

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

Planning Committee

The meeting will be held at **6.00 pm** on **14 July 2022**

Committee Room 2, Civic Offices 3, New Road, Grays, Essex, RM17 6SL.

Membership:

Councillors Tom Kelly (Chair), Georgette Polley (Vice-Chair), Paul Arnold, James Halden, Terry Piccolo, James Thandi, Sue Shinnick and Lee Watson

Steve Taylor, Campaign to Protect Rural England Representative

Substitutes:

Councillors Qaisar Abbas, Daniel Chukwu, Steve Liddiard, Susan Little and Elizabeth Rigby

Agenda

Open to Public and Press

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1 Apologies for Absence	
2 Minutes	5 - 14
To approve as a correct record the minutes of the Planning Committee meeting held on 9 June 2022.	
3 Item of Urgent Business	
To receive additional items that the Chair is of the opinion should be considered as a matter of urgency, in accordance with Section 100B (4) (b) of the Local Government Act 1972.	
4 Declaration of Interests	
5 Declarations of receipt of correspondence and/or any	

meetings/discussions held relevant to determination of any planning application or enforcement action to be resolved at this meeting

6 Planning Appeals 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 22/00077/FULPSI: Harrier Primary School, Land adjacent A13 and Love Lane, Aveley, Essex 21 - 72

9 21/02004/FUL: Land Adjacent 13 To 29, Kipling Avenue, Tilbury, Essex 73 - 92

10 22/00210/FUL: High Fields, Lower Dunton Road, Bulphan, Upminster, Essex, RM14 3TD 93 - 114

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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

Agenda published on: **6 July 2022**

Information for members of the public and councillors

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DECLARING INTERESTS FLOWCHART – QUESTIONS TO ASK YOURSELF

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

Helpful Reminders for Members

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

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

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



Does the business to be transacted at the meeting

- relate to; or
- likely to affect

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

Disclosable Pecuniary Interests shall include your interests or those of:

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

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

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

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

Pecuniary

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

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

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

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

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

Non- pecuniary

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



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

Our Vision and Priorities for Thurrock

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

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

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

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

Minutes of the Meeting of the Planning Committee held on 9 June 2022 at 6.00 pm

- Present:** Councillors Tom Kelly (Chair), Georgette Polley (Vice-Chair), Paul Arnold, Terry Piccolo, James Thandi, Sue Shinnick and Lee Watson
- Apologies:** Councillors James Halden
- In attendance:** Leigh Nicholson, Assistant Director of Planning, Transport and Public Protection
Nadia Houghton, Principal Planner
Ian Harrison, Principal Planner
Jonathan Keen, Principal Planner
Matthew Gallagher, Major Applications Manager
Matthew Ford, Transport Development Manager
Navtej Tung, Strategic Transport Manager
Simon Speller, Transport Planning, STANTEC
Lucy Mannion, Senior Planner
Chris Purvis, Major Applications Manager
Sarah Williams, Strategic Lead Education Support Services
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 live streamed to the Council's website.

1. Minutes

The minutes of the meeting held on 7 April 2022 and 21 April 2022 were approved as a true and correct record.

2. Item of Urgent Business

There were no items of urgent business.

The Chair advised planning application 22/00312/FUL Woodlands Koi Farm South Avenue Langdon Hills had been withdrawn by the application. He continued by furthering advising planning application 21/02004/FUL Kipling Avenue Land Adjacent 13 To 29 Kipling Avenue Tilbury, was to be brought forward and heard first.

3. Declaration of Interests

The Chair of the Committee declared an interest in planning application 18/01404/OUT Thames Enterprise Park, The Manorway, Coryton, Essex, as he worked for DP World and would therefore remove himself from the meeting for this item.

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

All Members declared the following correspondence:

- Planning Application 21/02004/FUL– an email from Ward Member Councillor Allen in objection to the application
- Planning Application 22/00077/FULPSI — an email from the Aveley and Kennington community forum, Ward Member Councillor Panjala and Ms Sisterson in objection to the application
- Planning Application 18/01404/OUT – an email from a resident in support of the application.

5. Planning Appeals and 2021/2022 Planning Performance Report

The Assistant Director for Planning, Transport and Public Protection presented the reports to Members.

RESOLVED:

That the reports be noted.

6. 21/02004/FUL: Kipling Avenue Land Adjacent 13 To 29 Kipling Avenue Tilbury

Councillor Polley proposed a site visit be taken and was seconded by Councillor Watson.

For: (7) Tom Kelly (Chair), Georgette Polley (Vice-Chair), Paul Arnold, Terry Piccolo, Sue Shinnick, James Thandi and Lee Watson

Against: (0)

Abstained: (0)

7. 22/00077/FULPSI: Harrier Primary School Land adjacent A13 and Love Lane Aveley Essex (Deferred)

At the start of the item the Chair advised as this was a deferred item only the four Members who had heard the application at the last meeting were able to take part in the discussion and vote.

The report was then presented by the Senior Planner.

The Chair of the Committee commented when the application was first heard Members had a number of concerns which included the suggested pick up and drop off area and the design of the overall application. The Senior Planner advised the applicant had looked at the design and had improved the design quality of the overall application.

Members heard the Council had an obligation to provide additional Primary Schools, with the proposed school to be two from entry and would assist with the mitigation of primary schools and early years provision.

Councillor Watson raised concerns to the location of site and queried as to how traffic was to be mitigated, she gave an example of the Chafford Hundred schools and the traffic in the area around the Schools at drop off and pick up times. Planning Officers advised with regards to the location of the site, the application had been given special circumstances. They continued to advise the applicant had looked for alternative available land within the borough however this location was the best place for the proposed school. The Transport Development Manager commented the drop off point would mitigate the traffic impact within the area with the schools location being safe walking distance for those children living locally and if required school transport could be applied for. He continued by saying he understood Members concerns however based on Council policy the application met highway requirements.

During the debate Councillor Piccolo stated he understood the concerns with regards to traffic in the area, however there was also a requirement for additional school places within the borough and he felt it would be more effective to have additional school places now then to have no places in the future. He further stated he appreciated the concerns of local residents.

Councillor Polley commented the application was well questioned when presented at last meeting Members raised concerns such as the design of the application. She continued by stating it was important to not only build new homes within the borough but also the infrastructure such as schools to go with these developments and therefore to allow the growth.

The Chair stated he felt deferring the item at the last meeting due to the number of questions and concerns was the right thing to do. He mentioned he hoped the drop off and pick up points would reduce the traffic pressure within the area.

Councillor Watson agreed with the provision of new schools, however she felt the location was not the right place, as with a new primary school they would also be the need for new secondary schools. She continued by mentioning although it was expected that children would walk to school this was not always doable. The Strategic Lead Education Support Services explained to Members the Pupil Place Plan was used when looking at where new schools were most required. At present there were children being transported across the borough. This application would allow children to attend a local school.

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

For: (3) Councillors Tom Kelly (Chair), Georgette Polley (Vice-Chair) and Terry Piccolo

Against: (1) Councillor Lee Watson

Abstained: (0)

8. 18/01404/OUT: Thames Enterprise Park, The Manorway, Coryton, Essex

The Chair left the meeting at 6.45pm.

The report was presented by the Major Applications Manager, during which he advised conditions C5 and D16 had been updated.

The Vice-Chair thanked officers for the report, commenting it was clear to see a lot of work had been undertaken on this application given the application reference number.

Members sought if a travel plan had been looked at such as alternative exits from site officers confirmed it had. Councillor Piccolo enquired as to the number of HGV to use the site have looking at the report there was to be an increase of up to 250 HGV using the site.

During discussions Members asked if it was possible for other road links such as whether the A130 could be used other than using the Manorway. It was explained there were no other road links feasible to access the site. Councillor Piccolo commented he liked the idea of cycle paths, however he had concerns with the increase of HGV movements within the area. Officers commented at present there were no planned works for the junctions leading off of the Manorway. The Major Applications Manager continued by advising cycle routes were to be upgraded to and from the site, however at this time there were no plans to update the local road network other than the works to the key junctions identified (Sorrells roundabout and A13/Manorway roundabout).

The Vice-Chair echoed Members concerns with regards to an increase in traffic on local roads and whether the local road network could cope with this. She continued by querying as to whether the site in addition to cycle paths had the facilities to support electric vehicles such as charging points. Officers confirmed there were to be docking stations for bikes (at the site and Stanford Le Hope railway station) and car parking would include charging points for electric vehicles.

Following the suggestion of river usage as the site was close to the River Thames Officers commented that although the jetty was within the redline boundary of the site, the Major Applications Manager was unsure as to whether it was able to be used at present, however there is potential to use the jetties in the future and there a specific planning conditions to promote and secure such usage.

Members heard that as part of the Section 106 funding for highway improvements had been subject to the Council's Highways Officers assessment work.. Members further raised concerns, that should the Local Thames Crossing go ahead the local road network would not cope. The Transport Development Manager commented the Local Thames crossing this was not as yet a permitted development and assured Members, Officers were looking at the road network and different options for HGVs within the area and any possible solutions were being scrutinised.

Speaker statements were heard from:

- Statement of Objection: Francis Tyrrell, London Gateway
- Statement of Support: Rupert Wood, Thames Enterprise Park, Applicant

During the debate Councillor Watson thanked officers for their report and continued by stating if it was possible to find another exit from the site other than the Manorway that would be welcomed given the HGV concern and mitigation for residents.

Councillor Arnold welcome the report stating it would provide a boost for the borough, he continued by mentioning his only concern was the impact to the local area when HGVs entering and leaving the site

Councillor Piccolo enquired as to whether there were cameras on the site to monitor the HGV movements. He commented on the potential of using the River Thames which would assist in limiting the HGV movements.

Councillor Shinnick stated she felt the application was a great opportunity for the Borough and once the Section 106 funding was resolved it was pleasing to see jobs created for local people.

The Vice-Chair proposed the officer's recommendation A and was seconded by Councillor Watson

For: (5) Georgette Polley (Vice-Chair), Paul Arnold, Sue Shinnick, James Thandi and Lee Watson

Against: (1) Terry Piccolo

Abstained: (0)

The Vice-Chair proposed the officer's recommendation B and was seconded by Councillor Watson

For: (5) Georgette Polley (Vice-Chair), Paul Arnold, Sue Shinnick, James Thandi and Lee Watson

Against: (1) Terry Piccolo

Abstained: (0)

The Committee adjourned at 7.51pm and reconvened at 7.56pm (The Chair of the Committee returned to the meeting during this time)

9. 22/00210/FUL: High Fields Lower Dunton Road, Bulphan

The report was presented by the Principal Planning Officer.

Councillor Arnold enquired as to the proposed elevation of the site. Officers explained the footprint was to be like for like with a two-storey extension.

Councillor Polley enquired as to whether the dwelling had any development prior to this application. The Principal Planning Officer advised the site might have had development in the past, however the proposed development was double the size of the current dwelling.

During discussions Members heard the application to officers' knowledge was not situated within a permitted development site. Officers further advised they had not received any objections from local residents.

Speaker statement was heard from:

- Statement of Support - Councillor Johnson, Ward Member

The Chair advised the statement in support from the agent had been circulated to all Members within the speaker statements booklet, however they were unable to attend the meeting.

During the debate Chair suggested given the size of the development and its footprint a site visit may be worth the committee attending.

Councillor Arnold commented he would like to see the site, he mentioned knew the area with the properties being mixed match however he felt a site visit would be worthwhile.

Councillor Watson agreed with the Chair that site visit would be worth doing as she did not know the area very well.

The Chair proposed that a site visit be undertaken and was seconded by the Vice-Chair.

For: (7) Councillors Tom Kelly (Chair), Georgette Polley (Vice-Chair), Paul Arnold, Terry Piccolo, Sue Shinnick, James Thandi and Lee Watson

Against: (0)

Abstained (0)

At 8:25pm, the committee agreed to suspend standing orders until the end of the agenda.

10. 22/00181/HHA: 22 Bridge Road, Grays

The report was presented by the Principal Planning Officer.

The Chair of the Committee enquired as to whether any pre-application advice had been given to the applicant. The Principal Planning Officer confirmed advice was given to the applicant and a suggested revision on application was suggested, which the applicant elected not to accept.

Councillor Arnold enquired whether the proposed extension was right up to the boundary of the site, the Principal Planning Officer confirmed that it was.

During discussions Members heard there had been no objections from residents or the Highways Department the application had been proposed for refusal due to its poor design and visual impact on the area. Following a question on parking, Members were notified there were no objections from Highways as the site had on street parking. The Principal Planning Officer advised Members as part of the preapplication advice process, a revised design of the application was presented to the applicant which was refused.

Speaker statements were heard from:

- Statement of Support: Guv Sehmbi, Applicant

During the debate the Chair thank the applicant for his statement, agreeing looking at the plans the property appeared to be out of the way and was unique.

Councillor Polley commented she did not like the design of the application, however, could understand the applicants reasons. She felt that perhaps the advice from officers at the preapplication stage should have been accepted.

Councillor Watson stated she was not overly concerned with the design of the application and as there had been no objections from neighbours and the property was tucked away, she could not find any issues with this application.

Councillor Thandi echoed Councillor Watson's thoughts in that although the application was deemed to be of poor design it was out of sight in the area and there had been no objections from neighbours.

The Chair proposed the officers recommendation and was seconded by the Councillor Arnold.

For: (4) Councillors Tom Kelly (Chair), Georgette Polley (Vice-Chair), Paul Arnold and Terry Piccolo,

Against: (3) Councillors Sue Shinnick, James Thandi and Lee Watson

Abstained (0)

11. 22/00375/FUL: 43 Purfleet Road, Aveley

The report was presented by the Principal Planning Officer.

The Chair of the Committee enquired as to whether any preapplication advice had been given on the two trees located on site. The Principal Planning Officer confirmed preapplication advice had been given. The officer confirmed that the trees outside the application site would not be removed.

During discussions Members were notified there were two parking spaces allocated for each dwelling plus visitor parking, with parking spaces being located outside the front door. It was confirmed by officers although the layout was tight for vehicles to move, it had been deemed acceptable given the scale of the development. The Transport Development Manager advised it would be difficult to reverse on site, that being said the conditions within the application site would not conflict with the Council's policy. He continued by commenting the emergency services and refuse collection would have to perhaps pull up outside of the site as there was not much room for manoeuvring.

Speak statements were heard from:

- Statement of Support: Rakesh Kainth, Montague TSK Limited, Applicant

Statements in objection had been received from a Ward Member and Resident, these were circulated to Members as part of the speaker booklet.

During the debate Councillor Arnold mentioned he felt the number of dwellings were too many for this site.

Councillor Watson agreed with Councillor Arnold she too felt there were too many dwellings proposed for the site. She continued by stating she had concerns with the proposed parking and access for the emergency services.

Councillor Polley echoed Members comments she stated she had concerns with regards to emergency services access as well as access for refuge trucks. She thanked officers for the work put into this application.

The Chair proposed the officers recommendation and was seconded by Councillor Shinnick.

For: (7) Councillors Tom Kelly (Chair), Georgette Polley (Vice-Chair), Paul Arnold, Terry Piccolo, Sue Shinnick, James Thandi and Lee Watson

Against: (0)

Abstained (0)

12. 21/01883/FUL: Coach Park Pilgrims Lane

The report was presented by the Principal Planning Officer.

The Chair enquired as to the basis on HGVs as the last application had been deferred. The Principal Planner advised the previous application did not affect the one in front of Members, he advised the current application proposed a 25% reduction of HGV movements.

Councillor Polley queried how the impact would be different than the previous application, as would car movement as well as HGVs also be reduced given the location. The Transport Development Manager mentioned officers were aware of Members concerns around the use of Pilgrim Roundabout and this was something they were working on.

Councillor Polley enquired as to whether the five years the applicant had to develop the site started when the application was submitted. Officers advised the time scale would begin from when the application was granted rather than when the application was submitted.

Members queried as to whether officers had received a travel plan. The Principal Planning Officer commented that there were to be a maximum of 501 movements as a worst-case scenario. Members heard there were to be 200 people employed with 80 people in total on site on a day-to-day basis. Officers notified the Committee there was a condition as part of the application meaning staff could move on and off the site between 6.30am and 7.00pm.

Statements well received and heard from:

- Statement of Objection: Laura Blake, Thames Crossing Action Group

During the debate Councillor Polley mentioned she was interested to see if there were any other sites which had been looked at. She further commented she felt it was distasteful that the five year condition started from when the application was approved rather than when the application was admitted, with this she felt the condition should be brought down three years.

Councillor Watson echoed Councillor Polley's comment. She commented on the travel plan and the fact that the development was within the Green Belt.

Councillor Piccolo commented that somewhere was needed which was central in the borough for this work to be undertaken. He further stated as long as officers were sure the figures were correct with regards to HGV

movements of 108 per day, and there was no big impact on the road network he felt location suited the purpose. He further suggested if not already within the travel plan perhaps a booking system could be included to monitor the number of HGVs using the site in line with the proposed conditions.

The Chair proposed the officers recommendation and was seconded by Councillor Piccolo.

For: (4) Councillors Tom Kelly (Chair), Paul Arnold, Terry Piccolo and James Thandi

Against: (3) Georgette Polley (Vice-Chair), Sue Shinnick and Lee Watson

Abstained: (0)

The meeting finished at 10.13 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**

14 July 2022		ITEM: 6
Planning Committee		
Planning Appeals		
Wards and communities affected: All	Key Decision: Not Applicable	
Report of: Beverley Kuchar, Interim Strategic Lead Development Services		
Accountable Assistant Director: Leigh Nicholson, Assistant Director Planning, Transportation and Public Protection.		
Accountable Director: Julie Rogers, Director of Public Realm		

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: 21/00350/BUNWKS

Location: 93 Mollands Lane, South Ockendon

Proposal: Refusal of planning permission 21/00688/HHA for retrospective summer house.

- 3.2 **Application No: 21/01067/LBC**
Location: Sumet Mucking Wharf Road, Stanford Le Hope
Proposal: Internal and external works to listed building to facilitate: Conversion of the Tower to become a 2 bedroom home on 4 levels; Conversion of the Nave and South Aisle to become a 4 bedroom home on 3 levels and conversion of the Chancel and South Chapel to become a 4 bedroom home on 3 levels.
- 3.3 **Application No: 21/01356/HHA**
Location: 46 Calshot Avenue, Chafford Hundred
Proposal: Addition of front porch and loft conversion with three front roof lights and two rear dormers.
- 3.4 **Application No: 20/01631/HHA**
Location: 363 London Road, South Stifford
Proposal: Retrospective application for a lean-to extension along the side of the house.
- 3.5 **Application No: 22/00279/HHA**
Location: 2 Avondale Gardens, Stanford Le Hope
Proposal: Two storey side extension
- 3.6 **Application No: 21/02184/HHA**
Location: 7 Churchill Road, Grays
Proposal: Two storey side extension and single storey and part two storey rear extension with roof lights
- 3.7 **Application No: 21/01824/CV**
Location: 13 Crouch Road, Grays

Proposal: Application for the variation of condition no. 2 (approved plans) of planning permission ref. 19/01117/FUL (Erection of 6 bedroom house of multiple occupation on land adjacent to 13 Crouch Road with associated hardstanding.).

3.8 Application No: 21/02105/HHA

Location: 96 Hemley Road, Orsett

Proposal: (Retrospective) First floor and part two storey side extension and garage conversion

3.9 Application No: 21/02061/FUL

Location: Oragn Works, Foxton Road, Grays

Proposal: Change of use from office (Class E) to a place of worship/community hall (Class F.1)

3.10 Application No: 22/00044/ENFORC

Location: 38 Sanderling Close, East Tilbury

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

3.11 Application No: 21/02029/HHA

Location: 13 Cherry Tree Drive, South Ockendon

Proposal: Retrospective single storey outbuilding ancillary to the main house

4.0 Appeals Decisions:

No decisions have been received this month.

5.0 APPEAL PERFORMANCE:

	APR	MAY	JUN	JUL	AUG	SEP	OCT	NOV	DEC	JAN	FEB	MAR	
Total No of Appeals	7	3	0										10
No Allowed	4	1	0										5
% Allowed	57.14%	33.33%	0										50%

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 Inequalities, Sustainability, Crime and Disorder or Impact on Looked After Children

None.

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

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

10. Appendices to the report

- None

Report Author:

Beverley Kuchar
Interim Strategic Lead Development Services

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Agenda Item 8

Planning Committee 14 July 2022	Application Reference: 22/00077/FULPSI
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Reference: 22/00077/FULPSI	Site: Harrier Primary School Land adjacent A13 and Love Lane Aveley Essex
Ward: Aveley and Uplands	Proposal: Construction of a new 2 form entry primary school and nursery (Use Class F1) with outdoor sports areas, access, parking, landscaping and drainage.

Plan Number(s):		
Reference	Name	Received
146818EFFA-AVE-ZZ-XX-DR-C-0001	Proposed Drainage Scheme	18 January 2022
146818EFFA-AVE-00-XX-DR-C-0002	S278 Works	18 January 2022
146818EFAA DLA B1 GF DR A 2000 Rev P17	GA Ground Floor Plan	25 May 2022
146818EFAA DLA B1 01 DR A 2001 Rev P13	GA First Floor Plan	25 May 2022
146818EFAA DLA B1 02 DR A 2002 Rev P10	GA Roof Plan	25 May 2022
146818EFAA DLA B1 XX DR A 2020 Rev P3	External Visuals	25 May 2022
146818EFAA DLA B1 XX DR A 2020 Rev P3	Additional 3D Views	25 May 2022
146818EFAA DLA B1 XX DR A 2030 Rev P14	GA Elevation	25 May 2022
146818EFAA DLA B1 XX DR A 2035 Rev P14	GA Section	25 May 2022
146818EFAA DLA ZZ 00 DR L 9000 Rev P19	Site Plan	6 April 2022
146818EFAA DLA ZZ 00 DR L 9100 Rev P10	Site Plan BB103 Areas	18 January 2022
146818EFAA DLA ZZ 00 DR L 9102 Rev P08	Access and Security Schematic	18 January 2022
146818EFAA DLA ZZ 00 DR L 9103 Rev P06	External Works	18 January 2022
146818EFAA DLA ZZ 00 DR L 9104 Rev P07	Levels Plan	18 January 2022
146818EFAA DLA ZZ 00 DR L 9105 Rev P09	Fencing	18 January 2022

146818EFAA DLA ZZ 00 DR L 9106 Rev P07	Refuse Delivery and Fire Appliance Access	18 January 2022
146818EFAA DLA ZZ 00 DR L 9108 Rev P07	Sports Pitches	18 January 2022
146818EFAA DLA ZZ 00 DR L 9109 Rev P04	Location Plan	18 January 2022
146818EFAA DLA ZZ 00 DR L 9110 Rev P04	Site Sections	18 January 2022
146818EFAA DLA ZZ 00 DR L 9111 Rev P04	Soft Landscape Scheme	18 January 2022

The application is also accompanied by:

- Acoustic Design Strategy
- Agricultural Land Survey
- Arboricultural Impact Assessment
- BREEAM Pre-Assessment
- Car Park Management Plan
- Construction Management Plan (Draft)
- Design and Access Statement
- Flood Risk Assessment and Drainage Strategy
- Ground Investigation Report
- Landscape Study
- Planning Statement
- Preliminary Ecological Appraisal
- Reptile Survey Report
- Sequential Assessment
- Statement of Community Involvement
- Transport Assessment
- Travel Plan (outline)
- Written Scheme of Investigation for Archaeological Watching Brief

<p>Applicant: Eco Modular Buildings (on behalf of the Secretary of State for Education)</p>	<p>Validated: 18 January 2022</p> <p>Date of expiry: 29 March 2022 (10-week target determination period applies to 'public service infrastructure' applications as of 16 July 2021)</p>
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Recommendation: Grant planning permission subject to submission of an application to divert the public footpath 145 under Section 147 or Section 257 of the Town and Country Planning Act 1990 (as amended); referral to the Secretary of State and planning conditions.

1.0 BACKGROUND

- 1.1 At the meeting of the Planning Committee held on 21 April 2022 Members considered a report assessing the above proposal. Members of the Planning Committee voted to defer the application. This was because a number of questions were raised by Members; these were addressed within an update report which was reported to Planning Committee on 9 June 2022. At the meeting of the 9 June Members resolved to approve the application, subject to referral to the S.O.S.
- 1.2 Following the 9th June 2022 meeting it became known that an objection letter and attached petition with 22 signatures was hand delivered to the Council Offices on 8 June 2022. This correspondence had not been processed at the time of the meeting and was not therefore known or reported to Members at the 9th June 2022 meeting. Whilst the objection letter and petition received well after the closure of the public consultation it is proper that Members are aware of its existence given that it was submitted prior to the meeting.
- 1.3 As set out above, no formal decision notice has been issued because the paperwork has been referred to the S.O.S. In light of this, it is considered appropriate to report the additional matters raised to Planning Committee.
- 1.4 A copy of the reports presented to the April 2022 and June 2022 Committee meetings are attached.

2.0 CONSULTATION AND REPRESENTATIONS

- 2.1 An additional objection letter and petition were hand delivered to the Council Offices on 8 June 2022.

3.0 PLANNING UPDATES, ASSESSMENT & IMPLICATIONS

- 3.1 The information below seeks to address the questions raised within the correspondence submitted on the 8th June 2022 and had not already been addressed within the previous reports. These additional matters are:
 - Level of public consultation;
 - Air pollution;
 - Jobs for local people;
 - Local children first.

Consultation

- 3.2 National Planning Practice Guidance and the Town and Country Planning (Development Management Procedure) (England) Order 2015 state the required statutory level of public consultation for applications. In this case, a site notice was displayed at the site, an advert was posted within Thurrock Gazette and individual neighbour letters were sent to adjacent and nearby properties. The application documents are available to view / comment on the Council website. This level of public consultation exceeds the statutory requirements which state only neighbour letters or a site notice are required, alongside a press advert and website.
- 3.3 In addition, the applicant carried out a comprehensive pre-planning application submission public consultation. This is not a statutory requirement, although it is good practice. This is detailed within the Statement of Community Involvement which was submitted with the application.

Air pollution

- 3.4 The site is not within an Air Quality Management Area (AQMA) and therefore there is no requirement for an Air Quality Assessment. All AQMAs are highly localised in Thurrock and none are within close proximity of the site. Additionally, The Council's Environmental Health Team raise no concerns about air quality, but in respect of construction activities, conditions are proposed with regards to a Construction Environment Management Plan (CEMP), restrictions on bonfires and control of dust. Therefore, the school would not lead to an unacceptable rise in air pollution.

Jobs for local people

- 3.5 There is no mechanism within the national planning system to restrict employment on a site to local workers, although targets are sometimes encouraged within s.106 agreements. Also, there are no local policies within the Core Strategy on local employment that would cover a development of this size. Whilst a local workforce would be preferable and is encouraged within the Core Strategy it is not always practical or realistic. Within both the construction and operation stage of the school it is considered that skill shortages would mean all the necessary qualified staff could not be adequately sourced locally.

Local children first

- 3.6 The school would be run by Reach2 Academy Trust which is a free school which sets its own admission policies. The Trust's aim is to ensure all of its academies have simple, consistent admission arrangements that focus on serving the local community.

4.0 CONCLUSION

The application has been brought back to Planning Committee due to an additional objection which was received before the previous meeting where members resolved to approve the application. This report covers the subjects within the objection which have not explicitly been covered within the previous reports. Taking into account the additional information, the recommendation remains one of approval for the reasons stated in 7.0 of the July Committee report.

5.0 RECOMMENDATION

5.1 Grant planning permission subject to:

- (i) Submission of an application to divert the public footpath 145 under Section 247 or Section 257 of the Town and Country Planning Act 1990 (as amended);
- (ii) Referral to the Secretary of State under the terms of the Town and Country Planning (Consultation) (England) Direction 2021; and
- (iii) Subject to the application not being called-in by the Secretary of State for determination, grant planning permission subject to the following conditions:

TIME LIMIT

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

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

PLANS LIST

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

Plan Number(s):		
Reference	Name	Received
146818EFFA-AVE-ZZ-XX-DR-C-0001	Proposed Drainage Scheme	18 January 2022
146818EFFA-AVE-00-XX-DR-C-0002	S278 Works	18 January 2022
146818EFAA DLA B1 GF DR A 2000 Rev P17	GA Ground Floor Plan	25 May 2022

146818EFAA DLA B1 01 DR A 2001 Rev P13	GA First Floor Plan	25 May 2022
146818EFAA DLA B1 02 DR A 2002 Rev P10	GA Roof Plan	25 May 2022
146818EFAA DLA B1 XX DR A 2020 Rev P3	External Visuals	25 May 2022
146818EFAA DLA B1 XX DR A 2020 Rev P3	Additional 3D Views	25 May 2022
146818EFAA DLA B1 XX DR A 2030 Rev P14	GA Elevation	25 May 2022
146818EFAA DLA B1 XX DR A 2035 Rev P14	GA Section	25 May 2022
146818EFAA DLA ZZ 00 DR L 9000 Rev P19	Site Plan	6 April 2022
146818EFAA DLA ZZ 00 DR L 9100 Rev P10	Site Plan BB103 Areas	18 January 2022
146818EFAA DLA ZZ 00 DR L 9102 Rev P08	Access and Security Schematic	18 January 2022
146818EFAA DLA ZZ 00 DR L 9103 Rev P06	External Works	18 January 2022
146818EFAA DLA ZZ 00 DR L 9104 Rev P07	Levels Plan	18 January 2022
146818EFAA DLA ZZ 00 DR L 9105 Rev P09	Fencing	18 January 2022
146818EFAA DLA ZZ 00 DR L 9106 Rev P07	Refuse Delivery and Fire Appliance Access	18 January 2022
146818EFAA DLA ZZ 00 DR L 9108 Rev P07	Sports Pitches	18 January 2022
146818EFAA DLA ZZ 00 DR L 9109 Rev P04	Location Plan	18 January 2022
146818EFAA DLA ZZ 00 DR L 9110 Rev P04	Site Sections	18 January 2022
146818EFAA DLA ZZ 00 DR L 9111 Rev P04	Soft Landscape Scheme	18 January 2022

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

DETAILS OF MATERIALS

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

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

CONSTRUCTION ENVIRONMENT MANAGEMENT PLAN (CEMP)

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

- (a) Hours and duration of works on site
- (b) Wheel washing and sheeting of vehicles transporting aggregates on to or off of the site
- (c) Details of construction access
- (d) Details of any temporary hard standing
- (e) Details of any temporary hoarding
- (f) Water management including waste water and surface water drainage
- (g) Road condition surveys before demolition and after construction is completed; with assurances that any degradation of existing surfaces will be remediated as part of the development proposals. Extents of road condition surveys to be agreed as part of this CEMP
- (h) Details of method to control wind-blown dust

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

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

HGV BOOKING SYSTEM

- 5 HGV movements from the site associated with the importation phase shall be limited to a maximum of:
- Weekly limit of 60 two-way movements, Monday to Friday only between 9.30am and 2.30pm (30 in and 30 out);
 - Daily limit of 20 two-way movements, Monday to Friday only between 9.30am and 2.30pm (10 in and 10 out).

A log of HGV movements shall be kept and submitted to the local planning authority for review upon written request. This log shall record details of the registration, origin, destination and operators of each HGV entering and leaving a plot within the site and the time of such movements.

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

MATERIAL

- 6 Only non-contaminated, suitable material shall be used for the purposes of infilling and restoration. The material will be that which is within Environment Agency permitting regime and/or the CL:AIRE Code.

Reason: To prevent the possible contamination of the groundwater and to protect the amenities of neighbouring properties in accordance with Policy PMD1 of the adopted Thurrock LDF Core Strategy and Policies for the Management of Development [2015].

PARKING PROVISION – AS SHOWN ON THE APPROVED PLANS

- 7 The development hereby permitted shall not be first occupied until such time as the vehicle parking area shown on the approved plans, including any parking spaces for the mobility impaired, has been hard surfaced, sealed and marked out as shown on the approved plans. The vehicle parking area(s) shall be retained in this form at all times thereafter. The vehicle parking area(s) shall not be used for any purpose other than the parking of vehicles that are related to the use of the approved development.

Reason: In the interests of highway safety and to ensure that adequate car parking provision is available in accordance with policies PMD8 and PMD9 of the adopted

Thurrock LDF Core Strategy and Policies for the Management of Development [2015].

CAR PARK MANAGEMENT

- 8 Prior to the first use or operation of vehicle parking areas, a written scheme for the management of those areas shall be submitted to and approved in writing by the local planning authority. The scheme shall, in particular, include measures for the restriction of unauthorised car parking and details of management community use activities. The approved scheme shall be operated on the first use or operation of the vehicle parking areas and maintained during the operation of the school thereafter.

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

TRAVEL PLAN

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

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

LANDSCAPE MANAGEMENT PLAN

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

submitted to and approved in writing by the local planning authority. The landscape management plan shall be implemented in accordance with the details as approved from first opening of the school and retained thereafter, unless otherwise agreed in writing with the local planning authority.

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

LANDSCAPE PLANTING PLANS

- 11 The development hereby permitted shall be constructed and completed in accordance with plan 146818EFAA DLA ZZ 00 DR L 9111 Rev P04 Soft Landscape Scheme prior to the first operational use of the development and maintained and operated thereafter in accordance with the approved Landscape Management Plan.

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

COMMUNITY USE AGREEMENT

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

Reason: To secure well managed, safe community access to the sports and other community facilities and to ensure sufficient benefits to the development in accordance with policies CSTP9, CSTP10 and PMD5 of the adopted Thurrock LDF Core Strategy and Policies for the Management of Development [2015].

TURFING

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

(i) A detailed assessment of ground conditions (including drainage and topography) of the land proposed for the playing field which identifies constraints which could affect playing field quality; and

(ii) Based on the results of the assessment to be carried out pursuant to (i) above, a detailed scheme which ensures that the playing field will be provided to an acceptable quality. The scheme shall include a written specification of soils structure, proposed drainage, cultivation and other operations associated with grass and sports turf establishment and a programme of implementation.

The approved scheme shall be carried out in full and in accordance with a timeframe agreed with the Local Planning Authority. The land shall thereafter be maintained in accordance with the scheme and made available for playing field use in accordance with the scheme.

Reason: To ensure amenity space within the development is provided in accordance with policies CSTP18, CSTP20, PMD2 and PMD5 of the adopted Thurrock LDF Core Strategy and Policies for the Management of Development [2015].

MULTI-USE GAMES AREA

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

Reason: To ensure amenity space within the development is provided in accordance with policies CSTP18, CSTP20, PMD2 and PMD5 of the adopted Thurrock LDF Core Strategy and Policies for the Management of Development [2015].

HOURS OF USE – OUTDOOR PLAY FACILITIES

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

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

NOISE

- 16 The mitigation measures within Noise Assessment by Apex Acoustics “ Harrier Primary Academy, Aveley BB 93 Acoustic Design Strategy” Reference 9066.1 Revision B dated 20th May 2021, shall be implemented before the use of the school commences and shall be permanently retained in the agreed form, unless otherwise agreed in writing with the local planning authority.

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

LIMITATIONS ON NOISE

- 17 The level of noise emitted from the site shall not exceed LA90 background noise level as measured at the nearest noise sensitive receptor.

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

NO LIGHTING – UNLESS OTHERWISE AGREED

- 18 No means of external illumination of the site shall be installed unless otherwise agreed in writing by the local planning authority. The external illumination shall be maintained and retained in accordance with the approved details thereafter.

Reason: In the interests of amenity and to ensure that the development can be integrated within its immediate surroundings in accordance with Policies PMD1 and

PMD2 of the adopted Thurrock LDF Core Strategy and Policies for the Management of Development [2015].

UNFORESEEN CONTAMINATION

- 19 In the event that contamination is found at any time when carrying out the approved development that was not previously identified it must be reported in writing immediately to the Local Planning Authority. An investigation and risk assessment must be undertaken and where remediation is necessary a remediation scheme must be prepared, which is subject to the approval in writing of the Local Planning Authority. Following completion of measures identified in the approved remediation scheme a verification report must be prepared, which is subject to the approval in writing of the Local Planning Authority.

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

ARCHAEOLOGY - TRIAL TRENCHING AND EXCAVATION

- 20 No development or preliminary groundworks of any kind shall take place until the completion of a two-phase programme of archaeological evaluation identified in the approved Written Scheme of Investigation and confirmed by the Local Authorities archaeological advisors.

A mitigation strategy detailing the excavation / preservation strategy shall be submitted to the local planning authority following the completion of the archaeological evaluation.

No development or preliminary groundworks can commence on those areas containing archaeological deposits until the satisfactory completion of fieldwork, as detailed in the mitigation strategy, and which has been approved in writing by the local planning authority.

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

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

REPTILE TRANSLOCATION

- 21 Prior to the commencement of development, a scheme for the capture and translocation of reptiles from the site shall be submitted to and approved in writing by the local planning authority. The capture and translocation of reptiles shall be undertaken in accordance with the approved scheme, unless otherwise agreed in writing by the local planning authority.

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

SURFACE WATER MAINTENANCE PLAN

- 22 No works shall take place until a Maintenance Plan detailing the maintenance arrangements including who is responsible for different elements of the surface water drainage system and the maintenance activities/frequencies, has been submitted to and agreed, in writing, by the Local Planning Authority. Should any part be maintainable by a maintenance company, details of long term funding arrangements shall be provided and be implemented for all times thereafter.

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

BREEAM

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

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

RENEWABLE ENERGY

- 24 Unless otherwise agreed in writing by the local planning authority, prior to the construction above ground level of any of the buildings, details of measures to demonstrate that the development will achieve the generation of at least 20% of its energy needs through the use of decentralised, renewable or low carbon technologies shall be submitted to and approved in writing by the local planning authority. The approved measures shall be implemented and operational upon the first use or operation of the development and shall thereafter be retained in the agreed form.

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

Informative(s)

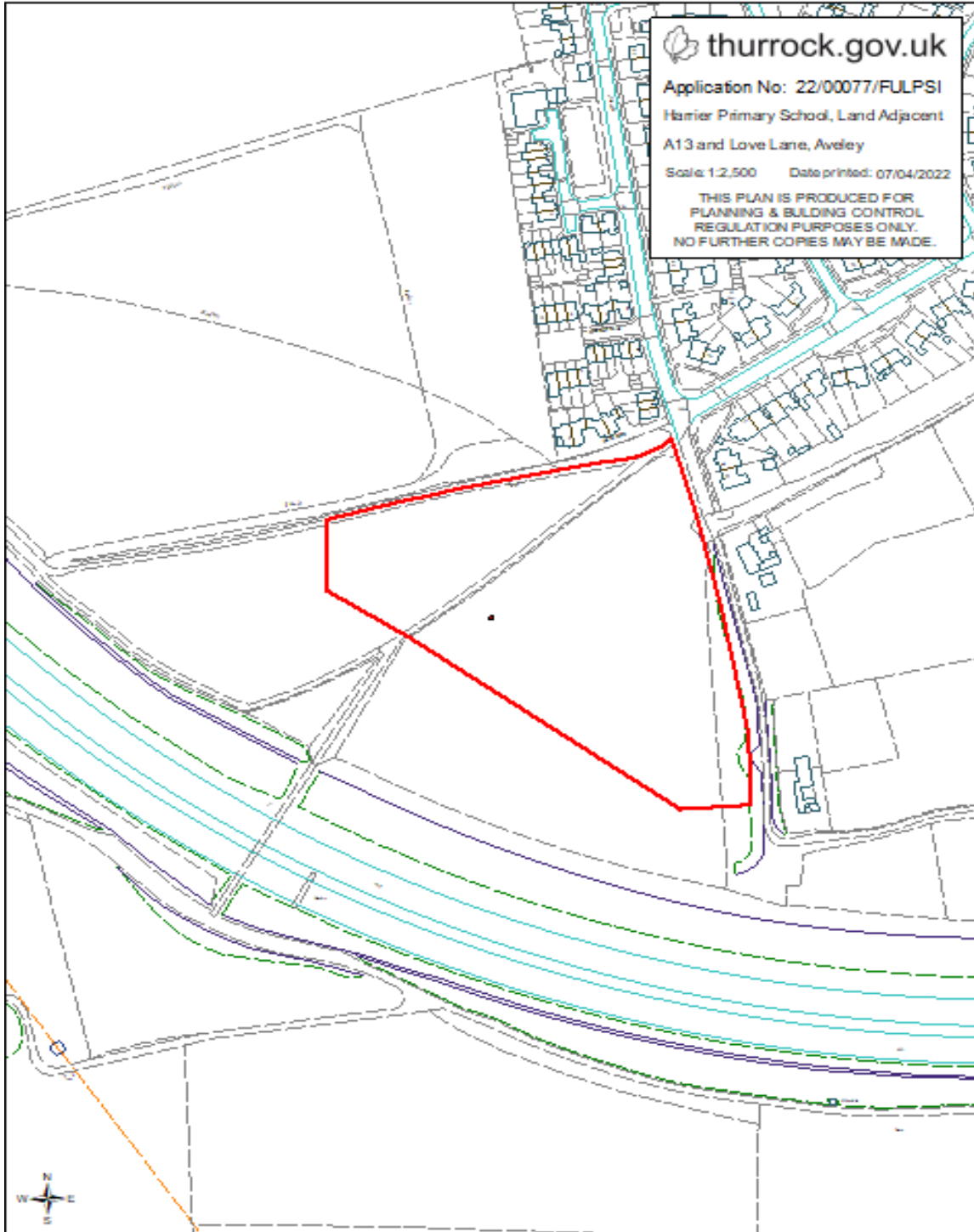
Town and Country Planning (Development Management Procedure) (England) Order 2015 (as amended) - Positive and Proactive Statement:

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

Documents:

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

www.thurrock.gov.uk/planning



Reference: 22/00077/FULPSI	Site: Harrier Primary School Land adjacent A13 and Love Lane Aveley Essex
Ward: Aveley and Uplands	Proposal: Construction of a new 2 form entry primary school and nursery (Use Class F1) with outdoor sports areas, access, parking, landscaping and drainage.

Plan Number(s):		
Reference	Name	Received
146818EFFA-AVE-ZZ-XX-DR-C-0001	Proposed Drainage Scheme	18 January 2022
146818EFFA-AVE-00-XX-DR-C-0002	S278 Works	18 January 2022
146818EFAA DLA B1 GF DR A 2000 Rev P12	GA Ground Floor Plan	1 April 2022
146818EFAA DLA B1 01 DR A 2001 Rev P6	GA First Floor Plan	18 January 2022
146818EFAA DLA B1 02 DR A 2002 Rev P6	GA Roof Plan	1 April 2022
146818EFAA DLA B1 XX DR A 2020 Rev P3	External Visuals	18 January 2022
146818EFAA DLA B1 XX DR A 2030 Rev P10	GA Elevation	1 April 2022
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146818EFAA DLA ZZ 00 DR L 9100 Rev P10	Site Plan BB103 Areas	18 January 2022
146818EFAA DLA ZZ 00 DR L 9102 Rev P08	Access and Security Schematic	18 January 2022
146818EFAA DLA ZZ 00 DR L 9103 Rev P06	External Works	18 January 2022
146818EFAA DLA ZZ 00 DR L 9104 Rev P07	Levels Plan	18 January 2022
146818EFAA DLA ZZ 00 DR L 9105 Rev P09	Fencing	18 January 2022
146818EFAA DLA ZZ 00 DR L 9106 Rev P07	Refuse Delivery and Fire Appliance Access	18 January 2022

146818EFAA DLA ZZ 00 DR L 9108 Rev P07	Sports Pitches	18 January 2022
146818EFAA DLA ZZ 00 DR L 9109 Rev P04	Location Plan	18 January 2022
146818EFAA DLA ZZ 00 DR L 9110 Rev P04	Site Sections	18 January 2022
146818EFAA DLA ZZ 00 DR L 9111 Rev P04	Soft Landscape Scheme	18 January 2022

<p>The application is also accompanied by:</p> <ul style="list-style-type: none"> - Acoustic Design Strategy - Arboricultural Impact Assessment - BREEAM Pre-Assessment - Car Park Management Plan - Construction Management Plan (Draft) - Design and Access Statement - Flood Risk Assessment and Drainage Strategy - Ground Investigation Report - Landscape Study - Planning Statement - Preliminary Ecological Appraisal - Reptile Survey Report - Sequential Assessment - Statement of Community Involvement - Transport Assessment - Travel Plan (outline) - Written Scheme of Investigation for Archaeological Watching Brief 	
<p>Applicant: Eco Modular Buildings (on behalf of the Secretary of State for Education)</p>	<p>Validated: 18 January 2022 Date of expiry: 29 March 2022 (10-week target determination period applies to 'public service infrastructure' applications as of 16 July 2021)</p>
<p>Recommendation: Grant planning permission subject to referral to the Secretary of State and planning conditions.</p>	

1.0 DESCRIPTION OF PROPOSAL

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

Site area	1.8ha
Floorspace	2,439sqm
Building height	Max. 7.5m
Parking spaces/drop off spaces	32 parking spaces / 3 accessible parking spaces/ 15 drop off/pick up bays/ 85 cycle spaces
Open space/grass areas	1.3ha
Pupil numbers	420 primary school children/ 52 nursery children

1.2 The proposed development comprises the construction of a new school building (Class F1) with outdoor sports areas and associated parking and landscape works at the site. The proposal is to establish a site for Harrier Academy within new purpose-built accommodation to provide a modern teaching environment.

2.0 SITE DESCRIPTION

2.1 The site is generally located to the south of Aveley and north of the A13. The site is accessed from Love Lane, which is to the north-east and is a residential street. The closest bus stops in relation to the site are also located on Love Lane. The walking distance from the centre of the site to these bus stops is c.0.2 miles. The nearest rail station is located in Purfleet, approximately 2.2 miles south of the site. There is currently a right of way through the application site which is used for agricultural purposes, either side of the public right of way. Land within the site is classed within Agricultural Land Classification 1 (excellent quality).

2.2 Residential properties are situated to the north and north-east of the site, whilst Tubby’s Farm to the east is utilised for equestrian activities. The land is located within the Green Belt (GB). The site is situated in Flood Zone 1 but is subject to small, isolated pockets of surface water flooding in the northern, central and western portions of the site. The site is not located within the vicinity of a listed building/conservation area nor is it subject to any statutory ecological or nature conservation designation, however the site is within the ‘impact risk zones’ related to the Inner Thames Marshes SSSI.

3.0 RELEVANT HISTORY

3.1 There is no relevant planning history at the site. There was a recent request for an Environmental Impact Assessment Screening Opinion submitted with this proposal, it was confirmed an EIA was 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

PUBLICITY:

4.2 This application has been advertised by way of individual neighbour notification letters, press advert and public site notice which has been displayed nearby. The application has been advertised as a departure from the Development Plan, affecting a public footpath and as a major development. There were four comments of objection received from three different addresses. The matter raised are summarised below:

- Loss of grazing land
- Drainage issues
- Parking/highways issues
- Disruption of a school in the area

4.3 ANGLIAN WATER:

No objections.

4.4 ARCHAEOLOGY:

No objections, subject to a condition for trial trenching and excavation.

4.5 EMERGENCY PLANNING:

No objections.

4.6 ENVIRONMENT AGENCY:

No response received.

4.7 ENVIRONMENTAL HEALTH:

No objections, subject to conditions addressing noise, external lighting, a Construction Environment Management Plan and dealing with unforeseen contamination.

4.8 ESSEX POLICE:

No objections, subject to secured by design condition.

4.9 FLOOD RISK MANAGER:

No objections, subject to condition regarding maintenance.

4.10 HIGHWAYS:

No objection, subject to conditions.

4.11 LANDSCAPE AND ECOLOGY:

No objections, subject to reptile mitigation plan.

4.12 NATURAL ENGLAND:

No objections.

4.13 PUBLIC RIGHTS OF WAY:

No objections, subject to formal diversion order of the public footpath on-site.

4.14 SPORT ENGLAND:

No objections, subject to conditions relating to the design and construction of the playing fields, the design specifications of the MUGA and a community use agreement.

4.15 TRAVEL PLAN:

No response received.

4.16 URBAN DESIGN:

Does not support the proposals on the grounds of insufficient design quality.

5.0 POLICY CONTEXT**National Planning Guidance**

National Planning Policy Framework (NPPF)

5.1 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 date¹, granting permission unless:
 - i. the application of policies in this Framework that protect areas or assets of particular importance provides a clear reason for refusing the development proposed²; or
 - ii any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in this Framework taken as a whole.

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

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

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

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

National Planning Practice Guidance (PPG)

5.2 In March 2014 the Department for Communities and Local Government (DCLG)

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

- Design: process and tools
- Determining a planning application
- Green Belt
- Historic environment
- Land affected by contamination
- Light pollution
- Natural Environment
- Noise
- Open space, sports and recreation facilities, public rights of way and local green space
- Renewable and low carbon energy
- Transport evidence bases in plan making and decision taking
- Travel plans, transport assessments and statements in decision-taking
- Use of Planning Conditions

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

Local Planning Policy

Thurrock Local Development Framework (as amended) 2015

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

OVERARCHING SUSTAINABLE DEVELOPMENT POLICY:

- OSDP1: Promotion of Sustainable Growth and Regeneration in Thurrock

SPATIAL POLICIES:

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

THEMATIC POLICIES:

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

POLICIES FOR THE MANAGEMENT OF DEVELOPMENT

- PMD1: Minimising Pollution and Impacts on Amenity
- PMD2: Design and Layout
- PMD4: Historic Environment
- PMD5: Open Spaces, Outdoor Sports and Recreational Facilities
- PMD6: Development in the Green Belt
- PMD7: Biodiversity, Geological Conservation and Development
- PMD8: Parking Standards
- PMD9: Road Network Hierarchy
- PMD10: Transport Assessments and Travel Plans
- PMD12: Sustainable Buildings
- PMD13: Decentralised, Renewable and Low Carbon Energy Generation
- PMD 14: Carbon Neutral Development
- PMD15: Flood Risk Assessment

Thurrock Local Plan

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

Thurrock Design Strategy

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

development in Thurrock. The Design Strategy is a supplementary planning document (SPD), which supports policies in the adopted Core Strategy.

6.0 ASSESSMENT

Procedure

6.1 With reference to procedure, this application has been advertised (inter-alia) as being a departure from the Development Plan. Should the Planning Committee resolve to grant planning permission, the application will first need to be referred to the Secretary of State under the terms of the Town and Country Planning (Consultation) (England) Direction 2021. The reason for the referral as a departure relates to the provision of a building where the floorspace to be created exceeds 1,000 sqm and the scale and nature of the development would have a significant impact on the openness of the GB and therefore the application will need to be referred under paragraph 4 of the Direction (i.e. Green Belt development). The Direction allows the Secretary of State a period of 21 days within which to 'call-in' the application for determination via a public inquiry. In reaching a decision as to whether to call-in an application, the Secretary of State will be guided by the published policy for calling-in planning applications and relevant planning policies.

6.2 The assessment below covers the following areas:

- I. Principle of the development – including GB considerations
- II. Design, layout and impact upon the surrounding area
- III. Traffic impact, access and car parking
- IV. Impact to amenity
- V. Ecology
- VI. Sports facilities
- VII. Flood risk and drainage
- VIII. Contamination
- IX. Archaeology
- X. Energy and sustainability
- XI. Other matters

I. PRINCIPLE OF THE DEVELOPMENT – INCLUDING GB CONSIDERATIONS

6.3 Core Strategy policy CSSP3 (Sustainable Infrastructure) identifies a list of Key Strategic Infrastructure Projects which are essential to the delivery of the Core Strategy, including (under the heading of "Primary Education") "*new build, refurbishment and expansion of existing mainstream primary schools*". This policy therefore identifies the general need for new build primary schools as items of key infrastructure.

6.4 Core Strategy policy CSTP12 (Education and Learning) sets out a general approach which includes:

- I. the Council's objective and priority to maximise the benefit of investment in buildings, grounds and ICT, to achieve educational transformation;
- II. the provision of pre-school, primary school, high school, further education and special education facilities meets current and future needs.

6.5 Under the heading of 'Primary Education' CSTP12 goes on to state that *The Council has outlined a programme of refurbishment, expansion and new schools required to support long-term aims and growth in Regeneration Areas and other Broad Locations in the Plan; it includes:*

- v. Through its Primary Capital Programme (PCP) new build, refurbishment and expansion of up to forty three existing mainstream primary schools. This development will be phased by areas, prioritised according to high levels of deprivation and low levels of educational attainment.*

6.6 Therefore, in general terms Core Strategy policies support the provision of education facilities, including new build schools. Paragraph 95 of the NPPF is also relevant and states that:

'It is important that a sufficient choice of school places is available to meet the needs of existing and new communities. Local planning authorities should take a proactive, positive and collaborative approach to meeting this requirement, and to development that will widen choice in education. They should:

- a) give great weight to the need to create, expand or alter schools through the preparation of plans and decisions on applications; and*
- b) work with school promoters, delivery partners and statutory bodies to identify and resolve key planning issues before applications are submitted.'*

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

- there should be a presumption in favour of the development of state-funded schools, as expressed in the National Planning Policy Framework;

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

Despite this broad policy support for new school development, the application of other relevant national and local planning policies, particularly with regard to GB, is necessary.

- 6.8 The key issues to consider when assessing the principle of development on this site is the impact upon the GB, the need for education provision within the Borough and the loss of agricultural land.
- 6.9 The site at present forms an area of open agricultural land and unused open land between Love Lane and the A13. The site is within the GB where NPPF chapter 13 and Core Strategy policies CSSP4 (Sustainable Green Belt), PMD6 (Development in the Green Belt) apply. But also where Core Strategy policy CSTP21 (Productive Land) is relevant. CSTP21 seeks to preserve the best and most versatile agricultural land (under DEFRA grades 1, 2 and 3) and this policy states the Council will not support development of such land "except in exceptional circumstances". Paragraph no. 174 of the NPPF is also relevant and states that:

"Planning policies and decisions should contribute to and enhance the natural and local environment by:

- (a) protecting and enhancing valued landscapes, sites of biodiversity or geological value and soils ...*
- (b) recognising the intrinsic character and beauty of the countryside, and the wider benefits from natural capital and ecosystem services – including the economic and other benefits of the best and most versatile agricultural land ..."*

- 6.10 According to DEFRA maps, which are at a large scale and therefore not necessarily highly accurate at a 'field by field' level, the site is classified as Grade 1 'Excellent'. Nonetheless, the applicant has stated an opinion that the land is not the actually within best and most versatile (BMV) agricultural land category given its small size and the fact that a public right of way runs through the centre of it. Furthermore, the applicant suggests that there are surface water flooding issues on this site, suggesting that it does not form good, arable land. The applicant's reasons are appreciated, however it would normally be expected that an applicant would undertake a detailed site assessment investigating geology, soil structure etc. to conclude on the precise agricultural land classification. No detailed assessment has been submitted and there is no evidence to conclude that the site is not within Grade 1. The loss of 'excellent' agricultural land is at a prima-facie level contrary to development plan policy and at odds with NPPF paragraph no.174. The Committee will need to judge whether the provision of a new school constitutes the "exceptional circumstances" necessary to justify a departure from policy.
- 6.11 With regard to the Green Belt, Policy CSSP4 (Sustainable Green Belt) identifies that the Council will *'maintain the purpose function and open character of the Green Belt in Thurrock'*, and Policy PMD6 (Development in the Green Belt) states that the Council will *'maintain, protect and enhance the open character of the Green Belt in Thurrock'*. The proposal is not identified in any of the sections of policy CSSP4 which refer to development opportunities in the GB and would not fall within any of the categories for appropriate development within policy PMD6. These policies along with Chapter 13 of the NPPF aim to prevent urban sprawl and maintain the essential characteristics of the openness and permanence of the GB.
- 6.12 In assessing the impact upon the GB with regard to the Core Strategy and NPPF policies, consideration needs to be given to the following key questions:
1. Whether the proposals constitute inappropriate development in the GB;
 2. The effect of the proposals on the open nature of the GB and the purposes of including land within it; and
 3. Whether the harm to the GB is clearly outweighed by other considerations so as to amount to the very special circumstances (VSC) necessary to justify inappropriate development.
1. Whether the proposals constitute inappropriate development in the GB;
- 6.13 Paragraph 147 of the NPPF makes it clear that *'inappropriate development is, by definition, harmful to the Green Belt and should not be approved except in very special circumstances'*. Paragraph 149 goes on to state that:

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

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

6.14 The Planning Statement supplied with the planning application states that the use of land for outdoor recreation or outdoor sports purposes is deemed an exception to inappropriate development in the GB. However, the wording of the paragraph 149(b) stipulates that *'the provision of appropriate facilities (in connection with the existing use of land or change of use) for outdoor sport, outdoor recreation....as long as the facilities preserve the openness of the Green Belt and do not conflict with the purposes of including land within it..'*

6.15 The proposed development involves a teaching block and areas of hardstanding to support the outdoor sports facilities and provide car parking and circulation routes. A number outdoor sports facilities would be provided, including two single court Multi-Use Games Area (MUGA) and two natural turf fields. However, these are integral the proposed use as a school. That is, the educational use (a 2no. form entry primary school) generates the need for accompanying sports facilities. A new school building totalling 2,439sqm floorspace clearly does not fall within any of the exceptions above and is inappropriate development. Notwithstanding the NPPF outdoor provisions the

outdoor facilities forming part of the current application, although occupying a large proportion of the site, do not, in themselves, preserve the openness character of the GB by virtue of the hardstanding and fencing proposed around the perimeter of the site and around the MUGAs.

6.16 As the site is an open field, the site is not considered to fall within the NPPF's definition of Previously Developed Land and does not fall within any of the exceptions for the construction of new buildings as set out in Paragraph 149 of the NPPF and within PMD6.

6.17 Therefore the proposals would constitute inappropriate development, which is by definition harmful to openness.

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

6.18 The analysis in the paragraphs above concludes that the proposal constitutes inappropriate development which is, by definition, harmful to the GB (NPPF para. 147). However, it is also necessary to consider whether there is any other harm (NPPF para. 148).

6.19 As noted above paragraph 137 of the NPPF states that the fundamental aim of GB policy is to prevent urban sprawl by keeping land permanently open: the essential characteristics of GBs being described as their openness and their permanence. The proposals would comprise a substantial amount of new built development and sporting facilities across the site, which is currently open.

6.20 Advice published in NPPG (Jul 2019) addresses the role of the GB in the planning system and, with reference to openness, cites the following matters to be taken into account when assessing impact:

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

6.21 In terms of NPPG guidance, it is considered that the proposed development would have a detrimental impact on both the spatial and visual aspects of openness, i.e. an impact as a result of the footprint of development and building volume. With regard to the visual impact on the GB assessment of openness, the quantum of development proposed would undoubtedly harm the visual character of the site. In light of the above, given that the site is on an exposed site and visible from nearby public highways and a public right of way, the development of the site as proposed would

clearly harm the visual component of openness. The applicant has not sought a temporary planning permission and it must be assumed that the design-life of the development would be a number of decades. The intended permanency of the development would therefore impact upon openness. Finally, the development would generate traffic movements associated with a school development and considered this activity would also impact negatively on the openness of the GB. Therefore, it is considered that the amount and scale of the development proposed would significantly reduce the openness of the site. As a consequence, the loss of openness, which is contrary to the NPPF, should be accorded substantial weight in the consideration of this application.

6.22 In terms of whether the planning application would cause harm to the five purposes of the GB, these are considered below;

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

6.23 The NPPF does not provide a definition of the term 'large built-up areas' but the site is located on the south-western edge of the built up area of Aveley. As a matter of judgement it is considered that Aveley constitutes a large built-up area. Therefore, the proposal is considered to be contrary to the GB purpose of checking urban sprawl.

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

6.24 The site is located at the south-western edge of Aveley, so whilst it would extend the boundary of Aveley's built up area this would not lead to any joining with any other town. Therefore, whilst the proposal would increase the built form in the area between towns, it is considered that the proposal would not result in towns merging into one another to any significant degree.

c. to assist in safeguarding the countryside from encroachment;

6.25 The site currently comprises an open site and current views across the site do contribute towards the countryside setting and mark the beginning of relatively open countryside beyond the urban area linking to open land on the south side of the A13. The plans show that a significant built form will be introduced on the site. The introduction of a significant level of built form within this area would result in encroachment into the countryside. As a result the proposal would conflict with this purpose of including land within the GB.

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

- 6.26 As there are no historic town in the immediate vicinity of the site, the proposals do not conflict with this defined purpose of the GB.
- e. to assist in urban regeneration, by encouraging the recycling of derelict and other urban land.
- 6.27 The site is located outside the urban area and therefore the granting of permission outside of this area would not encourage urban regeneration. Therefore, the proposal would conflict with this purpose of including land within the GB, albeit the Applicant's sequential test to site selection is considered below.
- 6.28 Based upon the above tests from paragraph 138 of the NPPF the proposal would be contrary to purposes a, c and e. Therefore the proposal would result in harm to some of the purposes of including land in the GB, and harm to the openness of the Green Belt in addition to the definitional harm by reason of its inappropriateness. Reference to "any other harm" (NPPF para. 148), that is non-GB harm, is referred to in the paragraphs below.
3. Whether the harm to the GB is clearly outweighed by other considerations so as to amount to the VSC necessary to justify inappropriate development.
- 6.29 Paragraph 147 makes it clear that 'inappropriate development is, by definition, harmful to the GB and should not be approved except in *'Very Special Circumstances'*. Paragraph 148 of the NPPF then states *'when considering any planning application, local planning authorities should ensure that substantial weight is given to any harm to the Green Belt. Very special circumstances will not exist unless the potential harm to the Green Belt by reason of inappropriateness, and any other harm, is clearly outweighed by other considerations'*.
- 6.30 Neither the NPPF nor the Core Strategy provide guidance as to what can comprise VSC, either singly or in combination. However, some interpretation of VSC has been provided by the Courts. The rarity or uniqueness of a factor may make it very special, but it has also been held that the aggregation of commonplace factors could combine to create VSC (i.e. 'very special' is not necessarily to be interpreted as the converse of 'commonplace'). The demonstration of VSC is a 'high' test and the circumstances which are relied upon must be genuinely 'very special'. In considering whether VSC exist, factors put forward by an applicant which are generic or capable of being easily replicated on other sites, could be used on different sites leading to a decrease in the openness of the GB. The provisions of very special circumstances which are specific and not easily replicable may help to reduce the risk of such a precedent being created. Mitigation measures designed to reduce the impact of a proposal are generally not capable of being VSC. Ultimately, whether any particular combination

of factors amounts to VSC will be a matter of planning judgment for the decision-taker.

6.31 The Planning Statement submitted to accompany the application sets out the applicant’s case for VSC under the following two headings:

- a) Need for school places
- b) Sequential testing for the sites

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

- a) Need for school places

Consideration

6.33 The applicant has stated that The Pupil Place Plan (2021-2025) (‘the PPP’) provides a quantitative assessment of school capacity across the Borough and within the Aveley, Ockendon and Purfleet (AOP) Planning Area within which the school and nursery are located. The PPP projects that across the whole AOP Planning Area, projected admissions do not exceed the Published Admission Number (PAN) between 2021 and 2025 except for in 2023, where there is a shortfall of 8 places.

6.34 Notwithstanding the above, this AOP in particular is made up of three areas which are quite distant from each other in terms of accessibility, separated by main roads A13 and M25. Therefore, it is considered that individual schools within the AOP Planning Area serve their immediate locality. Whilst the PPP endeavours to plan for additional pupil places across the entire AOP Planning Area, this should not preclude adequate assessments of capacity within individual areas and appropriate planning for additional schools to meet forecast capacity issues.

6.35 The table below is taken from the PPP:

School	PAN	Sep-21	Sep-22	Sep-23	Sep-24	Sep-25
Aveley	420	462	460	457	445	447
Kenningtons	420	427	416	460	461	479

This shows the capacity of the two existing primary schools which currently serve the population of Aveley; Aveley Primary School and Kenningtons Primary Academy. PAN stands for Published Admission Number, which is the schools capacity.

6.36 Therefore, both Aveley primary schools were already operating over capacity in September 2021. Subsequent years confirm that this situation only worsens. Therefore, it is considered there is a clear need for additional primary school places has been identified in Aveley, and as such the plans for the proposed development have been developed. There is an urgent need for pupil places within this area and the proposed development has been brought forward as a direct response to this need; it is evident that the Council's Education Department acknowledge the need for additional places in Aveley, as the PPP refers to plans for the school in the introductory paragraphs as being delivered in 2022. Therefore, the factor of need is afforded significant weight in the planning balance.

b) Sequential testing for the sites

Consideration

6.37 The sequential assessment and methodology adopted by the applicant have been deemed sufficiently robust in pre-application discussions. For information, the applicant's assessment is based on the key determinants of location and size of site. The assessment concludes that there are no other available sites of the required size within the built-up area of Aveley and therefore a GB site is the only suitable option. In conjunction with the needs analysis discussed in part (a) above, this factor is also afforded significant weight.

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

Summary of Green Belt and Any Other Harm and Very Special Circumstances			
Harm	Weight	Factors Promoted as Very Special Circumstances	Weight
Inappropriate development, harm to openness and conflict with Green Belt – purposes a, c and e	Substantial	a) Need for school places b) Sequential testing for the sites	Significant weight
Loss of Grade 1 (Excellent) agricultural land			

6.39 As ever, in reaching a conclusion on GB issues, a judgement as to the balance between harm and whether the harm is clearly outweighed must be reached. In this case there is harm to the GB with reference to inappropriate development, loss of openness and harm to some of the purposes of including land with GBs. Furthermore there is other harm resulting from loss of Grade 1 agricultural land. The two factors

above have been promoted by the applicant as considerations and it is for the Committee to judge:

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

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

II. DESIGN, LAYOUT AND IMPACT UPON THE SURROUNDING AREA

6.41 Public right of way no.145 currently runs through the centre of the site. To enable the construction of the school this would be diverted around the site. The Council's Public Rights of Way Team has raised no objections to the proposal.

6.42 The school building itself would be situated in the north eastern corner of the site to make efficient use of the site and reduce impact on the GB. The school building would be two-storeys and create 2,439sqm floorspace. The new school would also offer a number of external play areas for the students, with the hard surfaced MUGA courts located just west of the school building. The proposed playing fields would be located to the south of the school building, in the central and eastern portions of the site. There would be a habitat area will also be provided to the south and west of the MUGA courts.

6.43 The school would accommodate classrooms for the youngest Key Stage 1 children on the ground floor with the Key Stage 2 classrooms located upstairs. as well as the ancillary space. The ground floor classrooms allow for direct access to outdoor learning. The reception and nursery outdoor facilities will be enclosed with fencing for safety and easy access for drop-off and pick-up for parents.

6.44 In terms of the external appearance, the ground floor would be clad in a mixture of buff and Staffordshire blue brick. The first floor to the roof would be clad in a mixture of vertical timber cladding. The hall and nursery would have red cladding helping to create contrasting features linking the schools branding to the design.

6.45 The overall design approach is an important factor to consider as the school environment would also be experienced by the wider public, through a community use agreement and would be an important civic space, being located at the north-south and east-west axis of Love Lane and Hall Road. Given the high visibility of the eastern-end of the site, it is unfortunate that the building does not do more to

'announce' its location. It is also unfortunate that the vehicular access with associated gates and utilities sub-station are located in front of the building on the prominent north-eastern corner of the site. It is disappointing that the main pedestrian entrance to the school is located in a less visible location on the northern elevation.

- 6.46 The Council's Urban Design Officer has commented that the building's external appearance should be refined further and it is unfortunate that the proposed 'corporate' colours of the Academy would appear visually jarring within a GB setting. In response to the Urban Design comments, the applicant makes the point that MMC (Modern Methods of Construction) approach is fundamental to the department for Education's programme for the delivery of new and replacement schools to a tight programme and that *'The MMC Framework and other school frameworks are the predominant method of securing new state schools across the country and the design of these schools in accordance with the DfE's Output Specific which has evolved from the DfE's research and experience from previous schools programme'*.
- 6.47 The most recent version of the NPPF (2021) emphasises design quality and the following NPPF paragraph references are of relevance:

para.126

"The creation of high quality, beautiful and sustainable buildings and places is fundamental to what the planning and development process should achieve. Good design is a key aspect of sustainable development, creates better places in which to live and work and helps make development acceptable to communities."

para.130

*"Planning policies and decisions should ensure that developments:
b) are visually attractive as a result of good architecture, layout and appropriate and effective landscaping"*

The applicant refers to design, timeframe and budget constraints associated with the delivery of new school buildings. Although these constraints run contrary to elements of the NPPF in terms of quality of design and 'building beautiful'. It is considered that components of the layout and appearance of the development are disappointing and below the place-making expectations which would normally be required. However, the Committee will need to balance the pressing need for school places and the budget and time constraints operated by the Department for Education. The layout and design of the development can be accepted in this context, but doesn't commend itself to the proposals.

III. TRAFFIC IMPACT, ACCESS & CAR PARKING

- 6.48 The main entrance to the school would be from Love Lane to the east which will serve as a single access for vehicles serving car parking and drop-off/pick up facilities. Pedestrians and cyclists would enter the site using this access point too. Pedestrian footpaths proposed alongside this new access road leading into the site and a footpath leading from this into the school grounds from the east. Additional areas of pavement will be introduced on Love Lane to facilitate safer crossing points for pupils.
- 6.49 A number of drop-off/pick-up bays are proposed to the north of the school building in front of the main school entrance. The car park to the north of the school will provide 32 standard parking bays, 3 accessible bays at the front of the main entrance, 85 cycle spaces, 80 for pupils and 5 for staff and 2 motorcycle spaces. The recently adopted (2022) parking standards are met, as the requirements for a school are 1 space per 15 pupils and for a nursery 1 space per member of full time staff. The number of cycle spaces provided is acceptable.
- 6.50 The school would inevitably increase traffic at school pick off and drop off times. The Council's Highways Officer has reviewed the information provided and concludes the proposal would be acceptable with conditions covering car park management and a travel plan.
- 6.51 In conclusion under this heading subject to conditions, it is concluded that the residual impact of the development on the road network would be acceptable.

IV. IMPACT TO AMENITY

Noise

- 6.52 The acoustics report submitted with the application details the design measures necessary for the school to fully comply with Building Bulletin 93 requirements. The acoustic performance parameters for compliance are addressed and provided the materials and options chosen in the detailed design incorporates the stated measures, then BB93 requirements can be met.
- 6.53 In terms of noise created by the school, external plant should be selected and designed such that the cumulative plant noise does not exceed the existing representative daytime LA90 background noise level at the nearest noise sensitive receptor. These are considered to be the nearest residential properties at Clare Court and properties on or near the corner of Love Lane and Hall Lane. This will be required by condition. It can be expected that there will be a degree of noise and disturbance associated with activity at the school, particularly at the beginning and end of the school day. However, playing fields for the new school would be located furthest from neighbouring residential properties.

Lighting

- 6.54 External lighting should be designed to the guidance as laid out in CIBSE/SLL Code for Lighting, CIBSE LG06 "The Outdoor Environment" and ILE "Guidance notes for the Reduction of Obtrusive Light". No indication of the proposed lighting for the building or the sports facilities has been received. This would be controlled by condition.

Construction

- 6.55 It is considered a formal Construction Environmental Management Plan (CEMP) should be conditioned to secure hours of construction, control of dust, vibration/noise.

V. ECOLOGY

- 6.56 A reptile survey was undertaken and submitted with the application. A low number of slow-worms were found on three occasions on the northern boundary. The Council's Landscape and Ecology has advised that it will be necessary for a method statement to be produced prior to any site works detailing how the reptiles will be protected during site clearance and construction; this can be dealt with by condition.
- 6.57 In terms of trees, there is only one low quality tree within the site. This will require removal to allow the development, but its loss would be mitigated by the proposed landscape scheme.
- 6.58 A landscape assessment has been undertaken to illustrate the likely landscape and visual effects of the scheme. This was sufficient to demonstrate that, while the effects would be locally significant, impacts will be confined to limited viewpoints. Existing development within the area means that the effects will be confined to the immediate area.
- 6.59 A detailed landscape scheme has been submitted which shows that new tree and shrub planting will be provided to the front of the proposed school buildings. An area of 'pictorial meadow mix' which is combination of wildflowers and cultivars of ecological value is proposed around the MUGA.
- 6.60 Overall it is considered that the scheme will not have significant adverse ecological or landscape effects, due to the site being very contained. Therefore, there are no objections to the ecological or landscape effects so long as a reptile mitigation plan is provided prior to commencement.

VI. SPORTS FACILITIES

- 6.61 The school would offer a number of external play areas for the students with the MUGA courts located just west of the school building. The playing fields would be located to the south of the school building, in the central and eastern portions of the site.
- 6.62 Sport England have confirmed they have no objection to the proposal in terms of their remit. However, they want to ensure the quality of the turf pitches enables them to be consistently usable for the school and wider community. They also want to ensure the MUGA is well-designed and a Community Use Agreement is secured. These matters will be guaranteed by condition. Therefore, in terms of sporting facilities the proposed is deemed appropriate and is consistent with CSTP9 of the Core Strategy.

VII. FLOOD RISK & DRAINAGE

- 6.63 The site is within Flood Zone 1 and is therefore at low risk of flooding. There are no historical records of flooding affecting the site. The internal ground floor level would be a minimum of 150mm above ground (to mitigate against heavy rainfall events).
- 6.64 In respect of drainage, surface water runoff is proposed to be discharged to the existing surface water sewer in Love Lane at a restricted rate with on-site attenuation. The Council's Flood Risk Manager does not object subject to conditions regarding the details of maintenance of the surface water drainage.
- 6.65 Overall, it is considered that in respect of flood risk and drainage that the scheme complies with the NPPF and Policy CSTP25 of the Core Strategy.

VIII. CONTAMINATION

- 6.66 The Council's Environmental Health Officer (EHO) has reviewed the submitted Ground Investigation Report and is satisfied that the site does not require remediation before construction activities can commence. The EHO suggests that a planning condition is used to deal with any unexpected contamination, which may be encountered during development.

IX. ARCHAEOLOGY

- 6.67 The proposed development lies in close proximity to the A13, where extensive Pleistocene deposits were recovered during the road's construction (EHER 19471). Environmental samples revealed at least three species of Lion, Giant Deer and Roe Deer, and gravel deposits were identified as stratigraphically equivalent to other nearby deposits that have previously produced mammoth skeletons. Palaeolithic artefacts, fossils and other environmental evidence was likely to be present within

the road corridor, and accordingly are likely to also survive in close proximity. The investigation of the A13's route also exposed a Late Iron Age/Romano British settlement. Excavation of the settlement site uncovered building evidence, enclosure ditches and pottery (EHER 14574). Additionally, to the immediate east of the proposed development a find spot of Anglo-Saxon metalwork is recorded, originally recovered by metal detectorists (EHER 19477).

6.68 A Written Scheme of Investigation (WSI) was submitted. The Archaeological Advisor has confirmed that they have no objections, subject to a condition for trial trenching and excavation.

X. ENERGY & SUSTAINABILITY

6.69 Policies PMD12 and PMD13 are applicable to the proposals and require the achievement of a BREEAM 'outstanding' rating and that 20% of the energy requirements of the development are generated through decentralised, renewable or low carbon means. Both of these sustainability requirements may be relaxed where it can be adequately demonstrated, by way of viability assessment, that compliance with the policy requirements renders the proposals unviable.

6.70 The applicant has confirmed that the scheme will "target BREEAM 'Very Good' as it is economically unviable to achieve anything higher in this case. Although a financial viability appraisal has not been submitted in support of this contention which is the expectation of the development plan policy. It is disappointing that a modern, purpose-built school cannot achieve adopted policy requirements, especially in light of the current climate change emergency. In light of the strong national policy support for new school provision, the budget constraints and the timetable within which the applicant is working it would be difficult to object to the development on this basis. Notwithstanding a planning condition is justified to ensure that the "very good" target is met.

6.71 The applicant's Energy Statement highlights that the DfE maintains standardised specifications and budgets and have sought to balance the competing demands of environmental sustainability and efficient use of the public purse. To achieve this, the DfE specification and funding provide a number of environmental and sustainable features to ensure the proposals are 'beneficial in environmental terms'.

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

XI OTHER MATTERS

6.73 Site section drawings accompanying the application demonstrate that existing ground levels fall from c.16m at the north of the site to c.14.3m at the south. Ground levels would be re-profiled to create a development platform for the new building at c.16.3m falling to 14.6m at the southern boundary. There would be a general increase in ground levels across the site and 10,599m³ engineering fill material will need to be imported on-site to achieve the proposed level. HGV movements would be required per day for import/export of any materials 760 overall (25/30 per day), but this is dependent on call off and availability of vehicles and turnaround as well as bulking factor of the material. This would equate to a maximum of 30 days during which materials would be imported to site assuming 25 movements per day. A highways update will be provided to the Committee.

7.0 CONCLUSIONS AND REASONS FOR APPROVAL

7.1 The site is located within the GB and the proposals comprise inappropriate development. Consequently, there would be definitional harm to the GB, as well as harm by way of loss of openness and harm to a number of purposes which the GB serves. Substantial weight should be attached to this harm. There would also be harm resulting from the loss of Grade 1 agricultural land. The applicant has set out factors which they consider to constitute the VSC needs to clearly outweigh the identified harm and justify the inappropriate development. Consideration of these factors is set out above and it is concluded that a case for very special circumstances exists.

7.2 Elements of the layout and appearance of the development are disappointing and below the standards normally expected to achieve the place-making agenda for Thurrock. However, as with recent new school proposals, the applicant is constrained by time, budget and the need to provide additional school places. The proposal also fails to meet the requirements of adopted policy PMD12 which, again, is disappointing. It is concluded that all other matters of detail are acceptable, subject to condition.

8.0 RECOMMENDATION

8.1 Grant planning permission subject to:

- (i) Referral to the Secretary of State under the terms of the Town and Country Planning (Consultation) (England) Direction 2021; and
- (ii) Subject to the application not being called-in by the Secretary of State for

determination, grant planning permission subject to the following conditions:

TIME LIMIT

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

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

PLANS LIST

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

Plan Number(s):		
Reference	Name	Received
146818EFFA-AVE-ZZ-XX-DR-C-0001	Proposed Drainage Scheme	18 January 2022
146818EFFA-AVE-00-XX-DR-C-0002	S278 Works	18 January 2022
146818EFAA DLA B1 GF DR A 2000 Rev P12	GA Ground Floor Plan	1 April 2022
146818EFAA DLA B1 01 DR A 2001 Rev P6	GA First Floor Plan	18 January 2022
146818EFAA DLA B1 02 DR A 2002 Rev P6	GA Roof Plan	1 April 2022
146818EFAA DLA B1 XX DR A 2020 Rev P3	External Visuals	18 January 2022
146818EFAA DLA B1 XX DR A 2030 Rev P10	GA Elevation	1 April 2022
146818EFAA DLA B1 XX DR A 2035 Rev P10	GA Section	1 April 2022
146818EFAA DLA ZZ 00 DR L 9000 Rev P19	Site Plan	1 April 2022
146818EFAA DLA ZZ 00 DR L 9100 Rev P10	Site Plan BB103 Areas	18 January 2022
146818EFAA DLA ZZ 00 DR L 9102 Rev P08	Access and Security Schematic	18 January 2022
146818EFAA DLA ZZ 00 DR L 9103 Rev P06	External Works	18 January 2022

146818EFAA DLA ZZ 00 DR L 9104 Rev P07	Levels Plan	18 January 2022
146818EFAA DLA ZZ 00 DR L 9105 Rev P09	Fencing	18 January 2022
146818EFAA DLA ZZ 00 DR L 9106 Rev P07	Refuse Delivery and Fire Appliance Access	18 January 2022
146818EFAA DLA ZZ 00 DR L 9108 Rev P07	Sports Pitches	18 January 2022
146818EFAA DLA ZZ 00 DR L 9109 Rev P04	Location Plan	18 January 2022
146818EFAA DLA ZZ 00 DR L 9110 Rev P04	Site Sections	18 January 2022
146818EFAA DLA ZZ 00 DR L 9111 Rev P04	Soft Landscape Scheme	18 January 2022

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

DETAILS OF MATERIALS

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

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

CONSTRUCTION ENVIRONMENT MANAGEMENT PLAN (CEMP)

- 4 No construction works shall commence until a Construction Environmental Management Plan [CEMP] has been submitted to and approved in writing by the local planning authority in writing. The CEMP should contain or address the following matters:
- (a) Hours and duration of works on site
 - (b) Wheel washing and sheeting of vehicles transporting aggregates on to or

off of the site

(c) Details of construction access

(d) Details of any temporary hard standing

(e) Details of any temporary hoarding

(f) Water management including waste water and surface water drainage

(g) Road condition surveys before demolition and after construction is completed; with assurances that any degradation of existing surfaces will be remediated as part of the development proposals. Extents of road condition surveys to be agreed as part of this CEMP

(h) Details of method to control wind-blown dust

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

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

PARKING PROVISION – AS SHOWN ON THE APPROVED PLANS

- 5 The development hereby permitted shall not be first occupied until such time as the vehicle parking area shown on the approved plans, including any parking spaces for the mobility impaired, has been hard surfaced, sealed and marked out as shown on the approved plans. The vehicle parking area(s) shall be retained in this form at all times thereafter. The vehicle parking area(s) shall not be used for any purpose other than the parking of vehicles that are related to the use of the approved development.

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

CAR PARK MANAGEMENT

- 6 Prior to the first use or operation of vehicle parking areas, a written scheme for the management of those areas shall be submitted to and approved in writing by the local planning authority. The scheme shall, in particular, include measures for the restriction of unauthorised car parking and details of management community use activities. The approved scheme shall be operated on the first use or operation of the vehicle parking areas and maintained during the operation of the school thereafter.

Reason: In the interests of highway safety and to ensure that adequate car parking provision is available in accordance with policies PMD8 and PMD9 of the adopted

Thurrock LDF Core Strategy and Policies for the Management of Development [2015].

TRAVEL PLAN

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

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

LANDSCAPE MANAGEMENT PLAN

- 8 Prior to the first opening of the school a landscape management plan, including management responsibilities, maintenance schedules for the upkeep of all landscaped areas, including management of the wildflower grassland, shall be submitted to and approved in writing by the local planning authority. The landscape management plan shall be implemented in accordance with the details as approved from first opening of the school and retained thereafter, unless otherwise agreed in writing with the local planning authority.

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

LANDSCAPE PLANTING PLANS

- 9 The development hereby permitted shall be constructed and completed in accordance with plan 146818EFAA DLA ZZ 00 DR L 9111 Rev P04 Soft Landscape

Scheme prior to the first operational use of the development and maintained and operated thereafter in accordance with the approved Landscape Management Plan.

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

COMMUNITY USE AGREEMENT

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

Reason: To secure well managed, safe community access to the sports and other community facilities and to ensure sufficient benefits to the development in accordance with policies CSTP9, CSTP10 and PMD5 of the adopted Thurrock LDF Core Strategy and Policies for the Management of Development [2015].

TURFING

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

The approved scheme shall be carried out in full and in accordance with a timeframe agreed with the Local Planning Authority. The land shall thereafter be maintained in accordance with the scheme and made available for playing field use in accordance with the scheme.

Reason: To ensure amenity space within the development is provided in accordance with policies CSTP18, CSTP20, PMD2 and PMD5 of the adopted Thurrock LDF Core Strategy and Policies for the Management of Development [2015].

MULTI-USE GAMES AREA

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

Reason: To ensure amenity space within the development is provided in accordance with policies CSTP18, CSTP20, PMD2 and PMD5 of the adopted Thurrock LDF Core Strategy and Policies for the Management of Development [2015].

HOURS OF USE – OUTDOOR PLAY FACILITIES

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

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

NOISE

- 14 The mitigation measures within Noise Assessment by Apex Acoustics “ Harrier Primary Academy, Aveley BB 93 Acoustic Design Strategy” Reference 9066.1 Revision B dated 20th May 2021, shall be implemented before the use of the school commences and shall be permanently retained in the agreed form, unless otherwise agreed in writing with the local planning authority.

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

LIMITATIONS ON NOISE

- 15 The level of noise emitted from the site shall not exceed LA90 background noise level as measured at the nearest noise sensitive receptor.

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

NO LIGHTING – UNLESS OTHERWISE AGREED

- 16 No means of external illumination of the site shall be installed unless otherwise agreed in writing by the local planning authority. The external illumination shall be maintained and retained in accordance with the approved details thereafter.

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

UNFORESEEN CONTAMINATION

- 17 In the event that contamination is found at any time when carrying out the approved development that was not previously identified it must be reported in writing immediately to the Local Planning Authority. An investigation and risk assessment must be undertaken and where remediation is necessary a remediation scheme must be prepared, which is subject to the approval in writing of the Local Planning Authority. Following completion of measures identified in the approved remediation scheme a verification report must be prepared, which is subject to the approval in writing of the Local Planning Authority.

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

ARCHAEOLOGY - TRIAL TRENCHING AND EXCAVATION

- 18 No development or preliminary groundworks of any kind shall take place until the completion of a two-phase programme of archaeological evaluation identified in the approved Written Scheme of Investigation and confirmed by the Local Authorities archaeological advisors.

A mitigation strategy detailing the excavation / preservation strategy shall be submitted to the local planning authority following the completion of the archaeological evaluation.

No development or preliminary groundworks can commence on those areas containing archaeological deposits until the satisfactory completion of fieldwork, as detailed in the mitigation strategy, and which has been approved in writing by the local planning authority.

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

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

REPTILE TRANSLOCATION

- 19 Prior to the commencement of development, a scheme for the capture and translocation of reptiles from the site shall be submitted to and approved in writing by the local planning authority. The capture and translocation of reptiles shall be undertaken in accordance with the approved scheme, unless otherwise agreed in writing by the local planning authority.

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

SURFACE WATER MAINTENANCE PLAN

- 20 No works shall take place until a Maintenance Plan detailing the maintenance arrangements including who is responsible for different elements of the surface water drainage system and the maintenance activities/frequencies, has been submitted to and agreed, in writing, by the Local Planning Authority. Should any part be maintainable by a maintenance company, details of long term funding arrangements shall be provided and be implemented for all times thereafter.

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

BREEAM

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

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

RENEWABLE ENERGY

- 22 Unless otherwise agreed in writing by the local planning authority, prior to the construction above ground level of any of the buildings, details of measures to demonstrate that the development will achieve the generation of at least 20% of its energy needs through the use of decentralised, renewable or low carbon technologies shall be submitted to and approved in writing by the local planning authority. The approved measures shall be implemented and operational upon the first use or operation of the development and shall thereafter be retained in the agreed form.

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

Informative(s)

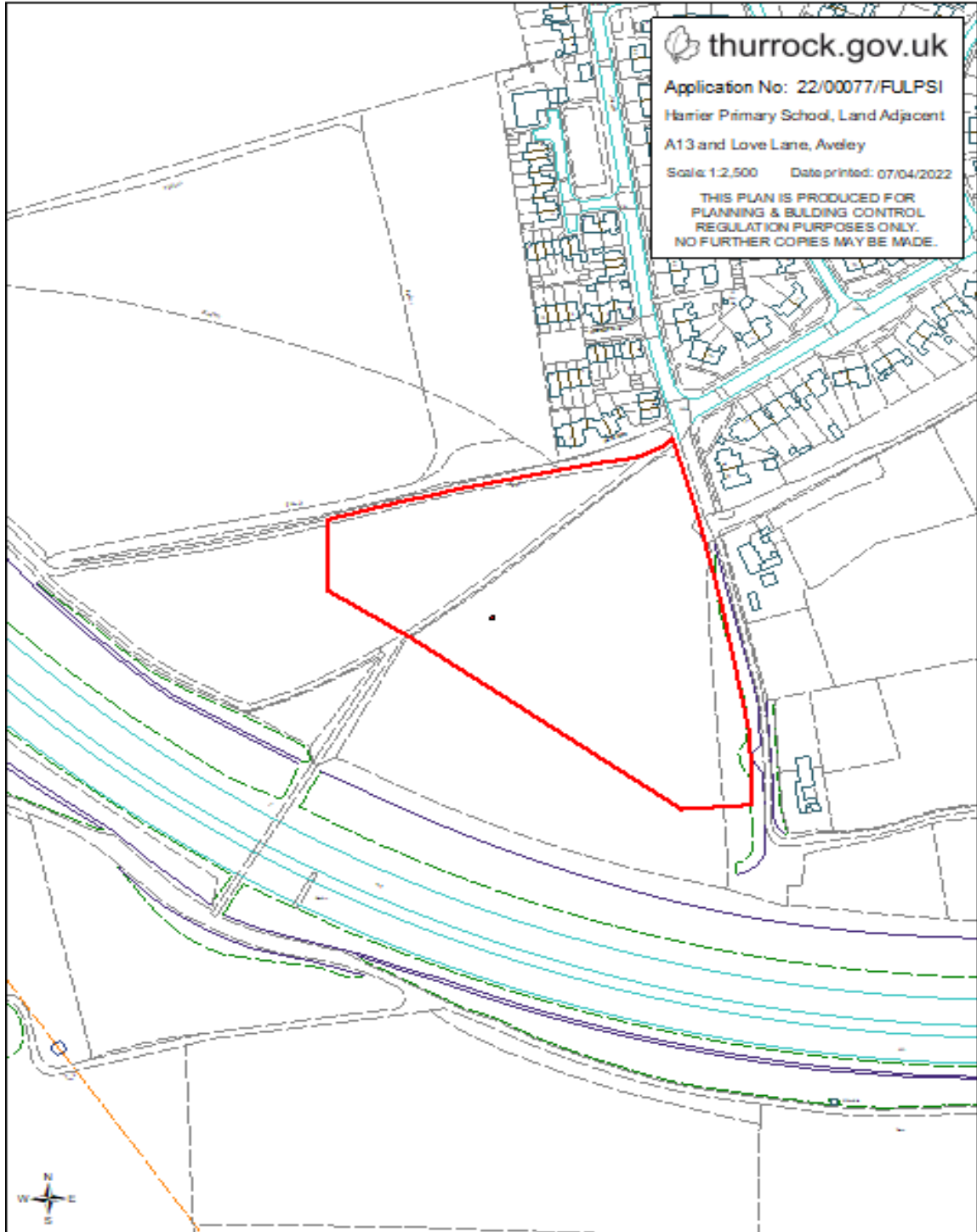
Town and Country Planning (Development Management Procedure) (England) Order 2015 (as amended) - Positive and Proactive Statement:

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

Documents:

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

www.thurrock.gov.uk/planning



Reference: 21/02004/FUL	Site: Land Adjacent 13 To 29 Kipling Avenue Tilbury Essex
Ward: Tilbury St Chads	Proposal: Residential development of 8 no. 2-storey dwellings with private garden areas and shared parking area

Plan Number(s):		
Reference	Name	Received
2609-1	Existing Plans	22nd November 2021
2609-2A	Proposed Site Layout	22nd November 2021
2609-3	Proposed Plans	22nd November 2021
2609-4	Proposed Plans	22nd November 2021
2609-5A	Proposed Plans	22nd November 2021
2609-6	Proposed Plans	22nd November 2021
2609-7	Proposed Plans	22nd November 2021
2609-8	Proposed Plans	22nd November 2021
C2632-01	Other	22nd November 2021
C2632-R2-REV-A_17_11_21	Other	22nd November 2021

The application is also accompanied by: <ul style="list-style-type: none"> - Construction Management Plan - Design and Access Statement - Flood Risk Assessment 	
Applicant: C/O Ken Judge & Associates Ltd	Validated: 22 November 2021 Date of expiry: 18 th July 2022 (Agreed EOT)
Recommendation: Approve, subject to conditions.	

1.0 BACKGROUND

1.1 At the meeting of the Planning Committee held on 9th June 2022 Members of the Planning Committee voted to defer the application in order for Members to undertake a site visit. The site visit took place on 22nd June 2022.

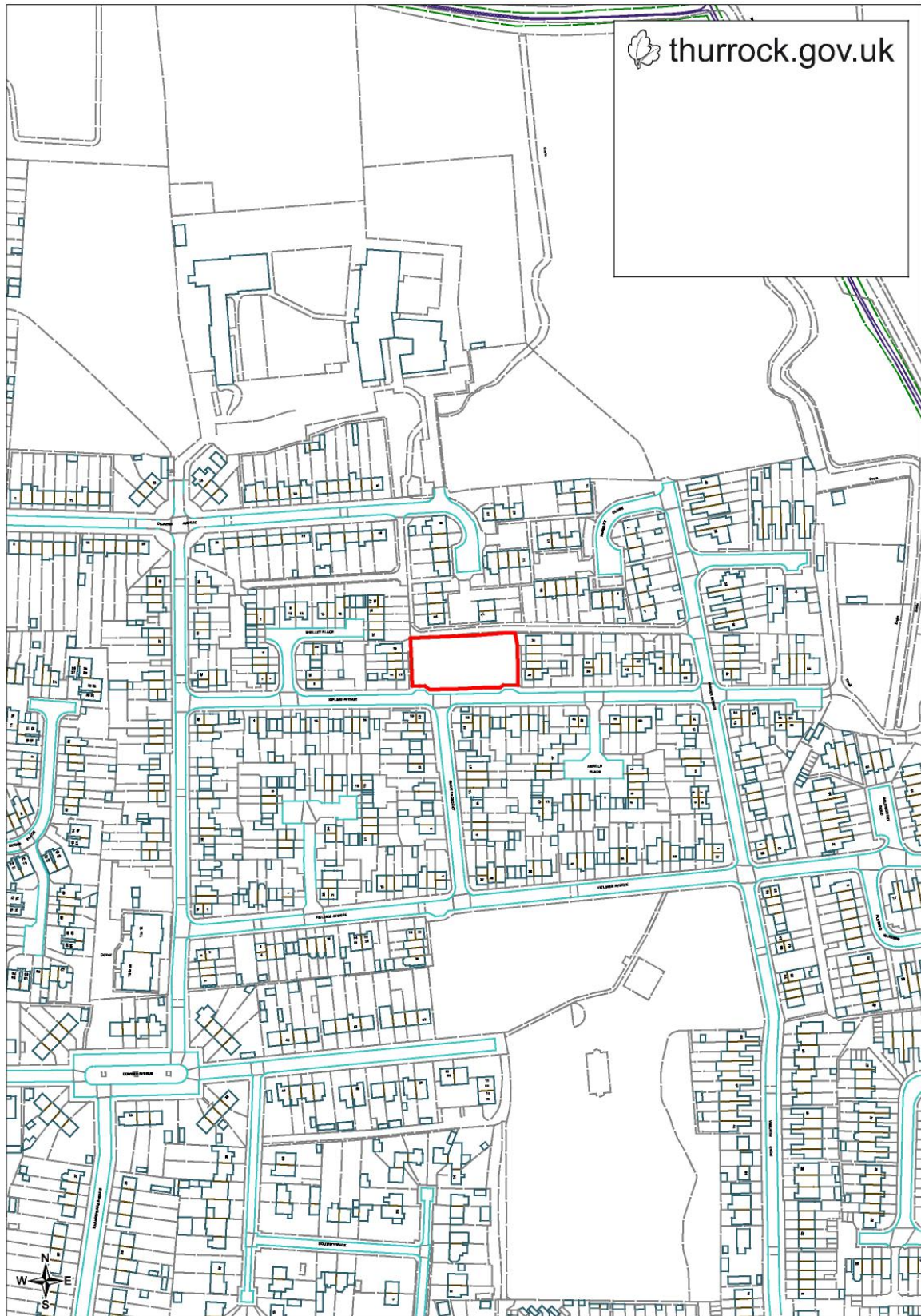
- 1.2 A copy of the report presented to the June Committee meeting is attached.

2.0 UPDATE AND CONCLUSIONS

- 2.1 Other than the site visit taking place, there have been no changes to circumstances since the previous Planning Committee meeting and no further submissions.
- 2.2 For the same reasons as set out before and as will be set out in the appended report, the proposal is considered acceptable.

3.0 RECOMMENDATION

- 3.1 Approve with conditions in the original report, appended.



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2609-6	Proposed Plans	22nd November 2021
2609-7	Proposed Plans	22nd November 2021
2609-8	Proposed Plans	22nd November 2021
C2632-01	Other	22nd November 2021
C2632-R2-REV-A_17_11_21	Other	22nd November 2021

<p>The application is also accompanied by:</p> <ul style="list-style-type: none"> - Construction Management Plan - Design and Access Statement - Flood Risk Assessment 	
<p>Applicant: C/O Ken Judge & Associates Ltd</p>	<p>Validated: 22 November 2021</p> <p>Date of expiry: 17 June 2022 (Agreed extension of time)</p>
<p>Recommendation: Approve, subject to conditions.</p>	

This application is scheduled for determination by the Council’s Planning Committee because the application has been Called in by Cllrs K Raper, Mayes, Liddiard, Johnson, Watson and Worrall in order to consider the proposals on the basis of the properties not keeping with local area, the space being well used for children play area so would be a loss or amenity and that it will put strain on local narrow roads who already have issues with parking.

1.0 DESCRIPTION OF PROPOSAL

- 1.1 The application seeks planning permission for the erection of two pairs of terraced dwellings. The dwellings would be two-storey, running north to south on the site, backing towards one another towards the western and eastern sides of the site. The dwellings would be of a traditional design and would be constructed from brick with other finishing materials being render and timber cladding.
- 1.2 Each dwelling would have a private rear garden with outbuilding, bin store and separate rear access.
- 1.3 Fourteen (14) parking spaces would be provided to the southern boundary of the site and two (2) spaces would be provided to the north-eastern corner.
- 1.4 Planting and landscaping would take place between the frontages of each row of dwellings and the established dwellings to the east and west.

2.0 SITE DESCRIPTION

- 2.1 The application site is a green area located between two rows of terraced properties which sit perpendicular to Kipling Avenue.
- 2.2 The site is presently enclosed by a knee-high metal rail to the southern side adjacent to the pavement with Kipling Avenue, footpaths on the eastern and western side which serve the terraced dwellings and knee-high fence to the northern side which serves an accessway.
- 2.3 The site is flat and located in one of the more densely developed parts of Tilbury that was given planning consent in the 1980s.

3.0 RELEVANT PLANNING HISTORY

Application Reference	Description	Decision
83/00712/FUL	Proposed erection of 307 residential dwellings and 9 private garages including 3 new cul-de-sacs and landscaping scheme.	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

4.2 PUBLICITY:

This application has been advertised by way of individual neighbour notification letters, and public site notice which has been displayed nearby. Seventeen (17) letters have been received objecting to the proposals on the following basis:

- Loss of open area;
- Children play on this area;
- Impact on parking;
- Site would be overdeveloped;
- Loss of outlook;
- Overlooking and loss of privacy.

A petition of 25 signatures objecting to the development has also been received.

4.3 ENVIRONMENT AGENCY

No objection.

4.4 ENVIRONMENTAL HEALTH:

No objections subject to conditions.

4.5 FLOOD RISK MANAGER:

No comments received.

4.6 HIGHWAYS:

No objections were raised.

4.7 LANDSCAPE AND ECOLOGY ADVISOR

No objection, subject to conditions and RAMS payment.

5.0 POLICY CONTEXT

National Planning Policy Framework (NPPF) 2021)

5.1 The NPPF was published on 27th March 2012 with the most recent revision taking place on 20th 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 date¹, granting permission unless:
- i. the application of policies in this Framework that protect areas or assets of particular importance provides a clear reason for refusing the development proposed²; or
 - ii any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in this Framework taken as a whole.

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

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

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

- 2. Achieving sustainable development
- 5. Delivering a sufficient supply of homes
- 9. Promoting sustainable transport
- 11. Making effective use of land
- 12. Achieving well designed places
- 13 Meeting the challenge of climate change, flooding and coastal change

5.2 Planning Policy Guidance

In March 2014 the Department for Communities and Local Government (now known as Ministry of Housing, Communities and Local Government) 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: process and tools
- Determining a planning application

- Flood Risk and Coastal Change
- Natural Environment
- Use of Planning Conditions

5.3 Local Planning Policy Thurrock Local Development Framework (2015)

The statutory development plan for Thurrock is the 'Core Strategy and Policies for Management of Development (as amended)' which was adopted in 2015. The Policies Map accompanying the Core Strategy allocates this site as a land without notation where broadly the same or similar uses would remain. As the site and the immediately surrounding area is residential it would be acceptable for the site to be used residential purposes. The following adopted Core Strategy policies would apply to any future planning application:

Spatial Policies:

- CSSP1 (Sustainable Housing and Locations)

Thematic Policies:

- CSTP1 (Strategic Housing Provision)
- CSTP22 (Thurrock Design)
- CSTP23 (Thurrock Character and Distinctiveness)
- CSTP27 (Management and Reduction of Flood Risk)

Policies for the Management of Development:

- PMD1 (Minimising Pollution and Impacts on Amenity)
- PMD2 (Design and Layout)
- PMD5 (Open Spaces, Outdoor Sports and Recreational Facilities)
- PMD8 (Parking Standards)
- PMD15 (Flood Risk Assessment)

5.4 Thurrock Local Plan

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

5.5 Thurrock Design Strategy

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

6.0 **ASSESSMENT**

6.1 The principal considerations for this application are as follows:

- I. Principle of the development
- II. Design and Layout and Impact upon the Area
- III. Landscaping and Ecology
- IV. Traffic Impact, Access and Car Parking
- V. Flood Risk and Drainage

I. PRINCIPLE OF THE DEVELOPMENT

- 6.1 Policy CSSP1 (Sustainable Housing and Locations) refers to the target for the delivery of new housing in the Borough over the period of the Development Plan. This policy notes that new residential development will be directed to previously developed land in the Thurrock urban area, as well as other specified locations. The policy aims to ensure that up to 92% of new residential development will be located on previously developed land.
- 6.2 The application site is located within a residential area and in a locality predominantly characterised by residential development
- 6.3 The site, whilst open and grassed, has no formal designation on the Core Strategy Proposals Map as "Open Space". The site is within the residential area of Tilbury. Therefore, whilst, as noted in the neighbour letters received, residents and their children may have enjoyed the land being available for recreational purposes, the land is privately owned and there is no protection offered to the via policies in the Core Strategy.
- 6.4 Paragraph 12 of the NPPF sets out a presumption in favour of sustainable development and, given that the Local Planning Authority is not able to demonstrate that a five-year house land supply exists, this indicate that planning permission for residential development should be granted unless the adverse impacts of doing so would significantly and demonstrably outweigh the benefits when assessed against the NPPF as a whole. As such, the provision of additional residential units would weigh in favour of the scheme, and it is considered the principle would be acceptable.

II. DESIGN AND LAYOUT AND IMPACT UPON THE AREA

- 6.5 The NPPF attaches great importance to the design of the built environment as a key part of sustainable development. Although planning policies and decisions should not attempt to impose architectural styles or particular tastes, they should seek to promote or reinforce local distinctiveness. Policies CSTP22, CSTP23 and PMD2 of the Core Strategy 2015 accord with the NPPF in requiring development to have high quality design and to be well related to its surroundings.
- 6.6 The proposed layout appears to have been influenced by the existing layout in the immediate area, in respect of the formation of two terraces of properties. The new dwellings would have their 'public sides' facing towards existing dwellings and would be back with one another. This layout is considered and appropriate and acceptable.
- 6.7 Due to the constraints of the site, it has been necessary to accommodate 14 of the 16 car parking spaces adjacent to one another to the southern side of the site. Whilst this is perhaps not the most attractive form of parking in urban design terms, it is considered an objection to this element would nonetheless be difficult to substantiate.
- 6.8 The proposed design and form of the individual dwellings, (2 storey properties with a mix of brick, tile, render and boarding as finishing materials) is considered to be acceptable given the surrounding residential context.
- 6.9 Accordingly, the layout and design of the proposal is considered to comply with Policies PMD2 and CSTP22 of the Core Strategy and the relevant guidance in the NPPF.

III. LANDSCAPING AND ECOLOGY

- 6.10 The site is currently used informally by residents as an amenity green, however as set out above, the land has no formal designation, features no play equipment and is within private ownership.
- 6.11 The Landscape and Ecology Officer indicates he has no objection on landscape grounds to its loss given the lack of facilities and landscaping. The site plan and elevations submitted show indicative planting associated with the areas between the new and existing houses and beside the car park spaces. The Landscape Officer indicates that the detail of the hard and soft landscaping including boundary treatments can be dealt with by condition.
- 6.12 The only tree on the site is a small Field Maple. The Officer notes that although the tree is in reasonable health there is some damage to the bark and it does not have particularly good form. Although it is proposed to retain the tree given its condition there would be no objection to its removal and replacement with a better-quality

specimen – a landscaping condition on any approval could require its replacement with better tree.

- 6.13 The site contains no features that would support protected species and is considered to have negligible ecological value.
- 6.14 The site is within the Essex Coast Recreational Avoidance Mitigation Strategy (RAMS) zone of influence and the proposed development falls within the scope of the RAMS as relevant development. Without mitigation the proposed development is likely to have a significant effect on the Thames Estuary and Marshes Special Protection Area. To avoid the developer needing to undertake their own individual Habitat Regulations Assessment the Essex Local Planning Authorities within the Zones of Influence have developed a mitigation strategy to deliver the measures to address direct and in-combination effects of recreational disturbance on SPA.
- 6.15 A tariff to fund the mitigation, which is payable for all additional new units is currently set at £127.30 per unit. Therefore, it is necessary for the LPA to apply a tariff of £1018.40 as the proposed scheme would result in the net increase of 8 units.
- 6.16 Subject to conditions and the payment of the RAMS contribution, the proposals would be acceptable in landscape and ecology terms.

IV. TRAFFIC IMPACT, ACCESS AND CAR PARKING

- 6.17 The Council's Highways Officer has raised no objection to the parking arrangements proposed.
- 6.18 The applicant's planning agent indicates that there is access for the freeholder of the land across the accessway which would be used for the north eastern spaces and that bins would be presented on the central footpath on the collection day. Details of the bin storage areas could be secured by condition.
- 6.19 Whilst the comments from residents are noted, in the absence of any objection from the Council's Highway Officer, and the matters discussed above, it is considered that the proposals would be satisfactory in relation to highways, access and parking matters, complying with Policies PMD2, PMD8 and PMD9, subject to conditions.

V. FLOOD RISK AND DRAINAGE

- 6.20 The site lies within Flood Zones 2 and 3. The proposal is for residential development, which is considered to be a 'more vulnerable' land use in Table 2: Flood Risk Vulnerability Classification of the Planning Practice Guidance. It is therefore necessary for the application to pass the Sequential and Exception Tests and to be supported by a site-specific Flood Risk Assessment (FRA) which would need to be agreed with the Environment Agency.

- 6.21 It is also considered to be appropriate to require a Flood Warning and Evacuation Plan set as a condition prior to the occupation of the site.
- 6.22 The Environment Agency was consulted and does not have any objection to the planning proposal, providing the development shall be carried out in accordance with the approved Flood Risk Assessment (FRA) C2632-R1-Rev-A November 2021 and the finished first floor levels are set no lower than 3.40m AOD. The finished floor levels are proposed at 3.47m AOD.
- 6.23 On the basis of the response from the EA, the Flood Risk Assessment is considered to be acceptable. Although the site does not constitute Previously Developed Land, in the NPPF the NPPF directs the best use of existing urban land, of which this site is a part. The provision of 8 new dwellings in this location is better than using land in the Green Belt and sequentially preferable. It is therefore considered that the proposal would pass the sequential and exception tests. Subject to conditions the proposal is considered to comply with Policies PMD15 and CSTP27 of the Core Strategy.

VI. EFFECT ON NEIGHBOURING PROPERTIES

- 6.24 The proposed western dwellings would be 13m from the front (two storey) from the established dwellings to the west and the proposed eastern dwelling would be 12.3m from the front (two storey) from the established dwellings to the east.
- 6.25 It is appreciated that the development would represent a significant change in outlook to existing residents however the relationship between the proposed dwellings and the established dwellings is common in terms of an urban environment such as this and the proposals front onto 'public' sides of the established dwellings. Given the separation distance it is not considered the proposed dwellings would be dominating or overbearing to the existing residents or that they would result in a harmful level of overlooking especially as they are to the front of the existing properties.
- 6.26 There is no 'right to a view' in planning law and it would not therefore be possible to object to a change in outlook that would be experienced by residents. The impact of property values is not a material planning consideration that can be taken into account in the determination.

7.0 CONCLUSIONS AND REASON(S) FOR APPROVAL

- 7.1 The proposal is considered to be acceptable in principle and matters of detail and subject to conditions and payment of the RAMS tariff the proposal would be acceptable and in accordance with Policies in the Core Strategy and guidance in the NPPF.

8.0 RECOMMENDATION

8.1 Approve, subject to the following:

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:

Plan Number(s):		
Reference	Name	Received
2609-1	Existing Plans	22nd November 2021
2609-2A	Proposed Site Layout	22nd November 2021
2609-3	Proposed Plans	22nd November 2021
2609-4	Proposed Plans	22nd November 2021
2609-5A	Proposed Plans	22nd November 2021
2609-6	Proposed Plans	22nd November 2021
2609-7	Proposed Plans	22nd November 2021
2609-8	Proposed Plans	22nd November 2021
C2632-01	Other	22nd November 2021
C2632-R2-REV-A_17_11_21	Other	22nd November 2021

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 Core Strategy and Policies for the Management of Development [2015].

Details of Materials/Samples to be submitted

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

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

Development [2015]

Hours of Construction

4. Unless in association with an emergency or the prior written approval of the local planning authority has been obtained, the hours of construction works (including any demolition) are limited to between 08:00 to 18:00 Monday to Friday, 08:00 to 13:00 Saturday with none on Sundays and public holidays.

No bonfires should be permitted during construction activities.

If impact piling is required, these operations shall only take place between the hours of 0900 - 1800 hours on weekdays.

Reason: In the interest of protecting surrounding residential amenity and in accordance with policy PMD1 of the adopted Thurrock Core Strategy

Removal of PD Rights

5. Notwithstanding the provisions of Schedule 2, Part 1 Classes A, B, C, and E of the Town & Country Planning [General Permitted Development] Order 2015 [or any order revoking and re-enacting that Order with or without modification], no extensions, works to the roof, roof alterations, or outbuildings shall be carried out or take place at either the existing or proposed dwelling on the site without planning permission having been obtained from the local planning authority.

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

Soft and Hard Landscaping Scheme – Detailed

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

Soft Landscape Works

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

The soft landscape works shall be carried out as approved within the first available planting season (October to March inclusive) following the commencement of the

development unless otherwise agreed in writing by the local planning authority. If within a period of five years from the date of the planting of any tree or plant, or any tree or plant planted in its replacement, is removed, uprooted, destroyed, dies, or becomes, in the opinion of the local planning authority, seriously damaged or defective, another tree or plant of the same species and size as that originally planted shall be planted in the same place, unless the local planning authority gives its written consent to any variation

Hard Landscape works

- 5) Details of walls/fences with details, construction design and dimensions
- 6) Details of paved surfacing, with materials finishing and edgings
- 7) Details of street furniture, with designs materials and dimensions

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

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

In accordance with Flood Risk Assessment & Flood Resilience Measures

7. The measures contained within the Flood Risk Assessment, C2632-R1-REV-A November 2021 which forms part of this planning permission, shall be fully implemented and in place prior to the first occupation of the new dwellings and shall be retained and maintained as such thereafter.

The mitigation measures, including Finished Floor Levels, shall be fully implemented prior to occupation and subsequently in accordance with the timing / phasing arrangements embodied within the scheme, or within any other period as may subsequently be agreed, in writing, by the local planning authority.

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

Flood Warning and Evacuation Plan [FWEP] – details to be provided

8. Prior to occupation of any dwelling a Flood Warning and Evacuation Plan [FWEP] for the development shall be submitted to the local planning authority for approval. The approved measures within the FWEP shall be implemented as approved and maintained thereafter, the FWEP shall be made available for inspection by all users

of the site and shall be displayed in a visible location all times thereafter.

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

Parking Provision – as shown on the approved plans

9. The development hereby permitted shall not be first occupied until such time as the vehicle parking area shown on the approved plans, including any parking spaces for the mobility impaired, has been hard surfaced, sealed and marked out as shown on the approved plans/in parking bays. The vehicle parking area(s) shall be retained in this form at all times thereafter. The vehicle parking area(s) shall not be used for any purpose other than the parking of vehicles that are related to the use of the approved development.

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

Refuse and Recycling Storage - Full

10. Prior to the first occupation of the dwellings, plans detailing the number, size, location, design and materials of bin and recycling stores and bin set down points for the day of collection to serve the development together with details of the means of access to bin and recycling stores shall be submitted to and agreed in writing with the local planning authority. The approved bin and recycling stores shall be provided prior to the first occupation of any of the dwelling[s] and permanently retained in the form agreed.

Reason: In the interests of residential amenity and to ensure that the development can be integrated within its immediate surroundings in accordance with Policy PMD1 of the adopted Thurrock Core Strategy and Policies for the Management of Development [2015].

Construction Environmental Management Plan [CEMP]

11. No demolition or construction works shall commence until a Construction Environmental Management Plan [CEMP] has been submitted to and approved in writing by the local planning authority in writing. The CEMP should contain or address the following matters:
- (a) Wheel washing and sheeting of vehicles transporting loose aggregates or similar materials on or off site,
 - (b) Details of the method for the control of noise with reference to BS5228 together with a monitoring regime;

- (c) Measures to reduce vibration and mitigate the impacts on sensitive receptors together with a monitoring regime ;
- (d) Measures to reduce dust with air quality mitigation and monitoring,

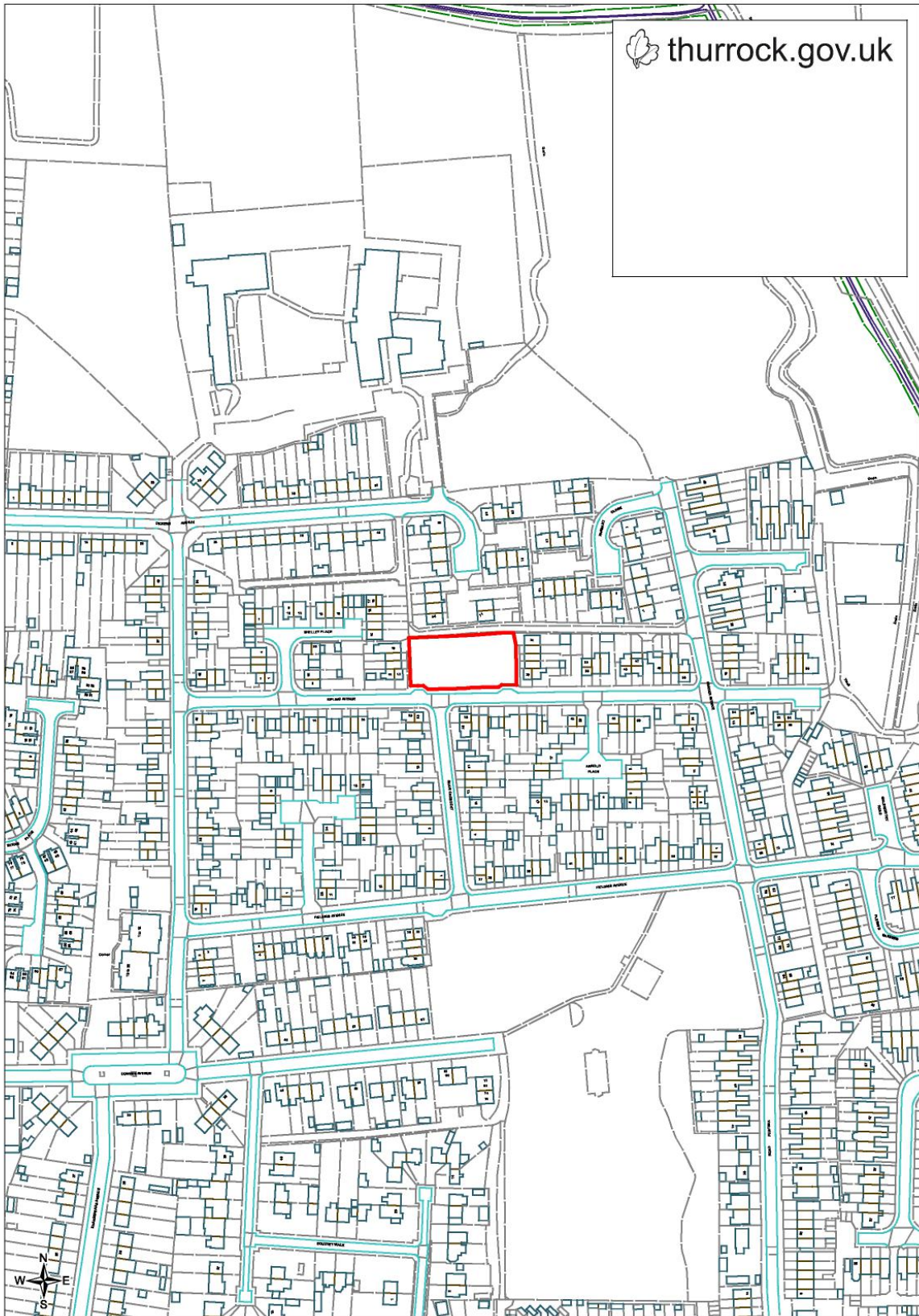
Works on site shall only take place in accordance with the approved CEMP.

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

Documents:

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

www.thurrock.gov.uk/planning



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Reference: 22/00210/FUL	Site: High Fields Lower Dunton Road Bulphan Upminster Essex RM14 3TD
Ward: Orsett	Proposal: Demolition of existing detached chalet style dwelling. Erection of one four bedroom dwelling including associated landscaping, hardstanding, cycle store and refuse/ recycle storage area

Plan Number(s):		
Reference	Name	Received
HLLDR-06	Existing and Proposed Roof Plans	7th March 2022
LDR-1	Location Plan	25th February 2022
HLLDR-04	Proposed Elevations	25th February 2022
HLLDR-01	Existing Floor Plans and Elevations	17th February 2022
HLLDR-02	Proposed Floor Plans	25th February 2022
HLLDR-03	Proposed Floor Plans	25th February 2022
HLLDR-05	Proposed Site Layout	25th February 2022

The application is also accompanied by: <ul style="list-style-type: none"> – Planning Statement, dated 27 April 2022 – Volume Calculations, received 27 April 2022 	
Applicant: Mr Mark Breden	Validated: 25 February 2022 Date of expiry: 17 June 2022 (Extension of Time agreed)
Recommendation: Refusal	

This application is scheduled for determination by the Council’s Planning Committee because it has been called in by Cllrs. B Johnson, S Hebb, A Mayes, B Maney and J

Duffin (in accordance with the Constitution Chapter 5, Part 3 (b), 2.1 (d) (ii)) to assess the impact of the proposal on the Green Belt.

1.0 BACKGROUND

- 1.1 At the meeting of the Planning Committee held on 9th June 2022 Members considered a report assessing the above proposal. Members of the Planning Committee voted to defer the application in order for Members of the Planning Committee to undertake a site visit. The site visit duly occurred on 22nd June 2022.
- 1.2 A copy of the report presented to the April Committee meeting is attached.

2.0 UPDATE, CONCLUSIONS AND REASON(S) FOR REFUSAL

- 2.1 Other than the site visit taking place, there have been no changes to circumstances since the previous Planning Committee meeting and no further submissions.
- 2.2 For the same reasons as set out before and as will be set out below, the proposal would be contrary to the Thurrock Local Development Framework Core Strategy and Policies for Management of Development 2015, the NPPF and the Residential Extensions and Alterations Supplementary Planning Document 2017 and is therefore recommended for refusal

3.0 RECOMMENDATION

- 3.1 Refuse planning permission for the following reasons:
 - 1 The proposal would, by reason of its scale, mass, height and footprint, represent inappropriate development in the Green Belt which is, by definition, harmful. The proposal would also cause a reduction in the openness. Very special circumstances have been put forward and the identified harm to the Green Belt is not clearly outweighed by other considerations so as to amount to the very special circumstances required to justify inappropriate development. The proposal is therefore contrary to Policies CSSP4 and PMD6 of the adopted Thurrock LDF Core Strategy and Policies for the Management of Development (as amended 2015) and the National Planning Policy Framework 2021.
 - 2 The proposal would, by virtue of its design, scale, bulk and increased height, result in an unsympathetic dwelling which poorly integrates with the character and appearance of the immediate street scene resulting in an incongruous and discordant development. The development is therefore contrary to Policies CSTP22, CSTP23, PMD1 and PMD2 of the adopted the Thurrock Local Development Framework Core Strategy and Policies for Management of Development 2015 and the National Planning Policy Framework 2021.

Informative:

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

this any The Local Planning Authority has acted positively and proactively in determining application by identifying matters of concern with the proposal and determining the application within a timely manner, clearly setting out the reason(s) for refusal, allowing the Applicant/Agent the opportunity to consider the harm caused and whether or not it can be remedied by a revision to the proposal. The Local Planning Authority is willing to liaise with the Applicant/Agent to discuss the best course of action and is also willing to provide pre-application advice in respect of future application for a revised development.

Documents:

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

www.thurrock.gov.uk/planning



<p>Reference: 22/00210/FUL</p>	<p>Site: High Fields Lower Dunton Road Bulphan Upminster Essex RM14 3TD</p>
<p>Ward: Orsett</p>	<p>Proposal: Demolition of existing detached chalet style dwelling. Erection of one four bedroom dwelling including associated landscaping, hardstanding, cycle store and refuse/ recycle storage area</p>

Plan Number(s):		
Reference	Name	Received
HLLDR-06	Existing and Proposed Roof Plans	7th March 2022
LDR-1	Location Plan	25th February 2022
HLLDR-04	Proposed Elevations	25th February 2022
HLLDR-01	Existing Floor Plans and Elevations	17th February 2022
HLLDR-02	Proposed Floor Plans	25th February 2022
HLLDR-03	Proposed Floor Plans	25th February 2022
HLLDR-05	Proposed Site Layout	25th February 2022

The application is also accompanied by:

- Planning Statement, dated 27 April 2022
- Volume Calculations, received 27 April 2022

<p>Applicant: Mr Mark Breden</p>	<p>Validated: 25 February 2022 Date of expiry: 17 June 2022 (Extension of Time agreed)</p>
<p>Recommendation: Refusal</p>	

This application is scheduled for determination by the Council's Planning Committee because it has been called in by Cllrs. B Johnson, S Hebb, A Mayes, B Maney and J

Duffin (in accordance with the Constitution Chapter 5, Part 3 (b), 2.1 (d) (ii)) to assess the impact of the proposal on the Green Belt.

1.0 DESCRIPTION OF PROPOSAL

- 1.1 The application seeks permission for the erection of a single replacement dwelling within the site known as High Fields, Lower Dunton Road. The existing chalet style dwelling would be removed, therefore there would be no increase in the number of residential dwellings within the site. An existing swimming pool and detached garage at the site would remain.
- 1.2 The proposed dwelling would measure 14.5 metres wide, have a maximum depth of 18.4 metres and measure 6.3 metres tall at its highest. The dwelling would feature two dormers to the front facing roof with a two storey gable projection that would measure 3.8 metres wide, 4.8 metres tall to the eaves and 6.2 metres tall overall. At the rear, the dwelling would feature a dormer and a 9 metre wide, 5.7 metre deep two storey projection with a crown roof that would have an eaves height of 5.2 metres and maximum height of 6 metres. Small single storey projections are proposed at the side of the dwelling.
- 1.3 The proposed dwelling would feature 4 bedrooms at first floor with one bathroom, one en-suite and two dressing rooms. At ground floor the dwelling would feature a large hallway, a utility room, a cinema room, a study, a large open plan area with defined kitchen, dining, sitting and lounge areas and associated toilets, changing rooms and storage areas.

2.0 SITE DESCRIPTION

- 2.1 The application site is located to the west side of Lower Dunton Road between the junction of Doesgate Lane and Old Church Hill. The site hosts a detached, two bedroom dwelling that features accommodation over two floors. The site also features an attached garage and a further detached garage. An open swimming pool is present to the rear of the dwelling. A mobile home is currently sited to the front of the site, close to the adjacent highway, and is understood to be used for purposes that are ancillary to the occupation of the dwelling.
- 2.2 In addition to the dwelling and the land around that dwelling that appears to be part of the curtilage of the dwelling, the application site includes further land to the rear that appears to have formed part of the wider plot of land for a substantial period of time. It is not clear that this falls within the curtilage of the dwelling. An outbuilding and stable block are present on this land and, whilst it is not clear whether these buildings are located on land that falls within the curtilage of the dwelling, it appears that the buildings and land have been used in conjunction with the dwelling.
- 2.3 The immediate street scene consists of eight detached single storey dwellings that are visible from the main highway. Despite there being soft landscaping present in front of those dwellings which softens their visual impact to a small degree, the changing ground levels result in the dwellings being set higher than the highway of Lower Dunton Road and, as a result, they are visible from the public domain. Each of the eight dwellings are set within different sized plots and are of individual design

and appearance. However, the single storey or chalet style form of each of these properties enables the buildings to have a relatively low height and this is a consistent characteristic of the immediate street scene.

2.4 The application site is located within an area designated as Metropolitan Green Belt where strict Green Belt policies apply in terms of additional development. The site sits within a semi-rural locality area and the group of properties is surrounded mainly by agricultural land.

3.0 RELEVANT PLANNING HISTORY

Application Reference	Description of Proposal	Decision
71/00267/FUL	House	Refused
78/00444/FUL	Store Building	Approved
21/30145/PSD	Demolition of existing property and construction of detached property with annex and gym associated to the property	Advice Given

Relevant Enforcement History:

Application Reference	Description	Decision
21/00214/AUNWKS	Development of a bungalow and a mobile home sited on the land without the benefit of planning permission	No breach established – case closed

4.0 CONSULTATIONS AND REPRESENTATIONS

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

4.2 PUBLICITY:

This application has been advertised by way of individual neighbour notification letters, press advert and public site notice which has been displayed nearby. Two comments have been received, one objection and one in support of the development raising the following:

4.3 Letter of objection:

- Additional development in the Green Belt;

- Loss of privacy, impact on light and additional noise from construction and traffic. Requests that any construction is controlled to mitigate any impacts;
- Cited the refusal of several other proposals within the immediate locality and the urbanisation of the wider locality through other recent developments which have caused disturbance and pollution during construction;
- No original planning permission received for the main dwelling;
- Additional traffic;
- The removal of trees at the site and the impact on biodiversity and on an existing hedge at a neighbouring property;
- Tarmac has already been removed from the site and further developments will be proposed;
- Potential effect on surface water drainage from the development and any increases in hardstanding;
- Reduction in school places;
- The site is being used as a yard for business vehicles;
- Other developments in the locality have exceeded what was granted planning permission and should not be a basis for supporting this proposal;
- Insufficient evidence provided of the building being unstable or in disrepair;
- Green Belt Special Circumstances do not apply and the development is inappropriate and harmful to the Green Belt.

4.4 Letter of support:

- Owners have invested time and money on improvements;
- Overgrown conifers have been removed to the benefit of other tree species, shrubs and wildlife;
- Dilapidated fencing has been replaced;
- Proposal would have a positive impact on the Green Belt, with little or no impact.

4.5 ENVIRONMENTAL HEALTH:

No objections subject to condition

4.6 HIGHWAYS:

No objections.

4.7 HIGHWAYS INFRASTRUCTURE:

No comment.

4.8 LANDSCAPE AND ECOLOGY:

No objections, subject to condition

5.0 POLICY CONTEXT

National Planning Guidance

5.1 National Planning Policy Framework (NPPF)

The revised NPPF was published on 27th March 2012, revised on 24th July 2018, February 2019 and again in July 2021. Paragraph 11 of the Framework sets out a presumption in favour of sustainable development. Paragraph 2 of the Framework confirms the tests in s.38 (6) of the Planning and Compulsory Purchase Act 2004 and s.70 of the Town and Country Planning Act 1990 and that the Framework is a material consideration in planning decisions. Paragraph 10 states that in assessing and determining development proposals, local planning authorities should apply the presumption in favour of sustainable development.

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

- 2. Achieving sustainable development
- 4. Decision making
- 11. Making effective use of land
- 12. Achieving well-designed places
- 13. Protecting Green Belt land

5.2 National Planning Practice Guidance (NPPG)

In March 2014 the 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 42 subject areas, with each area containing several subtopics. Those of particular relevance to the determination of this planning application comprise:

- Before submitting an application
- Consultation and pre-decision matters
- Design
- Determining a planning application
- Effective use of land
- Green Belt
- Making an application
- Rural housing
- Use of planning conditions

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

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

SPATIAL POLICIES

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

THEMATIC POLICIES

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

POLICIES FOR MANAGEMENT OF DEVELOPMENT

- PMD1 (Minimising Pollution and Impacts on Amenity)
- PMD2 (Design and Layout)
- PMD6 (Development in the Green Belt)
- PMD8 (Parking Standards)
- PMD9 (Road Network Hierarchy)

5.4 Thurrock Local Plan

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

5.5 Thurrock Design Strategy

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

development in Thurrock. The Design Strategy is a supplementary planning document (SPD) which supports policies in the adopted Core Strategy.

5.6 Thurrock Residential Alterations and Extensions Design Guide (RAE)

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 development within the Green Belt
- II. Design and Layout and Impact upon the Area
- III. Residential Amenity
- IV. Effect on Neighbouring Properties
- V. Traffic Impact, Access and Parking
- VI. Other Matters

I. PRINCIPLE OF DEVELOPMENT WITHIN THE GREEN BELT

Inappropriate Development

6.2 The site is set within the Metropolitan Green Belt where strict controls apply in relation to new development. In this regard, the NPPF states that a local planning authority should regard the construction of new buildings as inappropriate in the Green Belt. An exception to this, however, is where the development would involve the replacement of a building, provided the new building is in the same use and not materially larger than the one it replaces.

6.3 Policy CSSP4 of the Core Strategy aims to help sustain the open character of the Green Belt and Policy PMD6 of the Core Strategy states that planning permission will only be granted for new development in the Green Belt provided it meets, as appropriate, the requirements of the NPPF and other policies in the DPD. As far as it is relevant to this application, that policy also states that the following development can be found to be acceptable in the Green Belt:

2. Replacement Buildings

- i. *Replacement dwellings in the Green Belt will only be permitted provided that the replacement dwelling is not materially larger than the original building.*
- ii. *The replacement of other buildings shall only be for the same use, and the replacement building shall not be materially larger than the one it replaces.*

8. Definitions and Limitations

In considering whether a proposal complies with the above:

- i. Account will only be taken on lawful existing buildings,*
- ii. For the purposes of paragraph 1 and 2 'original building' means in relation to a building existing on 1st July 1948, as existing on that date, and in relation to a building built on or after 1st July 1948, as so built. Any building which is itself a replacement building will not be considered to be an original building for the purposes of this policy and the acceptability or otherwise of any proposals for further extension or replacement will be judged by reference to the 'original building' which preceded it. If the exact size of this previous building is unknown the redevelopment of a replacement dwelling will be limited to a like for like replacement.*

- 6.4 In order to ascertain whether the proposed dwelling would be materially larger than the original dwelling, it is relevant to establish what is deemed as the 'original building'. Once this has been clarified, calculations on the original footprint and volume of the original dwelling can be used to establish whether the replacement dwelling proposed under this application would be materially larger.
- 6.5 In this regard, whilst the applicant has provided details of the existing and proposed dwelling, no attempt has been made to identify what was original at the site. Having reviewed records available to the Council it is noted that planning permission for a house to be erected on the site was refused in May 1971 (Ref: 71/00267/FUL). However, historic maps indicate that a dwelling was present on the site known as High Fields in 1957. It appears that the dwelling was of a much smaller footprint than the dwelling that is currently present at the site, appearing to have had a footprint of approximately 90 square metres. The abovementioned records indicate that the dwelling was in the same position at that time as it is now and, based on that evidence alone, it appears that additional development has taken place at the site over a period of time which has impacted the overall scale and footprint of what would be considered as the 'original building'. One such development appears to be a store building constructed as a result of permission granted in June 1978 (Ref; 78/00444/FUL).
- 6.6 As set out above, the 'original building' is established as that constructed as of, or after 1st July 1948, as so built. Therefore, in this instance, the 'original building' can be taken to be the single small building located within the site. It appears that the dwelling now is materially larger than the dwelling that was original and, as such, any further enlargement of the built form at the site would be contrary to the abovementioned policies.
- 6.7 Notwithstanding the above, even if the position most favourable to the applicant was taken and the existing dwelling was used as a starting point for consideration, the proposed dwelling would be materially larger than the existing dwelling. The existing dwelling has a footprint of 103 square metres and a floorspace of 137 square metres, with each figure increasing by 34 square metres if the attached garage is included. The proposed dwelling would have a footprint of 214 square metres and an overall floorspace of 417 square metres. The dwelling would, therefore, be significantly larger than the existing dwelling. Given the above, it is

not considered necessary to verify the applicant's calculations in respect of the volume of the respective buildings. However, it is noted that they indicate that the existing building has a volume of 448 cubic metres and the proposed building would have a volume of 967.7 cubic metres. The building is, therefore, doubling in size in all respects in comparison to the existing building, yet alone the original building.

- 6.8 For these reasons, it is clear that the proposed replacement building would be materially larger than the original or the existing building.
- 6.9 No other exceptions to the restraint on development in the Green Belt are applicable. The proposal would, consequently, represent inappropriate development in the Green Belt.

Openness and Purposes of the Green Belt

- 6.10 As established above, the proposed building would be significantly larger than the existing or original buildings at the site and would, therefore, cause a reduction of openness. The increase of the height of the building from 4.7 metres to 6.3 metres would amplify the harm caused in this respect and it is also relevant that the building would be 0.5 metres wider than the existing dwelling and attached garage combined. The harm to openness caused by the proposal should be found unacceptable and afforded substantial weight.
- 6.11 Paragraph 138 of the NPPF states that the Green Belt serves five purposes. The proposal would not be contrary to any of those purposes. However, this does not alter the assessment that the proposal represents inappropriate development and has an unacceptable effect on openness.

Very Special Circumstances

- 6.12 As detailed above, the proposed development represents inappropriate development within the Metropolitan Green Belt. Paragraph 147 of the NPPF states that inappropriate development is, by definition, harmful to the Green Belt and that it should not be approved except in very special circumstances. The NPPF also states "*When considering any planning application, Local Planning Authorities should ensure that substantial weight is given to any harm to the Green Belt*". Paragraph 148 states that 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.
- 6.13 Neither the NPPF nor the adopted Core Strategy provide guidance as to what can comprise as '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'.

- 6.14 In considering whether 'very special circumstances' exist, factors put forward by the applicant which are generic or capable of being easily replicated on other sites, could be used on different sites leading to a decrease in the openness of the Green Belt. Mitigation measures designed to reduce the impact of a proposal are generally not capable of being 'very special circumstances'. Ultimately, whether any particular combination of factors amounts to a very special circumstance will be a matter of planning judgement for the decision-taker.
- 6.15 The Planning Statement submitted outlines two main considerations which the applicant considers constitute very special circumstances. However, there are also some other points made which it is considered appropriate to assess in the context of whether they represent the very special circumstances necessary to justify inappropriate development. These are summarised and assessed below:

a) 90% of the property is substandard

- 6.16 The applicant has stated that the existing dwelling is in need of urgent upgrading. It is stated that, alike the housing stock of much of Thurrock and the country in general, the existing walls, floors and ceilings lack insulation and windows are a mix of single and secondary glazed units. It is considered that the existing building has been neglected and is in a fragile and poor state. It is also stated that the existing dwelling is not energy efficient.

Consideration

- 6.17 No structural survey or independent assessment of the quality of the building has been provided and no assessment has been provided of the extent of the benefits that would be achieved from replacing the existing dwelling. Accordingly, the benefit is anecdotal and not demonstrated in a manner that could justify this consideration being afforded more than minimal weight.
- 6.18 Whilst the applicant states that the existing building is not efficient in terms of carbon footprint, no case has been made that the proposal would exceed the requirements of building regulations. Therefore, although there would be some improvement, this is not a unique or special consideration as the dwelling is not shown to be achieving a high specification in this regard.
- 6.19 The applicant's case is undermined by their admission that the condition of some housing is a problem throughout Thurrock and the wider area. Accordingly, if this is the case, then the argument would be readily repeatable and, as such would not be special or unique to this site.
- 6.20 Moreover, even if this were considered to be reason to justify the replacement of the dwelling, it is not justification for the erection of a dwelling that is so much larger that it represents inappropriate development in the Green Belt. There is no reason given why a comparable upgrade could not be achieved with a development that is not inappropriate, i.e. the replacement building would not be materially larger.
- 6.21 Therefore, this consideration is afforded no weight towards the identification of very

special circumstances

b) Poor living accommodation

- 6.22 The applicant sets out that the internal configuration of the property is not ideal with the second bedroom being in the roof space accessed via a staircase that would not accord with current building standards and represents a fire risk. The applicant deems that the timber framed lobby area to the ground floor is also not compliant with current regulations. The applicant details that the two bedroomed property falls below the floor space required to meet the needs of becoming a family residence.

Consideration

- 6.23 It is not considered that the existing layout or form of the dwelling is justification for a replacement dwelling of such size to be built. Alike the consideration of a) above, it has not been demonstrated that only an inappropriate development in the Green Belt could achieve these suggested benefits and there is no reason to consider that these circumstances are unique or special. The recent purchase of the dwelling by the applicant who would have known its condition when purchasing the property also undermines this argument.
- 6.24 Therefore, this consideration is afforded no weight towards very special circumstances.

c) Improved family accommodation for a vibrant family that has other family members close by.

- 6.25 The applicant has set out that the existing dwelling fails to provide suitable family living accommodation and also set out that they have a close family and wish to reside at the property for the indefinite future.

Consideration

- 6.26 It is likely to be the case that the desire to improve the living accommodation within a dwelling is the driving force behind the vast majority of applications for the extension or replacement of dwellings and, as such, this is not a factor that is afforded weight. The proximity of other family members has not been elaborated on but, in any case, it is considered that this is not reason to conclude that a replacement dwelling of such size should be supported. This would not be a public benefit of the proposal and as such it is not considered that this should carry any weight towards outweighing the harm caused to the Green Belt.

d) The dwelling is respectful to the plot and designed to minimise harm to the Green Belt and the applicant is willing to overcome objections.

- 6.27 The applicant states that the proposed scheme would be respectful to the plot by utilising 95% of the existing footprint and existing orientation. It is also stated that the applicant is keen to work with the Council to address any issues that are raised.

Consideration

6.28 The proposed dwelling being positioned in the same position as the existing dwelling is not a unique or special consideration and is not a benefit of the proposal that should be afforded weight as a special circumstance. The previously mentioned planning policies and assessment set out that the proposal is not acceptable in terms of its impact on the Green Belt and as such it is not considered that the development achieves what is claimed by the applicant. Furthermore, development being visually acceptable is a fundamental requirement of all development and, notwithstanding the assessment of the visual effect of the development that is set out below, even if the development were acceptable in this respect, that is a minimum requirement and not a very special circumstance. Similarly, the NPPF makes it clear that the respective parties should always cooperate and, as such, this is not a special consideration.

Overall Assessment

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

Summary of Green Belt Harm and Very Special Circumstances			
Harm	Weight	Factors Promoted as Very Special Circumstances	Weight
Inappropriate development	Substantial	a) 90% of the property is substandard	None
Harm to Openness	Substantial	b) Poor living accommodation	None
		c) Improved family accommodation for a vibrant family that has other family members close by.	None
		d) The dwelling is respectful to the plot and designed to minimise harm to the Green Belt and the applicant is willing to overcome objections.	None

6.30 In reaching a conclusion on Green Belt issues, a judgement as to the balance between harm and whether the harm is clearly outweighed must be reached. In this case there is harm to the Green Belt with reference to inappropriate development (i.e. harm by definition), loss of openness and harm to Green Belt purpose. In assessing the factors promoted by the applicant as considerations amounting to ‘very special circumstances’ necessary to justify inappropriate development, it is for the Committee to judge:

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

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

6.31 It is considered that the applicant has not advanced any factors which would, individually or cumulatively, amount to very special circumstances that could overcome the harm that would result by way of inappropriateness and the other harm identified in the assessment. There are no planning conditions that could be used to make the proposal acceptable in planning terms. The proposal is clearly contrary to Policies CSSP4, PMD2 and PMD6 of the adopted Thurrock Local Development Framework Core Strategy and Policies for the Management of Development (as amended 2015) and the National Planning Policy Framework 2021.

II. DESIGN AND LAYOUT AND IMPACT UPON THE AREA

- 6.32 As set out above, the proposed dwelling would be located within a group of 8 dwellings that are each of unique form, scale, layout and appearance. However, there are some regular features to the dwellings that are considered to be an important and consistent characteristic, these include the single storey or chalet style of the dwellings, their set back from the road and the presence of outbuildings and extensions that are subservient in scale to the original dwellings. This proposal would result in a replacement dwelling of considerably greater scale and would include several design features that would cause the dwelling to have an incongruous appearance in the locality as will be discussed below.
- 6.33 To the front elevation, the provision of dormers within the roofscape is considered to be acceptable and, when considered alone, would enable the dwelling to retain the chalet style that is a feature. However, it is from the front where the increase of the height of the building would be most noticeable and would exaggerate the visual impact of the dwelling. This would also be exaggerated by a large gable projection to the front that would have a much higher eaves height and give the impression of the dwelling being, in part, a full two storey dwelling. This increase of scale and bulk at the front elevation would be at odds with the prevailing character of the area. Whilst it is acknowledged that a nearby recent development at Balgownie Farm presents properties with two storey protruding front gabled end features, this site is a sufficient distance away from the application site to not affect the setting of this dwelling and the group of properties that the dwelling would sit within. Moreover, as that is part of a cohesive development of distinct design, those features within that development do not have the same discordant affect as this proposal.
- 6.34 To the side and rear, the dwelling would be of much greater bulk and whilst this would be of less prominence from the public domain, it is considered to be the case that the massing of the dwelling when viewed from the side and rear would be at odds with the pattern of development in the locality. The most striking feature would be the two storey rear projection with a crown roof that would have its eaves set well above the eaves of the remainder of the dwelling. The crown roof would be poorly proportioned to the remainder of the dwelling and cause the rear projection to have a bulky and ungainly appearance. Whilst public views of this would be

fleeting, from where it would be visible, particularly within neighbouring properties, this would cause material harm to the character and appearance of the dwelling and the locality.

- 6.35 In terms of window detailing and materials, the proposal is not considered to be unacceptable and it is noted that replacement planting could be provided at the site that would help to soften the impact of the development. However, even allowing for these considerations, they would not prevent proposal being detrimental to the character and appearance of the site and the locality.
- 6.36 Therefore, given the above, the proposal would be considered harmful to the character and appearance of the street scene and would appear as an incongruous dwelling that would be harmful to visual amenity of the area contrary to policies PMD1, PMD2, CSTP22, CSTP23 and the NPPF.

III. RESIDENTIAL AMENITY

- 6.37 The proposal would provide a suitable residential environment for future occupiers given the gross internal floor area would be in excess of the minimum requirements as set out in the nationally described space standards, all habitable rooms would be served by openings providing an adequate level of light, and that built in internal storage areas would be adequate. No objection is raised under this heading.

IV. EFFECT ON NEIGHBOURING PROPERTIES

- 6.38 The property to the north of the site, Laguna, sits within close proximity of the shared boundary and benefits from an opening along the south flank which faces towards the application site. However, the window closest to the boundary are obscure glazed and appear to serve a non-habitable room, indicating that this should be given less projection than if they were serving primary accommodation.
- 6.39 The part of the proposed dwelling that is closest to the neighbouring dwelling at Laguna would be single storey and have little effect on light, outlook and privacy, however, it is acknowledged that the proposal would extend closer to the boundary than existing. Whilst the built form at this point would be larger than currently experienced, the proposal would not extend substantially beyond the front and rear building lines of this neighbour and a reasonable space between dwellings would be retained. Therefore, whilst some overshadowing would be experienced within the plot of that neighbouring dwelling, the proposal would not result in significant loss of light or loss of privacy whereby a refusal on these grounds would be justifiable.
- 6.40 The proposal would not result in unacceptable harm upon the amenity of the neighbouring occupier to the south of the site at Lynfield given the separation from the shared boundary.
- 6.41 Whilst the footprint of the proposal would be increased, the rearward projection would be in line with the existing, and whilst this would contain a two storey element, the outlook would not afford increased levels of overlooking upon either

adjacent neighbouring sites.

V. TRAFFIC IMPACT, ACCESS AND PARKING

- 6.42 The proposed site layout indicates that four parking spaces would be provided to the front of the site accessed via the existing crossover. The Council's Highways Officer has been consulted and raised no objections given the parking provision would be in excess of the minimum requirements for a property with four bedrooms. In addition, the Council's Highways Infrastructure Officer has been consulted and has no comment to make given the existing crossover would remain in use and no other is proposed at the site.

VI. OTHER MATTERS

- 6.43 The Council's Environmental Health Officer has been consulted and raised no objections to the proposal, subject to conditions restricting demolition and construction hours on site, and stating that no bonfires shall take place on the site during demolition or construction. These conditions would be reasonable given the residential properties adjacent to the site, and could be included, should permission be granted.
- 6.44 The Council's Landscape and Ecology Advisor has been consulted in relation to the proposal, and notes that existing trees and shrubs within the frontage of the site have been removed. None were protected and as such no objection has been raised to their removal. The planning statement refers to landscaping at the site, but no specific details have been provided. Should permission be granted, the agreement of a landscaping scheme can be addressed through planning conditions.
- 6.45 The site is located within the Essex Coast RAMS Zone of Influence. However, as the proposal would be in lieu of the existing dwelling there would be no net gain in the number of properties at the site, and the mitigation tariff would not be applicable.
- 6.46 The neighbour objection received highlights several concerns which have partly been addressed in the above assessment. However, for clarity, the concerns not addressed above are set out below:
- 6.47 Planning history for the adjacent properties has been reviewed and noted. However, each application is to be considered on its own planning merits and it is not considered that those other decisions should be determinative in this case. Likewise, whilst other developments close to the site are noted, those decisions are not considered to be directly relevant to this application. Moreover, whilst there are no records of any planning permission being granted for the original dwelling at the site, it is clear that a dwelling has existed for sufficient time for it to be the established use of land.
- 6.48 Whilst the effect of the construction process can be mitigated through conditions, it is inevitable that development will cause some temporary upheaval or disturbance

but this would not be a reasonable reason to refuse planning permission. The effect on school place provision would also not be a reasonable reason for the refusal of this application, the effect on surface water drainage would not be at a level that would justify the refusal of the application and, as a second vehicular access at the site has not been proposed this is not a proposal that should be considered under the terms of this application.

- 6.49 The content of the letter of support is also noted but it is not considered that the benefits that have been suggested would outweigh the harm that has been set out above.

7.0 CONCLUSIONS AND REASON(S) FOR REFUSAL

- 7.1 The proposals represent inappropriate development in the Green Belt, and would lead to a loss of openness that would harm the Green Belt. Substantial weight should be attached to this harm, in the balance of considerations. It is concluded that, the benefits of the development do not clearly outweigh harm. As a consequence, the application is recommended for refusal.
- 7.2 The design, appearance and scale of the proposal would have an unacceptable impact upon the visual appearance of the immediate locality, in terms of its increased bulk and poorly related design. This would be contrary to policy and considered unacceptable.

8.0 RECOMMENDATION

- 8.1 Refuse planning permission for the following reasons:

- 1 The proposal would, by reason of its scale, mass, height and footprint, represent inappropriate development in the Green Belt which is, by definition, harmful. The proposal would also cause a reduction in the openness. Very special circumstances have been put forward and the identified harm to the Green Belt is not clearly outweighed by other considerations so as to amount to the very special circumstances required to justify inappropriate development. The proposal is therefore contrary to Policies CSSP4 and PMD6 of the adopted Thurrock LDF Core Strategy and Policies for the Management of Development (as amended 2015) and the National Planning Policy Framework 2021.
- 2 The proposal would, by virtue of its design, scale, bulk and increased height, result in an unsympathetic dwelling which poorly integrates with the character and appearance of the immediate street scene resulting in an incongruous and discordant development. The development is therefore contrary to Policies CSTP22, CSTP23, PMD1 and PMD2 of the adopted the Thurrock Local Development Framework Core Strategy and Policies for Management of Development 2015 and the National Planning Policy Framework 2021.

Informative:

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 determining the application within a timely manner, clearly setting out the reason(s) for refusal, allowing the Applicant/Agent the opportunity to consider the harm caused and whether or not it can be remedied by a revision to the proposal. The Local Planning Authority is willing to liaise with the Applicant/Agent to discuss the best course of action and is also willing to provide pre-application advice in respect of any future application for a revised development.

Documents:

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

www.thurrock.gov.uk/planning



Reference: 22/00616/FUL	Site: 63 Wharf Road Stanford Le Hope Essex SS17 0DZ
Ward: Stanford Le Hope West	Proposal: Demolition of existing dwelling to form access and erection of four semi-detached chalets with parking and amenity space to rear of properties on Wharf Road

Plan Number(s):		
Reference	Name	Received
100	Existing Site Layout	5th May 2022
200C	Proposed Site Layout	5th May 2022
201B	Proposed Plans	5th May 2022
202	Existing and Proposed Plans	5th May 2022
L-0001	Landscaping	5th May 2022

The application is also accompanied by: <ul style="list-style-type: none"> - Design and Access Statement - Preliminary Ecological Assessment (PEA) 	
Applicant: Mr M James	Validated: 5 May 2022 Date of expiry: 18 th July 2022 (extension of time agreed)
Recommendation: To Refuse	

This application is scheduled for determination by the Council’s Planning Committee because it has been Called In by Councillors Anderson, Duffin, Hebb, Huelin and Ralph (in accordance with Part 3 (b) 2.1 (c) of the Council’s constitution) to enable Members to consider a potential loss of amenity to residents and neighbours, over-density of development, potential inadequacy of parking and highways connectivity, and biodiversity concerns

1.0 DESCRIPTION OF PROPOSAL

1.1 The application seeks permission to construct four (4) dwellings, consisting of 3-bedroom semi-detached chalet bungalows. There would be provision for 11 car

spaces. The development would be accessed from Wharf Road, with the existing dwelling at No 63 to be demolished to allow for the new access road.

2.0 SITE DESCRIPTION

2.1 The application site is an overgrown rectangular piece of land behind a row of detached and semi-detached houses on the eastern side of Wharf Road. The site abuts the playing field of Stanford le Hope Primary School to the east and the rear gardens of No 2 Warrene Close to No 53 Wharf Road to the north. To the south are residential dwellings fronting Grove Road.

3.0 RELEVANT HISTORY

Application Reference	Description of Proposal	Decision
21/00250/FUL	Proposed demolition of existing dwelling to form access for four semi-detached chalets with parking and amenity space.	Refused (24.09.21). Reasons summarised: 1. Character of area 2. Neighbour amenity 3. Highways issues 4. Lack of RAMS contribution
20/01053/FUL	Demolition of existing dwelling to form access for seven (7) retirement bungalows with parking and amenity space.	Recommended for refusal to Planning Committee 22 October 2020. Members resolved to refuse.
08/01054/FUL	Erection of 8 semi-detached retirement bungalows and associated car parking [on land To Rear Of 57-71 And 57 Wharf Road utilising a different access point on Wharf Road]	Recommended for refusal to Planning Committee 8 January 2009. Members resolved to approve subject to completion of s106 Agreement, which was never signed. Application subsequently withdrawn.
08/00397/FUL	Demolition of No. 67 Wharf Road to create and access road to land to the rear, and the erection of eight (8) semi-detached retirement bungalows	Refused (on grounds of unsatisfactory layout and design and lack of financial contributions to provide the requisite health and other infrastructure)
88/00379/OUT	Four no semi-detached chalets	Refused. Subsequent appeal dismissed. This proposal sought to create an access to the site via the removal of part of no. 67 Wharf Road. The Inspector considered the proposal to be an undesirable backland development, likely to lead to

		negative impact via disturbance and noise upon no. 65 and 67 Wharf Road, and the changes to no. 67 would have a detrimental impact upon the appearance of the street scene
THU/439/64	Outline permission for 2 bungalows	Refused - undesirable backland development, causing overlooking and suffering from overlooking, and inadequate vehicular arrangements via unmade access between 71 and 81 Wharf Road)

4.0 CONSULTATIONS AND REPRESENTATIONS

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

4.2 PUBLICITY:

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

Twelve (12) representations were received from nearby occupiers – all raising objections to the proposed development on the following grounds:

- Inadequate and unsatisfactory access to the site;
- Additional traffic;
- Drainage and flood risk concerns;
- Environmental pollution;
- Lack of privacy for the existing and proposed dwellings;
- Light pollution;
- Loss of trees detrimental to the visual amenity of the area;
- Loss of habitats and species;
- Detrimental to the character and appearance of the area;
- Speeding vehicles on Wharf Road;
- Security impacts;
- Strain on existing services and infrastructure
- Issues over bin storage;
- Loss of light to adjacent gardens & overbearing;
- Limited parking already on Wharf Road

4.3 HIGHWAYS:

The proposal raises highways safety issues with regards to the proposed new access onto Wharf Road, there is a potential safety hazard and conflict point with Cabborns Crescent and with concern with regards to existing crossovers being close to the proposed access.

4.4 LANDSCAPE AND ECOLOGY ADVISOR:

Removal of sections of hedgerow would adversely affect visual amenity.

5.0 POLICY CONTEXT

National Planning Guidance

National Planning Policy Framework

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:

2. Achieving sustainable development
4. Decision-making
5. Delivering a sufficient supply of homes
11. Making effective use of land
12. Achieving well-designed places
15. Conserving and enhancing the natural environment

National Planning Practice Guidance (NPPG)

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

Local Planning Policy

Thurrock Local Development Framework (as amended) 2015

Spatial Policies:

- CSSP1 (Sustainable Housing and Locations)

Thematic Policies

- CSTP1 (Strategic Housing Provision)
- CSTP19 (Biodiversity)
- CSTP22 (Thurrock Design)
- CSTP23 (Thurrock Character and Distinctiveness)

Policies for the Management of Development:

- PMD1 (Minimising Pollution and Impacts on Amenity)
- PMD2 (Design and Layout)
- PMD7 (Biodiversity, Geological Conservation and Development)
- PMD8 (Parking Standards)
- PMD9 (Road Network Hierarchy)
- PMD16 (Developer Contributions)

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. The Design Strategy is a supplementary planning document (SPD), which supports policies in the adopted Core Strategy.

6.0 ASSESSMENT

6.1 The proposal raises the following issues:

- I. Principle of the Development
- II. Design, Layout and Impact upon the Character and Appearance of the Area
- III. Traffic Impact, Access and Car Parking
- IV. Impact on the Amenity of Neighbours
- V. Internal and External Amenity Areas
- VI. Biodiversity and Ecological Impact

I. PRINCIPLE OF THE DEVELOPMENT

6.2 The application site is within an established residential area where new residential development could be considered acceptable in principle subject to consistency with the provisions in the NPPF and conformity with the relevant provisions in the Development Plan and adopted standards.

II. DESIGN, LAYOUT, CHARACTER AND APPEARANCE

6.3 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.

6.4 Policies CSTP22 and CSTP23 of the Core Strategy indicate that development proposals must demonstrate high quality design founded on a thorough understanding of, and positive response to, the local context.

6.5 It is proposed to develop a narrow, rectangular strip of land behind a row of detached and semi-detached bungalows and dwellinghouses. A cul-de-sac would be created between the existing dwellings fronting Wharf Road and the school playing fields serving the Stanford le Hope Primary School. The layout of the development bears no relationship with the spatial pattern of the surrounding townscape in Wharf Road, Wharf Close and Warrene Close, where every dwelling has a street frontage. There are no similar examples of the type of development proposed in the vicinity of the site. Furthermore, the site coverage of the proposed buildings relative to the plot sizes significantly exceeds that of the neighbouring

plots, with very little separation between the flank wall and the boundary – resulting in a cramped and contrived form of development.

- 6.6 Furthermore, each of the proposed dwellings features a flat-roofed rearward projection which give the appearance of the properties having already been extended. The roof design represents a poorly executed attempt to obtain additional floorspace within the proposed dwellings; the design would be incongruous and is also indicative of overdevelopment of the site.
- 6.7 In the light of the foregoing, it is considered that the proposed backland development, by reason of its layout, scale, siting and design would be incongruous and out of keeping with the locality and would be detrimental to the character and appearance of the area, in contravention of Core Strategy policies PMD2, CSTP22 and CSTP23 and inconsistent with the provisions in the NPPF and Thurrock Design Strategy.

III. TRAFFIC IMPACT, ACCESS AND PARKING

- 6.8 Core Strategy Policy PMD9, amongst other matters, seeks to ensure that new development does not prejudice road safety. Wharf Road is a level 2 Urban Road and is used frequently by Heavy Goods Vehicles to access the Stanhope Industrial Estate. The Council's Highways Officer indicates there are operational issues with the proposed access and turning head, particularly when considering access for larger vehicles. A suitable and adequate access arrangement would be a necessity at this location to prevent awkward reversing manoeuvres back onto the highway. Furthermore, there is a potential safety hazard and conflict point with the vehicular access to Cabborns Crescent on the opposite side of Wharf Road.
- 6.9 The application form states that the proposed dwellings will be 3-bedroom properties. The plans show a large "entrance hall/study" on the ground floor which is open to the main hall, this is shown to be served by a "disabled shower/wc". On the previous scheme this area had a wall and access door to the main hall and the area was shown as a ground floor en-suite bedroom. However, for the purposes of the current application the proposal must be considered as 3-bedroom properties. The Council's Highways Officer raises no objection to the level of parking provision on the basis of three bedroom units. (It is noted that the application form states 12 spaces, but the plans show 11).
- 6.10 In the light of the foregoing, the proposed parking and access arrangements would be inadequate and unsatisfactory and would be likely to give rise to conditions interfering with the free flow of traffic and undermine highway safety, contrary to Core Strategy policy PMD9.

IV. IMPACT ON THE AMENITY OF NEIGHBOURS

- 6.11 Section 12 of the NPPF refers to design and the standard of amenity. Paragraph 127 paragraph f) states among other things that planning policies and decisions should ensure that developments "*Create places that are safe, inclusive and accessible and which promote health and well-being, with a high standard of amenity for existing and future users.*" Policy PMD1 reinforces the emphasis on

the protection of amenity. It seeks to ensure that development does not cause, among other things, noise and disturbance, invasion of privacy, loss of light or visual intrusion.

- 6.12 The contrived layout of the proposed development means that the proposed dwellings would be close to the common boundary with the neighbouring properties fronting Wharf Road. Given the orientation of the properties and the addition of both front and rear dormers, acting as the only windows to habitable rooms, there is a potential for overlooking. Potential acute views across the rear gardens of the properties fronting Wharf Road from these dormer windows could be achieved, in contrast with no development to the rear at present. Furthermore, the vehicular movements close to the neighbouring properties would generate noise and disturbance that would adversely affect the living conditions of the neighbours, contrary to policy PMD1 of the Core Strategy.

V. INTERNAL AND EXTERNAL AMENITY AREAS

- 6.13 NPPF provisions and policy PMD1 also seek satisfactory living standards for residential occupiers. The internal layout of the 4 dwellings complies with both Thurrock and National Space Standards. The rear gardens would also be comparable to neighbouring properties in the area. As such it is considered that the proposal would provide a suitable living environment for potential future occupiers in accordance with the above policy and guidance in the NPPF. However, this does not override the concerns raised elsewhere in the report.

VI. BIODIVERSITY AND ECOLOGICAL IMPACT

- 6.14 The NPPF seeks positive improvements in the quality of the natural environment, moving from a net loss of bio-diversity to achieving net gains for nature. It further states that the planning system should contribute to and enhance the natural environment by minimising impacts on biodiversity and providing net gains in biodiversity where possible. Amongst other matters, Core Strategy policy PMD7 requires an assessment of what species and habitat would be lost or adversely affected as a result of development (including an ecological survey where appropriate - to enable the Council to determine an application which would result in a loss of biodiversity or geological value.
- 6.15 Since the meeting of the Planning Committee held on 22 October 2020, where Members resolved to refuse application 20/01053/FUL, the site has been cleared. The application is now supported by a PEA which confirms that the site has low ecological value and does not contain any features that would support protected species.
- 6.16 It is clear from the proposed siting of the bungalows in proximity to the boundary to the north east that the existing hedge would need to be removed. Its removal would open up views over the school playing field. These would be difficult to screen even with fencing due to the close proximity of the proposed dwellings to the boundary. The Landscape officer is concerned that this is a detrimental impact of the proposals. On balance, given the lack of ecological value, it is no longer considered that the proposal is in conflict with policy PMD7 of the Core Strategy

and the relevant NPPF provisions, subject to a condition requiring an arboricultural method statement and a landscape scheme. However the loss of hedgerow would have a detrimental impact on the visual amenities of the site, in particular for the adjacent school and wider area contrary to Policies PMD2, CSTP22 and CSTP23 of the Core Strategy and the NPPF.

- 6.17 The site is within the Essex Coast RAMS Zone of Influence and the proposed development falls within the scope of the RAMS as relevant development. Without mitigation the proposed development is likely to have a significant effect on the Thames Estuary and Marshes Special Protection Area. To avoid the developer needing to undertake their own individual Habitat Regulations Assessment the Essex Local Planning Authorities within the Zones of Influence have developed a mitigation strategy to deliver the necessary mitigation to address mitigation impacts to be funded through a tariff applicable to all new additional dwellings. The current tariff is £137.71 per additional dwelling. This scheme would result in a net increase of 3 units; therefore it would be necessary for the LPA to apply a tariff of £413.13 in order to fund works to mitigate the in-combination effects of recreational disturbance on SPA. No legal agreement or other undertaking to pay this contribution has been received.
- 6.18 In the absence of any signed obligation or undertaking to address the mitigation of the impacts, the proposal is contrary to policy PMD16 of the Core Strategy.

7.0 CONCLUSIONS AND REASONS FOR REFUSAL

- 7.1 The proposals would result in harm to the character and appearance of the area and the living conditions of existing occupiers surrounding the site.
- 7.2 The proposal would also be harmful to highways and pedestrian safety due to an inadequate access point to Wharf Road and unsuitable parking provision.
- 7.3 Additionally, the application submission is lacking any opportunities for appropriate ecological mitigation, including a signed obligation and or an undertaking.
- 7.4 The proposal is therefore recommended for refusal.

8.0 RECOMMENDATION

To Refuse for the following reasons:

Reason(s):

1. The proposed development would, by reasons of its layout, scale and siting, be an undesirable overdevelopment of the site, which detracts from, and would be out of keeping with, the prevailing character and appearance of the surrounding area, in contravention of policies CSTP22, CSTP23 and PMD2 of the Thurrock Core Strategy and Policies for the Management of Development (2015) and the provisions within Chapter 12 of the National Planning Policy Framework 2021.

In addition, the loss of hedgerow on the boundary between the site and school playing field would have a detrimental impact on the visual amenities of the site, in particular for the adjacent school and wider area in contravention of policies CSTP22, CSTP23 and PMD2 of the Thurrock Core Strategy and Policies for the Management of Development (2015) and the provisions within Chapter 12 of the National Planning Policy Framework 2021

2. The proposed development would, by reasons of its layout, scale and design, result in unacceptable impacts upon neighbouring amenity by reason of overlooking and loss of privacy. Furthermore, the expected traffic generation would result in noise and disturbance in close proximity to residential properties, detrimental to the living conditions and amenity of the existing adjoining occupiers contrary to section 12 of the National Planning Policy Framework 2021 and policies PMD1 and PMD9 of the Core Strategy 2015
3. The proposed access arrangement is inadequate and unsatisfactory and fails to provide safe and appropriately sized access. Therefore, its layout, siting and design would be likely to give rise to conditions prejudicial to pedestrian and highway safety, contrary to policies PMD2, PMD8 and PMD9 of the Core Strategy 2015.
4. The site is within the Essex Coast RAMS Zone of Influence and the proposed development falls within the scope of the RAMS as relevant development. Without mitigation the proposed development is likely to have a significant effect on the Thames Estuary and Marshes Special Protection Area. In the absence of any signed obligation or undertaking to address the mitigation of the impacts, the proposal is contrary to policy PMD16 of the adopted Core Strategy 2015.

Documents:

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

www.thurrock.gov.uk/planning



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Reference: 21/01700/TBC	Site: Inspire 24 - 28 Orsett Road Grays Essex RM17 5EB
Ward: Grays Riverside	Proposal: Single storey rear extension to form new teaching/conference room space for Council Youth Services and altered emergency exit staircase.

Plan Number(s):		
Reference	Name	Received
N/A	Location Plan	04/10/2021
2021/INSPIRE/0314/01 A	Proposed Ground Floor Plan	29/05/2022
2021/INSPIRE/0314/02	Existing Ground Floor Plan	04/10/2021
2021/INSPIRE/0314/03 B	Existing and Proposed Elevations	29/05/2022
2022/INSPIRE/0314/04	Car Parking Layout	29/05/2022

The application is also accompanied by: <ul style="list-style-type: none"> - Flood Risk Assessment, Ref. FRA 2021017 Ver 1.0 dated 28.12.21 (Received 04/01/2022) - 	
Applicant: Thurrock Council	Validated: 4 January 2022 Date of expiry: 18 th July 2022 (Extension of Time Agreed)
Recommendation: Approval, subject to conditions.	

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

1.0 BACKGROUND AND DESCRIPTION OF PROPOSAL

1.1 The application seeks planning permission for a single storey rear extension to provide a new teaching/conference room in association with the existing use of the site. The use of the building at the site as a youth work centre was

approved in 1995. The use would have previously fallen within Use Class D1 but, due to a rearrangement of the Use Classes, now falls within Use Class F1. No changes are proposed to the use of the building or the hours of use.

- 1.2 The extension would measure 6.6 metres deep and 11.3 metres wide with a flat roof built to a height of 3.1 metres. Although the existing building is built primarily from brick, the extension would be finished with render to the elevations. To enable the continued provision of an emergency staircase at the rear of the building, the staircase would be modified.
- 1.3 The proposal would result in there being 13 parking spaces at the site rather than the existing 16.

1.1 SITE DESCRIPTION

- 1.2 The existing building is a three storey detached building with brick to the elevations and a tiled roof. A three storey projection exists at the rear of the main part of the building and a car parking area is located at the rear of the site, accessed from Cart Lane, which provides parking for 16 cars.
- 1.3 The site is located within Grays Town Centre and the Grays Shopping Area as identified within the Thurrock Local Development Framework Core Strategy and Policies for Management of Development 2015 Policies Map. The site is also located within Flood Zones 2 and 3.

1.4 RELEVANT PLANNING HISTORY

- 1.5 The following table provides the planning history:

Reference	Description	Decision
62/00232/FUL	Renewal of Shopfront.	Approved
62/00232A/FUL	Shop front (amended plan)	Approved
95/00048/FUL	Change of use of offices to use as a youth work centre	Approved
97/00572/FUL	Construction of disabled ramp and handrail	Approved

1.6 CONSULTATION AND REPRESENTATIONS

- 1.7 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

1.8 PUBLICITY:

This application has been advertised by way of individual neighbour notification letters and a site notice. No comments have been received.

1.9 THURROCK COUNCIL EMERGENCY PLANNING OFFICER:

No objection subject to a condition relating to a Flood Warning and Evacuation Plan.

1.10 THURROCK COUNCIL HIGHWAYS:

No objection

1.11 CADENT GAS

No objection, but request that the applicant is made aware of relevant information.

1.12 POLICY CONTEXT

1.13 National Planning policy Framework

The revised NPPF was published on 20th 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:

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

1.14 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
- Making an application
- Use of planning conditions
- Flood risk and coastal change
- Healthy and safe communities
- Town centres and retail

1.15 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).

Thematic Policies:

- CSTP7: Network of Centres
- CSTP8: Viability and Vitality of Existing Centres
- CSTP10: Community Facilities
- CSTP12: Education and Learning
- CSTP15: Transport in Greater Thurrock
- CSTP22: Thurrock Design
- CSTP23: Thurrock Character and Distinctiveness
- CSTP27: Management and Reduction of Flood Risk

Policies for the Management of Development

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

1.16 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.

1.17 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.

1.18 ASSESSMENT

1.19 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

1.20 The site is located within Grays Town Centre and Grays Shopping Area and, as the proposal relates to the extension of the building and not the introduction of a new use, it is considered that the principle of development is acceptable. In addition, benefits arising from the proposal in terms of it providing education and a community facility should also weigh in favour of the proposal and accord with the abovementioned policies of the Thurrock Local Development Framework Core Strategy and Policies for Management of Development 2015.

II. DESIGN AND LAYOUT AND IMPACT UPON THE AREA

- 1.21 The proposed extension would be a small addition in comparison to the scale of the existing building. The development would be subservient and of a simplistic design that does not compete with the architecture or form of the existing building. The proposal would not appear excessive in terms of size in relation to the existing building, the plot or the locality.
- 1.22 The external materials of the extension would be render rather than brickwork to match the existing building. It is considered that it would not be unusual for subservient, later additions to feature alternative materials to emphasise their subservience and in this case it is considered that the use of render would be of sufficiently high quality to add visual interest as a result of it contrasting with the existing building. The use of this material would also avoid the difficulty of trying to match bricks that are of considerable age and, as such, there would inevitably be a visual contrast.
- 1.23 The extension of the emergency staircase would be a noticeable feature of the development, particularly when viewed from Cart Lane. The details of the means of enclosure of the staircase have not been fully detailed and it is known that they will be developed further at the point of construction. It is considered appropriate in this case to require details of the amended staircase to be submitted and agreed prior to its installation in the interests of visual amenity. However, given the functional role of the rear elevation and the rear of the surrounding buildings that are visible from the application site and Cart Lane, it is considered that the extension of the staircase can be found visually acceptable in this location.
- 1.24 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

- 1.25 The proposal would result in the loss of a small section of the land at the rear of the site that is currently used for parking. As a result, the applicant has provided a plan which clarifies that 3 parking spaces would be lost, with 13 spaces being retained.

- 1.26 Given the town centre location and the proximity to public car parks and sustainable public transport options, it is considered that this minor parking reduction can be found acceptable and should not be a reason to refuse the application. The proposal would not increase parking demand at the site to an extent that would lead to the parking provisions being unacceptable and the means of access into the site and the manoeuvrability within the site would not be affected by the proposal.
- 1.27 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 and PMD9 of Thurrock Local Development Framework Core Strategy and Policies for Management of Development 2015 and the NPPF.

IV. EFFECT ON NEIGHBOURING PROPERTIES

- 1.28 Surrounding properties are distant from the single storey proposal and, as such, the proposals would not affect the living conditions of any nearby residents in a manner that would justify the refusal of the application. The proposal would, therefore, accord with Policy PMD1 of the Thurrock Local Development Framework Core Strategy and Policies for Management of Development 2015 and the NPPF.

V. OTHER MATTERS

- 1.29 The site is located within a high risk Flood Zone but falls beneath the size of development that requires the development to pass the sequential or exceptions tests. In any case, due to the association with the primary use of the application site, it is considered that there is no other location that the development could occur and the social and economic sustainability benefits of the proposal would outweigh any potential flood risk concerns. A Flood Risk Assessment has been provided which demonstrates that measures would be incorporated to mitigate or minimise any flood risks. As the building would be positioned on an area of existing hardstanding, it is not considered that flood risk would increase elsewhere. However, as requested by the Council's Emergency Planner, it is considered reasonable to impose a condition relating to the preparation of a Flood Warning and Evacuation Plan.

1.30 CONCLUSIONS AND REASONS FOR APPROVAL

- 1.31 There are no in-principle land use objections to the proposals. The proposal would provide a benefit to those seeking further training provision in the Borough. The development would not result in any unacceptable impacts with

respect to design, appearance, character, retail vitality and viability, flood risk or highway matters. The application is recommended favourably to Members.

1.32 RECOMMENDATION

1.33 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:

Plan Number(s):		
Reference	Name	Received
N/A	Location Plan	04/10/2021
2021/INSPIRE/0314/01 A	Proposed Ground Floor Plan	29/05/2022
2021/INSPIRE/0314/02	Existing Ground Floor Plan	04/10/2021
2021/INSPIRE/0314/03 B	Existing and Proposed Elevations	29/05/2022
2022/INSPIRE/0314/04	Car Parking Layout	29/05/2022

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].

Flood Warning and Evacuation Plan.

- 3 Prior to the first use of the extension hereby approved a Flood Warning and Evacuation Plan shall be submitted to and approved in writing by the Local Planning Authority and the building shall subsequently be managed in accordance with the approved Flood Warning and Evacuation Plan.

Reason: To ensure that any potential flood risk at the site is mitigated in accordance with Policies CSTP27 and PMD15 of the Thurrock Local Development Framework Core Strategy and Policies for Management of Development 2015.

Emergency Staircase

- 4 Prior to its installation at the site, full details of the design and means of enclosure of the external emergency staircase hereby approved shall be submitted to and approved in writing by the Local Planning Authority. The development shall subsequently only be undertaken in full accordance with the approved details.

Reason: In the interests of visual amenity and in accordance with Policies CSTP22 and PMD2 of the Thurrock Local Development Framework Core Strategy and Policies for Management of Development 2015 and the NPPF.

Materials

- 5 The development shall be undertaken using the materials specified within the details that have accompanied the application hereby approved.

Reason: In the interests of visual amenity and in accordance with Policies CSTP22 and PMD2 of the Thurrock Local Development Framework Core Strategy and Policies for Management of Development 2015 and the NPPF.

Informatives:

Positive and Proactive Statement

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

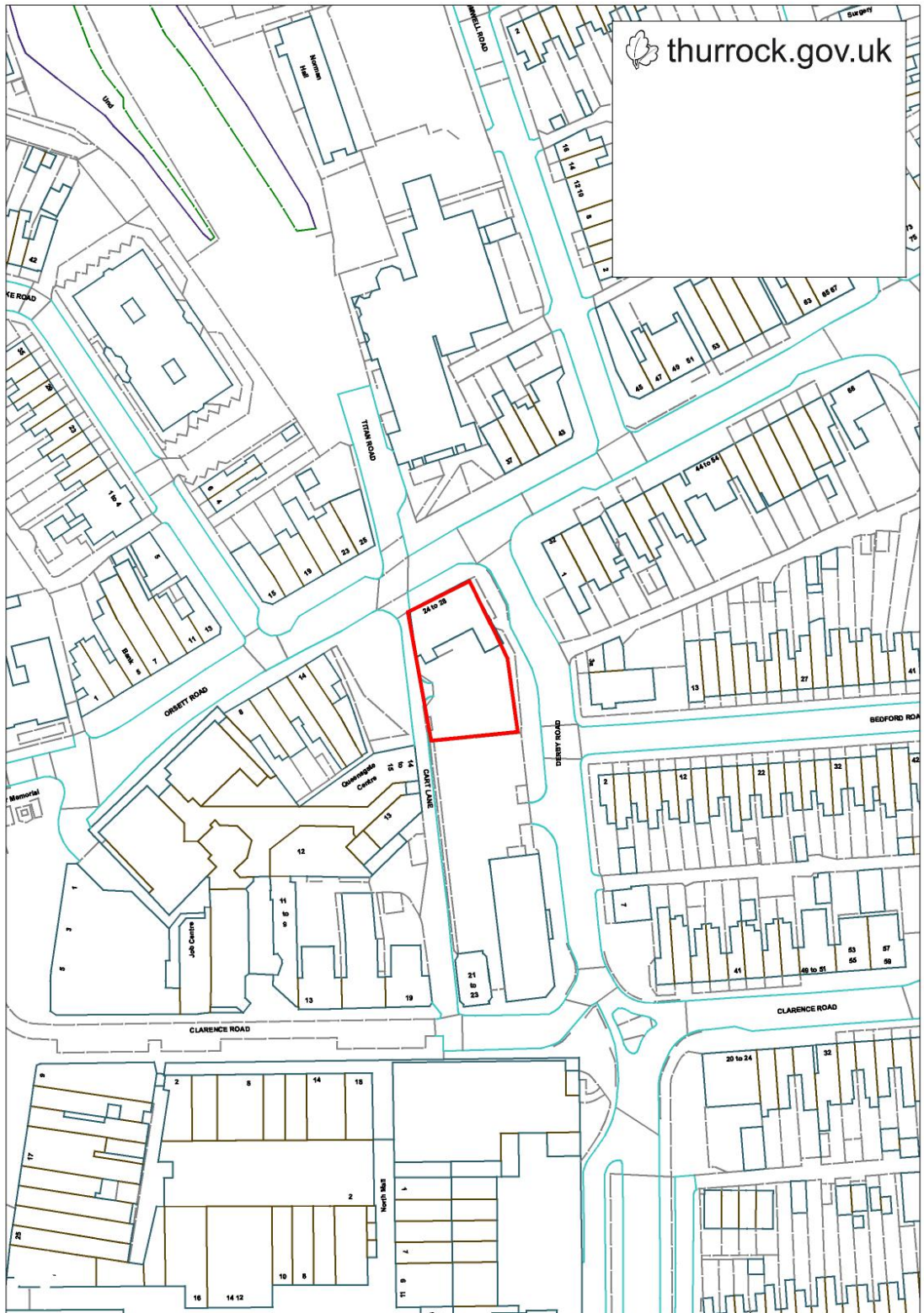
Cadent Gas Ltd

2. The Applicant's attention is drawn to the response received from Cadent Gas Ltd dated 26th January 2022 which advised the following: *Cadent Gas Ltd own and operate the gas infrastructure within the area of your development. There may be a legal interest (easements and other rights) in the land that restrict activity in proximity to Cadent assets in private land. The applicant must ensure that the proposed works do not infringe on legal rights of access and or restrictive covenants that exist. If buildings or*

structures are proposed directly above the apparatus the development may only take place following diversion of the apparatus. The applicant should apply online to have apparatus diverted in advance of any works, by visiting cadentgas.com/diversions. Prior to carrying out works, including the construction of access points, please register on www.linerearchbeforeudig.co.uk to submit details of the planned works for review, ensuring requirements are adhered to.

Documents:

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



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