:**

**That the report be noted.**

## **60. 21/00304/FUL - Land Rear Of Ewen House High Road Fobbing Essex**

The report was presented by the Principal Planner.

Councillor Byrne enquired as to the difference between a two story planning application on greenbelt land for a single detached dwelling and the same application however being labelled for over 55-year-olds. The Principal Planning officer explained that as with all applications submitted on Green Belt land it was necessary to decide which was greater the need for homes or the harm to the Green Belt.

Councillor Little sought additional information on the traffic light system and the impact it could have on the surrounding roads. The Chair of the Committee followed up with asking officers if there were any examples of the proposed traffic light system being used within the borough. It was explained that the traffic lights were small in design for this application and would be the same as expected at a major road junction. Members heard that if approved the traffic lights would be on private land and not on the adopted highway.

Councillor Polley commented that as the target audience were over 55s as to whether there would be enough space for the emergency services to enter the site. Officers explained an ambulance for example would fit however it the entrance onto the site was tight.

The Chair of the Committee advised Members that unfortunately the agent was stuck in traffic, however a copy of his speaker statement was included within the speaker booklet and had been circulated to all Committee Members.

During the debate Councillor Halden referred to paragraph 6.28 of the report and commented that given the development was for an older person's



accommodation he didn't feel that Fobbing was the correct location as it was not located to any local amenities.

Councillor Byrne mentioned not far from the site was the Frost Estate in Corringham which was well known for being an estate of many bungalows.

Mr Taylor commented that the development was not only in the Greenbelt but the size of it appeared no bigger than a single back garden.

Councillor Liddiard proposed the officer's recommendation and was seconded by Councillor Little.

For: (8) Councillors Tom Kelly (Chair), Steve Liddiard (Vice-Chair), Gary Byrne, James Halden, Susan Little, Terry Piccolo, Georgette Polley and Lee Watson

Against: (0)

Abstained (0)

**61. 21/00894/TBC - 13 Loewen Road Chadwell St Mary Essex**

The report was presented by the Principal Planning Officer.

Councillor Little enquired as to the location of the windows and the light allowed into property, as it was suggested opaque windows were to be used. The Principal Planner explained the windows suggested to be used were in line and applied with the planning policy and would be situated in all non-main living areas. Councillor Little further commented that she had visited the site and this had caused her concern with regard to traffic in the area given the extra vehicles and usage to the road. It was explained that the parking spaces offered within the application met the parking standards, therefore the 10 spaces offered was within policy. Councillor Little observed that when she visited the site she noticed a number of cars were parked in the road.

Councillor Byrne queried if the property which was part of the development was an adapted property. Officers confirmed there was a pre-existing building on the development site and within the report the provision for housing was explained.

The Chair of the Committee commented on the link the development had with the Local Authority, remarking that the applicant hadn't taken the application through appeal and therefore had listened to Members previous discussions on the application. The Principal Planning Officer explained that while it was possible for a planning refusal to be appealed it was practical for this application to be looked at via officers and the applicant and then to be brought back to committee.

Members were advised the Resident speaker had sent her apologies, however her statement has been included within the speaker booklet and circulated to Members.

Speaker statements were heard from:

Councillor Muldowney, Ward Member in objection

Mark Baggoley, Agent in support.

During discussions it was enquired as to whether it was possible to refurbish the property so to keep it suited for a disability needs and to allow parking spaces suited for someone with a disability. The Principal Planning Officer explained to refurbish the property it would have to comply with building regulations and in relation to parking spaces these would be allocated slightly differently.

Members moved to the debate during which Councillor Liddiard stated he visited the property and felt it was out of the characteristics for the area, he continued by stating he was pleased to see that parking had been included as part of the application. He further stated he was disappointed that the property was not to be refurbished, as from the road the property was not visible due to imposing housing.

Councillor Little echoed Councillor Liddiard's comments on parking, stating when she visited the site it was difficult to park as a number of vehicles were parked in the down the road.

The Chair of the Committee stated that although it was still a large development, the application would produce four new homes for four families and he felt it was a positive application.

Councillor Polley stated that it was important to remember not all disabilities are visible, and unfortunately the property was no longer fit for its purpose and appeared to be in need to be updated.

Councillor Halden stated Members first saw the application in March which they deferred, it was clear the three main concerns Members had at that meeting had been met by the applicant.

The Chair of the Committee proposed the officer's recommendation and was seconded by Councillor Halden.

For: (5) Councillors Tom Kelly (Chair), James Halden, Susan Little, Terry Piccolo, Georgette Polley

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

Abstained (0)

**62. 21/01578/HHA - 41 Scratton Road, Stanford Le Hope, Essex, SS17 0PA**

Councillor Halden declared that a family member lived on Scratton Road, however he did not feel this impacted on his ability to hear the application with an open mind.

The Principal Planning Officer presented the report.

Councillor Halden queried how the property was out of character for the road, as at the end of Scratton Road there was a block of flats and a mansion. The Principal Planning Officer explained that although the development was good in design it was more to do with the dwelling on the rear of the property and therefore in context of the rest of the road it was out of character for the area.

Speaker statement was heard from Helen Turp, applicant in support.

During the debate all Members agreed they were surprised to see the application presented to committee, as they didn't feel the application was impacting on any of the other residents along the road and there had been no resident objections to the application.

The Chair of the Committee asked Members if anyone wished to propose the officers recommendation for refusal. There were none. Councillor Halden then put forward a recommendation of approval of the application this was seconded by Councillor Little and put to the vote.

For: (8) Councillors Tom Kelly (Chair), Steve Liddiard (Vice-Chair), Gary Byrne, James Halden, Susan Little, Terry Piccolo, Georgette Polley and Lee Watson

Against: (0)

Abstained (0)

*The committee adjourned at 7:34pm and reconvene at 7:40pm.*

**63. 21/01548/FUL - 2 Morant Road, Chadwell St Mary, Essex, RM16 4UA**

The Principal Planning Officer presented the report.

Councillor Little enquired as to whether the development would impede the current building line. Officers explained that approval to the application would mean the development was closer to the public highway and therefore the boundary line would decrease from 3.1 m to 2.7 m.

Speaker statements were heard from:

Michelle Hall, resident in objection

Councillor Adam Carter, Ward Member in objection

Councillor Halden commented that from looking at the layout of the development it would be incredibly intrusive on the neighbours and he couldn't see how this application could be approved.

Councillor Little commented she felt the application was out of keeping with the area and the characteristics of the other properties.

Councillor Byrne proposed the officer's recommendation and was seconded by Councillor Watson.

For: (8) Councillors Tom Kelly (Chair), Steve Liddiard (Vice-Chair), Gary Byrne, James Halden, Susan Little, Terry Piccolo, Georgette Polley and Lee Watson

Against: (0)

Abstained (0)

*At 8:15pm, the committee agreed to suspend standing orders until 9:30pm.*

**64. 21/01789/TBC - Alf Lowne Scout Centre, Richmond Road, Grays, Essex, RM17 6DN**

The Principal Planning Officer presented the report.

Councillor Watson sought clarification as to why it was not possible to use the access via the Adult Community College. It was explained that adjacent to Scout Centre was the Adult Community College site, in October 2021 the Council submitted a Prior Notification application to demolish the site which was granted in November 2021 with works due to start in January 2022. She continued to explain currently the Scout Centre were accessing the site via the car park of the Adult Community College, and by approving the application would enable the Scouts to have their own access route as once the demolition work began there would be no pedestrian or vehicle access via that current route. The officer also explained that there is an existing rear access serving the terrace of housing adjacent to the Scout Centre, and this rear access is also currently open to the Scout Centre but that it is not the Scouts Centre's formal access Councillor Liddiard enquired as to whether any consultation had been completed relating to the number of vehicles using Richmond Road, he continued by stating whenever he had used the road there was always another vehicle coming towards him which would always leave one vehicle having to reverse towards the main road. The Chair of the Committee followed Councillor Liddiard's question by seeking confirmation that if the Scouts would have legal access to the route proposed within the application. The Principal Planning Officer confirmed that the Scouts would be permitted legal access via Richmond Road and that this road was an unclassified road.

Councillor Kelly sought further clarification on the number of parking spaces to be used to create an entrance route for the Scouts Centre. He continued by

explaining it had been suggested it would be more than the two spaces proposed by officers. The Principal Planning Officer explained in terms of the proposal within the application there would be a loss of two on street parking spaces to the length of 6.8 m.

The Chief Highways Engineer advised the Committee in general a parallel parking bay was between five and six meters in length, therefore the access being applied for would be less than what the Council would consider a viable parking space. He continued by commenting as there would be a need to allow a vehicle to manoeuvre in and out of the access point, officers estimated it was likely to be two vehicle spaces that would be lost to be able to provide necessary manoeuvrability.

Members enquired as to whether it would be possible for the college car park to be made available for residents use in the short term so to alleviate some of their parking concerns. The Principal Planning Officer advised Members the application site which was the area adjacent to the Scout Centre, didn't go as far as the Adult Community College and so it was outside and beyond the limits of the application and unfortunately officers didn't have any information on that.

Speaker statements were heard from:

Carol Evans, resident in objection

Councillor John Kent, ward member in objection

Councillor Watson stated that she had a family member who lived in the area and was aware of the traffic issues along those roads not to mention the impact on all local roads in the area of Richmond Road and the problem still reminded as to access down the road as it was difficult for the refuse lorries to be able to collect the bins. She further stated she didn't understand how the Council could look to demolish the Adult Community College and not have a plan in place to offer residents somewhere to park.

Councillor Polley commented she felt a site visit could be worthwhile as she found it difficult to picture the site and the layout of the roads and therefore a site visit would enable Members a chance to view how the proposed access site would be use and the possibility of the potential to use of the front car park which had been previously been suggested.

Councillor Piccolo mentioned he felt there would be further loss than just two parking spaces as entry to the site would be 6m wide and a vehicle length was 4.8m. The Principal Planning Officer offered some clarity in that the proposed vehicle access would be 4.8m wide plus an additional 2ms width to allow for the pedestrian access making the proposed access width 6.8m overall.

The Chief Highways Engineer addressed Members clarifying some points which had been raised, the first was with regards to the parking restrictions issued he advised Members that within the conditions on the application it

stated that access details were to be submitted to officers and agreed before any works could commence, he hoped this would give members some confidence that there were checks in place in terms of the access to the site within the application.

He continued by explaining as part of the next step within the application process with regards to parking restrictions this was to be subject to a separate consultation process through the Road Traffic Relations Act and this would entail a draft Traffic Regulation Order to be produced which would go out to consultation.

Councillor Polley put forward a recommendation for a site visit this was seconded by Councillor Byrne and put to the vote.

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

Against: (5) Councillors Tom Kelly (Chair), James Halden, Susan Little, Terry Piccolo and Georgette Polley

Abstained (0)

The Chair of the Committee proposed the officer's recommendation and was seconded by Councillor Halden.

For: (5) Councillors Tom Kelly (Chair), James Halden, Susan Little, Terry Piccolo and Georgette Polley

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

Abstained (0)

**65. 21/01557/HHA - Falconhurst, Second Avenue, Stanford Le Hope, SS17 8DP**

The Principal Planning Officer presented the report.

Councillor Halden sought clarification that what had been applied for and granted with regards to planning permission was not what had been built, and if the committee were minded to refuse or approve the application, what would happen to the current construction. He continued by seeking what the Council's next steps would be for the application. The Principal Planning Officer advised should Members go against officer recommendation the Council would look at all options with regards to enforcement action, this would mean working with the applicant and the land owner to produce a timescale to amend the construction to the correct planning permission which had been applied for and granted.

Councillor Byrne enquired as to if Members approved officer's recommendations to refuse the application if the applicant was to appeal if

this mean the current structure would be to remain in place. It was explained by the Principal Planning Officer that an enforcement notice would be produced and would need time to take affect and to be applied once this had been completed the length of an appeal would be the responsibility of the Planning Inspectorate.

Speaker Statement was heard from Councillor Gary Collins, Ward Member in objection.

During the debate Councillor Halden stated the construction of the wall had been completed outside and without the correct planning permission and therefore he felt that the officers recommendation to refuse should be supported.

Councillor Byrne proposed the officer's recommendation and was seconded by Councillor Little.

For: (8) Councillors Tom Kelly (Chair), Steve Liddiard (Vice-Chair), Gary Byrne, James Halden, Susan Little, Terry Piccolo, Georgette Polley and Lee Watson

Against: (0)

Abstained (0)

**The meeting finished at 8.59 pm**

Approved as a true and correct record

**CHAIR**

**DATE**

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

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<b>10 February 2022</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 for Development Services	
<b>Accountable Assistant Director:</b> Leigh Nicholson, Assistant Director for Planning, Transportation and Public Protection.	
<b>Accountable Director:</b> Julie Rogers, Director of 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:** 21/01496/HHA

Location: 2 Northlands Close, Stanford Le Hope

Proposal: Single storey side extension with hipped roof and 1 rooflight. Adjustments to flank window at first floor level.

- 3.2 **Application No:** **21/01241/HHA**  
Location: 84 Bradleigh Avenue, Grays  
Proposal: Two storey side extension and part single storey, part two storey rear extension with Juliette balcony.
- 3.3 **Application No:** **20/01094/HHA**  
Location: 24 Bata Avenue, East Tilbury  
Proposal: (Retrospective) Replacement of window frames, windows, side and rear doors and rendering.
- 3.4 **Application No:** **20/01095/LBC**  
Location: 24 Bata Avenue, East Tilbury  
Proposal: (Retrospective) Replacement of window frames, windows, side and rear doors and rendering.
- 3.5 **Application No:** **21/00243/FUL**  
Location: Wick Place Cottage, Brentwood Road, Bulphan  
Proposal: Demolition of existing outbuildings, replacement of former smithy to create new dwelling and erection of new dwelling, including associated development and access.
- 3.6 **Application No:** **20/00337/HHA**  
Location: 6 Woolings Row, Baker Street, Orsett  
Proposal: Two storey side extension including carport
- 3.7 **Application No:** **21/00260/FUL**  
Location: Land Rear Of 42-44 Fairview Avenue, Stanford Le Hope

Proposal: Demolition of the existing single storey garages and concrete plinth to be replaced with 3No. one bedroom flats over 2 floors. The new two storey building has been designed to match the aesthetic and layout of the immediately adjacent residential block known as Whitwell Court. The development will provide communal grounds, bin stores and resident and visitor parking.

**3.8 Application No: 21/01258/HHA**

Location: 25 Brandon Close, Chafford Hundred, Grays

Proposal: Loft Conversion with three rear dormers and one front dormer.

**4.0 Appeals Decisions:**

The following appeal decisions have been received:

**4.1 Application No: 20/01505/FUL**

Location: Montrose, 168 Branksome Avenue, Stanford Le Hope

Proposal: Demolition of the existing bungalow and the construction of 4 new dwellings with associated access road, hardstanding, landscaping and two vehicular access points (resubmission of 19/00379/FUL  
Demolition of the existing bungalow and the construction of 5 new dwellings with associated access road, hardstanding, landscaping and two vehicular access points (resubmission of 18/00316/FUL  
Demolition of the existing bungalow and the construction of 7 new dwellings)

Appeal Decision: Appeal Allowed

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

4.1.2 The Inspector found there would as a consequence of the proposal be harm to the character and appearance of the area. The harm would be limited, but would conflict with policies PMD2, CSTP22 and CSTP23 of the Core Strategy as those policies emphasise the character of the Homesteads Ward as a key issue, and include requirements broadly for

development to respond to local context and to contribute positively to the character of the surrounding area.

4.1.3 Nonetheless, the Inspector noted the results of the Housing Delivery Test 2020 show that housing delivery over the previous 3 years has been only 59% of the target level, and that the Council is also unable to demonstrate a 5-year supply of deliverable housing sites. The Council could not provide evidence to the contrary, and the presumption in favour of sustainable development test set out in paragraph 11(d) of the Framework was therefore engaged. This provides that planning permission should be granted unless any adverse impacts of doing so would significantly and demonstrably outweigh the benefits when assessed against the policies in the Framework taken as a whole.

4.1.4 In applying the presumption at paragraph 11(d) of the Framework, the starting point is that permission should be granted. The Inspector concluded that in this case that the modest adverse impacts of the development would not significantly and demonstrably outweigh the benefits when assessed against the policies in the Framework taken as a whole. The presumption in favour of sustainable development therefore applied, and the Inspector considered it be a material consideration sufficient to outweigh the harm to the character and appearance of the area and the conflict with policies PMD2, CSTP22 and CSTP23 of the Core Strategy. Accordingly, the appeal was allowed.

4.1.5 The full appeal decision can be found online.

## 5.0 APPEAL PERFORMANCE:

	APR	MAY	JUN	JUL	AUG	SEP	OCT	NOV	DEC	JAN	FEB	MAR	
Total No of Appeals	1	4	0	7	6	10	1	2	1	1			23
No Allowed	0	1	0	4	0	3	1	0	1	1			11
% Allowed	0%	25%	0%	57.14%	0%	30%	100%	0%	100%	100%			47.83%

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: **Mark Bowen**  
**Interim 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

# Agenda Item 8

Planning Committee 10 February 2022

Application Reference: 20/01357/FUL

<b>Reference:</b> 21/01357/FUL	<b>Site:</b> Dilkes Academy Garron Lane South Ockendon RM15 5JQ
<b>Ward:</b> Belhus	<b>Proposal:</b> Proposed installation of 6no. 8m Hinged columns with 12no. Amins Match 450W LED Flood lights around existing MUGA pitch.

Plan Number(s):		
Reference	Name	Received
H863/01	Site and Location Plan	02 August 2021
H863/02	Proposed Block Plan	02 August 2021
H863/03	Proposed Elevations	18 January 2022

The application is also accompanied by: <ul style="list-style-type: none"> <li>- Lux Levels Plan</li> <li>- Kingfisher Sport Datasheet</li> <li>- School Traffic Management Plan</li> </ul>	
<b>Applicant:</b> Mr Rhys Latham (Dilkes Academy).	<b>Validated:</b> 3 August 2021  <b>Date of expiry:</b> 14 <sup>th</sup> February 2022 (Extension of Time Agreed)
<b>Recommendation:</b> Approve, subject to conditions.	

This application is scheduled for determination by the Council's Planning Committee because it has been Called In by Councillors Polley and Jeffries with the agreement of Councillor Kelly (in accordance with Part 3 (b) 2.1 (d) of the Council's constitution) because of local interest.

## 1.0 BACKGROUND AND DESCRIPTION OF PROPOSAL

1.1 Planning permission was granted at the site for the erection of a Multi-Use Games Area (MUGA) under the terms of planning application 18/01061/FUL. That development was subsequently undertaken and, as such, the MUGA already exists at the south west corner of the grounds of Dilkes Academy.

- 1.2 This application seeks planning permission for the installation of 6 columns, each of which would measure 8 metres tall and feature two lights.
- 1.3 The proposed lights would be fitted to face towards the ground with trim fitted around the edges of the lights to limit the spread of light beyond the MUGA.

## **2.0 SITE DESCRIPTION**

- 2.1 As set out above, planning permission was granted for the provision of the MUGA under application 18/01061/FUL.
- 2.2 Condition 6 of 18/01061/FUL limits the hours of use of the MUGA to between the following times:
- 08.00 a.m. and 08.30 p.m. Monday to Friday;  
08.00 a.m. and 08.30 p.m. on Saturday; and  
08.00 a.m. and 06.30 p.m. on Sunday and public holidays.
- 2.3 Condition 5 of 18/01061/FUL required a Community Use Agreement to be submitted and agreed prior to the first use of MUGA. A Community Use Agreement was subsequently approved under the terms of discharge of condition application 19/00706/CONDC. This sets out that the MUGA shall be made available for community use during the following times:
- Term Time – Monday to Friday 16:00 to 20:30, Saturday 08:00 to 20:30 and Sunday 08:00 to 18:30
- School Holidays - Monday to Friday 08:00 to 20:30, Saturday 08:00 to 20:30 and Sunday 08:00 to 18:30
- 2.4 The Community Use Agreement also sets out a pricing policy, details of booking arrangements and ensures the provision of 50 car parking spaces for community users outside of school hours.
- 2.5 Condition 8 of 18/01061/FUL prevents the installation of floodlighting around the MUGA without planning permission first being granted.
- 2.6 The site is located within the Green Belt.

## **3.0 RELEVANT PLANNING HISTORY**

- 3.1 The following table provides the planning history:



Reference	Description	Decision
84/00237/FUL	Part Of School For Grays Occupation Centre	Approved
86/00137/FUL	Alterations to provide nursery unit	Approved
87/00539/FUL	Erection of an outbuilding for storage of equipment and materials	Approved
92/00636/CC	Temporary classroom with toilets (Full reference THU/636/92-CC/THU/16/92)	Approved
93/00192/FUL	Recycling centre	Withdrawn
93/00714/CC	Relocatable classroom	No Objection
94/00011/CC	Office/kitchen and pram store	Approved
94/00015/CC	Rear single storey extension	No Objection
94/00662/CC	Rear single storey extension	No Objection
95/00013/CC	Continued use of relocatable classrooms	No Objection
98/00609/FUL	Replacement of chainlink fencing with traditional metal railings 2.0m to Humber Avenue 1.8m to Garron Lane.	Approved
99/00716/TBC	Extension to entrance, office and staff room	Approved
00/00848/TBC	Single storey extension to side of school	Approved
07/00616/FUL	New single storey infill extension to front of school.	Approved
13/00605/FUL	Single storey class base extension	Approved
13/00650/FUL	Car Park Extension	Approved
16/00312/FUL	Proposed front entrance extension, canopy and internal remodeling.	Approved
18/00566/FUL	Infill extension to main school building	Approved
18/01061/FUL	MUGA pitch with perimeter fencing and hardstanding	Approved
19/00245/CONDC	Application for the approval of details reserved by condition no 3 (Landscaping), no 4 (MUGA Design), no 9 (Parking Management Strategy) , no 10 (CEMP) and no 11 (Tree Protection) of planning permission ref. 18/01061/FUL (MUGA pitch with perimeter fencing and hardstanding)	Approved
19/00706/CONDC	Application for the approval of details reserved by Condition 5 - (Community	Approved

	Use Agreement, Business Plan) of planning application 18/01061/FUL (MUGA pitch with perimeter fencing and hardstanding)	
19/00781/FUL	Single storey extension to provide two classrooms and break out space following the demolition of two existing demountable classroom	Approved

#### 4.0 CONSULTATION AND REPRESENTATIONS

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

#### 4.2 PUBLICITY:

This application has been advertised by way of individual neighbour notification letters. Eight objections have been received which raise objections on the following grounds:

- Light pollution;
- Noise pollution;
- The hours of use are outside school hours, including at weekends and it is unclear if the use would be for commercial purposes;
- Proposal would cause disruption;
- Site should only be used during daylight hours;
- Previous decision disregarded the opinion of local residents;
- The school has not resolved objections that have been raised to them.

#### 4.3 THURROCK COUNCIL ENVIRONMENTAL HEALTH OFFICER:

No objection.

#### 4.4 THURROCK COUNCIL HIGHWAYS DEVELOPMENT CONTROL TEAM:

No Objection

#### 4.5 SPORT ENGLAND:

No objection.

## **5.0 POLICY CONTEXT**

### **5.1 National Planning policy Framework**

The revised NPPF was published on 20<sup>th</sup> July 2021. The NPPF sets out the Government's planning policies. Paragraph 11 of the Framework expresses a presumption in favour of sustainable development. 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:

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

### **5.2 National Planning Practice Guidance**

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

- Design
- Determining a planning application
- Effective use of land
- Light pollution
- Making an application
- Natural environment
- Noise
- Open space, sports and recreation facilities, public rights of way and local green space
- Travel Plans, Transport Assessments and Statements
- Use of planning conditions

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

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

Overarching Sustainable Development Policy:

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

Spatial Policies

- Sustainable Green Belt

Thematic Policies:

- CSTP9: Well-being: Leisure and Sports
- CSTP10: Community Facilities
- CSTP12: Education and Learning
- CSTP15: Transport in Greater Thurrock
- CSTP20: Open Space
- 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
- PMD5: Open Spaces, Outdoor Sports and Recreational Facilities
- PMD6: Green Belt
- PMD8: Parking Standards
- PMD9: Road Network Hierarchy
- PMD10: Transport Assessments and Travel Plans

### 5.4 Thurrock Local Plan

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

## 5.5 Thurrock Design Strategy

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

## 6.0 **ASSESSMENT**

6.1 The material considerations for this application are as follows:

- I. Principle of the development.
- II. Design and Layout and Impact upon the Area
- III. Traffic Impact, Access and Car Parking
- IV. Effect on Neighbouring Properties
- V. Other Matters

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

6.2 As the site is located within the Green Belt policies CSSP4 and PMD6 apply. Policy CSSP4 identifies that the Council will '*maintain the purpose function and open character of the Green Belt in Thurrock*', and policy PMD6 states that the Council will '*maintain, protect and enhance the open character of the Green Belt in Thurrock*'. These policies aim to prevent urban sprawl and maintain the essential characteristics of the openness and permanence of the Green Belt in accordance with the requirements of the NPPF.

6.3 Paragraph 137 within Chapter 13 of the NPPF states that the Government attaches great importance to Green Belts and that the '*fundamental aim of Green Belt policy is to prevent urban sprawl by keeping land permanently open; the essential characteristics of Green Belts are their openness and their permanence*'.

6.4 In terms of Green Belt policy it is necessary to refer to the following key questions:

1. Whether the proposals constitute inappropriate development in the Green Belt;
2. The effect of the proposals on the open nature of the Green Belt and the purposes of including land within it; and

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

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

6.5 Paragraph 143 of the NPPF defines 'inappropriate development' as definitional harm to the Green Belt and should not be approved except in very special circumstances.

6.6 Paragraph 147 of the NPPF states that local planning authority's should regard the construction of new buildings as inappropriate development but paragraphs 149 and 150 identify 'exceptions' where development in the Green Belt is not inappropriate, subject to certain key considerations. One of those exceptions is *the provision of appropriate facilities (in connection with the existing use of land or a change of use) for outdoor sport, outdoor recreation, cemeteries and burial grounds and allotments; as long as the facilities preserve the openness of the Green Belt and do not conflict with the purposes of including land within it;*" The proposal would be an appropriate facility used for the purposes of outdoor sport and therefore, subject to the following assessment, there is grounds to find that the development is not inappropriate development in the Green Belt.

6.7 In terms of openness, the proposed lighting columns would sit within the area that is already enclosed as part of the MUGA and used for those purposes. Whilst the lighting columns would be taller than the existing fencing at the site, the effect on the openness of the Green Belt would be negligible and it can be found that the overall openness of the Green Belt, at the site and within the wider locality, would be preserved. For similar reasons, the proposal would not conflict with the purposes of including land within the Green Belt as the proposal would not bring about the unrestricted sprawl of a large built-up area, would not cause neighbouring towns to merge, would not cause encroachment into the countryside, would not affect the setting and special character of historic towns; and would not prevent urban regeneration.

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

6.8 These matters have been considered above but, for reasons of procedural soundness, it is prudent to consider them further and expand on why the proposal is considered acceptable in these respects.

## The Five Purposes of the Green Belt

6.9 Paragraph 138 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 proposed lighting columns would be located at the edge of the existing MUGA. The proposal would not extend the MUGA and, as the part of the Green Belt that the application site is a part of is surrounded by the urban area of South Ockendon, the proposal would not cause urban sprawl.

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

6.12 For the same reasons as set out at 6.11 above, the lighting columns would be contained to the area of the existing MUGA and would be surrounded by existing parts of the settlement of South Ockendon on three sides. Therefore, the proposal would not extend towards any other town.

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

6.13 Again, the containment of the facilities to the area of the existing MUGA ensures that the proposal does not encroach into the countryside.

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

6.14 The site is not within the vicinity of any towns that have a historic setting or character that would justify this being a reason to refuse the application.

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

6.15 Given the association with the existing MUGA, the proposed lighting columns could only occur at this site to be functionally effective and would have no impact on urban regeneration objectives.

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

Impact upon the Openness of the Green Belt

- 6.17 The proposed lighting columns would sit within the area that is already enclosed as part of the MUGA and used for those purposes. Whilst the lighting columns would be taller than the existing fencing at the site, the effect on the openness of the Green Belt would be negligible and it can be found that the overall openness of the Green Belt, at the site and within the wider locality, would be preserved.

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

- 6.18 For the reasons set out above, the proposal is not considered to be inappropriate development in the Green Belt and, as such, it is not necessary to weigh any benefits of the proposal against other considerations.

II. DESIGN AND LAYOUT AND IMPACT UPON THE AREA

- 6.19 Despite their height, the lighting columns would be thin and of an appearance that would be expected of such installations. They would be of functional appearance that would have a generally neutral effect on the character and appearance of the site and the surrounding area. Although visible from neighbouring properties, it is not considered that the lighting columns would be visually unacceptable. Furthermore, as the structures would sit independently of most other structures and built form, it is considered that their introduction would not materially affect the pattern of development or the established character of the wider area.

- 6.20 For these reasons set out above, it is considered that the proposal would have an acceptable effect on the character and appearance of the area. The proposal would, therefore, accord with Policies CSTP22, CSTP23 and PMD2 of the Thurrock Local Development Framework Core Strategy and Policies for Management of Development 2015, the abovementioned Design Strategy SPD and the NPPF.

III. TRAFFIC IMPACT, ACCESS AND CAR PARKING

- 6.21 The MUGA is already in place, the persons able to use the facility would not change and the authorised hours of use would not change. As such, the only



difference to the existing situation would be that there would be an increase likelihood of the MUGA being used in winter or at times when the lack of natural light would have prevented the use of the facility.

- 6.22 The level of parking available at the site would be no different and the number of trips generated by the use of the site would only be different in winter terms. In this regard it is noted that the Community Use Agreement secures the provision of 50 parking spaces outside of school hours for use by the community users of the site. Furthermore, a School Traffic Management Plan was agreed under the terms of condition 9 of the previous planning permission relation to the MUGA and the same documentation has been submitted with this application.
- 6.23 In this case, there is known no reason to assume that the use of the facility at winter times in the same way that could already occur when natural light does allow, would bring about additional movements or traffic in a manner that would justify the refusal of the application.
- 6.24 For these reasons, it is considered that the highways, access and parking arrangements in respect of the proposed development are acceptable and, therefore, the proposal accords with Policies CSTP15, PMD8, PMD9 and PMD10 of Thurrock Local Development Framework Core Strategy and Policies for Management of Development 2015 and the NPPF.

#### IV. EFFECT ON NEIGHBOURING PROPERTIES

- 6.25 As set out above, the proposal would facilitate the use of the MUGA during winter times and, as such, there would be parts of the year when the development would enable an intensified use of the site. However, this would only bring the use of the facility in line with what can already occur at other times of the year. From this basis, whilst comments made in respect of noise and disturbance by objecting parties are noted, it is not considered that it would be reasonable to refuse the application for that reason, particularly given that at the times when the floodlights would be required, gardens within surrounding properties are likely to be used less and windows within neighbouring properties are more likely to be closed, meaning that any effects are likely to be less than in the summer.
- 6.26 The main impact of the proposal would arise from the effect of illuminating the pitch, whereby it is inevitable that this illumination would be visible from the wider area. However, the proposed lighting would be fitted to ensure that the light spillage from the site would be limited. This is demonstrated by the applicant's Lux Levels Plan which demonstrates that the lighting of the

surrounding area would be minimal. A condition could also imposed to ensure that this is for a short period of the day, reflecting the hours of use that are not being altered. The lighting submissions have been found acceptable by the Council's Environmental Health Officer.

## V. OTHER MATTERS

- 6.27 The use of the facility by community groups was a requirement of the previous permission and therefore, whilst the comments of neighbours relating to the use of the site outside of school times are noted, it is not considered that this is a factor that could be given any weight in the assessment of the proposal.

## 7.0 CONCLUSIONS AND REASONS FOR APPROVAL/REFUSAL

- 7.1 The proposal is not inappropriate development in the Green Belt, would not be unacceptable in terms of its effect on the character and appearance of the area and would not cause an uplift of traffic or parking demand that would justify the refusal of the application. Furthermore, the submissions of the applicant demonstrate that the proposal would not cause unacceptable light pollution and the continued use of the MUGA and the use at times when darkness would have otherwise prevent it would not detract from residential amenity to a greater degree than the existing situation in a manner that would justify the refusal of the application.

## 8.0 RECOMMENDATION

- 8.1 Approve, subject to the following conditions:

### **Standard Time Limit**

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

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

### **Approved Plans**

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

<b>Plan Number(s):</b>
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Reference	Name	Received
H863/01	Site and Location Plan	02 August 2021
H863/02	Proposed Block Plan	02 August 2021
H863/03	Proposed Elevations	18 January 2022

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

### **Installation of Lighting**

- 3 Only the 450w LED Amnis Match lights shown with the details submitted with this application are approved. All lighting shall be installed to ensure that the level illumination does not exceed the level shown on the submitted Lux Levels Plan when measured at any boundary of the Multi use Games Area. No other lighting at the site is approved and may not be installed without planning permission.

**Reason:** To ensure that the effect of the development on neighbouring residents is acceptable and in accordance with Policy PMD1 of the Thurrock Local Development Framework Core Strategy and Policies for Management of Development 2015.

### **Hours of Use**

- 4 The lighting hereby approved shall only be switched on at the times when the use of the MUGA can occur in accordance with the terms of any other permission granted at the site and for a 15 minute period before or after such times.

**Reason:** For the avoidance of doubt and to ensure that the effect of the development on neighbouring residents, surrounding roads and the area in general is acceptable and in accordance with Policies PMD1, PMD2, PMD8 and PMD10 of the Thurrock Local Development Framework Core Strategy and Policies for Management of Development 2015.

### **Terms of Permission**

- 5 The permission hereby granted relates solely to the installation of floodlighting and does not alter the conditions imposed under the terms of application 18/01061/FUL or remove the requirement to comply with those conditions and the details approved in relation to those conditions.

**Reason:** For the avoidance of doubt and to ensure that the effect of the development on neighbouring residents, surrounding roads and the area in general is acceptable and in accordance with Policies PMD1, PMD2, PMD8 and PMD10 of the Thurrock Local Development Framework Core Strategy and Policies for Management of Development 2015.

### **Positive and Proactive Statement**

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

### **Documents:**

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

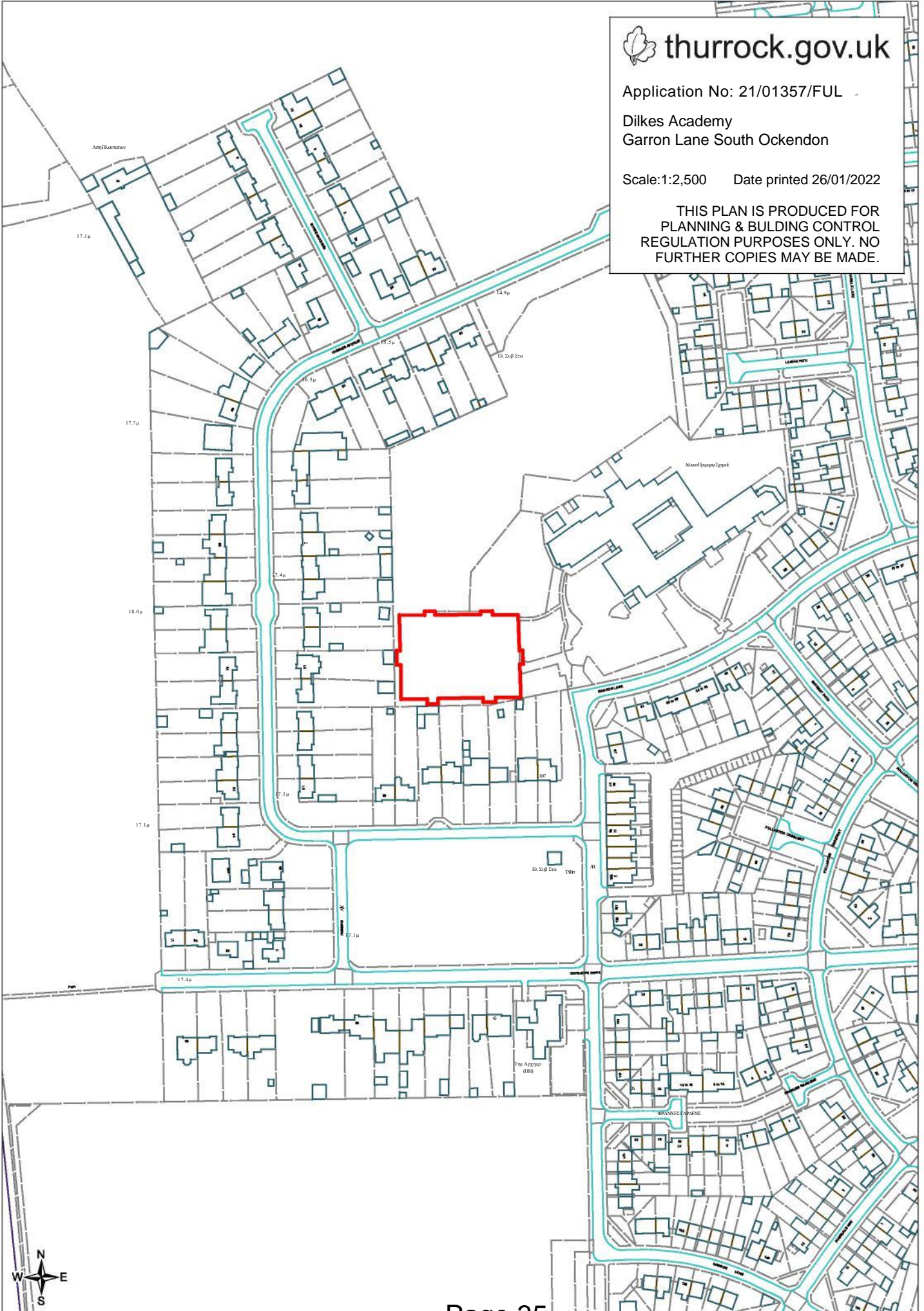


Application No: 21/01357/FUL

Dilkes Academy  
Garron Lane South Ockendon

Scale:1:2,500 Date printed 26/01/2022

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# Agenda Item 9

Planning Committee 10 February 2022	Application Reference: 21/01787/HHA
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<b>Reference:</b> 21/01787/HHA	<b>Site:</b> 2 Northlands Close Stanford Le Hope Essex SS17 8DL
<b>Ward:</b> The Homesteads	<b>Proposal:</b> Single storey side extension with mono pitched roof and demolition of brick boundary wall to be replaced with new wall with railings and planting.

<b>Plan Number(s):</b>		
Reference	Name	Received
K1192-PL-001-A	Location Plan	18th October 2021
K1192-PL-002-B	Existing Site Layout	18th October 2021
K1192-PL-003-B	Proposed Site Layout	18th October 2021
K1192-PL-004-A	Existing Floor Plans	18th October 2021
K1192-PL-005-B	Proposed Floor Plans	18th October 2021
K1192-PL-006-B	Existing Elevations	18th October 2021
K1192-PL-007-B	Proposed Elevations	18th October 2021

The application is also accompanied by: - Planning statement	
<b>Applicant:</b> Mr Dean Kirby	<b>Validated:</b> 20 October 2021 <b>Date of expiry:</b> 14 February 2021 (Agreed extension of time)
<b>Recommendation:</b> Refusal	

This application is scheduled for determination by the Council's Planning Committee because it has been called in by Cllrs Anderson, Byrne, Carter, Halden, Huelin, Ralph and Snell (in accordance with Part 3 (b) Section 2 2.1 (a) of the Council's constitution). The reason for the call in is to consider the impact on the character of the area.

## 1.0 DESCRIPTION OF PROPOSAL

1.1 This application seeks planning permission for a single storey side extension with mono pitched (lean-to) roof. The proposal would provide a utility room and cloakroom.

- 1.2 Also proposed is the demolition of brick boundary wall to be replaced with new wall with railings and planting.
- 1.3 A planning application (21/01496/HHA) for a similar (larger) form of development was refused in October 2021 under delegated powers. There has been a reduction in footprint of the extension and changes to the roof design since the recent refusal.

## 2.0 SITE DESCRIPTION

- 2.1 The application site is a two storey semi-detached property located within a corner plot along Northlands Close and Branksome Avenue. The site is situated within a residential area characterised by spacious, open corner plots.

## 3.0 RELEVANT PLANNING HISTORY

Application Reference	Description of Proposal	Decision
21/01496/HHA	Single storey side extension with hipped roof and 1 rooflight. Alterations to the fenestration.	Refused – Appeal in progress
21/01803/PHA	Rear extension with a depth of 3.10 metres from the original rear wall of the property, with a maximum height of 3.30 metres and eaves height of 2.41 metres	Planning not 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. No comments have been received.

## 5.0 POLICY CONTEXT

### National Planning Policy Framework (NPPF)

- 5.1 The revised NPPF was published on 20 July 2021 and sets out the government's planning policies. Paragraph 2 of the Framework confirms the tests in s.38 (6) of the Planning and Compulsory Purchase Act 2004 and s.70 of the Town and Country Planning Act 1990 and that the Framework is a material consideration in planning decisions. Paragraph 11 states that in assessing and determining development proposals, local planning authorities should apply the presumption in favour of sustainable development. The following headings and content of the NPPF are relevant to the consideration of the current proposals:

4. Decision making



## 12. Achieving well-designed places

### National Planning Practice Guidance (NPPG)

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

- Design
- Determining a planning application

### **Local Planning Policy**

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

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

#### THEMATIC POLICIES

- 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)

#### 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.

#### Thurrock Residential Alterations and Extensions Design Guide (RAE)

5.6 In September 2017 the Council launched the RAE Design Guide which provides advice and guidance for applicants who are proposing residential alterations and extensions. The Design Guide 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 and Impact upon the Area
- III. Traffic Impact, Access and Car Parking
- IV. Effect on Neighbouring Properties

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

6.2 The application site is located within a residential area and as such the principle of development is acceptable, subject to compliance with relevant planning policies.

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

6.3 The National Planning Policy Framework (NPPF) states that the Government attaches great importance to design to the creation of high quality, beautiful and sustainable buildings

6.4 Policy PMD1 (Minimising Pollution and Impacts on Amenity) states that “Development will not be permitted where it would cause unacceptable effects on (i) the amenities of the area; (ii) the amenity of neighbouring occupants; or (iii) the amenity of future occupiers of the site”.

6.5 Policy PMD2 (Design and Layout) of the Core Strategy requires that all design proposals should respond to the sensitivity of the site and its surroundings and must contribute positively to the character of the area in which it is proposed and should seek to contribute positively to local views, townscape, heritage assets and natural features and contribute to the creation of a positive sense of place.

6.6 Policy CSTP22 (Thurrock Design) of the Core Strategy states that the Council requires all design proposals to respond to the sensitivity of the site and its surroundings, to fully investigate the magnitude of change that would result from the proposals, and mitigate against negative impacts. Amongst other criteria, this

policy states that development must contribute positively to the character of the area in which it is proposed. And to surrounding areas that may be affected by it. It should seek to contribute positively to local views, townscapes, heritage assets and natural features and contribute to the creation of a positive sense of place

6.7 The Residential Alterations & Extensions SPD (RAE) September 2017 states that:

*4.1.1 The extension or alteration should respect and respond positively to the character of the original dwelling such that its character is maintained or enhanced.*

*4.3.1 The form and scale of the extension or outbuilding should be appropriate to the original dwelling and the surrounding development pattern.*

*4.3.2 Corner plots require a distinct design approach that responds positively not only to the dwelling but also to the neighbouring houses and the street scene.*

*5.3.1 A side extension should respect the context of the street, preserving gaps between buildings and rhythm of roof profile where these are characteristic of the area.*

6.8 The proposed side extension would measure 2.1m in width by 5.4m in depth and with a lean-to roof design with an overall height of 3.3m.

6.9 The existing brick wall is proposed to be demolished and replaced with 4 brick pillars measuring 1.1m in height with black metal railing in-between, finishing at the end point of the extension and new timber fencing with gravel board post will match the existing fence line beyond.

6.10 The proposed side extension would extend for more than half the depth of the elevation that faces onto Branksome Avenue and would fill some of the gap between the flank wall and the property boundary next to the highway. It is noted that the area is generally characterised by open plan aspects on corners.

6.11 Whilst it is acknowledged that the proposed amendments to this current application have tried to address the reasons for the previous refusal by narrowing and shortening the side extension, nonetheless due to its sideward projection the side extension would fail to respect the nominal building lines along Branksome Avenue and would have an impact on the openness within the street scene contrary to the criteria in the RAE.

6.12 This aspect of the proposal would therefore be obtrusive to its immediate surroundings and would be prominent in the street scene and harmful to the area. The development therefore results in harm to the street scene and the character of the area contrary to policies PMD2, CSTP22 and CSTP23 of the Core Strategy and Policies for the Management of Development (as amended) (2015) the RAE 2017 and guidance in the NPPF 2021.

6.13 Furthermore, the area is predominantly characterised by gable-ended properties whilst the extension would feature a lean-to roof. Lean-to roofs are more commonly found on side extensions where a property is within a continuous street scene.

Whilst the design rationale of this is understood, nonetheless this proposed roof form would have little regard to the design and appearance of the existing dwelling and would further draw attention to the extension and property on this plot

- 6.14 Based on the siting and design of the proposal, the extension would appear out of character with the area, to the detriment of the character and visual amenities of the wider area and contrary to policies, PMD2, CSTP22 and CSTP23 of the Core Strategy and Policies for the Management of Development (as amended) (2015) the RAE 2017 and guidance in the NPPF 2021.
- 6.15 The applicant has submitted a planning statement to accompany the application, putting forward cases they consider similar to the current application and other matters they consider to be relevant to the determination of this proposal. These details have been considered by officers, but these are not considered to amount to matters which lend favour to supporting the current proposal.
- 6.16 Officers seeks to consistently apply the RAE to corner plots such as these to try and protect the character and openness of these areas in the interests of the wider street scene.
- 6.17 The proposed replacement boundary treatments are considered to be acceptable.

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

- 6.18 The proposal would not affect the current parking arrangements on site, nor would they result in any concern regarding pedestrian or highway safety.

### IV. EFFECT ON NEIGHBOURING PROPERTIES

- 6.19 Given the relationship between the dwelling and neighbouring properties, it is not considered that there would be significant detrimental impact upon neighbouring amenity, in accordance with policy PMD1.

## 7.0 CONCLUSIONS AND REASON FOR REFUSAL

- 7.1 The introduction of a proposal of this footprint, mass and scale would result in the extended dwelling projecting passed the building line of the properties located on Branksome Avenue. The side extension is considered to be of a bulk, mass and design that it would cause the dwelling to be of increased prominence. Therefore, due to its high visibility within the streetscene, it is considered that the development would appear as an incongruous feature on this corner plot but also to the wider street scene contrary to the Core Strategy 2015, RAE 2017 and NPPF 2021.

## 8.0 RECOMMENDATION

- 8.1 Refuse planning permission for the following reason:

1. The proposal, by reason of its siting, scale, and mass, would project beyond the established building line of the properties on Branksome Avenue, resulting in an obtrusive building addition that would significantly impact upon the street scene detrimental to the visual amenity of the property, street scene and wider area. In addition the proposed roof design does not suitably integrate with the property, increasing the visual impact of the proposal. The development would therefore be contrary to Policies CSTP22, CSTP23 and PMD2 of the Core Strategy and Policies for the Management of Development DPD (as amended) 2015, the Thurrock Design Guide: Residential Alterations and Extensions (RAE) SPD and 2017 the NPPF 2021.

**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)



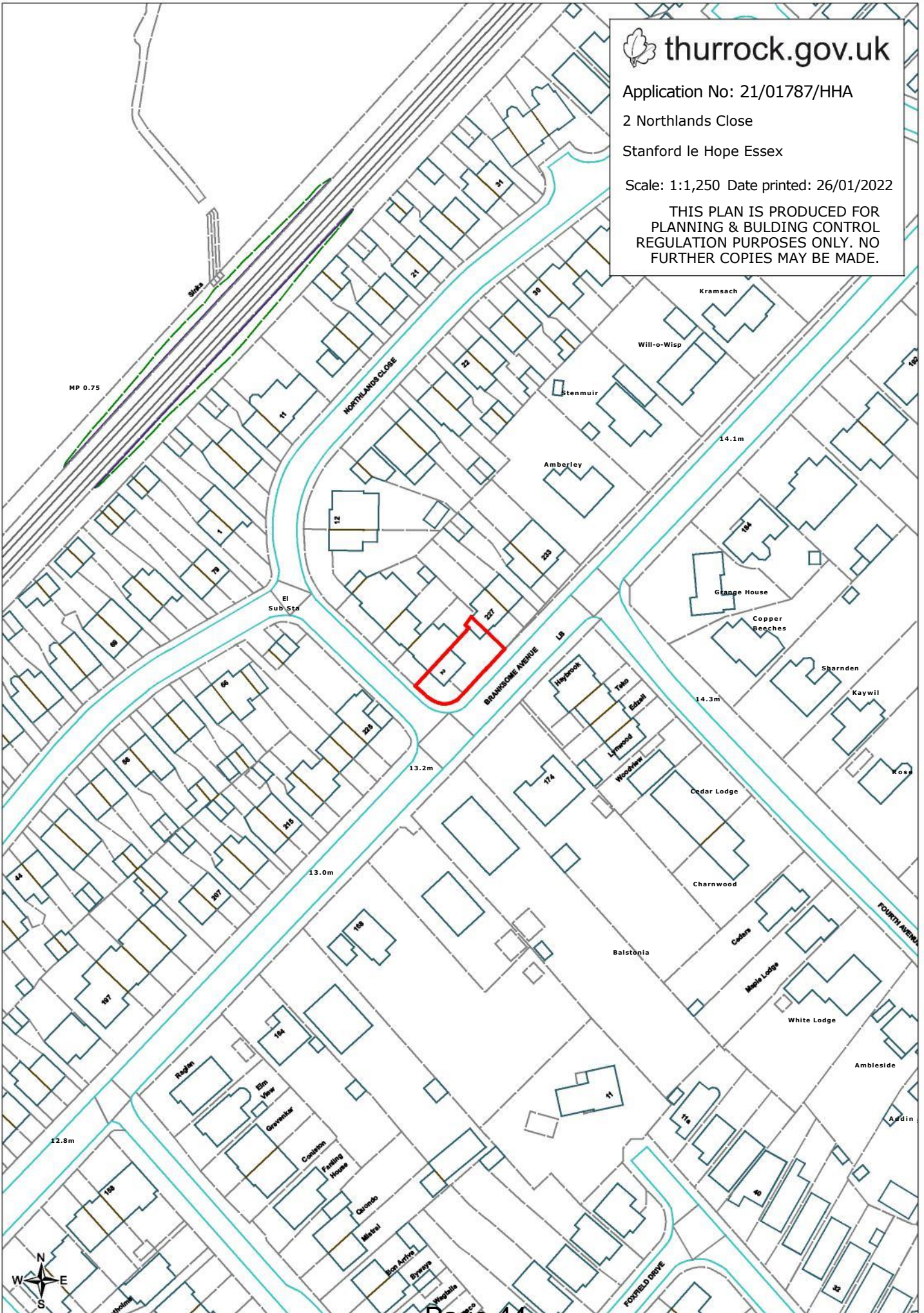
Application No: 21/01787/HHA

2 Northlands Close

Stanford le Hope Essex

Scale: 1:1,250 Date printed: 26/01/2022

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<b>Reference:</b> 21/01804/FUL	<b>Site:</b> Beauchamp Place Malvern Road Grays RM17 5TH
<b>Ward:</b> Little Thurrock Rectory	<b>Proposal:</b> Removal of existing stables building and erection of communal dayroom (on different part of the land), with the extension of hardstanding and variation to layout of part of the site approved under 19/01635/CONDC

Plan Number(s):		
Reference	Name	Received
J003749-DD-01-A	Location Plan	20th October 2021
J003749-DD-02-A	Existing Site Layout	20th October 2021
J003749-DD-03-A	Proposed Site Layout	20th October 2021
J003749-DD-04	Proposed Plans	20th October 2021
J003749-DD-05	Proposed Plans	20th October 2021

The application is also accompanied by: - Covering letter / Supporting Statement	
<b>Applicant:</b> Mr J O'Connor	<b>Validated:</b> 27 October 2021  <b>Date of expiry:</b> 16 <sup>th</sup> February 2022 (Extension of time agreed)
<b>Recommendation:</b> To Refuse	

## 1.0 DESCRIPTION OF PROPOSAL

1.1 The application seeks permission for a communal dayroom on the site which has permanent permission as a gypsy traveller site for named occupiers. The proposed dayroom would measure 15.2m in width by 9.1m in depth by 4.5m in height with a pitched roof with clipped hips. The proposed floorplan indicates the building would accommodate a central open TV room which would lead to a kitchen/utility room, a rehabilitation room, a bathroom, a study room and a disabled bathroom.

1.2 To allow space for the provision of the dayroom the site layout approved under condition discharge application 19/01635/CONDC is required to be amended.

These changes comprise an extension of the area of hardsurfacing to the east and south east of the access to allow access to the dayroom and the modification of the 3 pitches to the eastern side of the site, moving these, in effect, anticlockwise round in the site, from their approved siting, so that these 3 plot are located to the north (1), and east (2) of the site, rather than the 3 plots all being to the east of the site.

- 1.3 The description of the proposal also includes the removal of a stable building on the site. The stable had an irregular footprint, occupying area of 31 sq.m. No elevation plans exist for the stable building but the applicant’s planning agent asserts that that stable building had a volume of 98.58 cubic metres. The stable was located in the northern part of the site. By contrast, the proposed dayroom has a floor area of 140 sq.m. and a volume of 482cubic metres. The dayroom would be located to the southern part of the site, beyond any existing built form.

**2.0 SITE DESCRIPTION**

- 2.1 The site is located on the eastern side of Malvern Road, adjacent to No. 51- 63 Malvern Road and to the south alongside the flank of the No 73 Malvern Road and further south alongside existing open land. To the east of the site runs the A1089. With the exception of the properties on Malvern Road the land around the site is relatively open. The site is designated as being within the Metropolitan Green Belt.
- 2.2 The site is as at a maximum approximately 155 metres in length and 55 metres in width. The site is approximately rectangular in shape.

**3.0 RELEVANT PLANNING HISTORY**

Application Reference	Description of Proposal	Decision
13/00574/FUL	Use of land to provide 5 pitches for Gypsy/Traveller families a total of 5 mobile homes, 5 touring caravans and 5 day rooms	Refused – Allowed on appeal.
18/01802/FUL	Use of land to provide 5 pitches for Gypsy / Traveller families a total of 5 mobile homes, 5 touring caravans and 1 dayroom	Refused – Allowed on appeal
19/01635/CONDC	Application for the approval of details reserved by condition nos. 6 (Site Development Scheme) and 7 (Schedule of Maintenance) of planning permission ref. 18/01802/FUL (Use of land to provide 5 pitches for Gypsy / Traveller families a total of 5 mobile homes, 5 touring caravans and 1 dayroom).	Details approved.



## 4.0 CONSULTATIONS AND REPRESENTATIONS

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

### 4.2 PUBLICITY:

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

Two letters of objection have been received raising concerns about:

- Access to the site across an unmade accessway
- Bin store
- Intensified use of site

One letter of support has been received from the applicant citing:

- The building will be important to assist with occupiers of the site who have disabilities and provided physiotherapy facilities and improved washing facilities.

### 4.3 LANDSCAPE AND ECOLOGY ADVISOR

No objections.

### ENVIRONMENTAL HEALTH:

4.4 No objections – Conditions suggested if permission were to be granted.

## 5.0 POLICY CONTEXT

### National Planning Guidance

#### National Planning Policy Framework (NPPF)

The revised NPPF was published on 20 July 2021. 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:

11. Making effective use of land
12. Achieving well-designed places
13. Protecting Green Belt land
15. Conserving and enhancing the natural environment

#### Planning Policy Guidance

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

- Determining a planning application

- Green Belt
- Housing needs of different groups
- Use of Planning Conditions

## **Local Planning Policy**

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

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

#### Spatial Policies:

- CSSP4 (Sustainable Green Belt)

#### Thematic Policies:

- CSTP3 (Gypsies and Travellers)
- 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)
- PMD8 (Parking Standards)

### Thurrock Local Plan

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

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

### Thurrock Design Strategy

In March 2017 the Council launched the Thurrock Design Strategy. The Design Strategy sets out the main design principles to be used by applicants for all new development in Thurrock.

## **6.0 ASSESSMENT**

The assessment below covers the following areas:

- I. Principle of Development
- II. Design, Character and Layout
- III. Effect on Neighbouring Properties
- IV. Traffic, Access and Car Parking
- V. Other Matters

### I. PRINCIPLE OF THE DEVELOPMENT

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

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

- i. Whether the proposals constitute inappropriate development in Green Belt

6.2 Paragraph 137 within Chapter 13 of the NPPF states that the Government attaches great importance to Green Belts and that the *“fundamental aim of Green Belt policy is to prevent urban sprawl by keeping land permanently open; the essential characteristics of Green Belts are their openness and their permanence.”* Paragraph 147 of the NPPF states that *“Inappropriate development is, by definition, harmful to the Green Belt and should not be approved except in very special circumstances”*.

Paragraph 148 goes on to state that local planning authorities should ensure that “substantial weight” is given to any harm to the Green Belt and that VSC will not exist unless the potential harm to the Green Belt B by way of inappropriateness, and any other harm resulting from the proposal, is clearly outweighed by other considerations.

6.3 With reference to proposed new buildings in the Green Belt, paragraph 149 confirms that a local planning authority should regard their construction as inappropriate, with the following exceptions:

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

6.4 The applicant’s Cover Letter sets out their reason for the building. It states that:

*Whilst the proposal itself comprises the erection of a building within the Green Belt, and would normally be considered inappropriate development within the Green Belt, it does in fact fall within the exceptions set out within Paragraph 149 of the NPPF, specifically part (g) ...*

*As previously established, the site comprises Previously Developed Land, and therefore benefits from the ability to be partially or completely redeveloped, provided that there would not be a greater impact on the openness of the Green Belt or where the development would contribute to meeting an identified affordable*

*housing need. It is noted that the latter point can be disregarded given the application proposal being for a dayroom.*

*As a part of the application proposal, the existing stables have been demolished, and therefore the built form of the existing stables and its impact upon the openness of the Green Belt, and so this would counterbalance the impact of the proposed dayroom. The replacement of the stables with the dayroom as proposed is considered to have no greater impact upon the openness of the Green Belt, and therefore is a material consideration of significant weight in favour of the proposed development.*

*In addition to the details of the proposal itself, there exists further Very Special Circumstances to justify the development. As established during the previous appeal proceedings, the occupants of the site have significant medical issues which are a material consideration in determining the application. These considerations have been factored into the design of the dayroom...*

The applicant's cover letter also notes:

*The principle of providing a dayroom for the occupants of this site has been established as acceptable through determination of the previous appeal scheme which included a **smaller size dayroom** [emphasis added], and was allowed.*

- 6.5 In respect of the above, it should be noted that permission for the use of the site as a permanent gypsy and traveller site was granted in 2019, at appeal. Prior to this, at appeal in 2015 permission was granted for a temporary use, after which time, the use of the land for a traveller site was to cease and the land be returned to open Green Belt. Two small buildings existed on the site prior to that appeal decision, but in the context of the built form approved in 2019 they were significantly smaller. It is not considered that the whole site could realistically be classed as Previously Developed Land.
- 6.6 Even if it were to be considered Previously Developed Land, it is considered that the proposal does not accord with exception (g) as set out above. The applicant's agent suggests that the volume of the stable building was 93 cubic metres, the proposed day room would be 482 cubic metres (the footprint alone of the day room would be 140 sq.m. This is significantly in excess of the volume of the stable. It should also be noted that the applicant's letter refers to "a smaller day room" which was allowed by the Planning Inspector. The existing and proposed plans show an existing day room, as well as that which is proposed.
- 6.7 Accordingly, the mass and volume of the building proposed would be significantly greater than the existing stable building that was removed. Furthermore, the stable

building is was located to the northern boundary of the site, close to the mobile homes and other buildings on land to the north. The proposal would also result in hardstanding being spread further south and would move the built form, with the new day room further south.

- 6.8 Accordingly, even if the previously developed land argument were acceptable, the proposal would clearly have a greater impact on the Green Belt than the existing scenario and is contrary to part (g).
- 6.9 In light of the above, the proposal clearly comprises inappropriate development in the Green Belt, which is harmful by definition, with reference to the NPPF and Policy PMD6 and CSSP4. In accordance with the NPPF (para. 148), Policies PMD6 and CSSP4, substantial weight should be given to this harm.
- ii. The effect of the proposals on the open nature of the GB and the purposes of including land within it
- 6.10 The analysis in the paragraphs above concludes that the development is inappropriate development which is, by definition, harmful to the Green Belt (NPPF para. 147). However, it is also necessary to consider whether there is any other harm (NPPF para. 148)
- 6.11 As noted above paragraph 137 of the NPPF states that the fundamental aim of Green Belt policy is to prevent urban sprawl by keeping land permanently open: the essential characteristics of GBs being described as their openness and their permanence.
- 6.12 Although this is an application for changes to only part of the site, it is evident that the built development and hard surfacing, together with an increase in size of the site, would be an increase from what was previously consented at appeal and the layout that was approved via condition. The proposals would increase new built development in an area, which is presently supposed to be open following the appeal decision. 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
- 6.13 It is considered that the proposed development would have a detrimental impact on

both the spatial and visual aspects of openness, i.e. an impact as a result of the footprint of development and building volume. Whilst it is acknowledged that the stable building would/has been removed this building was smaller, less solidly constructed and on the northern part of the site where it had been for many years and closer to the other buildings on the site and other buildings on land to the north. The new building would be to the southern part of the site, of solid construction and further into the open countryside. The applicant has not sought a temporary planning permission and it must be assumed that the design-life of the development would be a few decades. The intended permanency of the development would therefore impact upon openness. Therefore, it is considered that the amount and scale of the development proposed would significantly reduce the openness of the site. As a consequence, the loss of openness, which is contrary to the NPPF, should be accorded substantial weight in the consideration of this application.

- 6.14 With regard to the visual impact on the Green Belt, the quantum of development proposed would undoubtedly harm the open visual character of the southern part of the site.
- 6.15 The current proposal would therefore reduce openness as both a spatial and visual concept.
- 6.16 Paragraph 138 of the NPPF sets out the five purposes which the Green Belt serves as follows:
- a. to check the unrestricted sprawl of large built-up areas;
  - b. to prevent neighbouring towns from merging into one another;
  - c. to assist in safeguarding the countryside from encroachment;
  - d. to preserve the setting and special character of historic towns; and
  - e. to assist in urban regeneration, by encouraging the recycling of derelict and other urban land.

In response to each of these five purposes:

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

- 6.17 The site is situated within the Green Belt on the edge of Grays, in the Little Thurrock Ward. The land is part of a wider parcel which already has consent for use as a gypsy traveller site and associated built development. The proposal would extend built form southwards onto part of the land which was expected to remain open. However, for the purposes of the NPPF, the proposal is considered outside a large built-up area and, therefore, it is not directly contrary to the first purpose of the Green Belt.



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

- 6.18 The site is situated on the eastern edge of Grays, with the Dock Approach Road, directly to the east. Given the location of the application site, the development would not result in the confluence of any towns.

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

- 6.19 The Cover Letter submitted considers that the proposal would have little impact on the Green Belt and countryside when compared to the existing consented development. Officers do not agree with the applicant's assessment of impact on this purpose of the Green Belt and there is no definitive guidance on the 'degrees of harm' to the Green Belt or what constitutes 'a small level of harm by encroachment'.
- 6.20 Therefore, regarding the third Green Belt purpose, the proposal would involve built development on part of the site which is meant to be open and undeveloped. The proposed development would spread across more of the applicant's site. It is therefore considered that the proposal would constitute an encroachment of built development into the countryside in this location and would constitute material harm to with this purpose.

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

- 6.21 The site is not near any historic towns; 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*

- 6.22 The proposed building is fundamentally linked to the occupiers and wider use of the site, so it could not take place in any other location. Pragmatically this matter cannot be argued to be contrary to this Green Belt purpose.
- 6.23 In conclusion under the headings (i) and (ii) it is considered that the current proposals would lead to harm to the Green Belt by way of inappropriate development (i.e. definitional harm), would be harmful by way of loss of openness and would be harmful as a result of conflict with Green Belt purpose (c). In accordance with 144 of the NPPF substantial weight should be afforded to this harm.

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

6.24 Paragraph 148 of the NPPF states that, when considering any planning application, local planning authorities -

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

6.25 Neither the NPPF nor the adopted Core Strategy provide guidance as to what can comprise Very Special Circumstances, either singly or in combination. However, some interpretation of Very Special Circumstances has been provided by the Courts. The rarity or uniqueness of a factor may make it very special, but it has also been held that the aggregation of commonplace factors could combine to create Very Special Circumstances (.i.e. ‘very special’ is not necessarily to be interpreted as the converse of ‘commonplace’). However, the demonstration of Very Special Circumstances is a ‘high’ test and the circumstances which are relied upon must be genuinely ‘very special’.

6.26 In considering whether Very Special Circumstances exist, factors put forward by an applicant which are generic or capable of being replicated on other sites, could be used on different cases leading to a decrease in openness of the GB. The provisions of VSC which are specific and not easily replicable may help to reduce the risk of a precedent being created. Mitigation measures designed to reduce the impact of a proposal are generally not capable of being a VSC. Ultimately, whether any particular combination of factors amounts to VSC will be a matter of planning judgement for the decision-taker.

6.27 Because the applicant’s agent considered the proposal to be appropriate development, no formal Very Special Circumstances were put forward as part of the submission. The cover letter submitted touches on the matter, stating

*In addition to the details of the proposal itself, there exists further Very Special Circumstances to justify the development. As established during the previous appeal proceedings, the occupants of the site have significant medical issues which are a material consideration in determining the application*

These will be addressed under the following headings.

- a. Medical issues of the occupants of the site were considered at appeal

These matters are assessed in the paragraphs below.

- a. Medical issues of the occupants of the site were considered at appeal.

### Consideration

- 6.28 It is correct to say that the medical needs of the family were considered at the time of the appeal, and the Inspector noted that it would allow a settled base to allow them to access healthcare facilities (para 34 of APP/M1595/W/19/3225961). There was nothing before the Inspector at the time from the applicants to suggest that a smaller day room would not suit the needs of the applicant.

- 6.29 The proposed day room also has a lot of space in addition to the space that would be used for medical needs. The details from the application are set out below:

*The dayroom as proposed, includes disabled toilet facilities and a rehabilitation/medical room. Both of these additions are considered vital to providing an appropriate level of amenity for the occupants of the site, and has been designed to cater for their specific needs.*

*The inclusion of a “study room” is considered good practice, particularly having regard to the emphasis on home-working that has resulted from COVID-19, and would allow a separate space for the families to provide home tutoring for the children occupying the site.*

*Whilst the “TV Room” is relatively large, it would double up as a separate dining area for the families occupying the site. It acknowledged that the application site benefits from a personal occupancy condition.*

*As such, it is considered that an appropriate condition can be imposed which would see the dayroom removed once the site ceases to be occupied by the named occupants.*

- 6.30 The Inspector balanced several matters in making her decision. The matters of healthcare formed just one part of that balancing exercise. The Inspector in allowing that appeal noted that “The proposal clearly conflicts with CS policy PMD6 and national planning policy. As set out in the Framework substantial weight should be given to the harm to the Green Belt” (para 15).

- 6.31 There is nothing before the Council to explain why the matter of a larger day room

was not considered at the outset, and during the previous planning application and appeal. Consent was given via appeal for a dayroom and there is nothing in this application which demonstrates why this day room is need in addition to the existing day room. In addition, while the medical needs of the occupiers are accepted, the information on the other accommodation is not considered satisfactory and it is not clear that a smaller more appropriately located day room has been considered.

- 6.32 In terms of human rights; the applicant's individual rights under the European Convention on Human Rights (ECHR) must be balanced against the wider public interest including the protection of the Green Belt from inappropriate development. Local and national planning polices which aim to regulate development and protect the Green Belt apply with equal forces to the whole population.
- 6.33 Article 8, affords a person the right to respect for their private and family life, their home and their correspondence. Article 8 also imposes a positive obligation to facilitate the Gypsy way of life to the extent that the vulnerable position of Gypsies as a minority group means that some special consideration should be given to their needs and different lifestyle in the regulatory planning framework and in reaching decisions on particular cases. However, Article 8 is a qualified right that requires a balance between the rights of the individual and the needs of the wider community.
- 6.34 The Supreme Court has unanimously held that the best interests of the child has to be considered and given paramount weight as part of the assessment of proportionality under Article 8. Whilst the Council is clearly sympathetic to the needs of the occupier it is not considered that it has been reasonably demonstrated that a refusal of this permission would interfere with the human rights of the occupiers of the site, particularly given that consent exists for a day room, albeit smaller than that proposed.
- 6.35 In summary, no evidence has been submitted to suggest that the refusal of planning permission here would compromise the health and wellbeing of the applicants on this site.
- 6.36 Accordingly the health needs of the occupier attract limited weight are not considered to constitute the Very Special Circumstances that would warrant a departure from policy being made.

#### Green Belt Conclusions

- 6.37 Under the heading considerations, it is concluded that the proposals comprise inappropriate development. Consequently, the development would be harmful in principle and reduce the openness of the Green Belt. Furthermore, it is considered

that the proposals would harm the openness of the Green Belt in terms of both the spatial and visual aspects of openness, and would cause some harm to the role that the site plays in fulfilling the purposes for including land within the Green Belt. In accordance with policy, substantial weight should be attached to this harm. With reference to the applicant’s case for very special circumstances, an assessment of the factors promoted is provided in the analysis above.

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

<b>Simplified Summary of GB Harm and applicant’s case for Very Special Circumstances</b>			
<u>Harm</u>	<u>Weight</u>	<u>Factors Promoted as Very Special Circumstances</u>	<u>Weight</u>
Inappropriate development	Substantial	Medical needs of the occupier	Limited

6.39 Within the table above, the factors promoted by the applicant can be assessed as attracting varying degrees of ‘positive’ weight in the balanced of considerations. As ever, in reaching a conclusion on the GB issues, a judgement as to balance between the harm and whether the harm is clearly outweighed must be reached. In this case there is harm to the Green Belt with reference to inappropriate development, loss of openness and conflict with a Green Belt purpose. Limited factors have been promoted by the applicant as comprising the ‘very special circumstances’ required to justify inappropriate development and it is for the Committee to judge:

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

6.40 Taking into account all Green Belt considerations, Officers are of the opinion that in this case the identified harm to the Green Belt is not clearly outweighed by the accumulation of factors described above, so to amount to very special circumstances justifying inappropriate development.

**II. DESIGN, CHARACTER AND LAYOUT**

6.41 Policy PMD2 of the Core Strategy requires that all design proposals should respond to the sensitivity of the site and its surroundings and must contribute positively to

the character of the area in which it is proposed and should seek to contribute positively to local views, townscape, heritage assets and natural features and contribute to the creation of a positive sense of place.

- 6.42 Policy CSTP22 of the Core Strategy indicates that development proposals must demonstrate high quality design founded on a thorough understanding of, and positive response to, the local context.
- 6.43 The relocation of the plots within the site is not considered to be unacceptable, as it would move some of the plots further north within the site.
- 6.44 The design of the proposed day room is inoffensive and the design, per se is acceptable. However, as set out above, the day room is considered to be excessively large, especially when it is not clear that the day room previously approved will not be built.
- 6.45 The proposed day room would be set well to the south of the access to the site and the turning area. This effectively provided a natural break in the developed area of the site to the north and the undeveloped area to the south which was to be left open, or possibly for paddocks. The extension of the hard surfaced area and the provision of the large day room in its proposed location would lead to an incursion in the landscape and would be harmful to the character and appearance of the area, which, given its countryside location would be expected to be unbuilt. The proposal is therefore contrary to Policies PMD2 and CSTP22 in this regard.

### III. EFFECT ON NEIGHBOURING PROPERTIES

- 6.46 The proposed dayroom is to be used by the existing occupiers of the site, rather than to allow further occupation of the site. Accordingly, in absolute terms, it should not lead to an intensified use of the wider site.
- 6.47 The western part of the site layout would be unaffected by this proposal. Whilst the reorganisation of the plots would see one mobile home 'replace' the stables at the northern end of the site, it is considered there is suitable distance from the closest property (no 53) for this to not result in a material impact on those occupiers.
- 6.48 The changes to the layout of the east of the site are not considered to materially impact on the nearby neighbours.
- 6.49 Whilst concerns have been raised in section II above about the layout of the hardstanding and location of the new day room these relate to the site layout itself. It is acknowledged that the day room would be closer to the flank elevation of 73a and 73b Malvern Road than any of the existing development, however this

boundary of the site is screened with established planting and given the intervening distances it is not considered the proposal would have a harmful impact on the occupiers of these properties.

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

- 6.50 The proposal would not result in any changes to the access arrangement to the site and ample space would exist off the public highway for vehicle parking. No objection is raised on these grounds.

#### V. OTHER MATTERS

- 6.51 The comments from residents about the access are noted, however this matter has been considered in the past, and the Planning Inspector did not raise any objection to the access point. The ownership of the access to the site and matters connected to that would be a civil matter between neighbours.
- 6.52 The site has permission to be occupied by five named families and, when permission was first granted only the applicant and his close family were in occupation, it is likely that a lower level of activity would have been in evidence at that time.

### 7.0 CONCLUSION

- 7.1 The extension of the hard surfaced area and proposed day room is operational development which is inappropriate development in the Green Belt and is by definition harmful. In addition, the proposed development is considered to be an unacceptable urbanising feature which is harmful to the openness and would erode the rural character of the Green Belt. Substantial weight should be given to any harm to the Green Belt.
- 7.2 The matters put forward have been carefully evaluated; however, it is not considered that these factors clearly outweigh the harm caused to the Green Belt, together with the other harm identified. No very special circumstances therefore exist to enable an exception to policy to be made in this instance.
- 7.3 The proposal would also be harmful to the character and appearance of the area.
- 7.4 The development would conflict with Policies CSSP4 & PMD6 of the Core Strategy, the NPPF and the Planning Policy for Traveller Sites (August 2015) in relation to Green Belt principle and openness and also Policies CSTP22 and PMD2 of the Core Strategy in relation to character and design

### 8.0 RECOMMENDATION

To refuse for the following reason(s):

- 1 The application site is located within the Green Belt, as identified on the Policies Map accompanying the adopted Thurrock Local Development Framework Core Strategy and Policies for the Management of Development (2015). National and local planning policies for the Green Belt set out within the NPPF and Thurrock Local Development Framework set out a presumption against inappropriate development in the Green Belt.

The proposals are considered to constitute inappropriate development with reference to policy and would by definition be harmful to the Green Belt. It is also considered that the proposals would harm the openness of the Green Belt and would be contrary to purpose c) of the Green Belt, as set out by paragraph 138 of the NPPF.

It is considered that the identified harm to the Green Belt is not clearly outweighed by other considerations so as to amount to the very special circumstances required to justify inappropriate development. The proposals are therefore contrary to Chapter 13 of the NPPF, the Planning Policy for Traveller Sites 2015, Policies CSSP4 and PMD6 of the adopted Thurrock Local Development Framework Core Strategy and Policies for the Management of Development (2015 and the National Planning Policy Framework 2021..

- 2 The proposed development, by reason of the size of the building, increase in hardstanding and increase in the site southwards would have a detrimental and increasingly urbanising effect on the site, in comparison with the approved scheme, which would fail to respond to the sensitivity of the site, its surroundings or mitigate the negative impacts of the development. The proposal is therefore contrary to Policies PMD2 and CSTP22 of the adopted Thurrock Local Development Framework Core Strategy and Policies for the Management of Development (as amended 2015) and the National Planning Policy Framework 2021.

#### Positive and Proactive Statement

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

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



has not been possible.

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**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)

