

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 **16 March 2023**

**Council Chamber, Civic Offices 3, New Road, Grays, Essex, RM17 6SL.**

### Membership:

Councillors Tom Kelly (Chair), Georgette Polley (Vice-Chair), Paul Arnold, Adam Carter, 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

	<b>Page</b>
<b>1 Apologies for Absence</b>	
<b>2 Minutes</b>	<b>5 - 8</b>
To approve as a correct record the minutes of the Planning Committee meeting held on 9 February 2023.	
<b>3 Item of Urgent Business</b>	
To receive additional items that the Chair is of the opinion should be considered as a matter of urgency, in accordance with Section 100B (4) (b) of the Local Government Act 1972.	
<b>4 Declaration of Interests</b>	
<b>5 Declarations of receipt of correspondence and/or any</b>	

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

**6 Planning Appeals 9 - 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 22/01596/CV - Land At Far East Of Stanhope Industrial Park, Wharf Road, Stanford Le Hope, Essex 21 - 52**

**9 21/01635/FUL - Land South Of Marsh Farm, Marsh Lane, Fobbing, Essex 53 - 100**

**10 22/01682/TBC - Land at former Library and Public Hall, Purfleet Road, Aveley, Essex 101 - 120**

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

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

Agenda published on: **8 March 2023**

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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 February 2023 at 6.00 pm

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<b>Present:</b>	Councillors Tom Kelly (Chair), Georgette Polley (Vice-Chair), Paul Arnold, Adam Carter, Sue Shinnick and Lee Watson
<b>Apologies:</b>	Councillors Terry Piccolo, James Thandi and Steve Taylor, Campaign to Protect Rural England Representative
<b>In attendance:</b>	Leigh Nicholson, Assistant Director of Planning, Transport and Public Protection Jonathan Keen, Interim Strategic Lead Development Services Matthew Gallagher, Major Applications Manager Caroline Robins, Legal Representative (via Microsoft Teams) 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.

### **66. Minutes**

The minutes of the meeting held on 1 December 2022 and 5 January 2023 were approved as a true and correct record.

### **67. Item of Urgent Business**

There were no items of urgent business.

### **68. Declaration of Interests**

The Chair of the Committee declared an interest in item 9 on the agenda, London Gateway Logistics Park Local Development Order, as he worked for DP World and would therefore remove himself from the meeting for this item.

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

Councillor Arnold declared he had received an email in relation to 22/01241/FUL - The Hollies, Rectory Road, Orsett (Deferred). It was confirmed this was sent to all Planning Committee Members.

### **70. Planning Appeals**

The Assistant Director of Planning, Transport and Public Protection presented the report to Members.

**RESOLVED:**

**That the report be noted.**

**71. 22/01241/FUL - The Hollies, Rectory Road, Orsett (Deferred)**

The report was presented by the Interim Strategic Lead Development Services.

Councillor Kelly Chair of the Committee, thanked officers for the update report and as there were no questions proposed the officer recommendation of refusal

**For: (2)** Councillors Paul Arnold and Adam Carter

**Against: (3)** Councillors Tom Kelly (Chair), Sue Shinnick and Lee Watson

**Abstained: (0)**

The Assistant Director of Planning, Transport and Public Protection advised the Constitution was clear and set out that if the committee were still of the same view, Members would need to again consider its reasons for granting the application and the weight given to those reasons.

Councillor Kelly Chair of the Committee then worked through the reasons given at the last meeting (5 January 2023) which were outlined in the agenda at pages 35 to 39 and in doing so afforded the following weight to each:

- A) Moderate Weight
- B) Substantial Weight
- C) Members accepted there were no objections – No Weight given
- D) Moderate Weight
- E) Moderate Weight
- F) Moderate Weight
- G) Moderate Weight
- H) Accepted comments made – No Weight given

Substantial weight was given to the reasons that harm would be cause to the Greenbelt and the area was located within a conservation area.

Members considered that the matters put forward at A – H above, in combination clearly outweighed the harm to the Green Belt.

The Chair of the Committee then proposed a recommendation of approval and was seconded by Councillor Watson.

**For: (3)** Councillors Tom Kelly (Chair), Sue Shinnick and Lee Watson

**Against: (2)** Councillors Paul Arnold and Adam Carter



**Abstained: (0)**

*The Chair then left the meeting at 6.23pm and handed over to the Vice-Chair to Chair the next item.*

**72. London Gateway Logistics Park Local Development Order**

The report was presented by the Major Applications Manager.

Councillor Arnold enquired in terms the consultation; how would residents be made aware the consultation was happening. The Major Applications Manager explained the consultation would include press notices, site notices in the area of the Local Development Order (LDO) and possibly an evening event would be held. The Committee were further advised the consultation would also go live on Council's website. It was commented that the report could be brought back to the Committee at a later date to keep them updated with the progress.

It was sought by Councillor Watson as to the proposed timeline as the existing LDO was due to run out in November 2023. She further enquired if there was an overlap due to the LDO running out and the new one not being in place. The Major Applications Manager explained that mid-summer surveys were required to be completed to inform the Environmental Impact Assessment, therefore Officers were estimating completion of this document around September. Which they knew was a tight deadline and was part of the reason the recommendation sought delegated authority.

Members heard Officers were looking at ways to bridge the gap, should the LDO currently in place run out before the new one was agreed. This included a grace period (transitional arrangements) as long as any decisions were in line with the current LDO. The Major Applications Manager advised Members that legal advice had been taken to ensure if this was to happen then a robust process was in place and as a last resort then individual planning applications would have to be submitted.

The Vice-Chair welcomed the report, she thanked the Major Applications Manager for the work undertaken to get to this stage and for seeking Members agreement early to enable decisions to be made swiftly when required.

She continued by asking that the relevant Ward Members be kept updated and contacted when Officers were ready to go out to consultation as they would be able to assist with promoting the consultation among residents.

**RESOLVED:**

- 1. To note this report and the progress made on LDO2**

2. **To delegate authority to the Assistant Director of Planning, Transport & Public Protection and Major Applications Manager to continue progressing draft LDO2, including the stages of Environmental Impact Assessment (EIA) screening and scoping and Habitats Regulations Assessment (HRA) screening and also including delegated authority to undertake statutory consultation and publicity as soon as the draft Order and supporting documentation is complete.**

*The Chair came back into the meeting at 7.05pm*

**73. 22/01603/TBC - Poole House, Godman Road, Chadwell St Mary, Essex**

The report was presented by the Interim Strategic Lead Development Services.

The Chair of the Committee proposed the officer recommendation to approve the application and was seconded by Councillor Polley.

**For: (6)** Councillors Tom Kelly (Chair), Georgette Polley (Vice-Chair), Paul Arnold, Adam Carter, Sue Shinnick and Lee Watson.

**Against: (0)**

**Abstained: (0)**

**The meeting finished at 7.09 pm**

Approved as a true and correct record

**CHAIR**

**DATE**

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

<b>16 March 2023</b>		<b>ITEM: 6</b>
<b>Planning Committee</b>		
<b>Planning Appeals</b>		
<b>Wards and communities affected:</b> All	<b>Key Decision:</b> Not Applicable	
<b>Report of:</b> Jonathan Keen, Interim Strategic Lead of Development Services		
<b>Accountable Assistant Director:</b> Leigh Nicholson, Assistant Director of Planning, Transportation and Public Protection.		
<b>Accountable Director:</b> Mark Bradbury, Director of Place		

## Executive Summary

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

### 1.0 Recommendation(s)

#### 1.1 To note the report.

### 2.0 Introduction and Background

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

### 3.0 Appeals Lodged:

3.1 **Application No:** 21/00760/HHA

Location: Atwal Villa, Brentwood Road, Bulphan, Essex, RM14 3ST

- Proposal: (Retrospective) First floor side extension and alterations to main roof. Addition of brick slips to front elevation and render to swimming pool
- 3.2 Application No: 22/00586/HHA**
- Location: 82 Gilbert Road, Chafford Hundred, Grays, RM16 6NJ
- Proposal: Retrospective hardstanding to the front of the property.
- 3.3 Application No: 21/01136/HHA**
- Location: 15 Bromley, Grays, RM17 6LE
- Proposal: Retrospective single storey side extension to existing annex incorporating a balcony overlooking main road.
- 3.4 Application No: 22/00422/PHA**
- Location: 15 Butts Road, Stanford Le Hope, Essex, SS17 0JH
- Proposal: Rear extension with a depth of 5.85 metres from the original rear wall of the property, with a maximum height of 3.20metres and eaves height of 3.00 metres.
- 3.5 Application No: 22/00699/HHA**
- Location: 6 Woolings Row, Baker Street, Orsett, Grays, Essex, RM16 3AS
- Proposal: Two storey rear extension.
- 3.6 Application No: 21/02172/FUL**
- Location: Land Part Of 261 Rectory Road, Grays, Essex
- Proposal: Demolition of existing garage, sub division of plot and erection of new detached two bedroom dwelling with associated landscaping and parking

#### **4.0 Appeals Decisions:**

The following appeal decisions have been received:

##### **4.1 Application No: 21/01909/PHA**

Location: 20 Leighton Gardens, Tilbury RM18 8ND

Proposal: Rear extension with a depth of 6 metres from the original rear wall of the property, with a maximum height of 4 metres and eaves height of 3 metres.

Appeal Decision: Appeal Allowed

4.1.1 The main issue relating to this Prior Notification appeal was whether the development would constitute Permitted Development under Class A of the GPDO 2015. The Council considered the proposed wraparound extension to conflict with paragraph A.1 (j)(iii) in that the enlarged part of the dwelling would extend beyond a wall forming a side elevation of the original property and thereby have a greater width of half the original dwelling and no be PD. The Inspector referred to the Technical Guidance in reference to rear wall alignment for houses, and commented that as the original rear walls of the property are directly opposite the street-facing walls, the rear walls could be considered to comply with paragraph A.1 (g) of the GPDO. The Inspector therefore concluded that no part of the proposal would comprise a side extension.

4.1.2 The Council also determined there was inadequate information submitted with the application to confirm that the development would comply with paragraph A.1 (i) of the GPDO, with respect to its eaves height within 2ms of the boundary. The Inspector concluded that as the application form stated the eaves would be 3m in height, and in the absence of any other substantive evidence submitted to the contrary, there would no reason to conclude that this eaves height would not be achievable. The Inspector concluded the proposal would therefore comply with paragraph A.1 (I).

4.1.3 The full appeal decision can be found online.

##### **4.2 Application No: 21/01756/FUL**

Location: 39 Grays End Close, Grays RM17 5QR

Proposal: Construction of a new dwelling

Appeal Decision: Appeal Dismissed

- 4.2.1 The Appellant submitted additional information and plans within their appeal statement, relating to the provision of additional car parking at the site, which did not form part of the application and which the Inspector considered within the appeal.
- 4.2.2 The Inspector considered there were two main issues associated with this proposal: the effect of the proposal upon the character and appearance of the area and the effect of the proposal upon highway safety and on-street parking.
- 4.2.3 The Inspector commented that while the proposal would provide a new dwelling adjoining the existing terrace and provide a degree of symmetry, the dwelling would also substantially fill the space adjacent to no. 39 as viewed from the public realm. The siting of the dwelling, with minimal front garden space and immediately adjacent to the access serving the private garage area, would result in a cramped arrangement. The Inspector noted that this arrangement would also result in the proposal having a greater degree of setback than the existing terrace, and a dwelling with a higher eaves height to the front roof slope to accommodate this recess. The Inspector concluded that the proposal would result in a more enclosed ambience to the end of the cul-de-sac, which would be harmful to the character and appearance of the area, contrary to Policies CSTP22, CSTP2, PMD2 and the NPPF.
- 4.2.4 With respect to highway safety and parking, the proposal would result in an under provision of parking for the new dwelling. The Inspector stated that residents had commented on parking near the garages as being compromised, and they noted that many nearby properties had off-street parking provision on their frontages. As a result, the Inspector noted, there were few opportunities for on-street parking within the street. The Inspector also acknowledged that on-street parking would be likely to fluctuate, however, considered that due to the shortfall in off-street parking for the existing dwelling, it was likely that demand for on-street parking for the occupiers of this property would increase. Given the immediate context, the Inspector concluded that the demand for on-street parking that would result from the proposals would be likely to conflict with other vehicles and pedestrians to the detriment of highway safety. In conclusion, the Inspector considered the development would have an adverse impact on highway safety through an increased demand for on-street parking as a result of the under provision of vehicle parking within the appeal site contrary to Policies PMD8 and the NPPF.
- 4.2.5 The full appeal decision can be found online.

**4.3 Application No: 21/01181/FUL**

Location: 107 Humber Avenue, South Ockendon, RM15 5JT

Proposal: Erection of detached dwelling on land adjacent to No 107 Humber Avenue

Appeal Decision: Appeal Allowed

- 4.3.1 The Inspector considered the main issues to be i) the effect of the proposed development on the character and appearance of the area and ii) whether any material considerations would indicate a decision other than in accordance with the development plan.
- 4.3.2 In terms of design and character it was concluded that although the scale and general design of the proposed dwelling would be acceptable, the proposed side elevation, boundary treatment and lack of landscaping, together with the loss of the open parcel of land that contributes towards the openness of the area, would harmfully detract from the open and green character and appearance of the area.
- 4.3.3 It was found that the proposal was therefore contrary to Policies PMD2, CSTP22 and CSTP23 of the Thurrock Local Development Framework Core Strategy and Policies for the Management of Development (as amended) January 2015. But that subject to suitable amended boundary treatment and landscaping that could be required by planning conditions, this harm would be very limited.
- 4.3.4. The Inspector noted that the NPPF encourages the effective use of land, especially where there is an identified need for housing and where housing land is constrained. It also supports small scale development on windfall sites. The site was considered to be well related to local services, facilities and public transport and the proposal would make a positive contribution towards the Council's housing land supply. Whilst the contribution would only be small, the Inspector noted such housing can often be delivered quickly. The proposal would also make a modest contribution to the local economy during its construction phase and thereafter, through the use of services and facilities in the local area by its future occupants. The lack of a 5-year housing supply was also noted. The site also had no formal designation as Open Space or significant biodiversity value.
- 4.3.5 Accordingly the appeal was allowed as the benefits would outweigh the limited harm identified.
- 4.3.6 An appeal for an award of costs against the Council was dismissed.
- 4.3.7 The full appeal decision can be found online.

**4.4 Application No: 22/00740/HHA**

Location: 96 Hamble Lane, South Ockendon, Essex, RM15 5HP

Proposal: Two storey side extension

Appeal Decision: Appeal dismissed

4.4.1 This appeal related to two separate application – 22/00740/HHA (Two storey side extension – *Appeal A*) and 22/00217/HHA (Single storey side extension – *Appeal B*). The Inspector considered the main issues of both proposed side extensions to be the impact upon the character and appearance of the host dwelling and surrounding area.

4.4.2 The Inspector noted there was a good degree of uniformity between the nearby terraced dwellings due to their siting, orientation towards an open green area, similar scales and two storey building lines.

***Appeal A***

4.4.3 The side extension would extend close to the boundary and would therefore extend beyond the established building line and original planned development pattern. The side extension would appear as incongruous given the adjacent footpath and highway close to the site boundary. The proposal would harmfully effect the open and spacious appearance of the street scene.

4.4.4 The Inspector noted this conclusion was consistent with an earlier appeal for a similar form side extension at no. 142 Hamble Lane where the two-storey side extension would erode the spaciousness of the street scene harmfully out of keeping with the character of the area.

4.4.5 The existing two storey extension opposite the site at no. 110 has been acknowledged. Although this pre-dates existing local and national policies where a strong emphasis has been placed on high quality design and maintaining or enhancing local character. The Inspector commented this development demonstrates the harmful effects of such an extension due to its dominance and unbalanced appearance in an otherwise uniform character and appearance. It was therefore concluded that the side extension would have an unacceptably harmful impact upon the character and appearance of the host dwelling and surrounding area.

***Appeal B***

4.4.6 The width of the single storey side extension would be of the same width as the extension considered under Appeal A but would not have the same bulk. The roof form would be of a hipped design whereas the host dwelling is of a gabled roof form.

4.4.7 The roof design would not be reflective of the host dwelling, and the shallow pitch of the roof would draw further attention to the incongruous addition, reduce the openness to the side of the dwelling resulting in a harmful effect on the consistent building lines and spacious aspect. It was therefore



concluded that the proposal would have a materially harmful effect on the character and appearance of the host dwelling and surrounding area.

4.4.8 The full appeal decision can be found online.

**4.5 Application No: 22/00665/FUL**

Location: 7 Blackmore Close, Grays, Essex, RM17 6EB

Proposal: (Retrospective) Re-positioning of shed and erection of new picket fence panel over existing brick wall along with change of use of land to residential curtilage with levelling and hard surfacing.

Appeal Decision: Appeal dismissed

4.5.1 The Inspector considered the key issue of the appeal to be the effect of the development undertaken on the character and appearance of the street scene, and on the privacy of current and future occupiers of the appeal property.

4.5.2 Firstly the Inspector gave attention to the fact that the extended part of the garden comprised a raised area of land perpendicular to the end of No 7's original back garden, with a retaining wall on one side next to the car park and, on the other side, a steep bank with residential properties sited on higher ground above. The privacy of No 7's original rear garden is maintained by a side boundary wall that prevents any overlooking from use of the adjacent car park.

4.5.3 The Inspector commented that the extended garden area is raised well above the level of the original gardens and, therefore, has particular prominence from the car park and surrounding area. The highly linear nature of this area, extending away from the planned layout of the original gardens behind the dwellings resulted in it appearing incongruous in the otherwise uniform setting. The picket fence above the retaining wall and location of the shed accentuated the uncharacteristic use and appearance of this area.

4.5.4 The position of the extended garden area and lack of effective screening by the picket fence means that use of it is readily seen from the car park and surrounding area. Consequently, the position and layout of this area means that current and future occupiers' privacy will be harmfully compromised by the widely available public views.

4.5.5 It was concluded the development undertaken has an unacceptably harmful effect on the character and appearance of the street scene, and on the privacy of current and future occupiers of the appeal property.

4.5.6 Subsequently the appeal was dismissed.

4.5.7 The full appeal decision can be found online.

**4.6 Application No: 22/00882/HHA**

Location: 1 Kershaw Close, Chafford Hundred, Grays, Essex, RM16 6RN

Proposal: Loft conversion and two storey side extension.

Appeal Decision: Appeal dismissed

4.6.1 The main issue was considered to be the effect of the proposed extension on the character and appearance of the host dwelling and the surrounding area.

4.6.2 The Inspector considered the appeal property is of simple design, with a rectangular plan form and gable ends to front and rear. The side extension would also include a gable end to the side with a similar roof form of subordinate height to the original dwelling. As such, he considered it would reflect the existing design and proportions and seen in isolation would not result in material harm, either due to its size or details, including the fenestration.

4.6.3 The Inspector found the extension would largely infill the gap to the boundary and so would harmfully reduce the characteristic open aspect to the side, breaching the nominal building line with the properties to the rear on Rainbow Road. This would result in an incongruous and uncharacteristic layout of development with the extended dwelling appearing cramped and a form of overdevelopment due to its proximity to the side boundary. While noting there is some existing planting to the side boundary, this was considered insufficient to screen the effects of the proposed extension so close to this boundary.

4.6.4 Accordingly, for the reasons given, he concluded that the proposal would have an unacceptably harmful effect on the character and appearance of the host dwelling and the surrounding area. As such, it is contrary to Policies CSTP22 and PMD2 of the Core Strategy and to the SPD, as described above. It was also found to be contrary to the National Planning Policy Framework, which promotes high quality design.

4.6.5 The full appeal decision can be found online.

**5.0 APPEAL PERFORMANCE:**

	APR	MAY	JUN	JUL	AUG	SEP	OCT	NOV	DEC	JAN	FEB	MAR	
Total No of Appeals	1	2	0	1	6	1	14	3	5	2	5		40
No Allowed	1	1	0	0	2	0	4	2	3	1	2		16
% Allowed	100%	50%	0%	0	33.3%	0%	28.6%	66.7%	60%	25%	40%		40%

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**

### **Government Intervention & Section 114**

In July 2022, the Council was made aware of concerns around the valuation of specific investments. A review process commenced, and the initial findings highlighted significant concern with three investments and the position was shared informally with the Department of Levelling Up, Housing and Communities (DLUHC).

On the 2 September 2022 DLUHC announced directions to implement an intervention package at the Council.

The Secretary of State exercised his powers under section 15(11) of the Local Government Act 1999 to give a Direction without complying with the requirement at section 15(9) to give Thurrock an opportunity to make representations about the Directions, as he considered the failures of the Council's compliance with its Best Value duty in respect of the functions specified in the Directions sufficiently urgent. This was because of the following:

- the scale of the financial and commercial risks potentially facing the Authority, which were compounded by the Authority's approach to financial management and the seriousness of the allegations that were made by third parties about the processes applied to the operation of the Authority's commercial strategy, and;

- the failure of the Authority to provide assurance to Ministers and the Department on the adequacy of the actions that they were taking to address the issues, taking account of the scale and pace of the response required.

The Secretary of State nominated Essex County Council to the role of Commissioner

On 19 December 2022, the Council's Acting Director of Finance & Section 151 Officer issued a report under Section 114 of the Local Government Finance Act 1988. This advises Councillors that the Council faces 'a financial situation of an extremely serious nature'.

### **Implications relating to this specific report**

This report is an update report and as such there are no specific financial implications.

## **8.2 Legal**

Implications verified by: **Mark Bowen**  
**Interim Project Lead**

The Appeals lodged will either have to be dealt with by written representation procedure or (an informal) hearing or a local inquiry. During planning appeals the parties will usually meet their own expenses and the successful party does not have an automatic right to recover their costs from the other side. To be successful a claim for costs must demonstrate that the other party had behaved unreasonably.

Where a costs award is granted, then if the amount isn't agreed by the parties it can be referred to a Costs Officer in the High Court for a detailed assessment of the amount due

## **8.3 Diversity and Equality**

Implications verified by: **Becky Lee**  
**Team Manager - Community Development and Equalities Adults, Housing and Health Directorate**

There are no direct diversity implications to this report.

## **8.4 Other implications** (where significant) – i.e. Staff, Health, 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](http://www.thurrock.gov.uk/planning). The planning enforcement files are not public documents and should not be disclosed to the public.

**10. Appendices to the report**

- None

**Report Author:**

Jonathan Keen

Interim Strategic Lead Development Services

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# Agenda Item 8

Planning Committee 16 March 2023	Application Reference: 22/01596/CV
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<p><b>Reference:</b> 22/01596/CV</p> <p><b>Ward:</b> Stanford Le Hope West</p>	<p><b>Site:</b> Land at far east of Stanhope Industrial Park Wharf Road Stanford Le Hope Essex</p> <p><b>Proposal:</b> Application for the variation of condition nos. 2 (approved plans), 4 (noise assessment) and 5 (ecology) of planning permission ref. 19/01534/FUL (The installation of gas engine generators, a gas house, DNO building for transformers and associated vehicular access roads for a gas-fired electricity generation facility with associated infrastructures and fencing around the compound) to amend layout and design</p>
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<b>Plan Number(s):</b>		
Reference	Name	Received
L(200)02	Site Location Plan	29 November 2022
BG20.276-BRGR-ZZ-ZZ-DR-L-00001 Revision P02	Landscape Mitigation Plan	29 November 2022
C5305-GA-001 Issue TB	Site Layout	29 November 2022
C5305-GA-002 Issue TB	Elevations and Isometric	29 November 2022
CP0114-GA-001 Issue TS	Plan View	29 November 2022
H8306-001	Conceptual Drainage Layout	14 December 2022
L(200) – ILP Revision C	Indicative External Lighting Strategy	14 December 2022

The application is also accompanied by:

- Covering letter, dated 14 December 2022
- Letter regarding ecology from Brindle Green to Electric Land
- Air Quality Assessment, November 2022 Report Ref: 01.0269.001 v1, Isopleth Ltd.
- Noise Assessment, Ref: J003112-4641-ECE-03, November 2022, Philip Dunbavin Acoustics Ltd

<p><b>Applicant:</b> FPC (SLH) Limited</p>	<p><b>Validated:</b> 14 December 2022</p> <p><b>Date of expiry:</b> 20 March 2023 (Extension of time agreed with applicant)</p>
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**Recommendation:** Approve

This application is scheduled for determination by the Council’s Planning Committee because the application was called in by Cllr Hebb, Cllr Halden, Cllr Arnold, Cllr Ralph and Cllr Anderson in accordance with Part 3 (b) 2.1 (d) (i) of the Council’s constitution to consider potential air quality, ecological and noise amenity impacts on the local residential and ecological areas.

**1.0 DESCRIPTION OF PROPOSAL**

- 1.1 Application 19/01534/FUL was approved in August 2022 subject to 9 planning conditions. This application has been submitted pursuant to s73 of the 1990 Act and seeks to vary conditions 2 (approved plans), 4 (noise assessment) and 5 (ecology).
- 1.2 The variations are required due to advances in technology since the original planning application was submitted. The scheme would be amended to include 11no. 4.5MW engines, which would result in a total facility capacity of 49.5MW. The proposed engines are the same as those that are approved in respect of fuel type, air quality emission limits and operation. However, the key difference is that the revisions that are sought will result in fewer engines, which are larger in size.

**2.0 SITE DESCRIPTION**

- 2.1 The application site is located at the eastern-end of the Stanhope Industrial Park which comprises a mix of commercial employment generating uses. The site comprises a roughly triangular-shaped land parcel extending to c.0.56ha in area. The site presently has a mix of scrub vegetation and cleared areas. It is previously developed land which was previously used for a combination of industrial and warehousing uses. The site is allocated as a Secondary Industrial and Commercial Area within the Core Strategy.
- 2.2 The site is to the eastern edge of Stanhope Industrial Park, which comprises a mix of commercial employment generating uses. To the south-west of the site is an area of vegetation, pond and the tidal defence bund. To the south of the bund is the Stanford Wharf Nature Reserve (RSPB). To the south-east is the Mucking Flats SSSI / Thames Estuary & Marshes SPA / Ramsar site.

**3.0 RELEVANT HISTORY**

Application Ref.	Description of Proposal	Decision
19/01534/FUL	The installation of gas engine generators, a gas house, DNO building for transformers and associated vehicular access roads for a gas-fired electricity	Approved



	generation facility with associated infrastructures and fencing around the compound.	
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**4.0 CONSULTATIONS AND REPRESENTATIONS**

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

**PUBLICITY:**

4.2 This application has been advertised by way of individual neighbour notification letters and public site notice which has been displayed nearby. There was one letter of objection received, referring to traffic and pollution.

4.3 **DP WORLD:**

No response received.

4.4 **ENVIRONMENTAL HEALTH:**

No objections.

4.5 **ENVIRONMENT AGENCY:**

No objections.

4.6 **LANDSCAPE & ECOLOGY:**

No objections, subject to conditions regarding an updated CEMP and details of piling.

**5.0 POLICY CONTEXT**

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 date<sup>1</sup>, granting permission unless:

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

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

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

5.2 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
- 6. Building a strong, competitive economy
- 14. Meeting the challenge of climate change, flooding and coastal change
- 15. Conserving and enhancing the natural environment

#### National Planning Practice Guidance (PPG)

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

- Air quality;
- Appropriate assessment;
- Design: process and tools;
- Light pollution;
- Natural environment;
- Noise; and
- Renewable and low carbon energy.

Local Planning Policy: Thurrock Local Development Framework (as amended) 2015

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

OVERARCHING SUSTAINABLE DEVELOPMENT POLICY

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

THEMATIC POLICIES

- CSTP6 (Strategic Employment Provision)
- CSTP19 (Biodiversity)
- CSTP22 (Thurrock Design)
- CSTP26 (Renewable or Low Carbon Energy Generation)

POLICIES FOR MANAGEMENT OF DEVELOPMENT

- PMD1 (Minimising Pollution and Impacts on Amenity)
- PMD2 (Design and Layout)
- PMD7 (Biodiversity, Geological Conservation and Development)
- PMD13 (Decentralised, Renewable and Low Carbon Energy Generation).

Thurrock Local Plan

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

preparing a new Local Plan.

Thurrock Design Strategy

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

**6.0 ASSESSMENT**

Background

6.1 This is an application under section 73 of the Town and Country Planning Act 1990 to vary conditions attached to a grant of planning permission. The original full planning application was not called in to Planning Committee and the decision was therefore delegated to Officer decision. The original delegated report has been attached as an appendix for Members information.

6.2 Where an application submitted under s73 of the 1990 Act is approved, the legal effect is to issue a new grant of planning permission, whilst leaving the original planning consent unaffected. Accordingly, if the current application is approved, the original consent 19/01534/FUL, and the current proposal would comprise ‘self-contained’ planning permissions. Although the latter permission can be assumed to represent the more ‘up to date’ consent.

6.3 The proposal seeks variations to condition numbers. 2 (approved plans), 4 (noise assessment) and 5 (ecology). These are assessed below.

Condition 2 – Approved Plans

6.4 The current condition reads:

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

<b><i>Plan Number(s):</i></b>		
<u><i>Reference</i></u>	<u><i>Name</i></u>	<u><i>Received</i></u>
<i>L(200)01 Rev N</i>	<i>22No 2MW Engines Proposed Site Plan</i>	<i>19 May 2022</i>
<i>L(200)02</i>	<i>Site Location Plan</i>	<i>5 November 2019</i>
<i>L(200)03</i>	<i>Existing Site Plan</i>	<i>9 October 2019</i>

L(200)-ILP Rev A	Indicative External Lighting Strategy	15 August 2022
L(300)01 Rev B	Elevations	5 April 2022
(300)02	Containerised Generator 1 of 2	9 October 2019
(300)02	Containerised Generator 2 of 2	9 October 2019
(300)03	Welfare Cabin	9 October 2019
(300)04	UK Power Network Substation	9 October 2019
(300)05	12m Long Switch Room	9 October 2019
(300)06	Spare Parts Container	9 October 2019
(300)07 Rev A	Double Hit and Miss Timber Fence	15 August 2022
(300)08	Control Room	9 October 2019
(300)09	Gas Governor Kiosk	9 October 2019
H8306-001	Conceptual Drainage Layout	5 April 2022
BG20.276- BRGR-ZZ-ZZ- DR-L-00001 Rev.P01	Landscape Mitigation Plan	17 August 2021

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

6.5 This application seeks to vary this to read:

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

<b>Plan Number(s):</b>		
<u>Reference</u>	<u>Name</u>	<u>Received</u>
CP0114-GA-001 Issue TS	Plan View	29 November 2022
C5305-GA-001 Issue TB	Site Layout	29 November 2022
L(200)02	Site Location Plan	29 November 2022
L(200)03	Existing Site Plan	9 October 2019
L(200) – ILP Revision C	Indicative External Lighting Strategy	14 December 2022
C5305-GA-002 Issue TB	Elevations and Isometric	29 November 2022
(300)03	Welfare Cabin	9 October 2019
(300)04	UK Power Network Substation	9 October 2019

(300)07 Rev A	Double Hit and Miss Timber Fence	15 August 2022
(300)09	Gas Governor Kiosk	9 October 2019
H8306-001	Conceptual Drainage Layout	14 December 2022
BG20.276- BRGR-ZZ-ZZ- DR-L-00001 Revision P02	Landscape Mitigation Plan	29 November 2022”

- 6.6 The approved plans condition would need to be updated in order to take account of the proposed amendments to the approved layout. The changes would lead to a smaller development footprint, although there would be an increase in height. The original proposal was to install 22no. 2MW engines which would cumulatively provide a 49.9MW gas peaking plant. Since the submission of that application in 2019, the technology has evolved which means that a similar level of electricity output can be generated by 11no. 4.5MW engines. The reduction in the number of engines means that there is a significant increase in the amount of land that could be retained as grassland and scrub. This would provide additional space to mitigate the effects of the development on reptiles and invertebrates.
- 6.7 The total height of the 11 flues would be 14.4m with the main units being between 7.9m and just over 9m. This compares to the previous total height of 10m with the units being approximately 5m tall. There will be an overall reduction in the number of units which enables them to be positioned further from the bridleway to the south. It is considered that the increase in height of the units would be mitigated by the overall reduction in built elements and greater distance from the public viewpoints.
- 6.8 The visual effects of the revised scheme would be broadly neutral, as while the engines will be taller, there would be fewer of them. They would be set further back from the public accessible viewpoints. The proposed lighting strategy shows that part of the lighting would be positioned further from the southern boundary with the Stanford Wharf nature reserve which would reduce the potential effects of light spill. The lighting would only be used when maintenance staff are on site.
- 6.9 There would be a decrease in the footprint of the engines which would allow additional ecological mitigation; in light of this and the assessment above, it is considered that variation of condition 2 is acceptable.

Condition 4 – Noise Assessment

- 6.10 The current condition reads:

*The development shall be carried out and operated in accordance with the details*

*and recommendations within Noise Assessment of the proposed gas generator scheme, Wharf Lane, Stanford-Le-Hope, Report Reference No. J003112-4641-ECE-02 October 2020, PDA Consulting.*

6.11 This application seeks to vary this to read:

“The development shall be carried out and operated in accordance with the details and recommendations within Noise Assessment of the proposed gas generator scheme, Wharf Lane, Stanford-Le-Hope, Report Reference No. J003112-4641-ECE-02 J003112-4641-ECE-03 October 2020 November 2022, PDA Consulting.”

6.12 The variation is requested due to the changes to the design and layout. A revised Noise Assessment has been submitted with the application, which takes account of the revised proposals in order to determine the potential impact upon the surrounding ecological receptors associated with nearby habitats. The Assessment specifies that with the proposed attenuation measures the resultant noise levels at the nearest ecological receptor would have a low to moderate impact to the avifauna (bird populations). Furthermore, as the noise level of the proposed scheme would be steady, with no significant sudden loud noise events generated, the information provided indicates that this is likely to further minimise the potential impact. As such, the revised Noise Assessment considers that the impacts associated with the revised scheme are likely to have a low impact on the avifauna. The nearest residential receptors are located c.1km to the west of the site in Wharf Road and would not be impacted by noise from the site.

6.13 As there would be a decrease in noise impact, it is considered that variation of condition 4 is acceptable.

#### Condition 5 – Ecology

6.14 The current condition reads:

*The development shall be undertaken and operated in accordance with the terms and specifications including all mitigation measures contained within the ECOLOGICAL MANAGEMENT PLAN Land at Stanford Industrial Park, Wharf Road, Stanford-Le-Hope, Report Reference: BG20.276, October 2020, which is attached to and forms part of this permission.*

6.15 This application seeks to vary this to read:

“The development shall be undertaken and operated in accordance with the terms and specifications including all mitigation measures contained within the ECOLOGICAL MANAGEMENT PLAN Land at Stanford Industrial Park, Wharf

Road, Stanford-Le-Hope, Report Reference: BG20.276, October 2020 and the subsequent letter from Brindle Green, dated 1 November 2022, which is attached to and forms part of this permission.”

- 6.16 A revised Landscape Mitigation Plan has been submitted for the amended layout. When compared to the approved layout, the revised scheme provides an increase in the provision of available provision for reptiles through habitat creation. The applicant has also reviewed the layout in terms of the connectivity that it offers in order to ensure that the proposal does not fragment habitats or limit species movement. This review has confirmed that the amended layout achieves connectivity for species and habitats.
- 6.17 As the site is located adjacent to the Mucking Flats SSSI / Thames Estuary & Marshes SPA / Ramsar site, the project Habitat Regulations Assessment (HRA) has been updated to consider the potential for the scheme to cause likely significant effects before and after mitigation taking into account the proposed changes. The scheme is still predicted to have likely significant effects without mitigation during construction. It is considered that these effects can be mitigated through the production and adherence to a Construction Environment Management Plan (CEMP) which will be secured by condition. This will need to provide details of working practices, temporary construction lighting, timings of key operations such as the use of cranes to avoid adverse effects on qualifying species, and storage of fuel and any other chemicals. Full details of piling methodology are also necessary and are conditioned. Subject to this mitigation the scheme would have no adverse effect on the integrity of the nature conservation designations, either alone or in combination with other plans and projects.
- 6.18 It is noted that the revisions to the scheme will result in a reduction in the emission of nitrogen oxides (NOx) which is beneficial. There would be no significant changes in noise or light disturbance resulting from the changes to the scheme. It is considered that the revised scheme would have positive effects on ecology due to the decrease in the footprint of the engines which enables more habitat mitigation to be provided. Therefore, the current proposal would not give rise to any significant impact beyond which were assessed when the original application was considered.

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

- 7.1 The application seeks, via s73, permission for amendments to the approved scheme, necessitating changes to the wording of variation of condition nos. 2 (approved plans), 4 (noise assessment) and 5 (ecology). These changes are considered to be acceptable as they would result in less ecological impacts than the



approved scheme. Therefore, the proposal would not result in any additional environmental impacts beyond those already considered.

**8.0 RECOMMENDATION**

8.1 Approve, subject to the following conditions:

**TIME LIMIT**

1 The development hereby permitted shall be begun before 16 August 2025.

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

**APPROVED PLANS**

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

<b>Plan Number(s):</b>		
<u>Reference</u>	<u>Name</u>	<u>Received</u>
CP0114-GA-001 Issue TS	Plan View	29 November 2022
C5305-GA-001 Issue TB	Site Layout	29 November 2022
L(200)02	Site Location Plan	29 November 2022
L(200)03	Existing Site Plan	9 October 2019
L(200) – ILP Revision C	Indicative External Lighting Strategy	14 December 2022
C5305-GA-002 Issue TB	Elevations and Isometric	29 November 2022
(300)03	Welfare Cabin	9 October 2019
(300)04	UK Power Network Substation	9 October 2019
(300)07 Rev A	Double Hit and Miss Timber Fence	15 August 2022
(300)09	Gas Governor Kiosk	9 October 2019
H8306-001	Conceptual Drainage Layout	14 December 2022
BG20.276-BRGR- ZZ-ZZ-DR-L-00001 Revision P02	Landscape Mitigation Plan	29 November 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].

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

3 No construction works shall commence until an updated Construction Environmental Management Plan [CEMP] has been submitted to and approved in writing by the local planning authority in writing. The updated CEMP, in addition to those matters already included, shall also contain or address the following matters:

- details of vehicles to be used and their suitability to the route proposed.
- detailed measures to minimise noise, lighting and potential pollution during construction
- timing of key operations such as use of cranes

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

### **NOISE**

4 The development shall be carried out and operated in accordance with the details and recommendations within Noise Assessment of the proposed gas generator scheme, Wharf Lane, Stanford-Le-Hope, Report Reference No. J003112-4641-ECE-02 J003112-4641-ECE-03 October 2020 November 2022, PDA Consulting.

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].

### **ECOLOGY REPORT**

5 The development shall be undertaken and operated in accordance with the terms and specifications including all mitigation measures contained within the ECOLOGICAL MANAGEMENT PLAN Land at Stanford Industrial Park, Wharf Road, Stanford-Le-Hope, Report Reference: BG20.276, October 2020 and the subsequent letter from Brindle Green, dated 1 November 2022, which is attached to and forms part of this permission.

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].

### **PILING**

- 6 Piling operations shall not commence unless a report has first been submitted to, and agreed in writing by, the local planning authority demonstrating that there is no resultant unacceptable risk to groundwater. The development shall be carried out in accordance with the approved details.

Reason: To protect the water environment in accordance with policy PMD1 of the adopted Thurrock LDF Core Strategy and Policies for the Management of Development [2015].

### **ARCHAEOLOGY**

- 7 No development or preliminary groundworks shall take place until the applicant, or their agents or successors in title, has secured the implementation of a programme of archaeological work in accordance with a written scheme of investigation which has been submitted to and approved in writing by the local planning authority.

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

### **SURFACE WATER DRAINAGE**

- 8 No development shall commence until a detailed surface water drainage scheme for the site, based on sustainable drainage principles and an assessment of the hydrological and hydro geological context of the development, has been submitted to and approved in writing by the local planning authority. The scheme should include, but not be limited to:

- Verification of the suitability of infiltration of surface water for the development. This should be based on infiltration tests that have been undertaken in accordance with BRE 365 testing procedure and the infiltration testing methods found in chapter 25.3 of The CIRIA SuDS Manual C753.
- Discharge rates into tidal estuary can be unrestricted for all storm events up to an including the 1 in 100 year rate plus 20% allowance for climate change.

- Demonstrate that all storage features can half empty within 24 hours for the 1:30 plus 20% climate change critical storm event.
- Final modelling and calculations for all areas of the drainage system.
- The appropriate level of treatment for all runoff leaving the site, in line with the Simple Index Approach in chapter 26 of the CIRIA SuDS Manual C753.
- Detailed engineering drawings of each component of the drainage scheme.
- A final drainage plan which details exceedance and conveyance routes, FFL and ground levels, and location and sizing of any drainage features.
- A written report summarising the final strategy and highlighting any minor changes to the approved strategy.

The surface water drainage scheme shall be constructed and completed in accordance with the details as approved prior to the first operational use of the development hereby permitted.

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

## **SURFACE WATER DRAINAGE MAINTENANCE**

- 9 Prior to first operational use, 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 should be provided.

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

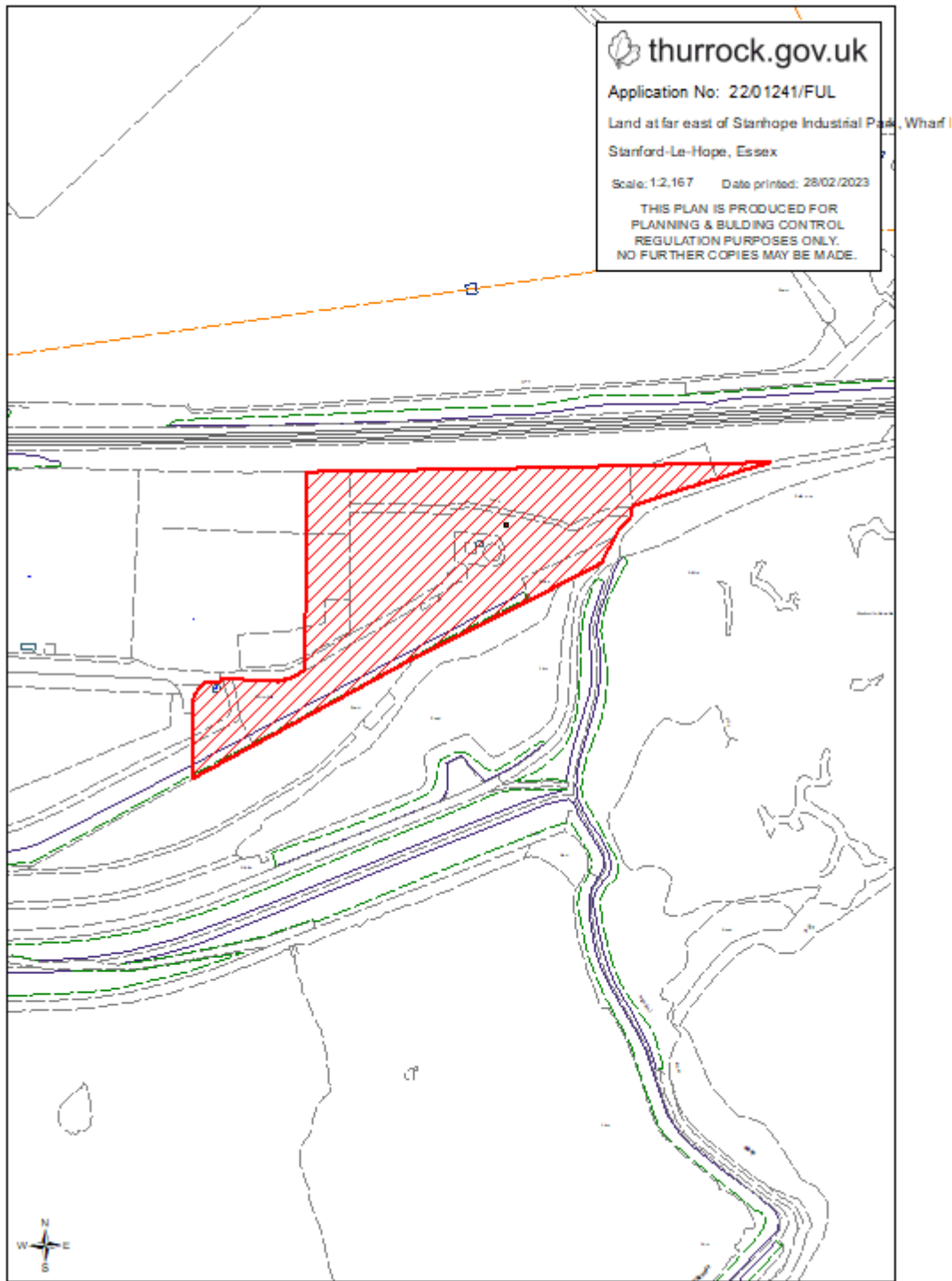
### **Informative**

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

**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>



## DELEGATED REPORT

<b>Reference:</b> 19/01534/FUL	<b>Site:</b> Land at far east of Stanhope Industrial Park, Wharf Road, Stanford Le Hope, Essex.
<b>Ward:</b> Stanford Le Hope West	<b>Proposal:</b> The installation of gas engine generators, a gas house, DNO building for transformers and associated vehicular access roads for a gas-fired electricity generation facility with associated infrastructures and fencing around the compound.

<b>Plan Number(s):</b>		
<u>Reference</u>	<u>Name</u>	<u>Received</u>
L(200)01 Rev N	22No 2MW Engines Proposed Site Plan	19 May 2022
L(200)02	Site Location Plan	5 November 2019
L(200)03	Existing Site Plan	9 October 2019
L(200)-ILP Rev A	Indicative External Lighting Strategy	15 August 2022
L(300)01 Rev B	Elevations	5 April 2022
(300)02	Containerised Generator 1 of 2	9 October 2019
(300)02	Containerised Generator 2 of 2	9 October 2019
(300)03	Welfare Cabin	9 October 2019
(300)04	UK Power Network Substation	9 October 2019
(300)05	12m Long Switch Room	9 October 2019
(300)06	Spare Parts Container	9 October 2019
(300)07 Rev A	Double Hit and Miss Timber Fence	15 August 2022
(300)08	Control Room	9 October 2019
(300)09	Gas Governor Kiosk	9 October 2019
H8306-001	Conceptual Drainage Layout	5 April 2022
BG20.276-BRGR-ZZ-ZZ-DR-L-00001 Rev.P01	Landscape Mitigation Plan	17 August 2021

The application is also accompanied by:

- Preliminary Ecological Assessment (November 2018)
- Planning Statement (October 2019)
- Air Quality Impact Assessment (October 2019)
- Flood Risk Assessment (February 2020)
- Q-Flood Asymmetric details
- Transport Statement (March 2020)
- Air Quality Assessment response to Natural England comments (April 2020)
- Transport Statement (April 2020)
- Great Crested Newt Survey Report (September 2020)
- Reptile Survey Report (September 2020)
- Phase 1 Habitat Survey (September 2020)
- Ecological Management Plan (October 2020)
- Ecology Target Notes and Plan – Lewis Ecology, (October 2020)
- Noise Assessment (October 2020)
- Stanford Industrial Park Invertebrate Survey 2020
- Draft Construction & Environmental Management Plan v.4 (September 2021)
- Malibu LED Architectural Bollard
- Eclipse Bulkhead details

**Applicant:**  
FPC (Haverhill) Limited  
c/o Agent

**Validated:**  
6 November 2019  
**Date of expiry:**  
16 August 2022 (Extension of time  
agreed with applicant)

**Case Officer:** Lucy Mannion – Senior Planner

## 1.0 DESCRIPTION OF PROPOSAL

This application seeks planning permission to construct a gas-fuelled standby electricity generation plant to supply the National Grid at times of high demand.



The main elements of the proposal are:

- Generators – 22 gas engine generator in individual containers with 10m high combined flue stacks
- Transformers
- Gas Governor
- Switch Gear Container
- UKPN Substation Building
- Welfare Cabin

Access to the site will be taken from Wharf Road to the west of the site. A second point of access would be provided to the south-western corner of the site and provide access to the Open Terminal Compound and DNO station.

## 2.0 SITE DESCRIPTION

The application site is located at the eastern-end of the Stanhope Industrial Park and comprises a roughly triangular-shaped land parcel extending to c.0.56ha in area. The site presently comprises a mix of scrub vegetation and cleared areas. The site comprises previously developed land which was previously used for a combination of industrial and warehousing uses. The site is allocated as Secondary Industrial and Commercial Area within the Core Strategy.

The site is to the eastern edge of Stanhope Industrial Park, which comprises a mix of commercial employment generating uses. To the south-west of the site is an area of vegetation, pond and the tidal defence bund. To the south of the bund is the Stanford Wharf Nature Reserve (RSPB). To the south-east is the Mucking Flats SSSI / Thames Estuary & Marshes SPA / Ramsar site.

## 3.0 RELEVANT HISTORY

Application Ref.	Description of Proposal	Decision
04/00765/OUT	Outline application for 28,095 square metres of B1(c), B2 and ancillary B1(a) and B8 uses, landscaping and access improvements.	Approved
04/00793/OUT	Outline application for mixed use development of residential B1, Community and retail uses, landscaping and access. Improvements to included demolition of existing buildings other than water tower	Refused and dismissed on appeal

09/50023/TTRGREM	Reserved matters pursuant to outline consent 04/00765/OUT. Proposed development of 24,863 sq.m of B1(C), B2 and ancillary B1(A) & B8 floorspace, access and landscaping.	Approved
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As shown above, outline and reserved matters permission were granted for comprehensive redevelopment of the wider site. However, this was never commenced, development of plots has been achieved by standalone applications for full planning permission.

#### 4.0 CONSULTATIONS AND REPRESENTATIONS

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

##### PUBLICITY:

This application has been advertised by way of individual neighbour notification letters, press notice and public site notice which has been displayed nearby. There was one letter of objection referring to traffic, pollution and noise.

##### HIGHWAYS:

No objections, subject to a condition to secure an updated Construction Environment Management Plan (CEMP) with details of vehicles to be used and their suitability to the route proposed.

##### LANDSCAPE & ECOLOGY:

No objections, subject to conditions regarding an updated CEMP and details of piling.

##### NATURAL ENGLAND:

Confirmed they have no statutory role in relation to the application site. Nonetheless, raise their concerns with the proposal.

##### FLOOD RISK MANAGER:

No objection, subject to conditions for a detailed surface water drainage scheme and maintenance.

ENVIRONMENTAL HEALTH:

No objections, subject to a condition regarding operational noise.

ENVIRONMENT AGENCY:

No objections.

ESSEX COUNTY COUNCIL ARCHAEOLOGY:

Recommend a planning condition securing fieldwork.

EMERGENCY PLANNING:

No comments.

ESSEX FIELD CLUB:

Object on basis of lack of ecological information to enable an informed planning decision.

## 5.0 POLICY CONTEXT

### National Planning Policy Framework (NPPF)

The revised NPPF was published on 20 July 2021. Paragraph 11 of the Framework sets out a presumption in favour of sustainable development. This paragraph goes on to state that for decision taking this means:

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

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

<sup>2</sup> The policies referred to are those in this Framework relating to: habitats

sites and/or SSSIs, land designated as Green Belt, Local Green Space, AONBs, National Parks, Heritage Coast, irreplaceable habitats, designated heritage assets and areas at risk of flooding or coastal change.

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

- 2. Achieving sustainable development
- 6. Building a strong, competitive economy
- 14. Meeting the challenge of climate change, flooding and coastal change
- 15. Conserving and enhancing the natural environment

#### National Planning Practice Guidance (PPG)

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

- Air quality;
- Appropriate assessment;
- Design: process and tools;
- Light pollution;
- Natural environment;
- Noise; and
- Renewable and low carbon energy.

#### Local Planning Policy: Thurrock Local Development Framework (as amended) 2015

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

#### OVERARCHING SUSTAINABLE DEVELOPMENT POLICY

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

#### THEMATIC POLICIES

- CSTP6 (Strategic Employment Provision)
- CSTP19 (Biodiversity)

- CSTP22 (Thurrock Design)
- CSTP26 (Renewable or Low Carbon Energy Generation)

## POLICIES FOR MANAGEMENT OF DEVELOPMENT

- PMD1 (Minimising Pollution and Impacts on Amenity)
- PMD2 (Design and Layout)
- PMD7 (Biodiversity, Geological Conservation and Development)
- PMD13 (Biodiversity, Geological Conservation and Development).

### 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**

The assessment below covers the following areas:

- I. Principle of the development
- II. Traffic impact, access, car parking and transport issues
- III. Layout / design issues
- IV. Noise
- V. Air quality
- VI. Landscape and ecology
- VII. Archaeology

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

The application site is an undeveloped area of land located to the north east of the Stanhope Industrial Park. The site is allocated as being part of a Secondary Industrial

and Commercial Area within Core Strategy. The NPPF promotes renewable and low-carbon energy development. Whilst the proposals do not constitute renewable energy generation, they play a vital role in supporting the nation's transition towards and increasing reliance upon renewable energy sources by providing sufficient back-up supply. This ensures the increased use of intermittent renewable sources does not lead to a grid network which cannot adequately balance supply and demand leading to power shortages. CSTP6 *Strategic Employment Provision* states that Secondary Industrial and Commercial Areas will be safeguarded for employment and sui generis uses. Economic development that includes non-B Class uses within Secondary Industrial and Commercial Areas will be supported provided that the proposals support and complement existing Class B uses and there is a demonstrable need and there are no other reasonable sites within the Borough. Additionally, the introduction of the non-B Class Use would not compromise the supply of Class B land in the borough or adversely affect the existing and future economic structure. Given that the positioning of the site, its designation as part of a Secondary Industrial Area and its location on land that is not designated as Green Belt. Local and national policies support the transition to a low carbon future and identify that utility and infrastructure provision is an important component of achieving sustainable development.

## II. TRAFFIC IMPACT, ACCESS, CAR PARKING AND TRANSPORT ISSUES

There would be minimal traffic generated by the development once operational, so the concerns are regarding the construction period. The Council's Highway Officer has raised no objection to the proposal subject to an updated CEMP regarding the precise nature of the route along Wharf Road. This is necessary to identify whether this causes issues for transport and manoeuvring of HGVs. Currently large vehicles have difficulties accessing Corringham Road and Wharf Road due to the on-street parking and traffic islands used as traffic calming. As the applicant is unable to resolve this matter at this stage, a condition be added requesting an update to the CEMP with details of vehicles to be used and their suitability to the route proposed. Therefore, with addition of an updated CEMP condition the proposal is acceptable in terms of traffic impacts.

## III. LAYOUT / DESIGN ISSUES

The site is located adjacent to an area that is characterised by industrial buildings and areas of extensive hardstanding that are enclosed by fencing. This gives the area the appearance of a functional nature that has architecture of limited refinement. The proposed development is on the edge of Stanhope Industrial Park, the development would be in common with the surroundings to the west and is considered acceptable.

## IV. NOISE

No noise assessment has been provided therefore the Environmental Health Officer requires a condition for a noise report with an environmental background sound monitoring exercise carried out at two locations representative of the nearest residential receptors. The operational sound rating level should not exceed the prevailing background sound level during daytime periods, at any residential receptor, assessed in accordance with BS 4142:2014. The noise generated should not exceed 5 dB above the typical background sound level during night-time periods at any residential receptor. The representative background sound level deemed to be the typical LA90,T, measured over the relevant time period. Subject to a condition for compliance with the above, the noise levels associated with the development are considered acceptable.

## V. AIR QUALITY

An air quality assessment has been submitted as part of the application. The Council's Environmental Health Officer has reviewed this document and concluded they agree that the air quality impact will not be significant for human and ecological receptors, even under worst-case conditions for operations. Therefore, there are no objections on air quality grounds.

## VI. LANDSCAPE AND ECOLOGY

The site is within 59m of the Thames Estuary and Marshes Special Protection Area (SPA) /Ramsar and is adjacent to the Stanford Wharf Nature Reserve which is considered functionally linked habitat. Therefore, the extent to which the development is likely to have a significant effect on European sites needs to be assessed under the Conservation of Habitats and Species Regulations 2017 (as amended), by Thurrock Council in its capacity as the competent authority.

The Council's Landscape and Ecology Advisor is fully qualified to carry out this Habitat Regulations Assessment (HRA). A Stage 1 analysis demonstrated that the scheme is not concerned with the management of these designations and therefore a Stage 2 HRA Screening assessment is required.

A Stage 2 HRA screening was undertaken to identify likely significant effects arising out of the construction and operation of the scheme. This considered that in the absence of mitigation the scheme could result in:

- Disturbance of qualifying bird species, including visual and noise and light disturbance during the construction period
- Degradation of supporting habitats from hydrological pollution during construction

The Council's Landscape and Ecology Advisor has confirmed there would be no likely significant effects were identified for either the SPA/Ramsar or adjacent functionally linked habitat.

A Stage 3 Appropriate Assessment has been carried out which sets out avoidance and mitigation measures which can be controlled by condition. These include:

- a comprehensive Construction Environmental Management Plan (CEMP) to detail measures to minimise noise, lighting and potential pollution during construction as well as timing of key operations such as use of cranes
- a detailed scheme for the piling

The Appropriate Assessment finds that in the view of the designations' conservation objectives, and with the implementation of avoidance and mitigation set out above, the scheme would have no adverse effect on the integrity of the designations, either alone or in combination with other plans and projects.

Therefore, with conditions for a CEMP and details of the piling, there are no objections to the scheme on landscape or ecology grounds.

## VII. ARCHAEOLOGY

The Council's Archaeology Advisor has advised that the Essex Historic Environment Record shows that the proposed development lies in a highly sensitive area to the north of the Thames. Large-scale excavations immediately to the south of the development area has identified extensive salt-making sites of Late Iron and Roman date. An area of approximately 30 hectares was investigated with large areas extensively excavated. Two salt-production sites with associated buildings were located at each end of these excavations (Biddulph, Foreman, Stafford, Stansbie and Nicholson 2012), both with potential of extending into the development area. Immediately to the north of the site lies extensive cropmark complexes of multi period date (EHER 47050) including enclosures, field systems and remains of burial mounds. Therefore, it is necessary that a condition is added

## 7.0 CONCLUSIONS AND REASON(S) FOR APPROVAL

The proposed development would help support the switch to low carbon solutions for energy supply. It would not result in a significant adverse impact upon the character of the area or the adjacent Green Belt. Whilst there are matters which needed to be assessed in terms of ecology, the Habitat Regulations Assessment (HRA) considers the development in acceptable. It is considered to be acceptable in terms of highways, noise and archaeology.

## 8.0 RECOMMENDATION



Approve, subject to the following conditions:

### TIME LIMIT

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

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

### APPROVED PLANS

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

<b>Plan Number(s):</b>		
<u>Reference</u>	<u>Name</u>	<u>Received</u>
L(200)01 Rev N	22No 2MW Engines Proposed Site Plan	19 May 2022
L(200)02	Site Location Plan	5 November 2019
L(200)03	Existing Site Plan	9 October 2019
L(200)-ILP Rev A	Indicative External Lighting Strategy	15 August 2022
L(300)01 Rev B	Elevations	5 April 2022
(300)02	Containerised Generator 1 of 2	9 October 2019
(300)02	Containerised Generator 2 of 2	9 October 2019
(300)03	Welfare Cabin	9 October 2019
(300)04	UK Power Network Substation	9 October 2019
(300)05	12m Long Switch Room	9 October 2019
(300)06	Spare Parts Container	9 October 2019
(300)07 Rev A	Double Hit and Miss Timber Fence	15 August 2022
(300)08	Control Room	9 October 2019
(300)09	Gas Governor Kiosk	9 October 2019
H8306-001	Conceptual Drainage Layout	5 April 2022

BG20.276- BRGR-ZZ-ZZ- DR-L-00001 Rev.P01	Landscape Mitigation Plan	17 August 2021
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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].

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

3 No construction works shall commence until an updated Construction Environmental Management Plan [CEMP] has been submitted to and approved in writing by the local planning authority in writing. The updated CEMP, in addition to those matters already included, shall also contain or address the following matters:

- details of vehicles to be used and their suitability to the route proposed.
- detailed measures to minimise noise, lighting and potential pollution during construction
- timing of key operations such as use of cranes

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

### **NOISE**

4 The development shall be carried out and operated in accordance with the details and recommendations within *Noise Assessment of the proposed gas generator scheme, Wharf Lane, Stanford-Le-Hope*, Report Reference No. J003112-4641-ECE-02 October 2020, PDA Consulting.

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].

## **ECOLOGY REPORT**

- 5 The development shall be undertaken and operated in accordance with the terms and specifications including all mitigation measures contained within the ECOLOGICAL MANAGEMENT PLAN Land at Stanford Industrial Park, Wharf Road, Stanford-Le-Hope, Report Reference: BG20.276, October 2020, which is attached to and forms part of this permission.

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].

## **PILING**

- 6 Piling operations shall not commence unless a report has first been submitted to, and agreed in writing by, the local planning authority demonstrating that there is no resultant unacceptable risk to groundwater. The development shall be carried out in accordance with the approved details.

Reason: To protect the water environment in accordance with policy PMD1 of the adopted Thurrock LDF Core Strategy and Policies for the Management of Development [2015].

## **ARCHAEOLOGY**

- 7 No development or preliminary groundworks shall take place until the applicant, or their agents or successors in title, has secured the implementation of a programme of archaeological work in accordance with a written scheme of investigation which has been submitted to and approved in writing by the local planning authority.

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

## **SURFACE WATER DRAINAGE**

8 No development shall commence until a detailed surface water drainage scheme for the site, based on sustainable drainage principles and an assessment of the hydrological and hydro geological context of the development, has been submitted to and approved in writing by the local planning authority. The scheme should include, but not be limited to:

- Verification of the suitability of infiltration of surface water for the development. This should be based on infiltration tests that have been undertaken in accordance with BRE 365 testing procedure and the infiltration testing methods found in chapter 25.3 of The CIRIA SuDS Manual C753.
- Discharge rates into tidal estuary can be unrestricted for all storm events up to an including the 1 in 100 year rate plus 20% allowance for climate change.
- Demonstrate that all storage features can half empty within 24 hours for the 1:30 plus 20% climate change critical storm event.
- Final modelling and calculations for all areas of the drainage system.
- The appropriate level of treatment for all runoff leaving the site, in line with the Simple Index Approach in chapter 26 of the CIRIA SuDS Manual C753.
- Detailed engineering drawings of each component of the drainage scheme.
- A final drainage plan which details exceedance and conveyance routes, FFL and ground levels, and location and sizing of any drainage features.
- A written report summarising the final strategy and highlighting any minor changes to the approved strategy.

The surface water drainage scheme shall be constructed and completed in accordance with the details as approved prior to the first operational use of the development hereby permitted.

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

## **SURFACE WATER DRAINAGE MAINTENANCE**

- 9 Prior to first operational use, 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 should be provided.

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

### **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 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:

<http://regs.thurrock.gov.uk/online-applications>

	Report Author	Checked	Sign off
Name	Lucy Mannion – Senior Planner	Matthew Gallagher – Major Applications Manager	Matthew Gallagher – Major Applications Manager
Date	15.08.2022	16.08.22	16.08.22

FINAL

<b>Reference:</b> 21/01635/FUL	<b>Site:</b> Land south of Marsh Farm Marsh Lane Fobbing Essex
<b>Ward:</b> Corringham and Fobbing	<b>Proposal:</b> Installation of renewable-led energy generation station comprising ground-mounted photovoltaic solar arrays and battery-based electricity storage containers together with substation, inverter/transformers stations, site access, internal access tracks, security measures, access gates, other ancillary infrastructure, grid connection cable, landscaping and biodiversity enhancements

<b>Plan Number(s):</b>		
Reference	Name	Received
2033/D001.1 Revision v.k	Site Location Plan 1 of 6	1 October 2021
2033/D001.2 Revision v.k	Site Location Plan 2 of 6	1 October 2021
2033/D001.3 Revision v.k	Site Location Plan 3 of 6	1 October 2021
2033/D001.4 Revision v.k	Site Location Plan 4 of 6	1 October 2021
2033/D001.5 Revision v.j	Site Location Plan 5 of 6	1 October 2021
2033/D001.6 Revision v.j	Site Location Plan 1 of 6	1 October 2021
SK01 Revision C	High Road Access Junction Arrangement	23 September 2021
FO3.0 REV.02	PV Elevations	23 September 2021
FO3.1 REV.02	PV Elevations Ballast Foundation	23 September 2021
FO4.0 REV.01	Inverter/Transformer Stations	23 September 2021
FO5.0 REV.01	Internal Access Road Detail	23 September 2021
FO6.0 REV.02	Fence and Gate Elevations	23 September 2021
FO7.0 REV.01	Weather Station Detail	23 September 2021
FO8.0 REV.01	Substation Elevations	23 September 2021
FO9.0 REV.01	Control Room Elevations	23 September 2021
FO10.0 REV.01	Auxiliary Transformer	23 September 2021

FO11.0 REV.01	CCTV Elevations	23 September 2021
FO12.0 REV.01	Battery Container Elevations 40ft	23 September 2021
FO13.0 REV.01	Storage Container Elevations 40ft	23 September 2021
FO14.0 REV.01	Battery Fence and Gate Elevations	23 September 2021
FO15.0 REV.01	Cable Trough	23 September 2021
7428_100 REV E	Landscape and Ecology Enhancement Plan	5 December 2022
FO2.0 Rev 19	Proposed Site Plan	5 December 2022
FO2.0 Rev 19	Proposed Site Plan Showing Reduced Fence Area	5 December 2022

The application is also accompanied by:

- R003 Planning Statement including Green Belt Assessment
- R004 Design and Access Statement
- R005 Construction Traffic Management Plan
- R006 Non-Technical Summary of the Environmental Statement
- R007 Environmental Statement Main Text
- R008 Environmental Statement Technical Appendices
- R009 Landscape and Ecological Management Plan
- R010 Flood Risk Assessment and Drainage Strategy
- R011 Noise Impact Assessment
- R012 Glint and Glare Assessment
- R013 Statement of Community Involvement
- R014 Ground Investigation Report
- R015 Agricultural Land Classification
- Post Application Landscape Amendments Briefing Note
- Non-breeding waterbirds: Buffers from features, mitigation land and land management strategy, BSG Ecology
- Technical Note on changes to the biodiversity net gain calculation, BSG Ecology

**Applicant:**  
Rayleigh Green Limited

**Validated:**  
1 October 2021  
**Date of expiry:**



	20 March 2023 (Extension of time agreed with applicant)
<b>Recommendation:</b> Grant planning permission, as per the recommendation set out at paragraph 8.1 of this report	

This application is scheduled for determination by the Council’s Planning Committee because the application was called in by Cllr Huelin, Cllr Hebb, Cllr Anderson, Cllr Snell and Cllr Duffin in accordance with Part 3 (b) 2.1 (d) (i) of the Council’s constitution to consider the proposal in terms of landscape, effect to Fobbing against Green Belt policy.

## 1.0 DESCRIPTION OF PROPOSAL

1.1 The table below gives a summary of the proposal:

Gross site area	134 hectares (fields 1 – 10)
Gross site area of PV panels	65.44 hectares
Power output	49.9MW of clean renewable electricity to the National Grid

1.2 This application seeks planning permission to construct and operate a solar farm and battery storage facility with associated infrastructure. The solar arrays would be located wholly within Thurrock, but this is a cross boundary application with the underground cable providing the grid connection to the Rayleigh National Grid substation. The cable route is mainly with Basildon, although the substation itself is in Rochford. The applicant has submitted a joint application with Basildon.

1.3 The solar panels would be 3m high, ground mounted on tracking frames. It is proposed to use solar arrays with bifacial panels and a tracking system to follow the path of the sun. This means that their height would vary throughout the day, but the maximum height would be 3m. The arrays would be installed on posts driven into the ground. The proposed inverters and battery storage units would be housed in containers 12m long and 2.9m high. The largest element would be a single substation 12m x 4m x 4m. It is proposed to install 2.1m high deer fencing around the perimeter of the site. The fencing would be set back at least 5m either side of all public rights of way.

- 1.4 When operational, the solar farm and battery storage would supply up to 49.9MW to the National Grid, which is the equivalent of the annual electrical needs of approximately 16,100 family homes. When constructed, the site would be operational for 40 years. The solar farm would be decommissioned at the end of this period, with all panels and associated infrastructure (including below ground infrastructure) removed from the site. The land would then be restored to agricultural use.
- 1.5 The scheme proposes a maximum electrical output of 49.9MW which is the maximum output which can be considered by a local planning authority via a conventional planning application. Proposals involving an output of 50MW or more are classified as ‘Nationally Significant Infrastructure Projects’ (NSIPs) by the Planning Act 2008 and are considered by the relevant Secretary of State via the Development consent Order (DCO) process.
- 1.6 Due to the scale of the site, the development requires an Environmental Impact Assessment (EIA) and the application is therefore supported by an Environmental Statement (ES). The topics which were scoped-in to the ES are landscape and visual impacts, heritage impacts and impacts of biodiversity.

**2.0 SITE DESCRIPTION**

- 2.1 The site comprises 10 adjoining arable fields mainly within Fobbing Marshes Landscape Character Area (LCA). The ‘Fobbing Marshes’ Landscape Character Area (LCA) occupies low-lying land that slopes down from the Fobbing Ridge towards the Vange Creek (in the east) and A1014 (in the south). The visual horizon to the north is formed by the broad ridge on which Basildon and South Benfleet are situated and to the west by the low Fobbing Ridge. Approximately 1.5km to the south is the port and industrial complex of Coryton Refinery, the DP World London Gateway and then the Thames Estuary. The site is all characterised as Grade 3b (Moderate) within the Agricultural Land Classification (ALC). Parts of public footpaths 14 and 199 run within the site.
- 2.2 Access to the site is via Fobbing High Road. There are a number of public rights of way within the area. The site lies mostly within flood zone 3a (High Risk). The site is within the Metropolitan Green Belt (GB). There are no statutory ecological designations affecting the site. However, the site is within 3km of the Thames Estuary and Marshes Special Protection Area and 300m of Holehaven Creek SSSI.

**3.0 RELEVANT PLANNING HISTORY**

Application Reference	Description of Proposal	Decision
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<p>21/01452/FULL (Basildon Council)</p>	<p>Installation of renewable led energy generation station, comprising ground-mounted photovoltaic solar arrays and battery-based electricity storage containers together with substation, inverter/transformers stations, site access, internal access tracks, security measures, access gates, other ancillary infrastructure, grid connection cable, landscaping and biodiversity enhancements.</p>	<p>Under consideration</p>
<p>20/00958/SCO</p>	<p>Request for an Environmental Impact Assessment (EIA) Scoping Opinion: Proposed solar farm and battery storage</p>	<p>Advice given</p>
<p>20/00873/SCR</p>	<p>Environmental Impact Assessment (EIA) screening opinion on proposed solar farm and battery storage</p>	<p>EIA Required</p>

**4.0 CONSULTATIONS AND REPRESENTATIONS**

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

**PUBLICITY:**

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

4.3 There were 43 comments received, with 41 of objection and 2 in support. The matters raised are summarised below:

### Objections

- Additional traffic during construction;
- Effect to public rights of way;
- Reflected light/glare affecting traffic;
- Loss of green belt;
- Loss of wildlife;
- Detrimental visual impact;
- Solar panels are not really clean energy;
- Loss agricultural land;
- Harm to character of the countryside;
- Lead to flooding;
- Precedence for future development of the site for housing;

### Supporting

- Need for clean energy resources.

#### 4.4 ARCHAEOLOGY:

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

#### 4.5 BASILDON COUNCIL:

No response received.

#### 4.6 CASTLE POINT COUNCIL

No response received.

#### 4.7 ENVIRONMENT AGENCY:

No objections. As much of the site lies within flood zone 3a, it is necessary for the application to pass the Sequential and Exception Tests.

4.8 ENVIRONMENTAL HEALTH:

No objections, subject to condition regarding a watching brief for contamination.

4.9 ESSEX COUNTY COUNCIL - TRANSPORTATION & PLANNING

No response received.

4.10 ESSEX FIRE SERVICE

No response received.

4.11 ESSEX WILDLIFE TRUST

No objections.

4.12 FLOOD RISK MANAGER:

No response received.

4.13 HIGHWAYS:

No objections, subject to conditions regarding a Construction Environment Management Plan (CEMP), HGV routing/logging and road condition surveys.

4.14 HISTORIC BUILDINGS:

No objections.

4.15 HISTORIC ENGLAND

No objections.

4.16 LANDSCAPE AND ECOLOGY:

No objections, subject to the mitigation and management measures being secured by condition.

4.17 MEDWAY COUNCIL

No response received.

**4.18 NATIONAL GRID:**

No objections.

**4.19 NATURAL ENGLAND:**

No objection, subject to condition for appropriate mitigation.

**4.20 PUBLIC RIGHTS OF WAY:**

No objections, any changes to footpath would require formal approval (under section 257 of the Town and Country Planning Act 1990)

**4.21 ROCHFORD DISTRICT COUNCIL**

No response received.

**4.22 ROYAL SOCIETY FOR PROTECTION OF BIRDS (RSPB)**

Concerns remain, note Natural England's response and agree conditions to secure ecology mitigation necessary.

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

The revised NPPF was published on 20 July 2021. Paragraph 11 of the Framework sets out a presumption in favour of sustainable development. This paragraph goes on to state that for decision taking this means:

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

outweigh the benefits, when assessed against the policies in this Framework taken as a whole.

- <sup>1</sup> This includes, for applications involving the provision of housing, situations where the local planning authority cannot demonstrate a five year supply of deliverable housing sites ...
- <sup>2</sup> The policies referred to are those in this Framework relating to: habitats sites and/or SSSIs, land designated as Green Belt, Local Green Space, AONBs, National Parks, Heritage Coast, irreplaceable habitats, designated heritage assets and areas at risk of flooding or coastal change.

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

- 2. Achieving sustainable development
- 11. Making effective use of land
- 12. Achieving well-designed places
- 13. Protecting Green Belt land
- 14. Meeting the challenge of climate change, flooding and coastal change
- 15. Conserving and enhancing the natural environment
- 16. Conserving and enhancing the historic environment

## 5.2 National Planning Practice Guidance (PPG)

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

- Before submitting an application
- Climate change
- Design: process and tools
- Determining a planning application
- Effective use of land
- Environmental Impact Assessment

- Fees for planning applications
- Flood Risk and Coastal Change
- Green Belt
- Hazardous Substances
- Historic environment
- Making an application
- Natural Environment
- Noise
- Open space, sports and recreation facilities, public rights of way and local green space
- Planning obligations
- Renewable and low carbon energy
- Travel plans, transport assessments and statements in decision-taking
- Use of Planning Conditions

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

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

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

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

- *encouraging the effective use of land by focusing large scale solar farms on previously developed and non agricultural land, provided that it is not of high environmental value;*
- *where a proposal involves greenfield land, whether*
  - (i) the proposed use of any agricultural land has been shown to be necessary and poorer quality land has been used in preference to higher quality land; and*
  - (ii) the proposal allows for continued agricultural use where applicable and/or encourages biodiversity improvements around arrays. See also a speech by the Minister for Energy and Climate Change, the Rt Hon Gregory Barker MP, to the solar PV industry on 25 April 2013 and Written Ministerial Statement –*



*Solar energy: protecting the local and global environment – made on 25 March 2015.*

- *that solar farms are normally temporary structures and planning conditions can be used to ensure that the installations are removed when no longer in use and the land is restored to its previous use;*
- *the proposal's visual impact, the effect on landscape of glint and glare (see guidance on landscape assessment) and on neighbouring uses and aircraft safety;*
- *the extent to which there may be additional impacts if solar arrays follow the daily movement of the sun;*
- *the need for, and impact of, security measures such as lights and fencing;*
- *great care should be taken to ensure heritage assets are conserved in a manner appropriate to their significance, including the impact of proposals on views important to their setting. As the significance of a heritage asset derives not only from its physical presence, but also from its setting, careful consideration should be given to the impact of large scale solar farms on such assets. Depending on their scale, design and prominence, a large scale solar farm within the setting of a heritage asset may cause substantial harm to the significance of the asset;*
- *the potential to mitigate landscape and visual impacts through, for example, screening with native hedges;*
- *the energy generating potential, which can vary for a number of reasons including, latitude and aspect.*

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

## 5.5 UK Solar PV Strategy

Part 1 of the Government's (Department for Energy and Climate Change – DECC (now Department for Business, Energy and Industrial Strategy – BEIS)) UK Solar PV Strategy (2013) set out the four guiding principles for deployment of solar in the UK. These principles are:

- Support for solar PV should allow cost-effective projects to proceed and to make a cost-effective contribution to UK carbon emission objectives in the context of overall energy goals – ensuring that solar PV has a role alongside other energy generation technologies in delivering carbon reductions, energy security and affordability for consumers.
- Support for solar PV should deliver genuine carbon reductions that help meet

the UK's target of 15 per cent renewable energy from final consumption by 2020 and in supporting the decarbonisation of our economy in the longer term – ensuring that all the carbon impacts of solar PV deployment are fully understood.

- support for solar PV should ensure proposals are appropriately sited, give proper weight to environmental considerations such as landscape and visual impact, heritage and local amenity, and provide opportunities for local communities to influence decisions that affect them.
- Support for solar PV should assess and respond to the impacts of deployment on: grid systems balancing; grid connectivity; and financial incentives – ensuring that we address the challenges of deploying high volumes of solar PV.

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

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

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

#### National Policy Statements:

5.8 Although National Policy Statements (NPS) apply specifically to NSIPs and applications under the Planning Act 2008 for DCOs, NPS reference (EN-1: Overarching National Policy Statement for Energy - 2011) states that *"In England and Wales this NPS is likely to be a material consideration in decision making on applications that fall under the Town and Country Planning Act 1990 (as amended). Whether, and to what extent, this NPS is a material consideration will be judged on a case by case basis"*. The content of EN-1 could therefore be relevant to the current case. Paragraph no. 3.4.5 of EN-1 refers to *"UK commitments to sourcing 15% of energy from renewable sources by 2020. To hit this target, and to largely decarbonise the power sector by 2030, it is necessary to bring forward new renewable electricity generating projects as soon as possible. The need for new renewable electricity generation projects is therefore urgent"*. Part 5 of EN-1 refers to the generic impact of land use including open space, green infrastructure and GB. With regard to decision taking, paragraph 5.10.17 of EN-1 states:

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

### **Local Planning Policy**

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

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

#### OVERARCHING SUSTAINABLE DEVELOPMENT POLICY:

- OSDP1: Promotion of Sustainable Growth and Regeneration in Thurrock

#### SPATIAL POLICIES:

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

#### THEMATIC POLICIES:

- CSTP15: Transport in Greater Thurrock
- CSTP18: Green Infrastructure
- CSTP19: Biodiversity
- CSTP20: Open Space
- CSTP21: Productive Land
- CSTP22: Thurrock Design
- CSTP23: Thurrock Character and Distinctiveness
- CSTP24: Heritage Assets and the Historic Environment
- CSTP25: Addressing Climate Change

- CSTP26: Renewable or Low-Carbon Energy Generation
- CSTP27: Management and Reduction of Flood Risk
- CSTP33: Strategic Infrastructure Provision

## POLICIES FOR THE MANAGEMENT OF DEVELOPMENT

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

### 5.11 Thurrock Local Plan

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

### 5.12 Thurrock Design Strategy

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

## 6.0 ASSESSMENT

### 6.1 Procedure:

With reference to procedure, this application has been advertised as being

accompanied by an Environmental Statement and as a departure from the Development Plan. Should the Planning Committee resolve to grant planning permission, the application will first need to be referred to the Secretary of State under the terms of the Town and Country Planning (Consultation) (England) Direction 2021. The reason for the referral as a departure relates to Green Belt development and therefore the application will need to be referred under paragraph 4 of the Direction. The Direction allows the Secretary of State a period of 21 days within which to 'call-in' the application for determination via a public inquiry. In reaching a decision as to whether to call-in an application, the Secretary of State will be guided by the published policy for calling-in planning applications and relevant planning policies.

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

6.5 The assessment below covers the following areas:

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

I. PRINCIPLE OF THE DEVELOPMENT AND IMPACT ON THE GB

6.6 There is a need for energy production in the UK and this need is supported within national planning policies to secure production, including energy from varied and low carbon sources. Paragraph 152 of the NPPF states:

*“The planning system should support the transition to a low carbon future in a changing climate and support renewable and low carbon energy and associated infrastructure”.*

Paragraph 155 states plans should seek

*“To help increase the use and supply of renewable and low carbon energy and heat”.*

NPPF paragraph no.158 states that

*“When determining planning applications for renewable and low carbon development, local planning authorities should:*

- a) *not require applicants to demonstrate the overall need for renewable or low carbon energy, and recognise that even small-scale projects provide a valuable contribution to cutting greenhouse gas emissions; and*
- b) *approve the application if its impacts are (or can be made) acceptable ...”*

Core Strategy policy CSTP26 states

*“As part of the shift to low-carbon future and to tackle climate change, the Council will encourage opportunities to generate energy from non-fossil fuel and low-carbon sources.*

Part. II of CSTP26 requires that

*“The Council will promote the delivery of renewable and low-carbon energy developments utilising technology such as solar panels, biomass heating, small-scale wind turbine, photovoltaic cells, Combined Heat and Power and other methods.*

However, this encouragement of renewable energy generation set out by both local and national planning policy is still subject to GB policies.

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

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

1. Whether the proposals constitute inappropriate development in the GB

6.8 The site is identified on the LDF Core Strategy Proposals Map as being within the GB where policies CSSP4 and PMD6 apply. Policy CSSP4 identifies that the Council will *‘maintain the purpose function and open character of the Green Belt in Thurrock’*, and Policy PMD6 states that the Council will *‘maintain, protect and enhance the open character of the Green Belt in Thurrock’*. These policies aim to prevent urban sprawl and maintain the essential characteristics of the openness and permanence of the GB to accord with the requirements of the NPPF.

6.9 Paragraph 137 within Chapter 13 of the NPPF states that the Government attaches great importance to GBs and that the

*“fundamental aim of Green Belt policy is to prevent urban sprawl by keeping land permanently open; the essential characteristics of Green Belt are their openness and their permanence.”*

Paragraph 149 states that a local planning authority should regard the construction of new buildings as inappropriate in the GB.

6.10 Paragraph 151 states

*“When located in the Green Belt, elements of many renewable energy projects will comprise inappropriate development. In such cases developers will need to demonstrate very special circumstances if projects are to proceed. Such very special circumstances may include the wider environmental benefits associated with increased production of energy from renewable sources”.*

6.11 Given the above, the proposal would comprise inappropriate development with reference to the NPPF and Policy PMD6.

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

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

6.13 As noted above, paragraph 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 development in an area which is currently open. Consequently, there would be harm to the spatial dimension of openness. Advice published in NPPG (July 2019) addresses the role of the 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.

6.14 In terms of the bullet points above, openness in a spatial sense would be affected by the proposals which comprise a large development on what is presently open GB land. In terms of the visual aspect of openness, due to the nature of the site the



visual effects would be limited as there are few public vantage points whereby the proposal would be viewable in its entirety.

- 6.15 The duration of the proposal is for a temporary period of 40 years operation. The site would then be returned to its present 'open' state. Although 40 years is still a considerable period of time, it is a very different proposal to a permanent building and therefore means the land would eventually be returned to undeveloped GB.
- 6.16 The degree of activity to be generated by the development would differ through the construction and operational phases. There would be some traffic generation during construction, which is likely to take approximately 30 weeks. However, this would not be excessive with 8 HGV movements a day (16 two-way movements). When operational, there would be minimal vehicle movements associated with the site. Therefore, it is not considered that the proposal would impact openness in terms of activity generated, especially when the lifetime of the proposal is taken into account, the impact is considered negligible. Nevertheless, under this heading, it must be concluded that there would be some harm to openness.
- 6.17 Paragraph 138 of the NPPF sets out the five purposes which the GB serves as follows:
- a. to check the unrestricted sprawl of large built-up areas;
  - b. to prevent neighbouring towns from merging into one another;
  - c. to assist in safeguarding the countryside from encroachment;
  - d. to preserve the setting and special character of historic towns; and
  - e. to assist in urban regeneration, by encouraging the recycling of derelict and other urban land.
- 6.18 In response to each of these five purposes:
- a. to check the unrestricted sprawl of large built-up areas*
- 6.19 The site is located within a rural area outside the village of Fobbing. For the purposes of the NPPF, the site is considered to be outside of any 'large built up areas'. It would not therefore result in the sprawling of an existing built up area, but it would nonetheless represent the addition of built form on the site, albeit temporary.
- b. to prevent neighbouring towns from merging into one another*
- 6.20 On a broad geographical scale the site lies in between the village of Fobbing and towns of Basildon and South Benfleet, although the proposal does not directly adjoin any of these towns. As assessed on this broad scale the proposal would

result in some merging of the towns located nearby. However, this harm is tempered by the temporary nature of the proposals.

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

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

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

- 6.22 Whilst there is a conservation area in Fobbing, the Council’s Historic Buildings Advisor has stated the proposal would lead to less than substantial harm. 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*

- 6.23 In general terms, the development could occur in the urban area, but there is a spatial imperative why GB land is required to accommodate the proposals. There are no available sites in the urban area of 134 hectares which have convenient access to a grid connection with the scale of sub-station required to handle 49.9MW. Therefore, the proposed development does not conflict with the fifth purpose of the GB.
- 6.24 In light of the above analysis, it is considered that the proposals would clearly be harmful to GB openness and would be contrary to purposes (b) and (c) of the above listed purposes of including land in the GB. Substantial weight should be afforded to these factors.
3. Whether the harm to the GB is clearly outweighed by other considerations so as to amount to the Very Special Circumstances (VSC) necessary to justify inappropriate development
- 6.25 Neither the NPPF nor the Adopted Core Strategy provide guidance as to what can comprise ‘very special circumstances’ (VSC), either singly or in combination.

However, some interpretation of VSC has been provided by the Courts. The rarity or uniqueness of a factor may make it very special, but it has also been held that the aggregation of commonplace factors could combine to create very special circumstances (i.e. 'very special' is not necessarily to be interpreted as the converse of 'commonplace'). However, the demonstration of VSC is a 'high' test and the circumstances which are relied upon must be genuinely 'very special'. In considering whether VSC exist, factors put forward by an applicant which are generic or capable of being easily replicated on other sites, could be used on different sites leading to a decrease in the openness of the Green Belt. The provisions of VSC which are specific and not easily replicable may help to reduce the risk of such a precedent being created. Mitigation measures designed to reduce the impact of a proposal are generally not capable of being VSC. Ultimately, whether any particular combination of factors amounts to VSC will be a matter of planning judgment for the decision-taker. It is notable that NPPF paragraph no. 151 states that in relation to renewable energy projects located in the GB:

*“Such very special circumstances may include the wider environmental benefits associated with increased production of energy from renewable sources”.*

- 6.26 With regard to the NPPF, paragraph 147 states that *'inappropriate development is, by definition, harmful to the Green Belt and should not be approved except in very special circumstances'*. Paragraph 148 goes on to state that, when considering any planning application, local planning authorities *“should ensure that substantial weight is given to any harm to the Green Belt. Very special circumstances will not exist unless the potential harm to the Green Belt by reason of inappropriateness, and any other harm, is clearly outweighed by other considerations”.*
- 6.27 The Planning Statement sets out the applicant's VSC case which is listed and then assessed below:
1. Increasing Renewable Energy Generation
  2. Climate Emergency
  3. Energy Security
  4. Best Available Technology
  5. Good Design
  6. Alternatives
  7. Temporary and Reversible Impacts
  8. Biodiversity Net Gain
  9. Soil Regeneration
  10. Green Infrastructure
  11. Farm Diversification
  12. Transmission Vs Distribution Connection

1. *Increasing Renewable Energy Generation (the Proposed Development would supply up to 49.9MW to the National Grid, providing the equivalent annual electrical needs of approximately 16,100 family homes in Thurrock. The anticipated CO2 displacement is around 23,600 tonnes per annum, which represents an emission saving equivalent of a reduction in c.7,800 cars on the road every year).*

6.28 The applicant considers the creation of renewable energy generation should be afforded significant weight in the planning balance.

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

#### Consideration

6.30 The generation of renewable energy is promoted throughout local and national planning policies. Paragraph 158 of the NPPF confirms that applicants do not need to demonstrate the need for renewable or low carbon energy. Even small-scale projects provide a valuable contribution to cutting greenhouse gas emissions. The NPPF states that commercial scale projects outside of planned areas, need to demonstrate that the proposed location meets the criteria used in identifying suitable areas.

6.31 The proposal is for a large scale solar farm and policy CSTP26 *Renewable or Low-Carbon Energy Generation* states that the Council will promote the delivery of renewable and low-carbon energy developments utilising technology such as solar panels. The policy also states that the Council will view an application as unacceptable where it produces a significant adverse impact that cannot be mitigated, including cumulative landscape or visual impacts (which are addressed below). Nevertheless, in principle it is considered that the provision of a large scale solar farm and the benefits of renewable energy generation can be given significant positive weight in the planning balance.

#### 2. *Climate Emergency*

6.32 In May 2019 a national climate emergency was declared by the UK Parliament. MPs called on Government to make changes that included the setting of a radical and ambitious new target of reaching net zero emissions before 2050. Thurrock Council declared a Climate Emergency in October 2019 which requires that the

Council's activities become net-zero carbon by 2030. The Council recognised the need to consider strategies and actions which are currently being developed by the Council and other partner organisations and develop a strategy in line with a target of net-zero carbon by 2030. The applicant considers that this is afforded substantial weight in the planning balance.

### Consideration

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

### *3. Energy Security*

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

### Consideration

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

### *4. Best Available Technology*

- 6.36 The applicant states that the proposal comprises the latest best available technology that delivers greater levels of solar efficiency by utilising a solar tracking system, together with bifacial panels which, between them increase continuous electrical productivity by 20-25% when compared to traditional fixed solar arrays. This maximises renewable energy production from the site whilst providing security of supply in accordance with Government Policy in reducing the reliance on fossil

fuel generation as back up, thereby avoiding the adverse environmental and climate effects. The applicant considers this should be afforded significant weight in the planning balance.

#### Consideration

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

#### *5. Good Design*

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

#### Consideration

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

#### *6. Alternatives*

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

#### Consideration

- 6.41 In terms of a proposal such as the current application, the planning considerations

are complex and far reaching. The applicant has investigated other sites within the locality and concludes there are no alternative sites which could accommodate the proposal. The solar farm requires a large area for the solar panels themselves and the necessary convenient connection to the grid via a sub-station with sufficient capacity to allow the solar farm to function. In this case, the site would connect to the Rayleigh sub-station located west of Rayleigh and c.7.6km from the application site. This sub-station connects to the National Grid. There are obvious locational factors influencing the siting of solar farm development and so the lack of alternative appropriate sites for a resource such as the proposal should be afforded significant weight. The applicant has secured a connection agreement for the National Grid substation at Rayleigh and the search area for the solar farm is centred on this connection point. Within a 10km radius of this connection the applicant has undertaken a site search based upon:

- available land area;
- free from existing development;
- local plan allocation;
- topography;
- radiance (light) levels; and
- ecological and landscape designations.

Based upon these factors, the applicant considers that the application site is the most suitable and available option.

### *7. Temporary and Reversible Impacts*

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

### Consideration

6.43 The temporary nature of the proposal, albeit for a substantial period of 40 years, is a matter which weighs in favour of the proposal. The solar farm would not have some of the impacts associated with many traditional permanent built development proposals and would be conditioned to return the area back to open land after 40 years. Officers consider this can be afforded some positive weight.

#### 8. *Biodiversity Net Gain (BNG)*

6.44 The applicant sets out a number of biodiversity benefits within the accompanying Landscape and Ecological Management Plan (LEMP Document Ref: R009). The LEMP sets out how the proposal would lead to significant enhancement of the biodiversity of the site. This is demonstrated by the Net Biodiversity Gain Statement contained within the Ecological Appraisal Report (Document Ref. R012) as updated by December 2022, which concludes that there will be a net gain of +28.18% through the implementation of the proposed development. This applicant suggests this factor should be afforded substantial weight in the planning balance.

#### Consideration

6.45 Both the NPPF and Core Strategy Policy PMD7 require, when determining planning applications that local planning authorities aim to conserve and enhance biodiversity by applying a number of principles including the encouragement of opportunities to incorporate biodiversity in and around developments. Although the NPPF currently advises that planning policies and decisions should provide net gains for biodiversity, the specific requirements or metrics for BNG will not be enacted until November 2023. It is expected that a minimum 10% requirement for BNG will apply. As the applicant is proposing a BNG of c.28% this factor should be afforded substantial weight within the planning balance.

#### 9. *Soil Regeneration*

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

The Agricultural Land Classification Report, (ALC report Ref: R014), states the greatest benefits in terms of increase in soil organic matter (SOM), and hence soil organic carbon (SOC), can be realised through land use change from intensive arable to grasslands. Likewise, SOM and SOC are increased when cultivation of the land for crops (tillage) is stopped and the land is uncultivated (zero tillage). Global evidence suggests that zero tillage results in more total soil carbon storage



when applied for 12 years or more. Therefore, there is evidence that conversion of land from arable to grassland which is uncultivated over the long-term (>12 years), such as that under solar farm arrays, increases SOC and SOM. The applicant considers this is afforded moderate weight in the planning balance.

#### Consideration

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

#### *10. Green Infrastructure*

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

#### Consideration

- 6.49 Policy CSSP5 seeks to safeguard biodiversity and create ecosystem opportunities and Policy PMD7 requires significant biodiversity habitat to be retained or if this is not possible, any loss is mitigated. The development would lead to BNG and the green infrastructure corridors would be improved. Therefore, this can factor be afforded moderate positive weight. However, this factor overlaps with the BNG benefits set out above.

#### *11. Farm Diversification*

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

#### Consideration

- 6.51 The adopted Core Strategy does not have any specific policies concerning farm

diversification. The NPPF in *Supporting a prosperous rural economy*, paragraph 84 states *Planning policies and decisions should enable:*

*b) the development and diversification of agricultural and other land-based rural businesses.*

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

*12. Transmission Vs Distribution Connection*

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

Consideration

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

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

<b>Summary of Green Belt Harm and Very Special Circumstances</b>			
<b>Harm</b>	<b>Weight</b>	<b>Factors Promoted as Very Special Circumstances</b>	<b>Weight</b>
Inappropriate development, harm to	Substantial	1. Increasing Renewable Energy Generation	Significant weight

openness and conflict with Green Belt – purpose c.	2. Climate Emergency	Moderate weight
	3. Energy Security	Substantial weight
	4. Best Available Technology	No weight
	5. Good Design	Some weight
	6. Alternatives	Significant weight
	7. Temporary and Reversible Impacts	Some weight
	8. Biodiversity Net Gain	Substantial weight
	9. Soil Regeneration	No weight
	10. Green Infrastructure	Moderate weight
	11. Farm Diversification	Moderate weight
	12. Transmission Vs Distribution Connection	Moderate weight

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

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

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

II. LANDSCAPE AND VISUAL IMPACT

6.57 Landscape and Visual Impact was scoped into the ES. The majority site lies within the ‘Fobbing Marshes’ Landscape Character Area (LCA). This encompasses the low-lying landscape between the Fobbing ridge, Vange Creek and the A1014. A small section of the Site lies within the ‘Fobbing Ridge Rolling Farmland / Wooded

Ridge' LCA - corresponding to the slightly higher land adjacent to Whitehall Farm in the northwest of the site. The LCA occupies the low ridge of higher ground above the marshland landscape between Fobbing and Stanford-Le-Hope. The Landscape and Visual Impact Assessment (LVIA) methodology is considered appropriate.

### Baseline

- 6.58 The principal area of the site occupies the low-lying marshland of the Fobbing Marshes LCA. The topography of the site is flat and low-lying at approximately 2m Above Ordnance Datum (AOD). However, an area of higher land is present in the north-east of the site to the east of Whitehall Farm, rising to approximately 17m AOD. The land has been brought into agricultural use through numerous ditches and irrigation channels that lead to Vange Creek which is protected by flood defences. The area is relatively open although a network of field boundaries, scrubby copses and scrub provide visual screening from within this area.
- 6.59 The Landscape Character Assessment considers the area to be of a high landscape quality. Within the character area are a number of environmental designations, including part of the Essex Coast ESA, that contribute to its value and character. The essentially open and exposed character of Fobbing Marshes and the historic land use pattern within it would be changed by very large scale urban development.
- 6.60 The key characteristics of Fobbing Marshes, which are stated within the Landscape Capacity Study (2005) include:
- Level, low lying and exposed
  - Large scale landscape
  - Extensive areas of grazing marsh enclosed by post and wire fences
  - Absence of settlement and roads
  - Sense of wildness and remoteness
  - Network of winding ditches
  - Wide sweeping views dominated by sky
  - Confusion of vertical structures to the south of the character area

### Impact

- 6.61 The character of the application site is that of a low-lying and expansive fenland landscape, therefore the Zone of Theoretical Visibility (ZTV) is large. However, given the relatively low height of the solar arrays and associated structures, the Zone of Visual Influence (ZVI) itself is smaller, this is agreed by the Council's Landscape and Ecology Advisor, as shown in Figure 6.4 (Document R008).
- 6.62 The existing hedges and landscape patterns would aid the accommodation of development such as a solar farm into the landscape, due the low heights of the various elements. Nonetheless, at 134 hectares, this is a large scale development and therefore the landscape sensitivity would be higher. While the effects on landscape character are localised, it is accepted that the scheme would have large scale effects both within the site and to the immediate surroundings. This is a fundamental change from an agricultural landscape to a solar farm and would be a new feature in a predominantly rural landscape.
- 6.63 The Landscape Character Assessment concludes that the effects on the landscape character of Fobbing Marshes would be 'Moderate Adverse'. The Assessment has unfortunately not referred to this area being the largest remaining area of coastal marshland landscape within the Borough, which is an omission. Although the site is principally in arable use, it still retains its open character. Those walking through it or viewing across still experience the long views that are a key part of the character of the area. While there are views over London Gateway to the south and Vange to the north, the Fobbing Marshes still retain an undeveloped character which is limited within Thurrock. The Council's Landscape and Ecology Advisor has stated that therefore that the effects on this local landscape character would be significant.
- 6.64 The assessment of visual effects recognises that there will be large scale adverse effects experienced by those using the public rights of way running through and close to the site. The effects experienced from Fobbing High Road are assessed to be large scale / Medium Adverse in the Medium term until new planting develops.
- 6.65 The Council's draft Landscape Sensitivity Evaluation considered that solar farms over 5ha would have a moderate sensitivity, which would increase with scale. This scheme is significantly larger and therefore it is considered that the sensitivity would be at the highest end of moderate. Nonetheless, it is accepted that the design has sought to consider changes in topography, existing hedges and other features to reduce effects.

#### Mitigation

- 6.66 There are a number of mitigation measures within the proposal to address landscape and visual impacts. The existing tree and hedgerow field boundaries would be retained within and around the site, with the solar farm development

confined to individual field parcels to ensure it is well integrated into the landscape and provide screening. There would be new planting along the boundaries of the site to filter, screen, help integrate the development into its landscape context. Boundaries along the site's perimeter would be enhanced where necessary, by planting British-native species appropriate to local surrounding flora. Public rights of way have also been retained, with proposed enhancements including the provision of a more appropriate alternative route for the Thames Estuary Path within the Site using the existing farm track. The development would be offset from the eastern boundary to avoid potential impacts to ground nesting birds within the RSPB Vange Marsh Nature Reserve. The Landscape and Ecology Management Plan (LEMP – document R009) details the short and long term management of new and existing habitats. The objective of the LEMP is to help integrate the development into its surrounding landscape, minimise potential negative visual and landscape impacts (in so far as possible) and enhance the existing landscape structure, amenity value and biodiversity.

- 6.67 The Council's Landscape and Ecology Advisor concludes *'There are few sensitive receptors close to the site that would experience the most significant effects. The revisions to the scheme and the additional mitigation measures together with new tree and hedge planting on farm separate to this application. On balance therefore I do not object to the scheme on landscape grounds.'*

#### Residual Impact

- 6.68 The LCA considers the area to be remote with wide sweeping views dominated by sky. This scheme would not generate noise or traffic (apart from for construction and removal) and will be unlit. It is considered therefore that it would not adversely affect these qualities. Guidance to conserve and enhance character includes preserving and enhancing the network of hedgerows and scrub and wildflower planting. The design and mitigation measures have sought to deliver these enhancements.
- 6.69 The Council's Landscape and Ecology Advisor stated *'The landowner has undertaken additional tree and hedge planting across the farm which will provide further mitigation of the visual effects of the proposal from the High Road as it matures. I consider that the revisions to the layout of the scheme, together with the changes that are being undertaken on the wider farm means that over time the landscape and visual effects will be better mitigated. The Landscape Amendments Briefing Note acknowledges that these layout changes will not result in changes to the conclusions of the LVIA prepared as part of the ES. The scheme will still have Major-Moderate Adverse landscape and visual effects within close proximity of the site, but the effects diminishing quickly with distance. During a recent site visit, it*

*was clear that the layout has sought to make use of the surrounding topography and vegetation to lessen the effects.'*

- 6.70 The proposal is within an undeveloped part of Thurrock, which is unfortunate. The design and mitigation methods put forward have sought to reduce harm and restore and enhance landscape features. When balancing the landscape and visual effects with the need to produce cleaner energy it is not considered that objection to the scheme on landscape and visual grounds could be substantiated.

### III. ECOLOGY

- 6.71 Biodiversity Impact was scoped into the ES. Vange and Fobbing Marshes SSSI is located adjacent to the southern boundary of the site. Vange and Fobbing Marshes lie on the alluvial plain of the lower River Thames. Ecological surveys were undertaken to support the application.

#### Baseline

- 6.72 The unimproved coastal grassland and associated dykes and creeks support a diversity of maritime grasses and herbs. Many of these species are nationally uncommon or rare, and together form an outstanding assemblage of plants. Significant numbers of redshank (*Tringa tetanus*) breed on the pastures, while short-eared owls (*Asio flammeus*) frequently hunt along the sea walls during the winter. Holehaven Creek SSSI is located 300 m east of the Application Site (less the cable connection corridor). The intertidal mudflats and saltmarsh habitats of Holehaven Creek support a nationally important number of black-tailed godwit (*Limosa limosa islandica*). This species also regularly occurs in numbers of international importance. In addition to this, there are a number of features that are important within the context of the Thames Estuary. For example, the site regularly supports an assemblage of over 8,000 waterfowl during the winter, with curlew (*Numenius arquata*) and dunlin (*Calidris alpina*) occasionally occurring in nationally important numbers. Furthermore, Holehaven Creek supports two of the three basic saltmarsh communities characteristic of south-east and east England.

#### Mitigation

- 6.73 A Technical Note has been prepared by the project ecologists, following meetings and advice from Natural England, which looks specifically at minimising effects on non-breeding waterbirds. Natural England highlighted lapwing, widgeon and teal for particular attention. A key issue was to ensure that there was a sufficiently large buffer between upstanding features on-site and the main mitigation area. Natural England calculated that an area of at least 3.8 hectares was required to provide separation. Surveys established that the buffer should be at least 50m for the three

species. The scheme layout was amended to enable the eastern half of Field 4 to be kept free of panels. The waterbird mitigation land totals 5.5 hectares and adjoins land managed by the RSPB for waterbirds. There are no public rights of way through the area. The mitigation land will be enhanced by the creation of shallow water areas which are of value for widgeon and teal in particular. Construction would be timed to ensure that no works would be undertaken within 100m of the area during November to February inclusive when non-breeding birds are likely to be present. Summary management requirements have been provided.

### Residual Impact

- 6.74 Following re-consultation both Natural England and Essex Wildlife Trust have removed their in-principle objections, subject to the mitigation and management measures being secured through condition. The RSPB has questioned if further survey work are required to better understand the usage of the site by non-breeding waders; however they have not objected to the revised scheme, noting Natural England's position. Having reviewed the additional information, the revisions to the layout and the proposed mitigation, the Council's Ecology Advisor does not object to the proposal on ecology grounds subject to the mitigation and management measures being secured by condition. Given the sensitivity of the site, they recommend that a Construction Environmental Management Plan be prepared to detail the working practices, including timings of operations in sensitive locations. This can be controlled by condition.
- 6.75 A Habitat Regulations Assessment (HRA) was required, as there are European designated sites that are located within the 5 km study area comprising:
- Thames Estuary and Marshes SPA (located 3 km south of the site)
  - Thames Estuary and Marshes Ramsar site (located 3 km south of the site)

To enable a competent authority (in this case the local planning authority) to undertake its Habitat Regulations Assessment (HRA) the developer of the project being assessed is required under Regulation 63(2) to provide such information necessary for undertaking the HRA. The report to inform the HRA (BSG 2022) fulfilled that requirement and has been used as the basis for the HRA. The Council's Landscape and Ecology Advisor considered that the proposal needed to be subject to an HRA. The Council's Landscape and Ecology Advisor has concluded *'that the Proposed Development, alone and in-combination with other projects, will not affect the achievement of the conservation objectives for the European Sites and there is no adverse effect on the integrity of the European Sites and their interest features.'*



#### IV. ARCHAEOLOGY

- 6.76 Cultural Heritage Impact was scoped into the ES. The Historic Environment Record (HER) shows that the proposed development lies within an area of known archaeological deposits. Within the development site a cropmark has been recorded (HER 48546) of an Iron Age/Roman redhill (a salt-making site). A recent geophysical survey carried out in advance of, and attached to, this planning application has confirmed this interpretation and additionally identified another redhill, and the remains of further features associated with salt production, within the proposed development area. Salt was a valuable and rare resource in antiquity and its production an important industry, and it is likely other archaeological remains relating to this industry survive on the development site. The geophysical survey also identified deep sediment sequences that may be of significant geoarchaeological importance. These layers may contain silty deposits or peat layers, which can be of considerable value for understanding environmental change. Additionally, as the geophysical report submitted with the application notes, *“the wetland environment and deep deposition can also lead to the exceptional preservation of archaeological material”*.
- 6.77 The sunken road of Marsh Lane is within the boundaries of the development site (HER 18783). Sunken roads are medieval/post-medieval routeways that have developed over centuries of use (hence their sunken nature), and the possibility exists for settlement or agricultural remains of a medieval or post-medieval date to survive adjacent to or in proximity to this road. Evidence of ridge and furrow agriculture (a uniquely medieval technique) also exists within the development site (HER 18782). The south of the development site lies within the extent of the Fobbing and Vange Marshes (HER 48407), and the HER records these in detail. They had been reclaimed by the time of the Chapman and Andre map of 1777, and parts are likely to be 17th century in origin. Sea walls visible on the 1st edition OS map still survive in the area, and a recent excavation of one produced medieval pottery. Further earthworks are visible to the east of the site, including more possible late Iron Age or Roman redhills, two ditched earthwork mounds probably representing livestock enclosures, and a raised trackway linking Vange Wick Farm to the village of Vange. To the south-west of the development site are cropmarks of a possible henge monument, further suggesting prehistoric activity in the vicinity (HER 7227). More recent heritage assets include cropmarks and earthworks of WWII anti-glider ditches that have also been identified both within the development site and also immediately to the east (HERs 14752, 14762). Directly to the south of the development is a World War II bombing decoy, which has been designated a Scheduled Monument (NHLE no 1020489, HER 10328).
- 6.78 It is clear from the above evidence that significant archaeological remains may survive on the development site, ranging in date from prehistoric to early 20th -

century. Notwithstanding the above, the Council's Archaeological Advisor has confirmed they do not object subject to the inclusion of a condition for an archaeological programme of trial trenching followed by discussion on preservation or open Area excavation of any deposits identified.

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

- 6.79 The highways issues relating to this development proposal are predominantly for the construction and the decommissioning phases of the development. The construction vehicle access point is from High Road, Fobbing. The construction vehicles would access and leave the site via an existing agricultural access to the south of Whitehall Lane, opposite the property 'Silver Springs'. The access track will be widened to the south to ensure that vehicles do not conflict with an existing telegraph pole and existing trees, which are located to the north of the access.
- 6.80 The applicant has confirmed there would be an average of 8 HGVs per day (16 two-way movements) during the construction phase of approximately 30 weeks. There would be a *worse case scenario* total of 1,095 HGV movements (2,190 two way movements) for the solar element and 144 HGV movements (288 two way movements) for the battery storage. The operational period would require a small number of vehicular movements; it is likely there would be two LGV movements a month. The designated route requires all construction vehicles to access the Site via the A13 junction with the A176 and High Road. From this junction, construction vehicles would continue south along High Road for approximately 1.2 kilometres to the site access. When departing the site, construction vehicles would route north via High Road to access the A13/A176 junction.
- 6.81 The timings of the HGV movements would, where possible, be coordinated to avoid construction vehicle movements during the traditional AM peak hour (08:00-09:00) and PM peak hour (17:00-18:00). Due to the Site construction working hours (08:00-18:00), construction worker travel will occur outside of the peak hours.
- 6.82 It is concluded that, subject to planning conditions, construction traffic associated with the proposal would not have a material effect on the safety or operation of the local highway network.

#### VI. AGRICULTURAL LAND CLASSIFICATION

- 6.83 The Planning Practice Guidance (PPG) identifies a number of factors which should be taken into account by local planning authorities when determining applications for large-scale PV solar farms, including encouraging the effective use of land by focussing large scale solar farms on previously developed and non-agricultural land, provided that it is not of high environmental value. The PPG highlights that

best quality agricultural land (Grades 1, 2 and 3a) should be preserved with preference being given to areas of lower quality land (Grades 3b, 4 and 5).

- 6.84 Based on the submitted site-specific Agricultural Land Classification report, all the land within the proposal is classified as grade 3b. The findings of the detailed report show that the land is capable of being developed as a solar farm as its temporary loss will not adversely affect agricultural productivity in the area. The DCLG publication 'planning practice guidance for renewable and low carbon energy' (July 2013), recognises that solar farms are temporary structures. At the end of the 40 year period of the panels being in place, the land would be restored to its existing agricultural use and this will be controlled by a condition. In these circumstances, there are no planning objections to the temporary loss of lower quality agricultural land.

## VII. EFFECT ON NEIGHBOURING PROPERTIES

- 6.85 The site is rural in nature and there is over 300m between the site boundary and the nearest residential properties. The Council's Environmental Health Officer has confirmed that in terms of noise they do not consider the proposal would lead to any unacceptable noise to any sensitive receptors.
- 6.86 The glint and glare from the solar panels is of little consequence. They are made up of silicon-based PV cells that are encased in a glass covering. Glass does not have a true specular reflection but does reflect a certain magnitude of light. The manufacturers of the panels use anti-reflective coating in the glass that changes the reflectivity from specular distribution to diffuse distribution. Therefore, as light falls onto the solar panels, most of the sunlight is transmitted to the cell beneath the glass with only a small amount reflected back in a multiple of angles and magnitudes. The result is an object that is perceived to have very little glare.

## VIII. FLOOD RISK

- 6.87 Most of the site lies within Flood Zone 3a, the high risk zone. The Environment Agency have confirmed a solar farm is considered to be an 'essential infrastructure' land use as set out in Table 2: Flood Risk Vulnerability Classification of the Planning Practice Guidance. It is therefore necessary for the application to pass the Sequential and Exception Tests, which is the responsibility of the Council. The Environment Agency do not object to the proposal on flood risk zones, subject to the application of these tests.

### Sequential Test

- 6.88 The proposal has to be in its proposed location due to the available capacity in the national grid in the area, owing to its proximity to the electricity distribution station to the north east of the site. Additionally, there are no known available sites of 134 hectares which are located wholly within an area of lower flood risk. Therefore, it is considered that the Sequential Test is passed.

#### Exception Test

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

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

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

- 6.90 The solar panels would be elevated on framework at least 0.8m above ground level, and, therefore, would not impede any surface water flowpaths or displace any ponding of surface water. The Flood Risk Assessment demonstrates that the development would not result in any increase in flood risk off-site or it increase flood risk on-site. The benefits of producing renewable energy as well as the wider sustainability benefits set out above (BNG etc.) are considered to outweigh the flood risk. Therefore, the proposal is considered to pass the exception test.
- 6.91 In terms of surface water drainage, the EA’s risk of flooding from surface water mapping shows the majority of the site has a very low risk of flooding from surface water.

#### IX. BUILT HERITAGE ASSETS

- 6.92 The Council’s Historic Buildings Advisor has advised that the

*‘A review of the Zone of Theoretical Visibility (ZTV) and the views provided in the Landscape and Visual Assessment (LVIA) demonstrates that whilst there is the potential for a visual impact to a number of the assessed heritage assets, this would not result in harm to the significance of a number of the heritage assets. However, it is considered there would be low levels of harm to Fobbing Conservation Area as well as the non-designated heritage assets.’*

- 6.93 The development proposed would not have an unacceptable impact on the setting of the designated heritage assets and would not result in harm to their significance.

The development would result in less than substantial harm to the Conservation Area and this harm should be weighed against the public benefits of the proposed development, in line with local policies and Paragraph 201 of the NPPF. Therefore, it is considered any effect to built heritage assets are outweighed by the public benefits of cleaner energy generation, BNG etc.

#### X. CONTAMINATED LAND

- 6.94 Part of the application site is on a former landfill. The Council's Environmental Health Officer has advised that a watching brief for unexpected contamination should be maintained throughout the groundworks. Should contamination be encountered work should stop and a method for its assessment and mitigation will need to be submitted to the local planning authority before groundworks can resume.

#### XI. EIA MATTERS

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

### 7.0 CONCLUSIONS AND REASONS FOR APPROVAL

- 7.1 The proposals would comprise inappropriate development in the GB. Furthermore, the proposed development would lead to a loss of openness and would be harmful to purposes (b) and (c) of including land within the GB. Substantial weight should be attached to this harm in the balance of considerations.
- 7.2 The applicant has cited a number of factors which are promoted as benefits which outweigh the harm to the GB. It is considered that significant weight should be attached to the benefits of providing renewable energy, including the reduction in

carbon emissions. The temporary nature of the development attracts some weight and weight can also be attached to the economic, social and environmental benefits of the proposals. On balance, it is concluded on this point that the benefits of the proposals clearly outweigh the substantial harm to the GB described above such that very special circumstances exist, and therefore a departure from normal GB policies is justified.

- 7.3 There are no objections to the proposals on the grounds of impact on amenity, heritage assets, flood risk or the surrounding highways network. The proposals also have the potential to provide benefits to ecology in the form of habitat creation and the proposals would ensure the eventual continued agricultural use of the land. Finally, the proposals would result in some adverse impacts on landscape and visual receptors. However, revisions to the layout of the scheme have reduced the magnitude of the impact and, subject to mitigation, the residual impacts on these receptors would be within acceptable limits.

## 8.0 RECOMMENDATION

- 8.1 The Committee is recommended to:

### Recommendation A:

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

### Recommendation B:

Approve the application for the reasons set out in this report 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, the following conditions:

### **TIME LIMIT**

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

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

**PLANS LIST**

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

<b>Plan Number(s):</b>		
Reference	Name	Received
2033/D001.1 Revision v.k	Site Location Plan 1 of 6	1 October 2021
2033/D001.2 Revision v.k	Site Location Plan 2 of 6	1 October 2021
2033/D001.3 Revision v.k	Site Location Plan 3 of 6	1 October 2021
2033/D001.4 Revision v.k	Site Location Plan 4 of 6	1 October 2021
2033/D001.5 Revision v.j	Site Location Plan 5 of 6	1 October 2021
2033/D001.6 Revision v.j	Site Location Plan 1 of 6	1 October 2021
SK01 Revision C	High Road Access Junction Arrangement	23 September 2021
FO3.0 REV.02	PV Elevations	23 September 2021
FO3.1 REV.02	PV Elevations Ballast Foundation	23 September 2021
FO4.0 REV.01	Inverter/Transformer Stations	23 September 2021
FO5.0 REV.01	Internal Access Road Detail	23 September 2021
FO6.0 REV.02	Fence and Gate Elevations	23 September 2021
FO7.0 REV.01	Weather Station Detail	23 September 2021
FO8.0 REV.01	Substation Elevations	23 September 2021
FO9.0 REV.01	Control Room Elevations	23 September 2021
FO10.0 REV.01	Auxiliary Transformer	23 September 2021
FO11.0 REV.01	CCTV Elevations	23 September 2021
FO12.0 REV.01	Battery Container Elevations 40ft	23 September 2021
FO13.0 REV.01	Storage Container Elevations 40ft	23 September 2021
FO14.0 REV.01	Battery Fence and Gate Elevations	23 September 2021
FO15.0 REV.01	Cable Trough	23 September 2021
7428_100 REV E	Landscape and Ecology Enhancement Plan	5 December 2022
FO2.0 Rev 19	Proposed Site Plan	5 December 2022
FO2.0 Rev 19	Proposed Site Plan Showing Reduced Fence Area	5 December 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].

### **TEMPORARY PERIOD AND DECOMMISSIONING**

3. Planning permission is hereby granted for a temporary period of 40 years from the first commercial export of energy. No later than one week before the first commercial export of energy the applicant shall supply written notice of the first commercial event. On the 40<sup>th</sup> anniversary of the first commercial export of energy the use shall cease. Prior to the 40<sup>th</sup> anniversary of the first commercial export of energy the solar panels and all ancillary equipment and structures shall be decommissioned and removed from the site in accordance with the Decommissioning Method Statement agreed pursuant to Condition 4.

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

### **DECOMMISSIONING METHOD STATEMENT**

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

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

### **CONSTRUCTION PERIOD**

5. The construction period shall be no more than 30 weeks unless otherwise agreed in writing by the local planning authority. Notice of commencement of the development must be given to the local planning authority in writing no less than one week before commencement.



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

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

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

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

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

7. No construction works shall commence until a Construction Environmental Management Plan [CEMP] has been submitted to and approved in writing by the local planning authority in writing. The CEMP should contain or address the following matters:
- (a) Details of construction any access or temporary access, and details of temporary parking requirements;
  - (b) Location and size of on-site compounds [including the design layout of any proposed temporary artificial lighting systems];
  - (c) Details of any temporary hardstandings;
  - (d) Details of temporary hoarding;
  - (e) Contact details for site managers including information about community liaison including a method for handling and monitoring complaints;
  - (f) Wheel washing facilities; and
  - (g) Days and hours of construction activities;
  - (h) Detail outlined in the “Technical Note following consultation with Natural England” dated 19 August 2022) detailing how the timing/phasing of construction of the solar array will minimise disturbance to SPA birds

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**

8. HGV movements from the site shall be limited to a maximum of 16 two-way movements per day (8 in and 8 out movements). A log of HGV movements shall be kept and submitted to the local planning authority for review upon written request. This log shall record details of the registration, origin, destination and operators of each HGV entering and leaving a plot within the site and the time of such movements.

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

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

9. The landscape and ecological mitigation measures and schemes within the LEMP (document R009 Landscape and Ecological Management Plan and plan number 7428\_100 Revision E – dated 01.12.2022) shall be implemented in full in accordance with the approved program with the new planting carried out in the first available planting season after the commencement of the development unless otherwise agreed in writing by the local planning authority and shall be maintained as approved for the duration of the approved development. Any trees or plants, which within a period of five years from the completion of the development die, are removed or become seriously damaged or diseased, shall be replaced in the next planting season with others of a similar size or species unless the local planning authority approves alternatives in writing.

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

### **ECOLOGICAL MANAGEMENT PLAN – WATERBIRD MIGRATION LAND**

10. An Ecological Management Plan setting out the details of the creation, ongoing management and monitoring of the “waterbird mitigation land” (which reflects the detail outlined in the “Technical Note following consultation with Natural England” dated 19 August 2022) as shown on Drawing No. 7428\_100, shall have been

approved by the local planning authority in writing prior to the creation of the “waterbird mitigation land” and shall have been subject to prior consultation with Natural England. The mitigation land shall have been created and brought into suitable condition prior to the installation of any part of the solar array shall then be retained, as approved, unless otherwise agreed in writing by the Local Planning Authority.

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

### **ACCORDANCE WITH ENVIRONMENTAL STATEMENT**

11. The development hereby permitted shall be carried out in accordance with the recommendations and mitigation measures contained with the Environmental Statement and schemes submitted with the application.

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

### **CONTAMINATED LAND**

13. 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. Work on site must stop and 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 before works can recommence. 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].

## **ARCHAEOLOGICAL WORK AND MITIGATION**

13.

- a. No development or preliminary groundworks shall commence until a programme of archaeological trial trenching has been secured and undertaken in accordance with a Written Scheme of Investigation which has previously been submitted by the applicant and approved by the local planning authority
- b. A mitigation strategy detailing the excavation/preservation strategy for any archaeological deposits shall be submitted to the local planning authority following the completion of this work.
- c. 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 previously approved by the local planning authority in consultation with its historic environment advisors.

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

## **ARCHAEOLOGY – POST EXCAVATION ASSESSMENT**

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

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

## **EXTERNAL LIGHTING/SECURITY MEASURES**

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

Reason: In the interests of amenity and ecology and biodiversity and to ensure that

the development can be integrated within its immediate surroundings in accordance with Policies PMD1 and PMD2 and PMD7 of the adopted Thurrock LDF Core Strategy and Policies for the Management of Development [2015].

### **DETAILED BATTERY SAFETY MANAGEMENT PLAN (DBSMP)**

16. No implementation any of the battery energy storage systems (BESS) shall commence until a Detailed Battery Safety Management Plan (DBSMP) has been submitted to and approved in writing by the local planning authority. The BESS operation on site shall only take place in accordance with the approved DBSMP.

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

### **Informative(s)**

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

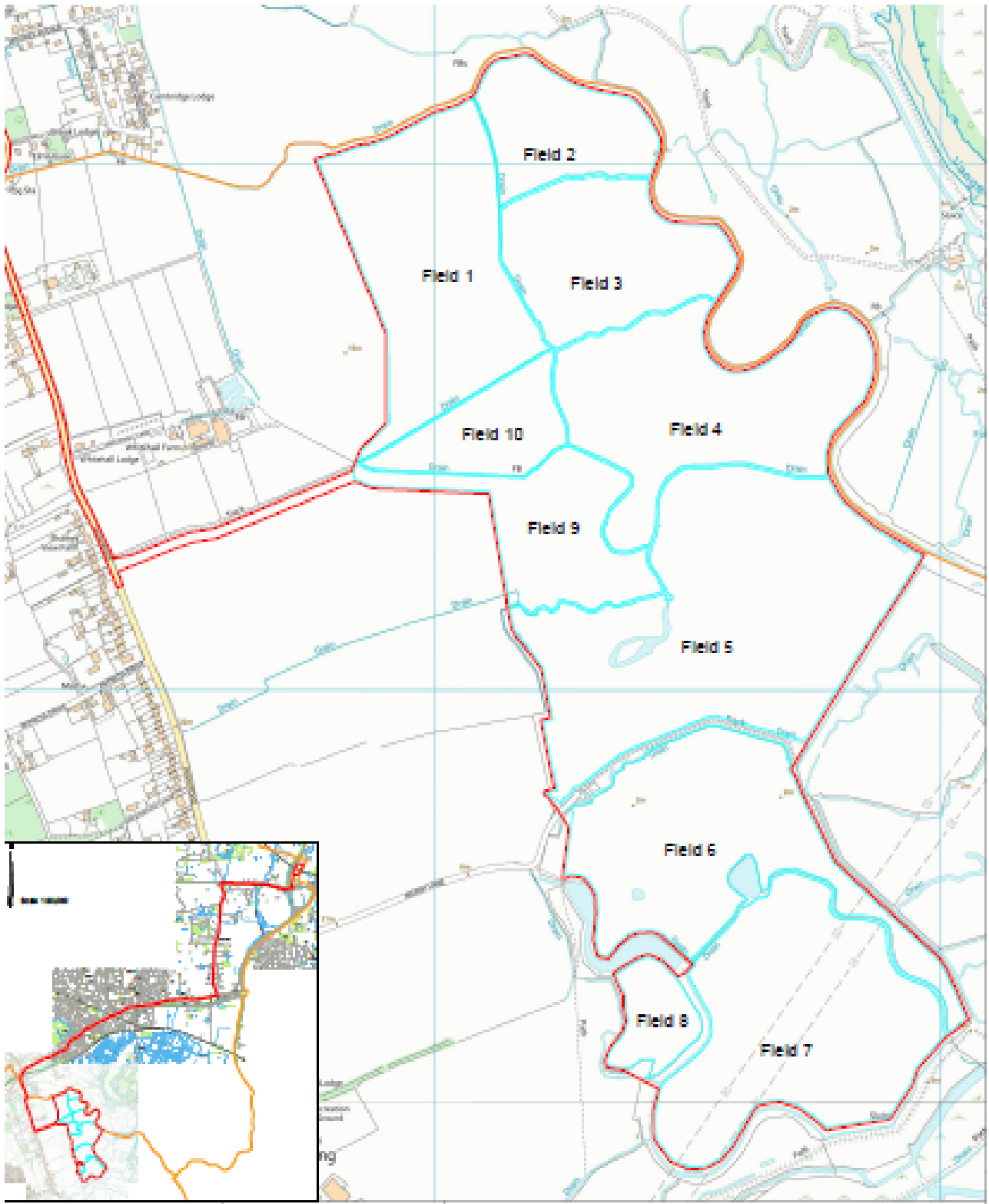
The Local Planning Authority has acted positively and proactively in determining this application by identifying matters of concern within the application (as originally submitted) and negotiating, with the Applicant/Agent, acceptable amendments to the proposal to address those concerns. As a result,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

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

### **Documents:**

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

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



<b>Reference:</b> 22/01682/TBC	<b>Site:</b> Land at Former Library and Public Hall Purfleet Road Aveley Essex
<b>Ward:</b> Aveley And Uplands	<b>Proposal:</b> Construction of 16 x one and two bedroom affordable apartments in two buildings: a two-storey building fronting Purfleet Road and an L-shaped two/three storey building to the rear of the site with associated landscaping and parking

<b>Plan Number(s):</b>		
Reference	Name	Received
21-815 - 001 - REV. A	Site Location Plan/ Block Plan	16 December 2022
21-815 - 020 - REV. D	Proposed Site Plan	16 December 2022
21-815 - 021 - REV. A	Proposed Roof Plan	16 December 2022
21-815 - 025 - REV. C	North block, Ground Floor Plans	16 December 2022
21-815 - 026 - REV. C	North block, First and Second Floor Plans	16 December 2022
21-815 - 027 - REV. C	South block, Floor Plans	16 December 2022
21-815 - 030	North block, Elevations	16 December 2022
21-815 - 031	South block, Elevations	16 December 2022
21-815 - 035	Proposed Street Elevations	16 December 2022
21-815 - 040	Proposed Site Sections	16 December 2022
AV-FLOH-XX-SW-DR-E-60-0001_P05	Proposed External Lighting Strategy	16 December 2022
AVE-LLA-ZZ-00-DR-L-0001-P02	Landscape Masterplan	16 December 2022
AVE-LLA-ZZ-00-DR-L-0101-P04	Detailed Hard Landscaping Proposals	16 December 2022
AVE-LLA-ZZ-00-DR-L-0201-P01	Detailed Planting Proposals	16 December 2022
AVE-LLA-ZZ-00-DR-L-0301-P01	Landscape Specifications and Details	16 December 2022
220910-GSL-ZZ-XX-DR-C-7001 REV. 3	Preliminary SUDS Plan	16 December 2022
L9220/1 REV 1	Topographical Survey	16 December 2022

The application is also accompanied by:

- Application Form
- Arboricultural Assessment, ref: RA204, Roberts Arboriculture Ltd. 10 Dec 2022
- Daylight and Sunlight Report, ref: CR/RC/ROL00959, Anstey Horne, Nov 2022
- Ecology Appraisal, Plumb Associates, May 2019
- Energy Statement, ref: F2307AL-RP-001 ES Rev.01, FLOH Consulting Ltd. issued 12 December 2022
- Flood Risk Assessment & SUDS Report, Version 4, Graphic Structures, Dec 22
- Statement of Community Involvement, Counter Context Ltd., 2022
- Sustainability Statement, ref: F2307-AL-RP-002\_SS Rev.01, FLOH Consulting Ltd. issued 12 December 2022
- Transport Statement, ref: 31338/D1A, Transport Planning Practice, Dec 2022
- Applicant’s response to Highways Comments, ref. 31338/D02, January 2023

**Applicant:**  
Thurrock Council

**Validated:**  
16 December 2022  
**Date of expiry:**  
17 March 2023

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

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

**1.0 DESCRIPTION OF PROPOSAL**

1.1 The proposal is for two buildings which would provide 16 residential units which would be affordable. There would be a L-shaped building to the rear of the site which would be part two/part three storey and a two-storey building to the frontage on Purfleet Road. There would be associated car parking, cycle store, bin store, landscaping and amenity space.



**2.0 SITE DESCRIPTION**

- 2.1 The site area is 0.26 Hectares and a reverse L-shape, being narrower at the vehicle entrance to Purfleet Road and wider to the rear of the site. The entrance to the site where the former Library fronted the road is approximately 27m wide. The site then widens a further 25m into the site extending to the west behind the adjacent public house. To the east is a petrol station, on the corner between Purfleet Road and Mill Road.
- 2.2 The north west edge of the site adjoins the end of Manor Close South, its parking area and turning space. The closest dwellings to the site are 7 and 47 Manor Close South to the north west and west of the site.
- 2.3 The majority of the site is existing hardstanding and the concrete slabs which remain from the Library and Hall. Along the boundaries there are some trees and planting, particularly the line of trees to the south boundary with the pub.
- 2.4 There is a gentle slope from north to south with a ground level difference of around 2m from the highest point north west to the site entrance on Purfleet Road. The site boundaries are defined by a mixture of brick walls, concrete panel fences and metal palisade. A red brick wall separates the petrol station to the east, with concrete fencing beyond following the site boundaries to the north and west. The south boundary with the pub has a brick retaining wall with palisade fence on top with around 800mm level difference.

**3.0 RELEVANT HISTORY**

3.1 There is the following relevant planning history:

Application Reference	Description of Proposal	Decision
22/30088/PMAJ	Request for pre-application planning advice: 16no. affordable dwellings with associated parking and landscaping	Advice Given
21/01493/DMI	Demolition of former single storey library and public hall buildings	Prior Approval Granted (and buildings demolished February 2022)

#### **4.0 CONSULTATIONS AND REPRESENTATIONS**

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

##### **PUBLICITY:**

4.2 This application has been advertised by way of individual neighbour notification letters, newspaper advertisement, and public site notice which has been displayed nearby. There were four comments of objection received. The matters raised were:

- Lack of doctors in the locality already;
- Loss community facilities – halls and smaller library;
- Extra traffic;
- Overlooking property;
- Excessive pollution;
- Noise from residents and build;
- Car parking imposing on local residents;
- Out of keeping with the area;
- Location between a pub and petrol station is not ideal;
- Potential amenity impact for future occupiers given location.

4.3 **EDUCATION:**

No contribution required.

4.4 **EMERGENCY PLANNING:**

No objections.

4.5 **ENVIRONMENTAL HEALTH:**

No objections, subject to a Construction Environment Management Plan (CEMP).

**4.6 FLOOD RISK MANAGER:**

No objections, subject to a condition for a surface water drainage strategy.

**4.7 HIGHWAYS:**

No objection.

**4.8 LANDSCAPE & ECOLOGY:**

No comments received

**4.9 NHS MID AND SOUTH ESSEX:**

Request that the sum of £8,100 be secured through a planning obligation.

**4.10 ESSEX POLICE:**

Recommends that the relevant Secured by Design accreditation is achieved.

**4.11 THAMES WATER**

No objections.

**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 date<sup>1</sup>, granting permission unless:
  - i. the application of policies in this Framework that protect areas or assets of particular importance provides a clear reason for refusing the development

proposed<sup>2</sup>; or

- ii any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in this Framework taken as a whole.

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

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

5.2 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
- 15. Conserving and enhancing the natural environment

#### National Planning Practice Guidance (PPG)

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

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

- Housing: optional technical standards
- Renewable and low carbon energy
- Travel plans, transport assessments and statements in decision-taking
- Use of Planning Conditions

### **Local Planning Policy**

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

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

#### OVERARCHING SUSTAINABLE DEVELOPMENT POLICY:

- OSDP1: Promotion of Sustainable Growth and Regeneration in Thurrock

#### SPATIAL POLICIES:

- CSSP1: Sustainable Housing and Locations

#### THEMATIC POLICIES:

- CSTP1: Strategic Housing Provision
- CSTP2: The Provision Of Affordable Housing
- CSTP10: Community Facilities
- CSTP22: Thurrock Design
- CSTP23: Thurrock Character and Distinctiveness

#### POLICIES FOR THE MANAGEMENT OF DEVELOPMENT

- PMD1: Minimising Pollution and Impacts on Amenity
- PMD2: Design and Layout
- PMD8: Parking Standards
- PMD9: Road Network Hierarchy
- PMD10: Transport Assessments and Travel Plans
- PMD13: Decentralised, Renewable and Low Carbon Energy Generation
- PMD16: Developer Contributions

#### Thurrock Local Plan

- 5.5 In February 2014 the Council embarked on the preparation of a new Local Plan for the Borough. Between February and April 2016 the Council consulted formally on

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

### Thurrock Design Strategy

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

## **6.0 ASSESSMENT**

6.1 The assessment below covers the following areas:

- I. Principle of the development
- II. Design and layout and impact upon the area
- III. Amenity space and living standards
- IV. Traffic impact, access and car parking
- V. Effect on neighbouring properties
- VI. Flood risk/drainage
- VII. Renewable energy
- VIII. Planning obligations

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

6.2 The application site is situated in a relatively central location within Aveley, although outside the specific shopping centre or parade designations. The site has no formal plan allocation but previously there was a library and public hall on the site. These buildings were both demolished in February 2022.

- 6.3 Core Strategy Policy CSTP10 (Community Facilities), seeks *‘to provide and maintain existing provision for community facilities to contribute towards meeting the varied needs of local people.’* The Library and Hall were constructed in the 1960s/ 70s but become outdated after at least 50 years of use. A new facility, the Community Hub, was constructed in 2019 and opened in early 2020. This new facility provides a Library, café and multi-use space, located at the recreational ground, accessed from the High Street, with connected outdoor facilities. The new community hub effectively made the previously existing buildings redundant. Consequently, it is considered that the proposal would not be in conflict with Policy CSTP10 with regards to the provision of community facilities.
- 6.4 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. This site clearly constitutes previously developed land. Policy CSTP1 seeks a density of at least 60 dwellings per hectare on regenerated sites such as this, which is met. Alongside the above, where a Council cannot demonstrate a 5 year housing supply there is a presumption in favour of residential development with the NPPF. Thurrock’s current 5 year land supply is less than 5 years.
- 6.5 In light of the above, the principle of the development is considered to be acceptable, complying with national and local planning policies.

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

- 6.6 The proposal is within a built-up area and therefore the impact is of utmost importance. The building facing directly onto Purfleet Road has been sited further northwards to ensure the flank gable end of the adjacent public house is not lost within the street scene.
- 6.7 The proposal put forward is considered a quality modern design with balconies built into the building and large windows, which would enable the development to both fit in with and benefit the area. The previous buildings at the site were of low level and in the case of the hall to the rear, of flat roof design and with a somewhat utilitarian style.
- 6.8 There are few trees or other landscape features presently on the site. The lack of existing habitat features means that the site has negligible ecological value. The proposals would include new landscaping fronting Purfleet Road which would be a

positive enhancement of the streetscape. A 'shared landscape space' is shown between the retained trees and new houses. This will be very important space, alongside this, each unit has a private patio or balcony area.

- 6.9 The buildings are considered acceptable to the appearance and character of the street scene and immediate area. Accordingly, the proposal is considered to meet the aims and objectives of the NPPF and policies CSTP22, CSTP23 and PMD2 of the Core Strategy

### III. AMENITY SPACE AND LIVING STANDARDS

- 6.10 The internal floor area of the units exceed the minimum requirements of the Local Plan Annex of 45sqm/55sqm for a one/two bed unit. The units have an internal floor area of 50sqm for a one bed and 70sqm for the two bed units. The internal sizing of the apartments would be considered acceptable for one/two bed roomed flats.
- 6.10 The levels of natural light and a ventilation to properties would be acceptable with adequate window/door coverage.
- 6.12 Communal amenity space would be proposed within the application site. There are also areas of vegetation provided for the setting of the building. Each flat would have a private balcony or patio area which would be acceptable for the location and immediate context.
- 6.13 The living accommodation which would be provided is considered to be acceptable and complies with paragraph 130 of the NPPF, PMD1 and PMD2 of the Core Strategy.

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

- 6.14 The existing vehicle access is to be retained for the proposal. There would be a slight alteration to the alignment to the eastern side of the access to improve its width at the junction with Purfleet Road. The Highways Officer had requested a safety audit given the slight alignment changes on to Purfleet Road. However, the siting of the existing access would not be altering. There are sufficient sight lines so vehicles accessing and leaving the site can do so safely. Furthermore, there would be a net decrease in vehicles trips from the previous use of the site. As a consequence it is not considered necessary, justifiable or appropriate in this instance to require a safety audit and the proposed access arrangements to the site would be acceptable.
- 6.15 The proposal would provide 25 car parking spaces: 16 spaces would be for the dwellings and 9 visitor spaces in accordance with Highways requirements. The



scheme provides 2 wheelchair accessible spaces. The site is within an area of medium accessibility and the parking provided meets the adopted parking standards. Cycle storage would be provided with 1.5 cycle spaces per dwelling and an additional 16 visitor spaces.

6.16 Accordingly, it is considered that in terms of access and parking that the proposal is acceptable and would comply with Policies PMD2 and PMD8.

## V. EFFECT ON NEIGHBOURING PROPERTIES

6.17 With a proposal such as this, within an established area with adjacent residential properties, the effect to these existing properties needs to be fully and carefully assessed.

6.18 The buildings have been designed and located to ensure that there would be no unacceptable overlooking, overshadowing, overbearing impact and thereby no unacceptable loss of amenity to surrounding residential properties. The two nearest properties are 7 and 47 Manor Close South. Amendments have been made during discussions with the architect to move balconies further away from boundaries to ensure no harmful overlooking. There would be a separation distance of over 18m between the window of the rear block which directly faces the rear garden of 47 Manor Close South, which is acceptable.

6.19 The windows in the flank of the two storey element of the rear block of flats would face across the car park at Manor Close South, and across the frontages and public-facing elevations of the terrace of dwellings at Manor Close South. These dwellings face northwards and there would be no direct or unacceptable overlooking across the frontages of these neighbours from the first floor flank windows of the flats. There is a large parking area which is adjacent to the side fence of 47 Manor Close, this is not ideal, however, mitigation in the form of planting would be provided and be beneficial.

6.20 Due to the proximity of existing residential properties a condition restricting the hours of construction would be necessary. This would likely be 08.00 to 18.00 Monday to Friday, 08.00 to 13.00 Saturday and none on Sundays and Public Holidays. This has been included as part of the CEMP.

6.21 Whilst the site is enclosed, the size and design of the buildings ensure that there is no unacceptable impact to any surrounding properties. On balance, the proposal would have an acceptable effect on the living conditions of neighbouring residents and would therefore comply with paragraph 130f of the NPPF, Policy PMD1 of the Core Strategy and the RAE.

## VI. FLOOD RISK/ DRAINAGE

6.22 The site lies within flood zone 1, the lowest probability zone. As the site is less than 1Ha, there is no flood risk assessment required. In terms of surface water drainage a preliminary SuDS Plan was submitted with the application. The Council's Flood Risk Manager has advised that subject to a pre-commencement planning condition for a surface water drainage scheme for the development, they have no concerns. An appropriate condition has been included and the proposals would comply with Policy CSTP27.

## VII. RENEWABLE ENERGY

6.23 Policy PMD13 requires new development of 5 or more residential dwellings, to secure, as a minimum, at least 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.

6.24 An energy assessment has been prepared which sets out the proposed energy use and renewable energy measures proposed. The proposals are based on a fabric first approach with low Uvalues and thermal bridging. All dwellings are to be provided with air source heat pumps for hot water with electric heating. PV solar panels are to be provided on south facing roof slopes. Therefore, the proposal meets the aims and objectives of PMD13.

## VIII. PLANNING OBLIGATIONS

6.25 The proposal is for 100% affordable housing which exceeds the required 35% on site within policy CSTP2 and would be acceptable.

6.26 The Council's Education team has confirmed that the proposal does not trigger a requirement towards a financial contribution for education provision in the Borough, as there are not more than 10 qualifying units.

6.27 The NHS has stated that a financial contribution of £8,100 would be required.

## 7.0 CONCLUSIONS AND REASONS FOR APPROVAL

7.1 The proposal would redevelop a brownfield site to provide new homes which would be 100% affordable, which is welcomed. The site was previously a library and public hall, these were at the end of their useful life and have been replaced by the new facilities at Aveley Hub. The proposal meets policies in terms of the design and layout. There would be no unacceptable impacts to any neighbouring properties.

There would be no unacceptable impacts in terms of highways and the development would provide adequate off street parking provision to serve the 16 flats. The proposal would comply with all relevant adopted Core Strategy policies and is recommended to Members favourably.

**8.0 RECOMMENDATION**

Approve, subject to the following conditions:

**TIME LIMIT**

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

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

**APPROVED PLANS**

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

<b>Plan Number(s):</b>		
Reference	Name	Received
21-815 - 001 - REV. A	Site Location Plan/ Block Plan	16 December 2022
21-815 - 020 - REV. D	Proposed Site Plan	16 December 2022
21-815 - 021 - REV. A	Proposed Roof Plan	16 December 2022
21-815 - 025 - REV. C	North block, Ground Floor Plans	16 December 2022
21-815 - 026 - REV. C	North block, First and Second Floor Plans	16 December 2022
21-815 - 027 - REV. C	South block, Floor Plans	16 December 2022
21-815 - 030	North block, Elevations	16 December 2022
21-815 - 031	South block, Elevations	16 December 2022
21-815 - 035	Proposed Street Elevations	16 December 2022
21-815 - 040	Proposed Site Sections	16 December 2022
AV-FLOH-XX-SW-DR-E-60-0001_P05	Proposed External Lighting Strategy	16 December 2022

AVE-LLA-ZZ-00-DR-L-0001-P02	Landscape Masterplan	16 December 2022
AVE-LLA-ZZ-00-DR-L-0101-P04	Detailed Hard Landscaping Proposals	16 December 2022
AVE-LLA-ZZ-00-DR-L-0201-P01	Detailed Planting Proposals	16 December 2022
AVE-LLA-ZZ-00-DR-L-0301-P01	Landscape Specifications and Details	16 December 2022
220910-GSL-ZZ-XX-DR-C-7001 REV. 3	Preliminary SUDS Plan	16 December 2022
L9220/1 REV 1	Topographical Survey	16 December 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 or samples of all materials to be used in the construction of the external surfaces of the development hereby permitted have been submitted to and approved in writing by the local planning authority. The development shall be carried out using the materials and details as approved.

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

### **HEALTHCARE MITIGATION**

- 4 Not to commence any part of the development until a section 106 (or other suitable mechanism, if any) is in place to secure payment of a financial contribution of

£8,100 (index linked) to be paid to the NHS Mid South Essex towards healthcare provision arising from the development.

Reason: In order to ensure healthcare provision is adequately mitigated and to comply with Policy PMD16 of the adopted Thurrock LDF Core Strategy and Policies for the Management of Development [2015].

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

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

- (a) Hours of use for the construction of the development
- (b) Hours and duration of any piling operations,
- (c) Vehicle haul routing in connection with construction, remediation and engineering operations,
- (d) Wheel washing and sheeting of vehicles transporting loose aggregates or similar materials on or off site,
- (e) Details of construction any access or temporary access, and details of temporary parking requirements;
- (f) Location and size of on-site compounds [including the design layout of any proposed temporary artificial lighting systems];
- (g) Details of any temporary hardstandings;
- (h) Details of temporary hoarding;
- (i) Details of the method for the control of noise with reference to BS5228 together with a monitoring regime;
- (j) Measures to reduce vibration and mitigate the impacts on sensitive receptors together with a monitoring regime ;
- (k) Measures to reduce dust with air quality mitigation and monitoring,
- (l) Details of security lighting layout and design; and
- (m) Contact details for site managers including information about community liaison including a method for handling and monitoring complaints.

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

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

**SURFACE WATER DRAINAGE (FRM)**

- 6 No works, except demolition, shall take place until a detailed surface water drainage scheme for the site, based on the submitted sustainable drainage strategy, has been submitted to and approved in writing by the local planning authority. The scheme should include but not be limited to:
1. Full details of all components of the proposed surface water drainage system including dimensions, locations, gradients, invert levels, cover levels and relevant construction details.
  2. Supporting calculations confirming compliance with the Non-statutory Standards for Sustainable Drainage, and the agreed discharge rate of 3l/s and the attenuation volumes to be provided.
  3. Details of the maintenance arrangements relating to the proposed surface water drainage system, confirming who will be responsible for its maintenance and the maintenance regime to be implemented.
  4. The surface water drainage system shall be implemented and maintained in accordance with the approved details thereafter.
  5. Infiltration tests to be carried out in line with 365 for the locations where SUDS are proposed.

The scheme shall be implemented as approved and maintained in perpetuity.

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

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

- 7 The development hereby permitted shall not be first occupied until such time as the vehicle parking areas shown on the approved plans, have been hard surfaced, sealed and marked out as shown on the approved plans. The vehicle parking areas shall be retained in this form at all times thereafter and maintained for their designated purpose.

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].

**REFUSE AND RECYCLING STORAGE – AS PER THE APPROVED PLANS**

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

Reason: In To ensure that refuse and recycling provision is provided in the interests of visual amenity of the area in accordance with policies PMD1 and PMD2 of the adopted Thurrock LDF Core Strategy and Policies for the Management of Development [2015].

**CYCLE PARKING – AS SHOWN ON THE APPROVED PLANS**

- 9 The cycle parking facilities as shown on the approved plans shall be provided prior to the first occupation of any of the residential units and retained for such purposes thereafter.

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

**BOUNDARY TREATMENTS**

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

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

**LIGHTING**

- 11 Prior to the first use or operation of the development, details of the siting, design, materials and illumination of the proposed lighting for the development shall be submitted to and approved in writing by the local planning authority. The lighting as approved shall be completed prior to the first use or operation of the development and shall be retained and maintained as such thereafter.

Reason: In the interests of visual amenity and in order to safeguard the amenities of neighbouring occupiers 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**

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

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

### **SECURED BY DESIGN**

- 13 Prior to the first occupation information shall be submitted to and approved in writing by the local planning authority detailing how the development would adhere to the principles of Secured by Design. The development shall be carried out and retained in accordance with the agreed details.

Reason: To ensure that the development meets Secure by Design principles as required by policy PMD2 of the adopted Thurrock LDF Core Strategy and Policies for the Management of Development [2015].



**Informative(s)**

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

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

**Documents:**

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

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

