

# Appendix 1

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|-----------------------------------|--|--|
| <b>Reference:</b><br>15/01354/OUT | <b>Site:</b><br>Land Part of Little Thurrock Marshes<br>Thurrock Park Way<br>Tilbury | <b>Determined:</b><br>Planning Committee<br>22 June 2017 |
|-----------------------------------|--|--|

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|--|--|
| <b>Reference:</b><br>15/01354/OUT                      | <b>Site:</b><br>Land Part of Little Thurrock Marshes<br>Thurrock Park Way<br>Tilbury   |
| <b>Ward:</b><br>Tilbury Riverside<br>and Thurrock Park | <b>Proposal:</b><br>Application for outline planning permission (with details of landscaping, scale and appearance reserved) for the development of 13.11 ha of land to provide up to 280 residential units, a 250 sq.m. community facility (Use Class D1) and 1,810 sq.m. of commercial floorspace (Use Class B2/B8) with associated landscape, flood improvement and access works. |

| <b>Plan Number(s):</b> |  |            |
|------------------------|--|------------|
| Reference              | Name   | Received   |
| 001C                   | Site Location Plan                                 | 09.02.2017 |
| 101B                   | Land Ownership Plan                                | 16.02.2017 |
| 131G                   | Masterplan   | 16.02.2017 |
| 133F                   | Masterplan Building Parameters                     | 17.05.2017 |
| 134F                   | Masterplan: Housing Zones                          | 16.02.2017 |
| 140E                   | Ecology Enhancement Plan                           | 16.02.2017 |
| 143                    | Masterplan   | 28.04.2017 |
| 144                    | Masterplan   | 28.04.2017 |
| 145                    | Masterplan   | 28.04.2017 |
| 146                    | Masterplan   | 28.04.2017 |
| 970.01 Rev.C           | Landscape and Ecology Strategy, Whole Site         | 16.02.2017 |
| 970.02 Rev. A          | Landscape & Planting Strategy (1 of 4)             | 16.02.2017 |
| 970.03 Rev. A          | Landscape & Planting Strategy (2 of 4)             | 16.02.2017 |
| 970.04 Rev. A          | Landscape & Planting Strategy (3 of 4)             | 16.02.2017 |
| 970.05 Rev. A          | Landscape & Planting Strategy (4 of 4)             | 16.02.2017 |
| 970.06 Rev. A          | Landscape Sections                                 | 16.02.2017 |
| CC1442-SK002 Rev. A    | 6m Maintenance Provision                           | 11.07.2016 |
| CC1442-103 Rev. A      | Proposed Drainage Layout (Sheet 1 of 3)            | 11.07.2016 |
| CC1442-104 Rev. A      | Proposed Drainage Layout (Sheet 2 of 3)            | 11.07.2016 |
| CC1442-105 Rev. A      | Proposed Drainage Layout (Sheet 3 of 3)            | 11.07.2016 |
| CC1442-109 Rev. D      | Highways General Arrangement (Overall Site Layout) | 16.02.2017 |
| CC1442-110 Rev. E      | Highways GA & Proposed Levels (Sheet 1 of 6)       | 16.02.2017 |
| CC1442-111 Rev. E      | Highways GA & Proposed Levels (Sheet 2 of 6)       | 16.02.2017 |
| CC1442-112 Rev. E      | Highways GA & Proposed Levels (Sheet 3 of 6)       | 16.02.2017 |

|                   |  |            |
|-------------------|--|------------|
| CC1442-113 Rev. D | Highways GA & Proposed Levels (Sheet 4 of 6)                 | 16.02.2017 |
| CC1442-114 Rev. E | Highways GA & Proposed Levels (Sheet 5 of 6)                 | 16.02.2017 |
| CC1442-115 Rev. E | Highways GA & Proposed Levels (Sheet 6 of 6)                 | 16.02.2017 |
| CC1442-116 Rev. B | Refuse Collection Vehicle Swept Path Analysis (Sheet 1 of 4) | 16.02.2017 |
| CC1442-117 Rev. B | Refuse Collection Vehicle Swept Path Analysis (Sheet 2 of 4) | 16.02.2017 |
| CC1442-118 Rev. B | Refuse Collection Vehicle Swept Path Analysis (Sheet 3 of 4) | 16.02.2017 |
| CC1442-119 Rev. B | Refuse Collection Vehicle Swept Path Analysis (Sheet 4 of 4) | 16.02.2017 |
| CC1442-120 Rev. A | Highways Longitudinal Sections (Sheet 1 of 4)                | 11.07.2016 |
| CC1442-121 Rev. A | Highways Longitudinal Sections (Sheet 2 of 4)                | 11.07.2016 |
| CC1442-122 Rev. A | Highways Longitudinal Sections (Sheet 3 of 4)                | 11.07.2016 |
| CC1442-123 Rev. A | Highways Longitudinal Sections (Sheet 4 of 4)                | 11.07.2016 |

The application is also accompanied by:

- Anglian Water Pre-Planning Assessment Report
- Botanical Report
- Breeding Birds Report
- Design and Access Statement
- Ecology Data Survey
- Flood Risk Assessment , with Addendum
- Great Crested Newt Survey
- Invertebrates Survey
- Lowes Metals Air Quality Statement
- Lowes Metals Noise Statement
- Planning Statement
- Preliminary Ecological Appraisal
- Reptile Survey
- Sustainability and Energy Statement
- Transport Assessment
- Travel Plan
- Water Framework Directive Assessment; and
- Water Vole Report

**Applicant:**

Nordor Holdings Ltd

**Validated:**

19 November 2015

**Date of expiry:**

30 June 2017 (Extension of time agreed)

**Recommendation:** Grant planning permission, subject to: (i) referral to the Secretary of

State; (ii) the completion of a s106 legal agreement and (iii) conditions.

This application is scheduled for determination by the Council's Planning Committee because of the scale of the development proposed.

## 1.0 DESCRIPTION OF PROPOSAL

1.1 This application seeks outline planning permission for a residential-led, mixed use development of up to 280 dwellings, Class B2 (general industrial) / B8 (storage and distribution) floorspace (1,810 sq.m.) and a community facility (Class D1) of 250 sq.m. floorspace. The appearance, landscaping and scale of the development are reserved for future approval (as reserved matters) should outline planning permission be granted. The matters of access and the layout of the development are for detailed consideration through the current submission.

1.2 The principal elements of the submission are set out in the table below:

|  |   |
|--|---|
| Site Area                              | 13.1 hectares   |
| Residential Development                | 101 no. two-bed houses<br>119 no. three-bed houses<br>6 no. four-bed houses<br>48 no. two-bed flats<br>6 no. three-bed flats<br><br>TOTAL 280 no. dwellings |
| Commercial Development (Class B2 / B8) | 1,810 sq.m. – indicatively arranged within 8 no. units  |
| Community facility (Class D1)          | 250 sq.m.   |

1.3 Residential development – the proposals promote a range of two, three and four-bedroom houses and two and three-bedroom flats. Houses would comprise 81% of the total dwellings proposed, with flats making up the remaining 19%. Three broad housing typologies are proposed comprising a house with garage (Type A), a house without garage (Type B) and flatted development (Type C). Height parameters suggest two-storey (maximum) for houses and three-storey (maximum) for flats. Gross internal floorspace for houses would range between 83 sq.m. and 100 sq.m. and between 70 sq.m. and 86 sq.m. for flats.

1.4 Non-residential floorspace – the proposals include Class B2 (general industrial) / B8 (storage and distribution) uses totalling 1,810 sq.m. floorspace. This floorspace is indicatively arranged with 8no. units located at the southern boundary of the site, immediately adjacent to existing commercial units at Thurrock Park Way. The proposals also include a 'community facility' totalling 250 sq.m. and located immediately adjacent to the existing turning-head at the southern-end of Churchill

Road.

- 1.5 Layout – the layout of the development is a matter for detailed consideration at this stage and is not reserved for future approval. For the purposes of this application, layout means the way in which buildings, routes and open spaces within the development are provided, situated and orientated in relation to each other and to buildings and spaces outside the development. An illustrative masterplan layout drawing has been submitted which shows that the area of the site immediately north of the Churchill Road estate would remain as open land. In addition, land on the northern and western sides of the Chadwell New Cross Sewer would remain open. The residential development, comprising a series of connected streets would be arranged across the majority of the remaining site area, wrapping around the southern and eastern edges of the Churchill Road estate. The Class B2 / B8 commercial development would be located at the southern extremity of the site.
- 1.6 Access – access is also a matter for detailed consideration at this stage and is not reserved for future approval. For the purposes of this application, access means the accessibility to and within the site, for vehicles, cycles and pedestrians in terms of the positioning and treatment of access and circulation routes and how these fit into the surrounding access network. The application proposes that the sole access to the residential and health centre uses on-site would be from Churchill Road, via the existing turning-head at its southern end. Masterplan drawings show how Churchill Road could be extended to both the west and south-east via two ‘spine’ roads which could access all of the dwellings and the proposed health centre. Vehicular access for the Class B2 / B8 floorspace located on the southernmost part of the site would be from the Clipper Park development on Thurrock Park Way. Thus separate means of access are proposed to serve the residential / health centre and Class B2 / B8 development and the applicant emphasises that no vehicular route would be provided to link Churchill Road with Thurrock Park Way. Footpath and cycleway routes through the site are proposed as follows:
- a potential western path linking to Manor Road;
  - a potential link around the northern edge of the site to link the Dock Approach Road with Churchill Road;
  - a potential southern footpath / cycle link to Thurrock Park Way.
- 1.7 Groundworks – although landscaping is a matter reserved for future approval if outline planning permission is granted, flood mitigation works are proposed which would include re-profiling of ground levels. Ground levels across the site would be raised, existing watercourses enlarged and pond areas created in order to address flood risk issues on-site.

## 2.0 SITE DESCRIPTION

- 2.1 The site comprises an irregularly shaped parcel of land, extending to approximately 13.1 hectares in area and generally located to the west of the Dock Approach Road (A1089) and north of the Thurrock Park Way commercial area. The site 'wraps around' the existing Churchill Road residential estate, developed in the late 1980's and principally comprising two-storey dwellinghouses on Churchill Road, Medlar Road, Salix Road and adjoining streets. This estate essentially comprises a cul-de-sac of c.250 dwellings access onto Dock Road to the north.
- 2.2 The northern part of the site consists of an open strip of land separating the Churchill Road estate and dwellinghouses to the north at Silverlocke Road, Lawns Crescent and the Willows. The drainage ditch, known as the Chadwell New Cross Sewer, passes east-west across the northern part of the site before changing alignment to run parallel to the sites western boundary. This watercourse is defined as a 'Main River'. Much of the eastern part of the site also comprises a strip of open land separating the Churchill Road estate from the A1089 Dock Approach Road. The southern part of the site comprises a broader expanse of open land separating the Churchill Road estate from the Asda supermarket and commercial uses at Thurrock Park Way to the south. The western part of the site adjoins and area of open land located at the western-end of Thurrock Park Way.
- 2.3 The site is open and has been partly colonised by scrub vegetation. The majority of the application site, apart from a thin strip along the northern and western edges of the site, is within the Green Belt as defined by the Policies Map accompanying the adopted Core Strategy ( as amended) (2015). The south-western part of the site, as well as being designated as Green Belt, is allocated as 'Additional Open Space'. The site is generally flat and low-lying and is within the high risk flood zone (Zone 3), although it benefits from existing flood defences. The site does not form part of the Tilbury flood storage area, which is generally located to the east of the A1089(T). None of the site forms part of any designated site of nature conservation importance.

## 3.0 RELEVANT HISTORY

| Application Reference | Description of Proposal  | Decision        |
|-----------------------|--|-----------------|
| 52/00279/FUL          | Erection of electric overhead lines at Dock Road, Little Thurrock. | Approved        |
| 57/00570/FUL          | Residential development  | Refused         |
| 58/00087/FUL          | Erection of overhead electric power lines                          | Deemed Approval |

|                 |   |                  |
|-----------------|---|------------------|
| 64/00617/FUL    | Housing estate providing for the erection of 250 Houses   | Approved         |
| 66/00907/FUL    | Operational land for the purposes of the authorities undertaking  | Withdrawn        |
| 68/00783/FUL    | Overhead power lines  | Approved         |
| 69/00621/FUL    | Vehicle park and access road on land west of Dock Road, Tilbury   | Approved         |
| 69/00621A/FUL   | Depot and access road west of Dock Road, Tilbury subject to conditions within planning application THU/621/69   | Approved         |
| 74/00161/OUT    | Development of land at Tilbury North for 30 acres of housing, 45 acres of warehousing and 53 acres of open space.   | Approved         |
| 78/00292/FUL    | Development of land at Tilbury North for 30 acres of housing, 45 acres of warehousing and 53 acres of open space subject to condition 1 - 30 on permission THU/161/74   | Approved         |
| 78/00601/OUT    | Development including housing, warehousing, superstore and open landscaped areas. Appeal Lodged. Appeal Allowed   | Approved         |
| 78/00601A/FUL   | Superstore and car parking, warehousing and car parking. Overall development access roads and sewers  | Approved         |
| 81/01145A/FUL   | Revised application for residential development of 252 houses   | Approved         |
| 82/00141/OUT    | Use of land as industrial and or warehousing and ancillary purposes   | Approved         |
| 89/00283/OUT    | Housing community facility, link road, access roads and public open spaces. N.B. This decision was subject to a Section 52 Agreement which was not finalised.   | Refused          |
| 08/01042/TTGSCR | Request for EIA screening opinion: Proposed redevelopment of land at Little Thurrock for employment use and creation of public open space and wildlife habitat.   | EIA not required |
| 09/50024/TTGOUT | Land to the South of Churchill Road residential estate and to the north of the Thurrock Park employment area. Redevelopment of land at Thurrock Park to include development of 3.8 hectares of employment land as an extension to the existing employment uses at Thurrock park | Approved         |

|                 |  |                     |
|-----------------|--|---------------------|
|                 | (use class B2/B1 (c) and B8 ) with a total maximum internal floor area of 20,000sq.m. Improvements to 9.6 hectares of existing open space, including better access.  |                     |
| 11/50307/TTGOUT | Redevelopment of land at Thurrock Park to include: 1. Development of 3.8 hectares of employment land as an extension to the existing employment uses at Thurrock Park (uses B2, B1(c), B8) and open storage and other non-class B employment uses with a total maximum internal floor area of 20,000 sq.m. The open storage and non-class B employment uses shall be limited to not more than 2 hectares. 2. Improvements to 9.6 hectares of existing open space, including improved access. | Approved            |
| 13/00396/CV     | variation of conditions relating to 11/50307/TTGOUT  | Invalid             |
| 13/00685/CV     | Variation of conditions 2, 7, 12, 14, 15, 16, 20, 21, 22, 24, 25, 28, 29, 31, 32, 33, 36, 39, 40 and 41 of approved planning application 11/50307/TTGOUT to allow re-development of site without submitting details of all phases prior to the implementation of any part of the development   | Finally disposed of |
| 15/00116/OUT    | Application for outline planning permission (with all matters reserved) for the development of 4ha of land to provide 122 residential units, and a 125 sq.m. community centre (Use Class D1) with associated landscape improvements and access works.  | Withdrawn           |
| 15/00171/SCR    | Request for a screening opinion pursuant to Regulation 5 of the Town and Country Planning (Environmental Impact Assessment) Regulations 2011: Proposed development of 4ha of land to provide 122 residential units, and a 125 sq.m. community centre (Use Class D1) with associated landscape improvements and access works.   | EIA not required    |
| 15/00299/CV     | Variation of conditions 2, 3, 4, 7, 12, 14, 15, 16, 18, 20, 21, 22, 24, 25, 28, 29, 31, 32, 33, 35, 36, 39, 40 and 41 of approved planning application 11/50307/TTGOUT to allow re-  | Lapsed              |



|              |  |         |
|--------------|--|---------|
|              | development of site without submitting details of all phases prior to the implementation of any part of the development.       |         |
| 15/00476/NMA | Variation of Conditions 3 (Outline Element) and Condition 4 (Time Limit) against approved planning application 11/50307/TTGOUT | Invalid |

3.1 The application site has a complex planning history of planning applications. Historically the site formed part of the more extensive Little Thurrock Marshes, generally located to the south-east of Little Thurrock (St. Mary's Church and the former Little Thurrock Hall). The site remained as open, low-lying land intersected by drainage ditches throughout the 19<sup>th</sup> century. Residential development to the north of the site (and south of Dock Road) progressed through the early and mid-20<sup>th</sup> century. Commercial development to the south at Thurrock Park Way commenced during the early 1980's and the Churchill Road residential estate was built in the late 1980's.

3.2 Planning applications of relevance to the current case comprise:

(i) 69/00621/FUL

In November 1969 full planning permission was granted for:

*“Construction of groupage depot and road access. To be used for groupage operations, involving the loading and unloading of containers”.*

The site area of this permission involved approximately 7 hectares of land located to the north-west of the 'Asda' roundabout, on land currently partly occupied by Asda, adjacent land to the north and the south-eastern corner of the current application site. At the time of this 1969 permission an extensive area of land west of the Dock Approach Road, east of Manor Way and south of Silverlocke Road / Lawns Crescent formed Port of London Authority (PLA) land. The 1969 permission was granted to the PLA and comprised a warehouse, lorry parking and storage areas associated with a container depot.

(ii) 74/00161/OUT

In June 1976 outline planning permission was granted for:

*“30 acres of housing, 45 acres of warehousing and 53 acres of open space”.*

This permission comprised 128 acres (51.8 hectares) of PLA land located west of the Dock Approach Road, east of Manor Way and south of Silverlocke Road / Lawns Crescent. Illustrative plans accompanying the outline permission suggested a layout involving warehousing development on the southern part of the site (now occupied by Asda and Thurrock Park Way), residential development to the north with open space for recreation and flood relief in-between. Permission was granted for c.500 dwellings.

(iii) 78/00601/OUT

In December 1980 the Secretary allowed an appeal against the refusal of planning permission by the Council for development of:

*“Housing, warehousing, a superstore with ancillary offices and car parking and open landscaped areas”.*

This application for outline planning permission (with all matters reserved) was submitted in May 1978 by the PLA in association with ASDA. Planning permission was refused by the Council in November 1978 for the following reasons:

1. *the proposal would involve retail development outside existing town centres contrary to adopted shopping policy;*
2. *the site forms part of an area within the extended Green Belt which has, by permission, been released for development because of special circumstances associated with the operation of Tilbury Docks. The proposed superstore does not have a sufficiently special relationship to the Docks to override Green Belt Policy;*
3. *the proposal provides insufficient information to fully assess the proposed access roads.*

Following a public inquiry to hear the appeal against the refusal of planning permission, the Secretary of State allowed the appeal and granted outline planning permission in December 1980. The Inspector’s report to the Secretary of State summarised the relevant development plan policies and noted that the site lies within the extended Green Belt, as defined by the Essex Review Development Plan. However, this Plan acknowledges the national importance of Tilbury Docks and accepts that consideration may need to be given for port and/or associated developments even on land in the Metropolitan Green Belt or the extended Green Belt. The decision letter from the Secretary of State focussed solely on matters of retail policy and the need for a superstore to be located either at the site or in Grays town centre. Crucially, the Secretary of State concluded that the appeal proposal represented an opportunity to develop and abnormally expensive site in the

national and regional interest. Furthermore, the proposals would provide much needed warehousing essential to the future of Tilbury Docks.

(iv) 81/01145A/FUL

In April 1984 full planning permission was granted for a development of 252 dwellings. This development comprises the current Churchill Road estate.

(v) 09/50024/TTGOUT

In February 2011 outline planning permission (with all matters reserved) was granted for use of 3.8 hectares of land for employment uses (Use Classes B1(c) / B2 and B8) and improvements to existing open space. An indicative site plan suggested that the employment uses would be located on Green Belt land to the north and north-west of the Asda store. Following referral to the Secretary of State (as a departure from development plan policies for the Green Belts) and the completion of a s106 agreement, planning permission was granted. This permission has not been implemented.

(vi) 11/50307/TTGOUT

In March 2012 planning permission was granted for a hybrid application (part outline permission and part full permission) comprising employment uses (Class B1(c), B2 and B8, open storage and non-Class B employment uses) and improvements to existing open space. This permission involved a parcel of land similar to planning permission ref. 09/50024/TTGOUT. This permission has not been implemented.

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

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

4.2 PUBLICITY:

The application, as first submitted in November 2015, was publicised by the display of site notices, a newspaper advertisement and consultation with neighbouring properties. Following the receipt of revised plans, the application was subject to re-consultation with neighbours in July 2016. The proposals have been advertised as a major development and as a departure from the development plan.

4.3 In November 2015 neighbour consultation letters were sent to 117 surrounding

properties. In response, 88 letters of objection were received from 63 addresses. These letters include responses from Councillors Aker, Gledhill and. A petition against the proposals containing 327 names was also received in response to the November 2015 consultation. This petition is supported by Councillors Aker, Jan Baker, Smith and Spillman 4 Councillors.

4.4 In July 2016 re-consultation letters were sent to those addresses who had responded to the original consultation. A further 6 letters of objection were received. The objections received raise the following points:

- contrary to planning policies;
- increased traffic on local roads;
- strain on existing infrastructure (roads / sewerage / schools / surgeries);
- prejudicial to safety;
- loss of habitat;
- loss of Green Belt;
- increased rat-running on roads;
- risk of flooding;
- inadequate access;
- increased pollution;
- out of character;
- overlooking;
- increased noise and disturbance;
- loss of views;
- increased crime;
- impact on ecology;
- impact on residential amenity.

4.5 The following consultation replies have been received:

4.6 ANGLIAN WATER:

No objection subject to planning condition addressing a surface water management strategy.

4.7 BUGLIFE (response dated 23.11.16):

Object to the planning application on the grounds of:

- (i) potential impact on priority invertebrate species and regionally important invertebrate assemblages;
- (ii) inadequate invertebrate surveys;
- (iii) inadequate assessment of habitat value, loss of a site identified as a potential

Local Wildlife Site and insufficient mitigation for losses.

4.8 BUTTERFLY CONSERVATION:

Recommend that a full invertebrate survey is undertaken.

4.9 ENVIRONMENT AGENCY:

No objection on flood risk or Water Framework Directive grounds, subject to planning condition. However, object to the application on biodiversity grounds.

4.10 ESSEX COUNTY COUNCIL (ARCHAEOLOGY):

No objection subject to a planning condition requiring archaeological investigation.

4.11 ESSEX FIELD CLUB:

Object to the loss of a potential Local Wildlife Site and biodiversity interest. Contrary to elements of the NPPF concerning biodiversity.

4.14 HIGHWAYS ENGLAND:

No objections.

4.15 NHS ENGLAND:

The proposed health centre building does not align with the NHS England and CCG Estates Strategies for the area, at the current time NHS England and the CCG have no plans for a new facility in this location. The CCG instead are looking to reconfigure existing capacity in the surrounding vicinity to create greater efficiency. Assuming this matter is considered in conjunction with the current application process, NHS England would not wish to raise an objection to the proposed development.

4.16 SPORT ENGLAND:

No comments offered.

4.17 THURROCK EDUCATION:

A financial contribution from the development would be required to mitigate impacts on nursery, primary and secondary school education.

#### 4.18 THURROCK ENVIRONMENTAL HEALTH:

Noise – no objections subject to condition.

Air quality – no issues raised.

Contaminated land – no objections, subject to condition.

Construction – no objections, subject to condition.

#### 4.22 THURROCK FLOOD RISK MANAGER:

No objection, subject to planning condition addressing surface water drainage.

#### 4.23 THURROCK HIGHWAYS:

No objections (following the receipt of a revised Transport Assessment), subject to s106 Agreement and planning conditions.

#### 4.24 THURROCK HOUSING:

35% of the dwellings on site should be provided as affordable housing with at least 70% of the total affordable residential units provided as affordable rented accommodation to meet priority housing needs.

#### 4.25 THURROCK LANDSCAPE & ECOLOGY:

No objection subject to suggested amendments to the submitted Ecological Mitigation Strategy and planning conditions.

#### 4.26 THURROCK TRAVEL PLAN CO-ORDINATOR:

No objections to submitted Framework Travel Plan.

### 5.0 POLICY CONTEXT

#### 5.1 National Planning Guidance

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

The NPPF was published on 27<sup>th</sup> March 2012. Paragraph 13 of the Framework sets out a presumption in favour of sustainable development. Paragraph 196 of the Framework confirms the tests in s.38 (6) of the Planning and Compulsory Purchase Act 2004 and s.70 of the Town and Country Planning Act 1990 and that the Framework is a material consideration in planning decisions. Paragraph 197 states that in assessing and determining development proposals, local planning

authorities should apply the presumption in favour of sustainable development.

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

- promoting sustainable transport;
- delivering a wide choice of high quality homes;
- requiring good design;
- promoting healthy communities;
- protecting Green Belt land;
- meeting the challenge of climate change, flooding and coastal change;
- conserving and enhancing the natural environment.

### 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 48 subject areas, with each area containing several subtopics. Those of particular relevance to the determination of this planning application comprise:

- air quality;
- climate change;
- design;
- determining a planning application;
- flood risk and coastal change;
- natural environment;
- 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;
- use of planning conditions
- viability.

## **5.2 Local Planning Policy**

### Focused Review of the LDF Core Strategy (2014)

This Review was commenced in late 2012 with the purpose to ensure that the Core Strategy and the process by which it was arrived at are not fundamentally at odds with the NPPF. There are instances where policies and supporting text are recommended for revision to ensure consistency with the NPPF. The Review was submitted to the Planning Inspectorate for independent examination in August 2013. An Examination in Public took place in April 2014. The Inspector concluded that the amendments were sound subject to recommended changes. The Core Strategy and Policies for Management of Development Focused Review: Consistency with National Planning Policy Framework Focused Review was adopted by Council on the 28<sup>th</sup> February 2015.

#### Draft Site Specific Allocations and Policies DPD

This Consultation Draft “Issues and Options” DPD was subject to consultation commencing during 2012. The Draft Site Specific Allocations DPD ‘Further Issues and Options’ was the subject of a further round of consultation during 2013. The Planning Inspectorate is advising local authorities not to continue to progress their Site Allocation Plans towards examination whether their previously adopted Core Strategy is no longer in compliance with the NPPF. This is the situation for the Borough.

#### Thurrock Core Strategy Position Statement and Approval for the Preparation of a New Local Plan for Thurrock

The above report was considered at the February 2014 meeting of the Cabinet. The report highlighted issues arising from growth targets, contextual changes, impacts of recent economic change on the delivery of new housing to meet the Borough’s Housing Needs and ensuring consistency with Government Policy. The report questioned the ability of the Core Strategy Focused Review and the Core Strategy ‘Broad Locations & Strategic Sites’ to ensure that the Core Strategy is up-to-date and consistent with Government Policy and recommended the ‘parking’ of these processes in favour of a more wholesale review. Members resolved that the Council undertake a full review of Core Strategy and prepare a new Local Plan.

#### Thurrock Local Development Framework Core Strategy and Policies for the Management of Development (as amended) (2015)

The following Core Strategy policies apply to the proposals:

- Spatial Policies:
- CSSP1 (Sustainable Housing and Locations);
- CSSP2 (Sustainable Employment Growth);



- CSSP3 (Sustainable Infrastructure);
- CSSP4: (Sustainable Green Belt);
- CSSP5 (Sustainable Greengrid);
- OSDP1 (Promoting Sustainable Growth and Regeneration in Thurrock).

Thematic Policies:

- CSTP1 (Strategic Housing Provision)
- CSTP2 (The Provision of Affordable Housing)
- CSTP6: Strategic Employment Provision
- CSTP9 (Well-being: Leisure and Sports)
- CSTP10 (Community Facilities)
- CSTP11 (Health Provision)
- CSTP14 (Transport in the Thurrock Urban Area: Purfleet to Tilbury)
- CSTP18: Green Infrastructure
- CSTP19 (Biodiversity)
- CSTP20 (Open Space)
- 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)

Policies for the Management of Development:

- PMD1 (Minimising Pollution and Impacts on Amenity);
- PMD2 (Design and Layout);
- PMD5 (Open Spaces, Outdoor Sports and Recreational Facilities);
- PMD6 (Development in the Green Belt);
- PMD7 (Biodiversity, Geological Conservation and Development);
- PMD8 (Parking Standards);
- PMD9 (Road Network Hierarchy);
- PMD10 (Transport Assessments and Travel Plans);
- PMD12 (Sustainable Buildings);
- PMD13 (Decentralised, Renewable and Low Carbon Energy Generation);
- PMD15 (Flood Risk Assessment);
- PMD16 (Developer Contributions)

Thurrock Local Plan

In February 2014 the Council embarked on the preparation of a new Local Plan for

the Borough. Between February and April 2016 the Council consulted formally on an Issues and Options (Stage 1) document and simultaneously undertook a 'Call for Sites' exercise. It is currently anticipated that consultation on an Issues and Options (Stage 2 Spatial Options and Sites) document will be undertaken in the Autumn of 2017.

## **6.0 ASSESSMENT**

### **6.1 Process**

With reference to procedure, this application has been advertised as a departure from the Development Plan and as a major development. Any resolution to grant planning permission would need to be referred to the Secretary of State under the terms of the Town and Country Planning (Consultation) (England) Direction 2009 with reference to the 'other development which, by reason of its scale or nature or location, would have a significant impact on the openness of the Green Belt'. The Direction allows the Secretary of State a period of 21 days (unless extended by direction) 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. The Secretary of State will, in general, only consider the use of his call-in powers if planning issues of more than local importance are involved. Such cases may include, for example, those which in his opinion:

- may conflict with national policies on important matters;
- may have significant long-term impact on economic growth and meeting housing needs across a wider area than a single local authority;
- could have significant effects beyond their immediate locality;
- give rise to substantial cross-boundary or national controversy;
- raise significant architectural and urban design issues; or
- may involve the interests of national security or of foreign Governments.

6.2 The main issue for consideration in this case is the consideration of Green Belt matters, in particular:

- whether the proposals constitute inappropriate development with reference to the NPPF and development plan policy;
- impact on the open nature and character of the Green Belt;
- if the development is inappropriate, whether the harm to the Green Belt is clearly outweighed by other considerations, so as to amount to the very special circumstances necessary to justify the development.

6.3 The assessment below also covers the following areas:

- ii. Traffic impact, access and car parking;
- iii. Impact upon ecology and biodiversity;
- iv. Design and layout;
- v. Noise and air quality;
- vi. Flood risk and site drainage;
- vii. Viability and planning obligations;

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

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

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

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

6.5 As noted in paragraph 2.3 above, the majority of the site is located within the Green Belt. Chapter 9 of the NPPF refers to the Green Belt and this chapter is titled "Protecting Green Belt land". Paragraph 79 within Chapter 9 states that the Government attaches great importance to Green Belts and that the *"fundamental aim of Green Belt policy is to prevent urban sprawl by keeping land permanently open; the essential characteristics of Green Belt are their openness and their permanence."* Paragraph 89 states that a local planning authority should regard the construction of new buildings as inappropriate in Green Belt. The NPPF sets out a limited number of exceptions to this, namely:

- buildings for agriculture and forestry;
- appropriate facilities for outdoor sport, recreation and cemeteries;
- proportionate extensions or alterations to a building;
- the replacement of a building;
- limited infilling in villages; and
- the partial or complete redevelopment of previously developed sites.

6.6 Clearly the proposals to construct up to 280 dwellings, a community centre building of 250sq.m. floorspace and 1,810sq.m. of Class B2 / B8 floorspace do not fall into any of the exceptions listed above. Consequently, the proposals comprise inappropriate development with reference to the NPPF.

- 6.7 Paragraph 87 of the NPPF makes it clear that inappropriate development is, by definition, harmful to the Green Belt and should not be approved except in “*very special circumstances*”. Paragraph 88 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*”.
- 6.8 Development plan policy, as expressed in the Core Strategy and Policies for the Management of Development (as amended 2015) is consistent with national policy on Green Belt matters. Core Strategy policy CSSP4 sets out the objective of maintaining the purpose, function and open character of the Green Belt. In order to implement this policy, the Council will:
- maintain the permanence of the boundaries of the Green Belt;
  - resist development where there would be any danger of coalescence; and
  - maximise opportunities for increased public access, leisure and biodiversity.
- 6.9 In addition, Core Strategy policy PMD6 states that, inter-alia, planning permission will only be granted for new development in the Green Belt provided it meets as appropriate the requirements of the NPPF.
- 6.10 Consequently, it is a straightforward matter to conclude that the proposals constitute inappropriate development in the Green Belt.
- ii. The effect of the proposals on the open nature of the Green Belt and the purposes of including land within it
- 6.11 Having established that the proposals are inappropriate development, it is necessary to consider the matter of harm. Inappropriate development is, by definition, harmful to the Green Belt, but it is also necessary to consider whether there is any other harm to the Green Belt and the purposes of including land therein.
- 6.12 As noted above paragraph 79 of the NPPF states that the fundamental aim of Green Belt policy is to prevent urban sprawl by keeping land permanently open; the essential characteristics of Green Belts being described as their openness and their permanence. Although this is an application for outline planning permission, it is clear from the submitted drawings that built development and accompanying curtilages etc. would occupy a large part of the site. The proposals would comprise a substantial amount of new built development in an area which is open.

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

6.13 Paragraph 80 of the NPPF sets out the five purposes which the Green Belt serves as follows:

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

6.14 In response to each of these five purposes:

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

The NPPF does not provide a definition of the term “large built-up areas”. However, as the site is located immediately adjacent to existing development within the settlements of Grays, Little Thurrock and Tilbury, the site can be considered as occupying a position on the edge of a large built-up area. In geographical terms, the site forms part of a narrow corridor of Green Belt land located in-between the A1089(T) and the edge of the built-up area of Little Thurrock to the west. In particular, the application is largely bounded to the north, west and south by existing residential and commercial development. The eastern boundary of the site is defined by the A1089(T) and in these circumstances the site may be considered as a relatively self-contained area, with strong definition to the majority of its boundaries. In these circumstances, it is considered that the development proposed would not spread the existing extent of built development further into this part of the Green Belt so as to amount to unrestricted sprawl on the edge of the settlement. On balance, it is considered that the proposals would have only limited impact upon the purpose of the Green Belt in checking the unrestricted sprawl of large built-up areas.

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

At a wider geographical level, the site forms part of the western-edge of the Green Belt which separates Grays / Tilbury in the south from Chadwell St.Mary to the north. As the built-up area of Grays is functionally linked to the built-up area of Tilbury through the Tilbury Dock complex, it is considered that the application site serves only a very limited purpose in separating Grays from Tilbury. As noted in

the paragraph above, the site is enclosed on most of its boundaries by existing built development. The area is a narrow corridor of land which, although physically connected to the wider Green Belt to the east, is isolated and is physically and visually dominated by existing built development. The site's isolation from the wider extent of Green Belt to the east has arguably been increased by the recent removal of land from the Green Belt in order to accommodate Port-related expansion, now occupied by the Travis Perkins and Amazon warehouse developments. As a matter of judgement, it is considered that the proposals would have only limited impact on the function of the Green Belt in this location in preventing neighbouring towns from merging into one another.

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

With regard to the third Green Belt purpose, the proposal would involve built development on what is currently open land. 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. It is considered that the proposals would constitute an encroachment of built development into the countryside at this location, causing some harm to the third purpose for including land in the Green Belt.

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

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

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

In general terms, the development of dwellings and commercial floorspace could occur in the urban area and in principle, there is no spatial imperative why Green Belt land is required to accommodate the proposals. Therefore, on first impression, the development of this Green Belt site as proposed might discourage, rather than encourage urban renewal. Members will be aware that a new Local Plan for the Borough is being prepared and it is recognised that the release of some Green Belt land may be required in order to meet future growth. Indeed, the existing adopted Core Strategy (policy CSSP1) recognises the scenario of some Green Belt release. Although the new Local Plan may well identify locations for the release of Green Belt land, the document is at a very early stage and cannot be afforded weight in the decision-making process. Therefore, as noted above, the development of the site as proposed would impact upon the purpose of the Green Belt to assist in urban regeneration, by encouraging the recycling of derelict and other urban land.

6.20 In light of the above analysis, it is considered that the proposals would, to a degree, be contrary to some of the purposes of including land in the Green Belt. As noted above, there would be in-principle harm by reason of inappropriate development and harm by reason of loss of openness. Substantial weight should be afforded to these factors.

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

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

6.22 The Planning Statement submitted by the applicant to accompany the application sets out the applicant's case for very special circumstances under the following headings:

1. the principle of development at the site has been accepted in previous planning permissions granted at the site;
2. there is a clear need and demand for new housing in Thurrock;
3. the proposals help to meet wider growth objectives within the Borough and Thames Gateway corridor;
4. the proposed development would respect all of the five purposes of including land within Green Belt;
5. the site is not contiguous with the rest of the Green Belt;
6. flood prevention measures will significantly reduce flood risk;

7. the proposed development provides a high level of site connectivity to local facilities and services, for pedestrians and cyclists;
8. significant landscape and public realm enhancements are proposed including more accessible and attractive recreational areas and open space;
9. the proposals will allow for new habitat creation and greater biodiversity across the site;
10. the proposed development will achieve a high standard of sustainable design and construction and fully comply with targets to reduce CO2 emissions;
11. the proposals demonstrate a high quality of design, layout and place-making;
12. the proposals include a variety of housing types and sizes to create a mixed community and respond to different needs;
13. the proposals include affordable housing;
14. the proposals include new health facilities;
15. there is an existing and expanded Primary School in close proximity to the proposed new housing;
16. the proposals support and enhance the Thurrock Park Employment Area;
17. Planning obligations will support the application.

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

#### 6.23 **The applicant's case for very special circumstances:**

1. *the principle of development at the site has been accepted in previous planning permissions granted at the site*

The applicant's case under this heading refers to planning permissions granted in 2011 (ref. 09/50024/TTGOUT) and 2012 (ref. 11/50307/TTGOUT) for development on the site. In addition, the applicant refers to a partly implemented planning permission (ref. 81/01145/FUL) affecting the site.

#### 6.24 Consideration

The site has an extensive planning history which is summarised in the table at paragraph 3.0 above. With regard to recent planning history, planning application reference 09/50024/TTGOUT was submitted to the former Thurrock Development Corporation in April 2009. This application proposed:

*“Redevelopment of land at Thurrock Park to include development of 3.8 hectares of employment land as an extension to the existing employment uses at Thurrock Park (Use Class: B2/B1(c) and B8) with a total maximum internal floor area of 20,000 sq.m. Improvements to 9.6 hectares of existing open space, including better access.”*



6.25 The site area for this 2009 application corresponds closely with the current submission and as such predominantly comprises land within the Green Belt. Outline planning permission (with all matters reserved) was granted, following the completion of a legal agreement and referral to the Secretary of State, in February 2011. A site plan for this approval indicatively shows a development of commercial units located on the south and south-eastern part of the site occupying an area of 3.8 hectares. The remainder of the site, extending to approximately 9.6 hectares in area was shown indicatively as open space with associated landscape and access improvements. This permission was not implemented and consequently has 'timed-out'. This application was determined by the former Thurrock Development Corporation. The report presented to the Council's Planning Committee in May 2009 setting out a recommended consultation response suggested no objection subject to the demonstration of very special circumstances and a s106 obligation to secure open space. However, Members of the then Planning Committee resolved to object to the application for reasons related to Green Belt, ecology and highways. When this application was submitted for consideration the applicant promoted four factors as comprising the very special circumstances required to justify a departure from development plans policy namely:

- i. need and demand for an employment site;
- ii. contribution towards the wider regeneration of the Thames Gateway;
- iii. the physical change in the site's character and appearance since it was designated as Green Belt; and
- iv. the proposed re-alignment of the Green Belt boundary within the South East Thurrock Masterplan.

6.26 These factors were considered by the local planning authority to clearly outweigh the harm to the Green Belt. In particular, an assessment of the site's function as Green Belt within the report presented to the Planning Committee of the Development Corporation noted that:

*"The site currently forms a narrow inlet from the rest of the Green Belt to the east. In reality, it is not contiguous with rest of the Green Belt as it is severed by the A1089 road. The 1980 proposals suggest that the land was not intended to perform a function as Green Belt but more as a setting / buffer for the development that has taken place. The proposed development will narrow the gap between the commercial development and the housing to the north. However, given the current circumstances and the potential benefits considered below it is not considered that the Green Belt as a whole will be compromised by the proposal taking account of the functions set out above."*

6.27 09/50024/TTGOUT was referred to the Secretary of State as a departure from Green Belt policy but was not called-in for determination, the Secretary concluding that the *“issues raised do not relate to matters of more than local importance”*. This planning application has now ‘timed-out’ and also involved a smaller area of built development than the current proposal, with the remaining land on-site (9.6 hectares) retained as open space. Nevertheless, this permission involved development on what is currently open Green Belt land north of the Asda store and thus is relevant, to a degree, to the current proposals.

6.28 The applicant also refers to a partly implemented planning permission (ref. 81/01145A/FUL) affecting the site. As noted in the Planning History section above, this permission related to the Churchill Road residential estate (c.250 dwellings), although it is perhaps more relevant to refer to the preceding outline planning permission (78/00601/OUT). This permission comprised the 52 hectares of land formerly within the control of the PLA and granted outline consent for:

|                   |                |
|-------------------|----------------|
| Residential       | 12.2 hectares  |
| Open space        | 21.5 hectares  |
| Warehousing       | 14.2. hectares |
| Retail superstore | 4.1 hectares   |

Although the retail and warehousing elements of this permission were implemented on the southern part of the site, only some 9 hectares of the 12.2 hectares of consented residential development were completed. In addition, the large area of open space (21.5 hectares) although remaining open is not accessible to the public. The main factors cited by the Secretary of State in granting permission for 78/00601/OUT were the accepted need for a retail superstore in Grays and the provision of much needed warehousing essential to the future of Tilbury Docks. The Secretary of State’s decision did not refer to conditions or obligations for the residential element of the proposals.

6.29 In conclusion under this heading, the planning history for this site and the wider area which was formerly PLA operational land is lengthy and complex. Although the site was part of the “extended” Green Belt, permission was granted for comprehensive development of the PLA land in the 1970’s and 1980’s. The commercial elements of these permissions have been fully implemented. However, the consented residential development has only been partially implemented and the original proposals for open space have not been progressed. The more recent planning permission for commercial floorspace (09/50024/TTGOUT) introduced development north of the ‘original’ warehousing / retail development. This permission was not recovered by the Secretary of State for determination although it has now timed-out. On balance, it is considered that the planning history of the site should be afforded moderate weight in the assessment of Green Belt impact.

6.30 2. There is a clear need and demand for new housing in Thurrock

Under this heading the applicant refers to Core Strategy requirements for the provision of new housing up until 2021. Reference is also made to the lack of a five year housing supply (as stated in the Council’s Annual Monitoring Report) and the shortfall in housing delivery. The applicant also refers to Core Strategy policy CSSP1 which cites to the potential release of suitable Green Belt land and contends that the accessible, urban location of the site is a very special circumstance.

6.31 Consideration

The adopted Core Strategy (as amended) (2015) sets out the Council’s targets for the delivery of new dwellings. Policy CSTP1 states that between April 2009 and March 2021, 13,550 dwellings are required to meet the overall minimum target of 18,500 dwellings (2001 -2021). In addition, provision is made for a further 4,750 dwellings between 2021 -2026. This is a total of 18,300 for the period 2009-2026, equating to an average of 1,076 dwellings per annum.

6.32 Paragraph 47 of the NPPF (2012) sets out the objective of significantly boosting the supply of housing. In order to achieve this objective, it includes a number of provisions including the need for local authorities to identify and update a supply of specific deliverable sites sufficient to provide 5 years’ worth of housing, as measured against the objectively assessed housing requirement. In addition to identifying this requirement, paragraph 47 of the Framework also requires that the 5 year supply should be increased by either a 5% or a 20% buffer. The purpose is to ensure choice and competition in the market for land, but the additional purpose of the latter figure is to provide a realistic prospect of achieving the planned supply.

6.33 The most up-to-date analysis of the Borough’s housing land supply is provided in the Thurrock Local Plan Five Year Housing Land Supply Position Statement (July 2016). This statement notes that *“the dwelling requirement set out in the Core Strategy is now considered to be out of date”*. Instead, the South Essex Strategic Housing Market Assessment identifies a range of objectively assessed need for Thurrock of between 919 and 973 dwellings per annum (2014 base date). Using this range the requirement for new dwellings is:

|          |  | Lower | Upper |
|----------|--|-------|-------|
| <b>A</b> | Thurrock Objectively Assessed Need                               | 919   | 973   |
| <b>B</b> | Thurrock annual housing requirement 2016 – 2021<br>(A x 5 years) | 4,595 | 4,865 |
| <b>C</b> | Thurrock annual housing requirement 2016 – 2021                  | 5,514 | 5,838 |

|          |   |       |       |
|----------|---|-------|-------|
|          | including 20% buffer ( <b>B</b> plus 20%)   |       |       |
| <b>D</b> | 2 year residual housing requirement 2014 to 2016                                      | 895   | 1,003 |
| <b>E</b> | Total Thurrock Council annual housing requirement 2016 – 2021 ( <b>C</b> + <b>D</b> ) | 6,409 | 6,841 |
| <b>F</b> | Annual Thurrock Council annual housing requirement 2016 – 2021 ( <b>E</b> ÷ 5)        | 1,282 | 1,369 |

6.34 The Statement also assesses the supply of deliverable housing in the next 5 years (2016/17 to 2020/21) and concludes that there is a supply of between 2.5 and 2.7 years in relation to the identified objectively assessed need. In the context of paragraph 47 of the NPPF, this supply is less than 50% (when taking into account the 20% buffer) of that required and as such comprises a substantial shortfall in the supply of specific deliverable sites. For reference, the NPPF states that to be considered 'deliverable', sites should be (i) available now, (ii) offer a suitable location for development now, (iii) be achievable with a realistic prospect that housing will be delivered on the site within five years and (iv) in particular that development of the site is viable.

6.35 Paragraph 49 of the NPPF states:

*“Housing applications should be considered in the context of the presumption in favour of sustainable development. Relevant policies for the supply of housing should not be considered up-to-date if the local planning authority cannot demonstrate a five-year supply of deliverable housing sites”.*

Accordingly, parts of Core Strategy Policies CSSP1 (Sustainable Housing and Locations) and CSTP1 (Strategic Housing Provision) cannot be considered to be up-to-date, a fact which is recognised by the Thurrock Local Plan Five Year Housing Land Supply Position Statement (July 2016).

6.36 In assessing the issue of housing land supply as a factor in forming very special circumstances, consideration should be paid to the scale of the shortfall, the planning context and the prospect of addressing the shortfall. It can be argued that some degree of shortfall in housing land supply can be attributed to market conditions over proceeding years which have built up a large number of unimplemented permissions. The Council previously commissioned the consultants GVA to undertake research into identifying the reasons behind the decline in housing completions in Thurrock. In their report “Five Year Housing Supply Study” the consultants put forward evidence which suggests that the failure to deliver additional housing growth relates to a combination of wider economic and housing market weaknesses which have impacted upon the scale and rate of housebuilding activity not only within Thurrock, but also across the wider Thames Gateway and South Essex sub-region. Nevertheless, the Council has accepted,

through the need to prepare a new Local Plan, the need to bolster housing land supply by the allocation of additional sites in the Green Belt.

- 6.37 In March 2012 the Inspectors report for the planning appeal at Butts Lane (ref. 10/50235/TTGOUT) concluded that that the under-achievement of housing land supply against the planned housing supply trajectory was a situation where management action was urgently required to meet current requirements and ensure the later years of the plan period are not overloaded by the projected shortfalls. In allowing the Butts Lane appeal in March 2012, the Secretary of State agreed with the Inspector's conclusions on housing land supply and that ... *"this matter contributes significantly towards very special circumstances in relation to development of the Green Belt and considers that the scheme's contribution to meeting the shortfall in the 5-year supply of housing is a substantial benefit"*.
- 6.38 Nevertheless, Local Government Minister Brandon Lewis stated in July 2013 that that the "single issue" of unmet demand for housing or traveller sites would be unlikely to justify otherwise inappropriate development in the Green Belt. Furthermore, as noted above, a revision to PPG dated 6th October 2014 (under reference ID: 3-034-20141006) states that *"unmet housing need (including for traveller sites) is unlikely to outweigh the harm to the Green Belt and other harm to constitute the "very special circumstances" justifying inappropriate development on a site within the Green Belt."*
- 6.39 More recently, the Secretary of State called-in the planning application for residential redevelopment of the Green Belt site at the Aveley Sports and Social Club site. In refusing the application, the Secretary of State concluded that the contribution the proposals (501 dwellings) would make towards the supply of housing land should be afforded "substantial weight". However, the Secretary of State re-affirmed that the single issue of unmet housing demand is unlikely to outweigh harm to the Green Belt and other harm to constitute the very special circumstances justifying inappropriate development.
- 6.40 The current proposals would provide a benefit in contributing towards addressing the shortfall in the supply of new housing as set out in Core Strategy policy delivery targets and as required by the NPPF. The matter of housing delivery contributes towards very special circumstances and should therefore be accorded significant weight in the consideration of this application. However, as noted above, this single issue on its own cannot comprise the very special circumstances to justify inappropriate development, and as such, for such circumstances to exist this factor must combine with other considerations.
- 6.41 3. *The proposals help to meet wider growth objectives within the Borough and Thames Gateway corridor*

Under this heading the applicant refers to the scheme's overall compliance with Core Strategy policy OSDP1, the identification with the Core Strategy of Grays as a growth hub (including new residential development) and the reference to housing growth allied to economic growth in the Thurrock Economic Growth Strategy (Draft – 2016).

#### 6.42 Consideration

The review of the Core Strategy which was undertaken following the introduction of the NPPF in 2012 introduced a new, top-tier level planning policy (OSDP1) which was incorporated in the 2015 (as amended) Core Strategy. OSDP1 is the Council's overarching sustainable development policy, which informs the lower-tier strategic spatial policies, strategic thematic policies and strategic policies for the management of development.

6.43 Policy OSDP1 sets out the Council's commitment to promoting sustainable growth to deliver high quality sustainable development schemes across all types of land uses and facilities and states that, when considering development proposals, the Council will take a positive approach reflecting the presumption in favour of sustainable development set out in the NPPF. However, the presumption in favour of sustainable development which is set out in the NPPF does not override the presumption against inappropriate development within Green Belts. Consequently the perceived compliance with OSDP1 does not contribute towards the case for very special circumstances.

6.44 Under this heading the applicant also refers to the identification of Grays as a growth hub by the Core Strategy and to the "allocation" of approximately 2,600 additional dwellings and 1,600 jobs to this area over the plan period. The applicant also refers to the Strategic Spatial Objectives of the Core Strategy which include housing and employment growth within the Borough's regeneration areas. As above, the applicant's case under this heading refers to high-level strategic objectives which broadly define the key growth hubs / regeneration areas within the Borough. Although Grays, along with Tilbury, Purfleet etc. is allocated an indicative target for new growth target the purpose of the Core Strategy is not to allocate specific sites. Despite the fact that the Core Strategy recognises the potential need for the release of Green Belt sites, the presumption against inappropriate development continues to apply until such time as boundaries are reviewed. Therefore the broad identification of the site as within a growth area does not contribute towards the case for very special circumstances. Nevertheless, the 2013 Draft Site Specific Allocations and Policies Local Plan - Further Issues and Options consultation identified part of the site (for which permission was granted for commercial development in 2011 and 2012) as land for primary industrial and

commercial employment. In line with similar cases where land was identified in the draft Site Specific Allocations and Policies Local Plan, some weight should be attached to this factor.

6.45 The Thurrock Economic Growth Strategy (draft) was considered by Cabinet in February 2016 where, inter-alia, it was resolved to approve the strategy and to acknowledge the role that the strategy will play in supporting the development of the Borough's Local Plan. The strategy continues to recognise the importance of the growth hubs in economic development and also notes that housing shortages and an attractive housing offer are factors influencing inward investment. Nevertheless, there is nothing in the content of the Thurrock Economic Growth Strategy which advocates the use of Green Belt land and the document does not override the policy presumption against inappropriate development. However, as part of the site was identified for development in the 2013 Site Specific Allocations and Policies Local Plan, some weight should be given to this matter in the overall balance of considerations.

6.46 4. *The proposed development would respect all of the five purposes of including land within Green Belt*

Under this heading the applicant provides the following analysis of the function of the site with reference to the five purposes which the Green Belt serves (NPPF para. 80):

- i. to check the unrestricted sprawl of large built-up areas – the site is tightly contained and would not engender sprawl;
- ii. to prevent neighbouring towns merging into one another – the development will be physically connected to existing development in Grays. The settlement of Grays is separated from Tilbury by the A1089 and the railway line. These physical boundaries would not be altered and there would be no merging of towns;
- iii. to assist in safeguarding the countryside from encroachment – the site is separated from open countryside by the A1089 and encroachment onto countryside would be negligible. The boundaries of the site would prevent future encroachment;
- iv. to preserve the setting and special character of historic towns – the site is not adjacent to any designated historic towns;
- v. to assist in urban regeneration, by encouraging the recycling of derelict and other urban land – the proposals would not prevent the development of brownfield sites and would support the regeneration of Grays. Adopted Core Strategy policy accepts that some new residential development will occur outside of previously developed land.

6.47 Consideration

An analysis of the 'contribution' which the site makes to the five purposes of including land in Green Belts is provided at paragraphs 6.13 to 6.18 above. The analysis concludes that the proposals would, to a limited degree, be contrary to some of the purposes of including land in the Green Belt. The principal Green Belt consideration to be made in this case is whether the identified harm to the Green Belt (including the purposes of including land therein) is clearly outweighed by other considerations. Although there is "in principle" harm to the Green Belt and harm to openness, the analysis above considers that other harm to the Green Belt (i.e. the contribution the site makes to the five purposes) is more limited. Therefore, in the planning balance between harm and the considerations which could amount to very special circumstances, the extent of harm is reduced with reference to the five purposes. This factor should therefore be afforded some weight in the balance of considerations.

6.48 *5. The site is not contiguous with the rest of the Green Belt*

Under this heading the applicant refers to the designation of the site as Green Belt when it formed part of a larger swathe of land and the implemented planning permissions which have reduced the extent of the open area. The applicant refers to the analysis of the site considered as part of planning permission ref. 09/50024/TTGOUT and the report presented to Planning Committee which considered that the site was "*not contiguous with the rest of the Green Belt*". The applicant considers that the context of the site remains the same.

6.49 Consideration

The planning history of the site (summarised above) is long and complex. The application site was part of the former PLA landholding (51.8 hectares) located west of the A1089 and north of the railway line. The Inspector's report (78/00601/OUT) noted that in 1968 the Minister of Transport had determined that the PLA landholding was "operational land" (port). Although this operational land was allocated as "extended Green Belt" within Essex Structure Plans in the 1970's, these plans "*acknowledge the national importance of Tilbury Docks and the river and accept that consideration may need to be given for port and / or associated development even on land in the MGB or the extended Green Belt*". Clearly, and despite this historic Green Belt allocation, planning permission for commercial, retail and residential development has been granted on the site.

6.50 A detailed analysis of the Green Belt 'function' of the site is provided elsewhere in this report. It is considered that the site is largely contained on its northern, southern and western boundaries by existing residential and commercial development. In spatial terms the site comprises a narrow corridor of Green Belt



land, separated from the 'wider' Green Belt to the east by the A1089. As a matter of judgement it is considered that harm is, to a degree, limited by this factor. Accordingly, this physical characteristic of the site should be afforded some weight in the balance of considerations.

6.51 6. Flood prevention measures will significantly reduce flood risk

Under this heading the applicant refers to the proposals to raise ground levels and incorporate mitigation measures in order to "remove" flood risk from the development. In addition, the applicant notes that surface water attenuation storage will be provided for the 1 in 200 year event (plus allowance for climate change) which is more than the standard requirement (1 in 100 year event + climate change). The applicant suggests that this additional capacity will reduce *"peak run-off from the site as well as providing alleviation to potential flood risk downstream, providing in-direct benefits to the wider area"*.

6.52 Consideration

The issues of flood risk and site drainage are considered separately elsewhere in this report. In summary, the application site and surrounding developed land to the north, south and west is within the high risk flood zone (Zone 3a). This zone is described as having a 1 in 100 or greater annual probability of river flooding. Land to the east of the A1089 (excluding the Travis Perkins / Amazon sites) is within the functional floodplain (Zone 3b). The area surrounding the site is also bisected by three 'main rivers' (Chadwell Main Sewer, East Tilbury Dock Sewer and Chadwell New Cross Sewer).

6.53 Advice within National PPG refers to the term 'design flood' which is defined as a flood event of a given annual flood probability, which is generally taken as:

- fluvial (river) flooding likely to occur with a 1% annual probability (a 1 in 100 chance each year), or;
- tidal flooding with a 0.5% annual probability (1 in 200 chance each year), against which the suitability of a proposed development is assessed and mitigation measures, if any, are designed (Reference ID: 7-055-20140306).

6.54 Assessed against the 'standard' for fluvial flooding the proposals exceed the minimum referred to by NPPG which implies that there could be indirect benefits in terms of additional storage capacity. Elsewhere in the Borough the issue of flood attenuation measures to address existing flood risk has been promoted as a factor contributing towards a case for very special circumstances (application ref. 15/00205/OUT – Williamson's Farm, Corringham). However, this case remains under consideration and the weight which can be attributed to this factor has not

been previously resolved in Thurrock. However, the Secretary of State's recent decision for a Green Belt residential development in Castle Point (ref. APP/M1520/A/14/2216062) noted that (on the issue of flood risk) *"the proposal could lead to an improvement in the existing situation, and that issues around flooding do not weigh against the proposal"*. From this wording it could be implied that this factor has either a neutral or positive weighting in the balance of considerations. Accordingly, this factor should be afforded some limited weight in favour of the proposals.

6.55 7. *The proposed development provides a high level of site connectivity and accessibility to local facilities and services, using sustainable transport modes*

Under this heading the applicant refers to the potential for new pedestrian and cycle links from the site to adjoining land uses at the east, south and west of the site. Reference is also made to cycle parking provision on-site and sustainable transport measures within the Travel Plan. The applicant considers that the development is compatible with elements of the NPPF related to "Promoting healthy communities" such as the promotion of safe and accessible development (para. 69) and the enhancement of public rights of way and access.

6.56 Consideration

Core Strategy policy CSTP14 (Transport in the Thurrock Urban Area: Purfleet to Tilbury) states that, in order to reduce car traffic, the Council will (inter alia) phase the delivery of a network of walking and cycling routes and ensure that new developments promote high levels of accessibility by sustainable transport modes. Policy PMD2 (Design and Layout) goes on to state that all development proposals must satisfy a number of criteria including:

- v. *Accessibility - Development proposals must allow easy and safe access for all members of the community. Development must also integrate land uses and all modes of transport but pedestrians and cyclists must be given priority over traffic in scheme design;*
- vi. *Permeability and Legibility - Development should promote connections between places that people wish to use, including public transport links, community facilities and the Greengrid. Development should be designed to help people find their way and must be legible for all members of the community, providing recognisable routes using landmarks and signage where appropriate.*

6.57 As the applicant points out, the NPPF generally requires new development to be accessible to sustainable transport modes. The illustrative masterplan drawing accompanying the application suggests new cycle / pedestrian links from the site to Manor Road (to the west), Thurrock Parkway (to the south) and the A1089 (to the

east). These routes could potentially link to public footpath no. 186 (to the west) and an existing cycle / footpath link on the western side of the A1089. These routes are welcomed and will enhance the accessibility of the development. However, as both local and national policy requires new development to be easily accessible to sustainable transport modes then only limited weight should be attached to this factor in assessing whether very special circumstances exist.

6.58 8. Significant landscape and public realm enhancements are proposed including more accessible and attractive recreational areas and open space

Under this heading the applicant considers that the site is of low landscape quality and does not offer recreational opportunities. Proposed new planting, water features and play areas would enhance the recreational use of the site, in accordance with planning policy.

6.59 Consideration

Although the consideration of landscaping is reserved for future assessment, the layout of the site is not a reserved matter. The illustrative masterplan layout drawing accompanying the application shows areas of new planting and 7 no. play areas across the site. The proposed links referred to above could make these recreational facilities available to both potential residents on the development and surrounding users. Nevertheless, adopted Core Strategy policy PMD5 (Open Spaces, Outdoor Sports and Recreation Facilities) requires new development to ensure the provision of “*new open spaces, outdoor sports and recreational facilities*”. As the proposed facilities would principally mitigate the impact of the development provide for the needs of future residents in compliance with policy, only limited weight should be attached should be attached to this factor in assessing whether very special circumstances exist.

6.60 9. The proposals will allow for new habitat creation and greater biodiversity across the site

Under this heading the applicant highlights the proposed habitat enhancement measures (creation of wetland, grassland, tree and shrub planting) which would enhance the biodiversity interest of the site, in line with Core Strategy policy PMD7.

6.61 Consideration

Ecological matters are considered separately elsewhere in this report. 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. A judgement has to be made as to whether the proposals go beyond mitigating the impact of the development. In any case, as national and local policies encourage biodiversity enhancement this factor should only attract limited weight in assessing whether very special circumstances exist.

6.62 10. The proposed development will achieve a high standard of sustainable design and construction and fully comply with targets to reduce CO2 emissions

Under this heading the applicant states that the development is expected to achieve 19% lower CO2 emissions than Building Regulations requirements and that the use of on-site renewable energy technology will provide 15% of the development energy requirements.

6.63 Consideration

Policies PMD12 (Sustainable Buildings) and PMD13 (Decentralised, Renewable and Low-Carbon Energy Generation) are relevant to the proposals. Policy PMD12 requires new residential development to achieve a level 4 rating under the Code for Sustainable Homes (CSH) and major non-residential development to achieve appropriate BREEAM standards. However, following a technical housing standards review the Government withdrew the CSH in April 2015 and compliance with the Code can no longer be required through a planning permission. Part L (conservation of fuel and power) of the Building Regulations is still applicable and the applicant states that the development will exceed the values required by the Regulations.

6.64 With reference to Policy PMD13 the applicant states that the proposed deployment of photo-voltaic panels across the development will meet 15% of the energy demand for the development. This figure is compliant with PMD13.

6.65 The applicant's intention to exceed Building Regulation requirement is welcomed. However, this factor is not particularly site-specific and could be cited as a considerations amounting to very special circumstances elsewhere. Accordingly, this factor attracts only very limited weight in the balance of Green Belt considerations.

6.66 11. The proposals demonstrate a high quality of design, layout and place-making

Under this heading the applicant refers to the achievement of a high quality design through the implementation of a number urban design objectives comprising:

- ease of movement and legibility across the site and beyond site boundaries;

- a development that has character, quality and continuity in the design of its built form and external spaces, whilst also introducing diversity and variety and safe / overlooked spaces;
- a highly sustainable scheme which facilitates pedestrian and cycle trips to surrounding areas, makes use of alternative / renewable energy where possible, and uses sustainable drainage systems;
- promotes quality detailed design, spatial variation, variety of detail and materials and flexible and adaptable buildings.

#### 6.67 Consideration

A key element of the NPPF is the requirement for good design and paragraph 56 of the Framework states that the Government attaches great importance to the design of the built environment. In addition paragraph 57 of the NPPF states that it is important to plan positively for the achievement of high quality and inclusive design for all development, including individual buildings, public and private spaces and wider area development schemes. Similarly Adopted Core Strategy policies CSTP22 (Thurrock Design) and PMD2 (Design and Layout) seek high design standards. Given this policy context, high quality buildings and the spaces in-between buildings should therefore be seen as a standard to be achieved, rather than an optional extra.

6.68 At paragraph 63, the NPPF notes that when determining applications, great weight should be given to outstanding or innovative designs which help raise the standard of design more generally in the area. In response to this part of the NPPF it should be noted that the application seeks outline permission, with the matters of appearance, landscaping and scale reserved for future approval. Although the submitted Design and Access Statement provides a degree of information regarding design principles and the design concept, the fine grain details of the development are reserved for future approval, if outline permission were to be granted. This factor and the promotion of high quality design through both national and local planning policies mean that only limited weight can be attributed to design quality in the planning balance.

#### 6.69 12. The proposals include a variety of housing types and sizes to create a mixed community and respond to different needs

Under this heading the applicant considers that the development would provide a range of dwelling types and sizes in accordance with Core Strategy policies and the Thurrock Economic Growth Strategy.

#### 6.70 Consideration

The proposals would provide for a mix of two, three and four-bedroom houses and two and three-bedroom flats. Policy CSTP1 (Strategic Housing Provision) of the adopted Core Strategy refers to housing mix and states that the Council “... will require new residential developments to provide a range of dwelling types and sizes to reflect the Borough’s housing need, in accordance with the findings of the Strategic Housing Market Assessment ...”. The proposals would provide a mix of dwelling types and sizes in accordance with the Policy.

6.71 The ‘Thames Gateway South Essex Fundamental Review of the Strategic Housing Market Assessment Review’ (2013) specifically notes that a greater proportion of two-bedroom houses would have significant benefits in sustaining communities. The applicant’s Planning Statement suggests that some 149 (53%) of the development would comprise two-bedroom accommodation. The proposed mix of dwelling types and sizes is also considered to be consistent with NPPF guidance (paragraph 50) which state that local planning authorities should (inter-alia) plan for a mix of housing. On this basis, the proposals are consistent with national and local planning policies. However, as the provision of a mix of housing sizes and types is a factor is capable of repetition, it is not a site-specific consideration which attracts significant weight in the balance of Green Belt considerations. Consequently only very limited weight is afforded to this argument.

6.72 13. The proposals include affordable housing

The applicant has confirmed that the development would include total of 98 affordable housing units to be provided as follows:

- 69 no. social rented units comprising 48 no. x two-bed apartments, 6 no. x three-bed apartments and 15 no. x three-bed houses; and
- 29 no. affordable rented / intermediate units comprising 29 no. x three-bed houses.

The proposed provision equates to 35% of the total number of units.

6.73 Consideration

Core Strategy policy CSTP2 (The Provision of Affordable Housing) states that in order to address the current and future need for affordable housing in Thurrock, the Council will seek the minimum provision of 35% of the total number of residential units built to be provided as affordable housing. The proposals may therefore be seen as policy compliant in this respect.

6.74 Paragraph 6.31 (above) notes that the South Essex Strategic Housing Market

Assessment identifies a range of objectively assessed housing need for Thurrock of between 919 and 973 dwellings per annum (using a 2014 base date). If the minimum 35% affordable housing figure is applied to objectively assessed housing need (919-973 dwellings) an annual range of 322-341 affordable housing units is obtained. A summary of affordable housing completions in Thurrock for the last five years of available data is provided in the table below:

| <u>Period</u>              | <u>A/H completions</u> | <u>Total completions on sites<br/>liable to A/H provision</u> | <u>% A/H</u> |
|----------------------------|------------------------|---|--------------|
| 2011/12                    | 28                     | 332   | 8.4%         |
| 2012/13                    | 138                    | 363   | 38.0%        |
| 2013/14                    | 76                     | 266   | 28.6%        |
| 2014/15                    | 105                    | 296   | 35.5%        |
| 2015/16                    | 99                     | 611   | 16.2%        |
| <b>Five Year<br/>Total</b> | <b>446</b>             | <b>1,868</b>  | <b>23.9%</b> |

6.75 The data in the above table shows that there have been two recent years within which the percentage of affordable housing completions on sites liable to provide affordable has met the minimum 35% policy target. However, the five-year trend between 2011/12 and 2015/16 is that the proportion of affordable housing completions on sites liable to deliver affordable housing is, at 24%, well below the minimum 35% policy target.

6.76 Within the context of the average under-delivery of affordable housing on eligible sites over the past five years, and the wider context of an historic under supply of housing (compared to Core Strategy policy targets and more recent objectively assessed need) it is considered that the proposals would make a sizeable contribution towards the delivery of affordable housing. This factor weighs in favour of the proposals and should be afforded moderate weight in the balance of considerations.

6.77 14. The proposals include new health facilities

As first submitted for consideration, the description of development included reference to the provision of a “250 sq.m. health centre (Use Class D1)”. The consultation response from NHS England referred to this proposed facility and noted that “a building of this size does not align with the NHS England and CCG Estates Strategies for the area, at the current time NHS England and the CCG have no plans for a new facility in this location. The CCG instead are looking to reconfigure existing capacity in the surrounding vicinity to create greater efficiency”. In light of these comments the applicant revised the description of development to refer to the provision of a “250 sq.m. community facility (Use Class D1)”.

6.78 In light of the change in the description of the development, no weight should be attached to this factor in the consideration of very special circumstances.

6.79 *15. There is an existing and expanded Primary School in close proximity to the proposed new housing*

The applicant considers that the proposed new housing would be located within easy walking distance of Thameside Primary School which adds to the sustainable credentials of the development.

6.80 Consideration

Thameside Primary School is located a short distance to the west of the site and theoretically is within comfortable walking distance of potential occupiers of the development. However, the site is currently separated from Manor Road by a watercourse and associated ditch. Nevertheless, the applicant has offered a financial contribution towards the provision of footpath / cycle links to the north and / or west of the site. Notwithstanding the potential for future transport links to the west, the applicant's argument seems to be based purely on the physical proximity of the site to the school. In any case Education officers have confirmed that a financial contribution is required to mitigate the impact from the development on demand for school places. Consequently, no weight should be attached to this factor in the balance of considerations

6.81 *16. The proposals support and enhance the Thurrock Park Employment Area*

The applicant considers that the proposed commercial development (Use Class B2 / B8) is supported by Core Strategy and would create new employment.

6.82 Consideration

That part of the application site which would be occupied by the proposed commercial development is not allocated as employment land on the policies map accompanying the Core Strategy. It follows that Policies CSSP2 (Sustainable Employment Growth) and CSTP6 (Strategic Employment Provision) do not, de-facto, support this element of the proposals. The proposed commercial development could create new employment opportunities in a location which is immediately adjacent to the existing Thurrock Park employment area. This employment provision would be generally consistent with the economic dimension of sustainable development, as defined in the NPPF. On balance, only limited weight should be attributed to this factor.



6.83 *17. Planning obligations will support the application*

The applicant considers that obligations will be secured to deliver the infrastructure required for the development, in line with Core Strategy policy PMD16 (Developer Contributions).

6.84 Consideration

Planning obligations upon the developer, secured pursuant to s106 of the Town and Country Planning Act are a 'mechanism' for ensuring proper mitigation of the impacts of development and / or complying with policy requirements. In this context, the fact that planning obligations are required is, at a prima facie level, not a factor which could contribute to very special circumstances. Therefore, no weight should be attached to this argument.

6.85 **Conclusions**

Under the heading of Green Belt considerations, it is concluded that the proposals comprise inappropriate development. Consequently, the development would be harmful in principle and would reduce the openness of the Green Belt. Substantial weight should be attached to this harm. However, with regard to the role which the site plays in fulfilling the purposes for including land in the Green Belt, it is considered that there is only limited harm. Consequently, the vast majority of Green Belt 'harm' can attributed to conflict with policy in principle and loss of openness.

6.86 With reference to the applicant's case for very special circumstances, an assessment of the factors promoted is provided in the analysis above. However, for convenience, a summary of the weight which should be placed on the various Green Belt considerations is provided in the table below:

| <b>Summary of Green Belt Harm and Very Special Circumstances</b>                     |               |   |                    |
|--|---------------|---|--------------------|
| <u>Harm</u>  | <u>Weight</u> | <u>Factors Promoted as Very Special Circumstances</u>   | <u>Weight</u>      |
| Inappropriate development  | Substantial   | The principle of development at the site has been accepted in previous planning permissions granted at the site | Moderate weight    |
| Reduction in the openness of the Green Belt  |               |   |                    |
| Conflict (to varying degrees) with a number of the purposes of including land in the |               | Contribution towards the delivery of housing and the lack of a five year housing                                | Significant weight |

|  |   |                     |
|--|---|---------------------|
| Green Belt   | land supply   |                     |
|  | The proposals help to meet wider growth objectives within the Borough and Thames Gateway corridor   | Some weight         |
|  | The proposed development would respect all of the five purposes of including land within Green Belt   | Some weight         |
|  | The site is not contiguous with the rest of the Green Belt  | Some weight         |
|  | Flood prevention measures will significantly reduce flood risk  | Limited weight      |
|  | The proposed development provides a high level of site connectivity and accessibility to local facilities and services, using sustainable transport modes | Limited weight      |
|  | Significant landscape and public realm enhancements are proposed including more accessible and attractive recreational areas and open space               | Limited weight      |
|  | The proposals will allow for new habitat creation and greater biodiversity across the site  | Limited weight      |
|  | The proposed development will achieve a high standard of sustainable design and construction and fully comply with targets to reduce CO2 emissions        | Very limited weight |
|  | The proposals demonstrate a high quality of design, layout and place-making   | Limited weight      |
| The proposals include a variety of housing types and sizes to create a mixed | Very limited weight   |                     |

|  |  |   |                 |
|--|--|---|-----------------|
|  |  | community and respond to different needs  |                 |
|  |  | The proposals include affordable housing  | Moderate weight |
|  |  | The proposals include new health facilities   | No weight       |
|  |  | There is an existing and expanded Primary School in close proximity to the proposed new housing | No weight       |
|  |  | The proposals support and enhance the Thurrock Park Employment Area                             | Limited weight  |
|  |  | Planning obligations will support the application   | No weight       |

6.87 Within the table above, many of the factors promoted by the applicant can be assessed as attracting varying degrees of 'positive' weight in the balance of considerations. In particular, the contribution of the development towards housing supply, the provision of affordable housing and the planning history of the site attract moderate or significant weight in the Green Belt balancing exercise.

6.88 As ever, in reaching a conclusion on Green Belt issues, a judgement as to the balance between harm and whether the harm is clearly outweighed must be reached. In this case there is harm to the Green Belt with reference to inappropriate development and loss of openness. However, this is considered to be the full extent of the harm as there would be only limited conflict with the purposes of including land in Green Belts and, given the assessment elsewhere in this report, there is no significant harm, to landscape and visual receptors, ecology etc. A number of factors have been promoted by the applicant as 'very special circumstances' 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'.

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

## II. TRAFFIC IMPACT, ACCESS & CAR PARKING

- 6.90 The planning application is accompanied by a Transport Assessment (TA), a TA Addendum and a Travel Plan. Although this is an application for outline planning permission, details of access (i.e. accessibility to and within the site in terms of the positioning and treatment of access circulation routes) are for consideration as part of this submission.
- 6.91 Two points of access for vehicles are proposed to serve the development. Firstly, to serve the proposed residential development and Class D1 community facility, Churchill Road would be extended on its current alignment (north-east to south-west) and at its current dimensions (7.3m wide carriageway with two 2m wide footpaths). A series of lower category roads (6m and 4.8m wide carriageways with or without 2m footpaths) would penetrate through the site to serve the proposed dwellings. The second point of access for vehicles would be located from Thurrock Parkway to the south of the site, to serve the proposed Class B2 / B8 commercial uses. The site connects to the public highway at Thurrock Parkway via a right of way for vehicles and pedestrians across land in private ownership within the 'Clipper Park' commercial estate. The applicant has confirmed that this right of way has the benefit of being held in perpetuity. This commercial access would provide a short section of link road, parking and turning areas serving the proposed commercial uses only.
- 6.92 The proposed access arrangements would therefore separate the residential / community facility access (via Churchill road) from the commercial access (via Thurrock Parkway). Nevertheless, the submitted plans indicate that an "emergency access and cycle path" would link the residential / community facility to Thurrock Parkway. The submitted masterplan drawing also indicates the position of a "potential cyclepath access to Manor Way" on the western boundary of the site and a "potential cyclepath access to Dock Road" in the site's eastern boundary.
- 6.93 As the site is located adjacent to the strategic road network (A1089) and because traffic associated with the development could impact upon that network, Highways England (HE) have been consulted on the proposals. In responding to the original TA (October 2015) HE considered that further assessment of the A1089 Dock Road / Old Dock Approach Road / Marshfoot Road junction was required. A subsequent TA Addendum modelled potential impact on this junction and an updated response from HE confirmed no objection to the proposals on the grounds of impact on the strategic road network.
- 6.94 The Council's Highways Officer has also considered the content of the TA and TA Addendum and has concluded that there are no objections to the proposals, subject to planning conditions and s106 obligations. The Council Highways Officer notes that the TA Addendum models future traffic generation and the impact on

surrounding junctions including the Dock Road / Churchill Road roundabout and the Marshfoot Road / Old Dock Approach Road roundabout junction. The consultation response from Highways notes that the TA Addendum provides a robust assessment of potential traffic movements and the distribution of movements. However, although the TA considers that the development would not materially impact on the A1089 / Marshfoot Road junction, it is considered that in light of the accident record for this junction mitigation measures are required. The applicant has offered a financial contribution of £200,000 towards the costs of improving this junction and this contribution is considered appropriate. Capacity and safety improvements at the A1089 / A126 Marshfoot Road priority junction are identified as an infrastructure project on the Infrastructure Requirement List.

6.95 As noted above, the submitted drawings and the TA refer to the potential for pedestrian / cycle links connecting the site to Manor Way to the west and Dock road to the east. The Infrastructure Requirement List includes a project for improved walking links between Thurrock Parkway and Grays, via Manor Road and Churchill Road. The applicant has offered a financial contribution of £40,000 towards the provision of this infrastructure.

6.96 With reference to parking provision for the non-residential elements of the proposals, the Council's Draft Parking Standards and Good Practice (2012) suggest the following parking provision:

| <u>Use</u>                  | <u>Vehicle<br/>(maximum)</u> | <u>Cycle<br/>(minimum)</u>  | <u>Powered two-<br/>wheeler<br/>(PTW)<br/>(minimum)</u> | <u>Disabled<br/>(minimum)</u> |
|-----------------------------|------------------------------|---|---|-------------------------------|
| B2 (general industrial)     | 1 space per 50sq.m.          | (staff) 1 space per 250sq.m.<br>(visitors) 1 space per 500sq.m.   | 1 space per 20 vehicle spaces                           | 2 bays or 5% of total         |
| B8 (storage & distribution) | 1 space per 150sq.m.         | (staff) 1 space per 500sq.m.<br>(visitors) 1 space per 1,000sq.m. | 1 space per 20 vehicle spaces                           | 2 bays or 5% of total         |
| D1 (public hall)            | 1 space per 25sq.m.          | 1 space per 4 staff plus visitor provision                        | 1 space + 1 per 20 vehicle spaces                       | 1 bay or 5% of total          |

- 6.97 The submitted Masterplan drawing show the provision of 36 parking spaces for the class B2 / B8 units access from Thurrock Parkway. This level of provision would meet the 'worst case' provision of 1 space per 50sq.m. for Class B2 floorspace. Details of cycle, PTW and disabled vehicle parking are not provided. However, it would be reasonable for a planning condition to address these details. Highways layout drawings suggest the provision of 14no. parking spaces to serve the proposed community facility. Although the potential occupier(s) of this facility is not known and the potential operation of the facility within the Class D1 range is also unknown, on the assumption that the floorspace is used as a public hall (rather than a medical use for example) then the suggested vehicle parking provision would meet the suggested standard.
- 6.98 With regard to residential uses, the draft 2012 parking standards are expressed as a range to suit local circumstances. Vehicle parking standards for both flats and houses are dependent upon the accessibility of the site (or part thereof) to a designated town centre and / or public transport links. As the site is not located within 1km walking distance of Grays town centre and is also not within 400m of a bus stop subject to a minimum service of 20 minutes, the location of the site is classed as 'low accessibility'. Under these circumstances, the draft standards suggest a minimum car parking provision of 1.25 spaces per flat (regardless of the number of bedrooms) and a minimum two spaces per house. Visitor parking provision of 1 space per 4 dwellings is suggested and the draft standards also state that an additional parking space "will be permitted" for 4-bedroom houses. To summarise, draft standards would suggest the provision of a minimum of 590 parking spaces to serve the residential element of the development. Although the matter of layout is not reserved for future consideration the masterplan drawings are not sufficiently detailed to show all of the proposed car parking provision. However, banks of in-curtilage front-garden parking are indicated and one of the housing typologies is a house with garage space. Consequently, there is confidence that the detailed arrangement of the residential development, to be submitted if outline permission is granted, will meet the suggested minimum parking standards. The Council's Highways Officer has suggested that a planning condition can be attached to any grant of outline planning permission to secure the provision of satisfactory parking.
- 6.99 As noted in the 'Flood Risk' section of this report, in order to mitigate flood risk ground levels are proposed to be raised across the site. A similar land raising exercise was recently undertaken on the Amazon site to the east of the A1089. The TA estimates that some 113,000 cu.m. of fill material would need to be imported to achieve the required finished ground levels. Over an assumed 18 month period the TA estimates 30 HGV loads (60 HGV movements) per day. It is further suggested in the TA that these HGV movements would be routed via Thurrock Park Way in order to avoid residential roads. A planning condition could be used to

require details of construction routing details, if planning permission were to be granted.

6.100 In summary, subject to obligations to be secured via a s106 agreement and planning conditions, there are no objections to the proposals on highways grounds.

### III. IMPACT ON ECOLOGY & BIODIVERSITY

6.101 The site does not form part of any statutory site of designated ecological interest. The nearest such statutory designation to the site being the Globe Pit SSSI, designated for its geological interest and located some 650m to the north-west of the site. The north-eastern corner of the application site is located a short distance to the west of the Little Thurrock Reedbeds Local Wildlife Site (LWS), designated on a non-statutory basis for its reedbed habitat. However, land within the site close to the LWS would be retained in its existing open state and would not be developed. Consequently, there would be no immediate impact on the LWS. The site also forms part of the larger Little Thurrock Marshes 'Potential LWS', included as an appendix to the Thurrock Greengrid Strategy. This potential LWS designation was based on the status of the site as remnant grazing marsh. However, this potential non-statutory designation has not been confirmed.

6.102 The application is accompanied by a number of ecological reports and studies comprising:

- Preliminary Ecological Appraisal;
- Botanical Report;
- Breeding Birds Report;
- Ecology Data Survey;
- Ecology Mitigation Strategy;
- Great Crested Newt Survey;
- Invertebrates Survey;
- Reptile Survey; and
- Water Vole Report.

6.103 A Phase 1 habitat survey confirms that the site principally comprises semi-improved grassland interspersed with smaller areas of ruderal vegetation, scrub, semi-natural woodland, short perennial vegetation, amenity grassland and standing water within the ditches. The submitted Preliminary Ecological Appraisal notes that there are four habitats within and close to the site which are of importance, namely:

- Coastal Grazing Marsh – the Appraisal notes that this habitat has become nutrient-enriched which has decreased its biodiversity interest. Nevertheless mitigation measures could include the formation of seasonally wet habitats;
- Open Mosaic Habitat – this patchwork habitat of bare ground and short perennial vegetation has formed where suitable substrates exist. As above, mitigation for the loss of this habitat should include replacement habitat;
- Semi-Natural Woodland – area of this habitat outside of the ditch network would be retained. However, a small area of woodland on the southern part of the site would be removed. The Appraisal does not consider this loss to be significant;
- Reedbed – this habitat is found close to the north-eastern corner of the site. The development should ensure that water pollution levels are not increased in this area.

6.104 A summary of the results for the individual species surveys is provided below:

- Botanical Survey: the coastal grazing marsh and open mosaic habitat within the site meet the criteria for priority habitat in the UK Biodiversity Action Plan and are therefore listed as Habitats of Principal Importance for the conservation of biodiversity in England under Section 41 of the Natural Environment and Rural Communities Act 2006. This places a duty on the planning authority to seek to safeguard these habitats when exercising its functions. The NPPF states that local planning authorities should aim to conserve and enhance biodiversity, and that if significant harm cannot be avoided, mitigated or compensated, then permission should be refused. Areas for ecological mitigation are retained within the site and the Botanical Survey recommends that grazing marsh and open mosaic habitat should be re-instated within the site and managed in the future.
- Breeding Birds Report: the majority of bird activity was recorded within the dense scrub on-site. The proposals would involve the loss of some scrub habitat, however this habitat is widespread and common so the impact of scrub removal would be local. Any removal of scrub should avoid the bird nesting season. The wet ditches within the site support a bird population and this habitat would be retained and expanded to provide new habitat. The open areas, which comprise the majority of the site, are of negligible value to breeding birds.
- Great Crested Newt Survey: surveys of waterbodies both on-site and within 500m of the site have not revealed the presence of this species. The likelihood of Great Crested Newts being impacted by the proposals is very low and no further surveys or mitigation are recommended.
- Invertebrates Survey: surveys undertaken in 2016 recorded 36 invertebrate species of conservation concern. The south-eastern part of the site displayed a high Species Quality Index (SQI) score and a Broad Assemblage Type (BAT)



rarity score, so is considered to be of a high value to invertebrates. Management and enhancement of the ecological enhancement areas on the site should be targeted to maintain and increase the importance of the invertebrate assemblages found.

- v. Reptile Survey: surveys recorded low populations of both common lizard and slow worms, linked to the presence of suitable reptile habitat on parts of the site. Mitigation in the form of retention of suitable on-site habitat or translocation of both species to a receptor site is recommended.
- vi. Water Vole Report: evidence of water vole activity was recorded in sections of the ditches within the site. The Wildlife and Countryside Act 1981 requires the avoidance of harm or disturbance to this species or the destruction of their burrows. Subject to the retention the existing network of ditches and the adjacent banks the impact on water voles may be negligible. The proposals include the creation of new habitats which will be suitable for water voles.

6.105 Objections to the application have been received from Buglife, Essex Field Club and the Environment Agency on the grounds of impact on biodiversity. However, the Council's Ecology and Landscape Advisor considers that the general principles set out within the Ecological Mitigation Strategy are appropriate for the site. Proposals for habitat mitigation and enhancement are also considered to be broadly acceptable. Although proposed areas of grazing marsh and wildflower habitat mitigation are narrow and could be dominated by tree planting. Further amendment to the submitted Strategy is therefore required. Areas of compensatory 'living roof' are also proposed and would need to form part of the final mitigation strategy.

6.106 Under this heading it is concluded that, subject to further amendment of the mitigation proposals (which can be secured through planning condition) there are no objections to the proposals on ecological grounds.

#### IV. DESIGN & LAYOUT

6.107 Consideration of layout is not a reserved matter and therefore can be considered as part of the current submission. As mentioned above, access arrangements for the residential and Class B2 / B8 commercial elements of the proposals are separate. Therefore, the commercial floorspace would be located on the southern part of the site, immediately adjacent to existing employment uses at Thurrock Park Way. An open area of landscaping / habitat creation / ditch expansion would physically separate new commercial and residential uses, with a minimum separation of approximately 65m between respective buildings. This area would provide a clear visual buffer between the different land uses.

- 6.108 The existing drainage ditches running parallel to the northern and eastern site boundaries provide a limitation on the extent of the developable area due to the associated 'stand-off' distances from the top of banks. In particular, there would be no built development on either side of the Chadwell New Cross Sewer along the majority of its length within the site. This area of the site is reserved for landscaping and ecological mitigation. For those remaining areas of the site proposed for residential development, the layout of streets and arrangement of building blocks appears logical, with new dwellings facing onto streets and back-to-back distances largely maintained to existing dwellings. On the eastern part of the site proposed dwellings would occupy a back-to-back or back-to-flank relationship with existing dwellings at Medick Court, Mace Court, Samphire Court and Salix Road, with distances of between 19 and 25m between existing and proposed properties. To the rear (south) of Speedwell Court, Sedge Court, Syringa Court and Scilla Court the proposed dwellings would also display a back-to-back or flank-to-back relationship with existing dwellings. Dwellings would be separated by between 20 and 38m. It is considered that these relationship are acceptable and would ensure reasonable amenity for both existing and future residents.
- 6.109 The matters of appearance and scale are reserved for subsequent approval. Nevertheless, a submitted 'Building Parameters Plan' suggests two main house types comprising a two-storey detached / linked-detached or semi-detached house with garage and a two-storey semi-detached / terraced house without garage. Two and three-bedroom flats are proposed (54 no.) provided within 6 no. two / three-storey blocks. These blocks would be located at the south-eastern corner of the site and would be well-separated from existing dwellings. Residential development to the north of the site within the Churchill Road estate comprises exclusively two-storey development arranged as pairs of semi-detached or detached dwellings. The proposed scale and arrangement of dwellings would not appear at odds with the character of development to the north.
- 6.110 Nevertheless, the proposals would represent a more intensive use of land with a higher density than the adjoining Churchill Road estate. For the purposes of comparison, the Churchill Road estate (developed in the 1980's) has a relatively low density of c.29 dwellings per hectare (dph). Policy CSTP1 (Strategic Housing Provision) of the adopted Core Strategy sets out a preferred density range of between 30-70 dph. Based on the gross site area of 13.1 hectares, the proposals represent a residential density of some 21 dph. However, if the commercial floorspace, strategic landscaping and flood mitigation elements are removed from the gross site area, a residential density of 49 dph results, within the range mentioned by CSTP1. Although representing a more intensive use of land, as typified by the more widespread use of semi-detached and terraced house types compared to the Churchill Road estate, the proposed quantum of development is still comfortably within the range described by CSTP1. Core Strategy policy PMD2

(Design and Layout) requires all development to respond to the sensitivity of the site and its surroundings and to optimise the potential of the site to accommodate development. A balance must therefore be struck between making the best use of land and responding to context. In this case with regard to both storey heights and the density of development, the proposals would meet the policy test.

## V. NOISE & AIR QUALITY

- 6.111 There are no air quality issues arising from the proposed development, the closest Air Quality Management Areas being located to the west within Grays and east at Tilbury.
- 6.112 At the request of the Council's Environmental Health Officer (EHO) the applicant undertook a noise survey and assessment to consider the proposals in the context of noise from the A1089 and existing commercial activities at Thurrock Parkway. The assessment also considers the impacts of construction noise from the development on existing receptors.
- 6.113 Comments received from the EHO confirms that the noise survey collected sufficient data at suitable locations on the site with respect to road traffic and industrial / commercial sources in order to make an adequate assessment of the prevailing noise climate. The predicted noise levels from groundworks associated with construction activities has the potential to cause some unavoidable short term disturbance to existing residential receptors on the eastern edge of the Churchill Road estate. Measures to mitigate this short term impact include restrictions on construction hours, use of 'Best Practicable Means' and construction traffic routing. The noise environment on-site is strongly influenced by road traffic noise from the A1089 and industrial noise from Thurrock Parkway. Noise mitigation measures will be required for some of the proposed residential units to meet relevant BS8233:2014 criteria. This would consist of an enhanced glazing specification and acoustic ventilation for habitable rooms facing the noise sources. As this is an application for outline planning permission, the exact requirements would be determined at the detailed design stage. External amenity areas are reasonably well screened by buildings on the eastern part of the site, but further to the south the proposed apartment blocks do not fully screen the gardens beyond. The external amenity areas for the apartments are not yet defined and noise will need to be considered in the detailed design. Planning conditions are therefore required to ensure a satisfactory noise environment for future residents and to mitigate the impact of short term construction activities.

## VI. FLOOD RISK & SITE DRAINAGE

- 6.114 The site, along with surrounding areas in all directions, is located in the high probability flood risk area (Zone 3a). The Tilbury Flood Storage Area (FSA), which is designated as a functional floodplain with the highest flood risk (Zone 3b), is to the east of the site on the opposite side of the A1089. The Tilbury FSA is separated from surrounding areas within Zone 3a by flood defences. Furthermore, the site and surrounding areas benefit from tidal defences on the banks of the River Thames. These tidal defences protect the site and surrounding land to a 1 in 1,000 year flood event standard. There are also 'main rivers', as defined by the Environment Agency (EA) close to the application site comprising the Chadwell New Cross Sewer which passes through the northern part of the site, the East Tilbury Dock sewer to the south and Chadwell Cross Sewer to the east.
- 6.115 Table 2 of PPG is a 'Flood Risk Vulnerability Classification' for different types of development which, in combination with the flood zone classification, determines whether development is appropriate, should not be permitted or should be subject to the Exception Test. The proposed Class D1 community facility and residential development comprise 'more vulnerable' development with reference to Table 2, whilst the proposed commercial floorspace is defined as 'less vulnerable'. Table 3 of PPG comprises a 'Flood Risk Vulnerability and Flood Zone Compatibility' table which defines the proposed 'less vulnerable' commercial development as appropriate in Flood Zone 3a. However, the 'more vulnerable' residential development should be subject to an Exception Test. In addition to the Exception Test, the development proposals are also subject to the requirements of the Sequential Test which aims to steer new development to areas with the lowest risk of flooding.
- 6.116 In light of the high flood risk classification of the site the application is accompanied by a Flood Risk Assessment (FRA) and a Water Framework Directive Assessment. Both the EA and the Council's flood risk manager have been consulted on the proposals.
- 6.117 Detailed Flood Risk Mitigation Proposals:

The existing topography of the site and surrounding areas is generally flat and low-lying with levels ranging between +1.1m AOD on the north-western part of the site reducing to -0.5m AOD adjacent to the A1089. Levels at the bottom of the Chadwell New Cross Sewer at the site's north-west corner are -1.8m AOD. In order to address potential flood risk issues by placing the proposed development above the modelled 1 in 200 year flood event (+ climate change allowance and freeboard) the proposals include a general raising of ground levels across the site to +2.03m AOD. The proposed raising of levels would involve the net importation of fill material to the site. In addition, surface water attenuation storage would be provided on-site to a 1 in 200 year event + climate change standard. This storage

would reduce peak run-off and provide alleviation to potential flood risk downstream. The attenuation storage would be formed by the deepening and widening of existing drainage ditches to the site's eastern and south-eastern boundaries and the creation of a small ditch near the north-western corner. The attenuation areas could provide a total water storage volume of approximately 27,000 cu.m.

#### 6.118 Consultation Responses:

The initial consultation from the EA (December 2015) raised a holding objection to the proposals on the ground of:

- a review of the applicant's fluvial modelling of the Chadwell New Cross Sewer was required to ensure it was fit for purpose;
- the site is at risk from fluvial (river) flooding and the risk from fluvial inundation would be unacceptable. In particular the FRA fails to demonstrate that there would be not net loss of floodplain storage; and
- a Water Framework Directive (WFD) compliance assessment should be submitted.

6.119 In response to the EA's comments the applicant submitted a Supplementary FRA Addendum (May 2016) and a WFD Assessment Screening Report (June 2016).

6.120 An updated consultation response from the EA (July 2016) refers to the submitted FRA Addendum and Supplementary FRA Addendum and removes the EA objection on flood risk grounds. In particular, the EA confirm that:

*"We are satisfied that the Addendum produced by Mott MacDonald, titled Supplementary Flood Risk Assessment Addendum and dated May 2016, provides you with the information necessary to make an informed decision."*

6.121 In commenting on flood risk from tidal sources the EA note that the site benefits from the presence of flood defences, which defend Purfleet, Grays and Tilbury to a 1 in 1000 year standard of protection. With regard to residual tidal flood risk, the EA refer to the confirmation in the Supplementary FRA Addendum that no additional flooding will occur off-site as a result of the proposed land raising.

6.122 A further consultation response from the EA (August 2016) removed the outstanding objection on WFD ground, subject to a planning condition.

6.123 The initial consultation response from the Council's flood risk manager (January 2016) supported the principle of the applicant's proposed surface water drainage strategy. However, further clarification and explanation of the strategy was

requested. An updated consultation response (June 2016) confirmed that previous issues had been addressed and that a viable drainage strategy to attenuate surface water run-off from the development had been presented. Consequently, there are no objections from the flood risk manager, subject to a planning condition.

6.124 Finally a consultation response from Anglian Water (January 2016) confirms:

- foul drainage from the development is in the catchment of Tilbury Water Recycling Centre which has available capacity;
- the foul sewerage network has available capacity for flows from the development;
- a planning condition is required to address the issue of surface water drainage.

6.125 Sequential / Exception Test

The Thurrock Strategic Flood Risk Assessment (SFRA) has applied the Sequential and Exception tests to the Borough's broad regeneration and growth areas, including the Grays and Tilbury urban areas. However, this is a 'windfall' site and PPG advises for individual planning applications that 'the area to apply the Sequential Test across will be defined by local circumstances relating to the catchment area for the type of development proposed'. For individual applications like this a pragmatic approach needs to be taken to Sequential Testing as all of the Tilbury broad regeneration area (to the south) and land surrounding the site to the north, east and west, as the catchment area, is also located within in the high risk flood zone. It is considered that there are no alternative available sites identified in the Development Plan within this catchment area that could accommodate the proposed development in a lower flood zone. For these reasons the proposal is considered to pass the Sequential Test.

6.126 For the 'Exception Test' to be passed, the proposed development needs to provide 'wider sustainability benefits to the community that outweigh flood risk', and demonstrate that the development will be 'safe for its lifetime'. In addition to reasons stated in the 'Sequential Test' assessment (which also apply here) and based on the site's location, the development is considered to provide 'wider sustainability benefits to the community that outweigh flood risk'. Paragraph 7 of the NPPF sets out three dimensions to sustainable development, namely economic, social and environmental. The NPPF definition of the economic role includes reference to "building a strong, responsive and competitive economy ... ensuring sufficient land is available to support growth". The definition of the social role of sustainable development includes reference to "providing the supply of housing required to meet the needs of present and future generations". Judged against these definitions of sustainable development, the proposals are considered

to pass the first limb of the Exception Test (i.e. there are wider sustainability benefit which outweigh flood risk).

6.127 The FRA demonstrates that the development will be 'safe for its lifetime'. In particular, the residual risk of flooding during a 1 in 200 year tidal breach event is low and can be managed by changes to levels. Furthermore, there is modelled to be no significant change to fluvial or tidal flood levels and fluvial or tidal flood hazard to third parties as a result of the development. In addition a Flood Warning and Evacuation Plan (FWEP) can be secured through a planning condition to address residual risk.

## VII. VIABILITY & PLANNING OBLIGATIONS

6.128 The application is accompanied by a financial viability appraisal and, in accordance with usual practice, this appraisal has been independently assessed. The independent assessment concluded that the applicant's appraisal was reasonably detailed and informative. However, there were queries regarding development costs and the value of the scheme. In response, the applicant submitted revised appraisal incorporating increased sales values and a reduction in development costs. Based on the revised appraisal the appraisal the applicant has confirmed that the development can sustain policy-compliant affordable housing (35%), as well as the following obligations which can be secured through a s106 agreement:

- £273,316.39 nursery school-age education contribution;
- £1,363,958.96 primary school-age education contribution;
- £1,091,050.63 secondary school-age education contribution;
- £40,000 cycle /footpath links contribution;
- £200,000 capacity and safety improvements at the A1089 / A126 junction.

## 7.0 CONCLUSIONS, THE BALANCING EXERCISE AND REASONS FOR RECOMMENDATION

7.1 The principle issue for consideration in this case is the assessment of the proposals against planning policies for the Green Belt and whether there are very special circumstances which clearly outweigh harm such that a departure from normal policy can be justified. The proposals are 'inappropriate development' in the Green Belt and would lead to the loss of openness. Substantial weight should be attached to this harm in the balance of considerations. Nevertheless, it is considered that only limited harm should be attached to the impact that the proposals would have on the role of the site in fulfilling the defined purposes for including land in the Green Belt.

- 7.2 The applicant has cited a number of factors which are promoted as comprising very special circumstances which could outweigh the harm to the Green Belt. The weight which can be attached to these factors is considered in detail in the paragraphs above. Although a number of considerations promoted by the applicant attract no weight or only limited weight, there are factors which should be afforded more weight in the Green Belt balance. In particular, the planning history of the site, the contribution towards housing supply (including affordable housing) and the limited harm to the Green Belt all weigh in favour of the proposals. On balance, and as a matter of judgement, it is concluded on this point that the case for very special circumstances clearly outweighs the identified harm to the Green Belt described above.
- 7.3 Subject to planning obligations and conditions there are no objections to the proposals with regard to highways issues, impact on ecology, noise and air quality. Similarly, subject to conditions there are no objections on flood risk grounds.
- 7.4 This planning application requires close scrutiny with particular regard to Green Belt considerations and the Committee should take a balanced view, taking into account all of the relevant material considerations described above. As a matter of judgement, it is considered that the proposals should be supported.

## **8.0 RECOMMENDATION**

Grant planning permission subject to:

- A:** Referral to the Secretary of State (Planning Casework Unit) under the terms of the Town and Country Planning (Consultation) (England) Direction 2009, and subject to the application not being 'called-in' for determination;
- B:** the applicant and those with an interest in the land entering into an obligation under section 106 of the Town and Country Planning Act 1990 with the following heads of terms –
- (i) the provision of 98 no. dwellings as affordable housing, comprising:
    - 69 no. social rented units (48 no. two-bed apartments and 15 no. three-bed houses); and
    - 29 no. rented / intermediate units (29 no. 3-bed houses);
  - (ii) financial contribution of £273,316.39 (subject to indexation) payable prior to the first residential occupation (or payable on a phased basis commensurate with the phased residential occupation of the site, to be agreed with the local planning authority) towards the costs of additional



nursery school places within the Tilbury primary school pupil planning area;

- (iii) financial contribution of £1,363,958.96 (subject to indexation) payable prior to the first residential occupation (or payable on a phased basis commensurate with the phased residential occupation of the site, to be agreed with the local planning authority) towards the costs of additional primary school places within the Tilbury primary school pupil planning area;
- (iv) financial contribution of £1,091,050.63 (subject to indexation) payable prior to the first residential occupation (or payable on a phased basis commensurate with the phased residential occupation of the site, to be agreed with the local planning authority) towards the costs of additional secondary school places within the central secondary school pupil planning area;
- (v) financial contribution of £40,000 (subject to indexation) payable prior to the first residential and / or commercial occupation towards the costs of cycle and footpath links between the site and Manor Road and the A1089 in accordance with the Council's IRL;
- (vi) agreement that the local highways authority may obtain unrestricted access across the watercourse in the developers landholding at any location and for at least 2 crossing points for a cycle / footpath bridge to the north and / or west of the site; and
- (vii) financial contribution of £200,000 (subject to indexation) payable prior to the first residential and / or commercial occupation towards the costs of capacity and safety improvements at the junction of the A1089 and A126 – Marshfoot Road Priority Junction in accordance with the Council's IRL.

C: the following planning conditions:

**Condition(s):**

Reserved Matters

1. No development shall commence on any phase, stage or zone within the development site until full details of the following reserved matters, in respect of that phase, stage or zone, have been submitted to and approved in writing by the local planning authority:

- appearance;
- landscaping; and
- scale.

Reason: To comply with Section 92 of the Town and Country Planning Act 1990, as amended by Section 51 of the Planning and Compulsory Purchase Act 2004.

### Time Limit

2. All applications for approval of reserved matters shall be made not later than the expiration of three years beginning with the date of this permission and the development must be begun not later than the expiration of two years from the final approval of reserved matters, or in the case of approval on different dates, the final approval of the last such matter to be approved.

Reason: To comply with Section 92 of the Town and Country Planning Act 1990, as amended by Section 51 of the Planning and Compulsory Purchase Act 2004.

### Phasing

3. Prior to the commencement of development a programme for the phasing of the development (a Phasing Strategy) shall be submitted to and approved in writing by the local planning authority. The Phasing Strategy shall include:
  - a) a plan defining the extent of works, including groundworks, site infilling / levelling, flood risk mitigation measures and ecological mitigation works, within each phase;
  - b) details of the number of residential units and non-residential floorspace to be accommodated within each phase;
  - c) details of affordable housing provision for each phase;
  - d) a timetable for the implementation of works within each phase;
  - e) details of the open space and landscaping within each phase, including a timetable for its provision.

The development shall be implemented in accordance with the approved Phasing Strategy, unless otherwise agreed in writing by the local planning authority.

Reason: In order to ensure the satisfactory phased development of the site.

### Plans

4. Insofar as the matters of access and layout are concerned, the development hereby permitted shall be carried out in accordance with the following approved plans:

| <u>Ref.</u> | <u>Title</u>                   | <u>Received</u> |
|-------------|--------------------------------|-----------------|
| 001C        | Site Location Plan             | 09.02.2017      |
| 101B        | Land Ownership Plan            | 16.02.2017      |
| 131G        | Masterplan                     | 16.02.2017      |
| 133F        | Masterplan Building Parameters | 17.05.2017      |
| 134F        | Masterplan: Housing Zones      | 16.02.2017      |
| 140E        | Ecology Enhancement Plan       | 16.02.2017      |
| 143         | Masterplan                     | 28.04.2017      |
| 144         | Masterplan                     | 28.04.2017      |
| 145         | Masterplan                     | 28.04.2017      |
| 146         | Masterplan                     | 28.04.2017      |

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

#### Development Parameters

5. The development shall not exceed a maximum of 280 dwellings. Unless otherwise agreed in writing by the local planning authority, the mix of dwellings to be delivered by the totality of the development shall not exceed 19% flats.

Reason: To ensure that the scheme implemented is in accordance with the principles established by this permission.

6. The development shall not exceed a maximum of 250 sq.m. floorspace within Use Class D1 (non-residential institution) use and 1,810 sq.m. within Use Class B2 / B8 (general industrial / storage & distribution) use.

Reason: To ensure that the scheme implemented is in accordance with the principles established by this permission.

7. Maximum building heights across the site shall accord with the 'Buildings Parameters Plan (ref. 133F) received by the local planning authority on 17<sup>th</sup> May 2017.

Reason: In order to protect the appearance of the development and the visual amenities of the surrounding area in accordance with Policy PMD2 of the adopted Thurrock LDF Core Strategy and Policies for the Management of Development (as amended) (2015).

8. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) (Order) 2015 (as amended) the community building hereby permitted shall only be used for purposes within Class D1 of the Town and Country Planning (Use Classes Order) 1987 (as amended).

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

#### External Storage

9. Unless otherwise agreed in writing by the local planning authority there shall be no external storage of goods, machinery, plant or other materials associated with the Class B2 / B8 uses on the site, as identified on drawing number 131G.

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

#### External Working

10. Unless otherwise agreed in writing by the local planning authority no manufacturing, fabrication or other industrial processes shall take place outside the Class B2 / B8 buildings on the site, as identified on drawing number 131G.

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

#### Construction Traffic Management Plan

11. No development shall commence on any phase of the development hereby permitted, including any works of site clearance / preparation, until a Construction Traffic Management Plan (CTMP) for that phase has been submitted to and approved in writing by the local planning authority. The approved CTMP shall be adhered to throughout the construction period of each phase.

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 DPD (as amended) (2015).

#### Construction Environment Management Plan

12. No development shall commence on any phase of the development hereby permitted, including any works of site clearance / preparation, until a Construction Environmental Management Plan (CEMP) for that phase has been submitted to and approved in writing by the local planning. The CEMP should contain or address the following matters:
- i. vehicle haul routing in connection with construction, remediation and engineering operations;
  - ii. wheel washing and sheeting of vehicles transporting loose aggregates or similar materials on or off site;
  - iii. method(s) for the control of noise together with a monitoring regime;
  - iv. measures to reduce vibration and mitigate the impacts on sensitive receptors together with a monitoring regime;
  - vi. dust and air quality mitigation and monitoring;
  - vii. ecology and environmental protection and mitigation;
  - viii. a procedure to deal with any unforeseen contamination, should it be encountered during development.

The approved CEMP shall be adhered to throughout the construction period of each phase.

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 DPD (as amended) (2015).

#### Construction Hours:

13. No construction works, including any works of site clearance / preparation, within any phase of the development shall take place on the site at any time on any Sunday or Bank / Public Holiday, nor on any other day except between the following times:

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

If impact piling is required, these operations shall only take place within hours which have been previously agreed in writing by the local planning authority.

Reason: In the interest of protecting surrounding residential amenity and in accordance with Policy PMD1 of the Adopted Thurrock LDF Core Strategy and Policies for the Management of Development DPD (as amended) (2015).

#### Site Levels

14. No development shall commence on any phase of the development hereby permitted, including any works of site clearance / preparation, until details of existing and finished site levels and finished external surface levels have been submitted to and approved in writing by the local planning authority. The development of each phase shall be implemented in accordance with the approved details.

Reason: In order to protect the amenities of surrounding occupiers and to ensure the satisfactory development of the site in accordance with policies PMD1 and PMD2 of the Adopted Thurrock LDF Core Strategy and Policies for the Management of Development DPD (as amended) (2015).

#### Drainage

15. Surface water drainage works shall not commence on any phase of the development hereby permitted until a surface water management strategy for that phase has been submitted to and approved in writing by the local planning authority. The submitted surface water management strategy shall:
- i. provide information about the design storm period and intensity, the method employed to delay and control the surface water discharged from the site and the measures taken to prevent pollution of the receiving groundwater and / or surface waters;
  - ii. include a period for its implementation; and
  - iii. provide a management and maintenance plan of the development which shall include the arrangements for adoption by any public authority or statutory undertaker and any other arrangements to secure the operation of the scheme throughout its lifetime.

The development of each phase shall be implemented in accordance with the approved details which shall be retained thereafter.

Reason: To ensure that adequate measures for the management of surface

water are incorporated into the development in accordance with policy PMD15 of the Adopted Thurrock LDF Core Strategy and Policies for the Management of Development DPD (as amended) (2015).

#### Water Framework Directive

16. The development hereby permitted or any phase thereof shall be carried out in accordance with the approved Water Framework Directive (WFD) Assessment Screening Report by WSP Parsons Brinckerhoff, referenced 70020806 and dated June 2016, and the mitigation measures detailed within this document, including:
- improvements to the river and riparian zone to provide better ecological habitat, clearance and management of invasive species and re-grading of the banks;
  - a 6m wide strip along the banks of the river free of development to allow future maintenance or improvements works;
  - treatment of surface water run off through the provision of Sustainable Drainage Systems before discharge into any watercourse.

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

Reason: To ensure no deterioration, and where possible enhancements, to the ecological quality of the main river and ditches on-site and to ensure the development does not prevent the achievement of WFD objectives.

#### Flood Warning & Evacuation Plan

17. Prior to the first operational use or occupation of any building within a phase of the development a Flood Warning and Evacuation Plan (FWEP) for that phase of the development shall be submitted to and approved in writing by the local planning authority. The approved measures within the Plan shall be operational upon first use occupation of that phase of the development and shall be permanently maintained thereafter.

Reason: In order to ensure that adequate flood warning and evacuation measures are available for all users of the development in accordance with Policy PMD15 of the adopted Thurrock LDF Core Strategy and Policies for the Management of Development DPD (as amended) (2015).

#### Noise

18. Prior to the commencement of development for any residential phase of development, details of measures to mitigate the impact of noise on occupiers of that phase of development, in accordance with the recommendations set out at Chapter 8 of the 'Little Thurrock Marshes Noise Assessment (report no. 70017943 – June 2016) shall be submitted to and approved in writing by the local planning authority. The approved measures shall be implemented prior to the first occupation of that phase of development.

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

19. Prior to the commencement of any phase of the development which includes non-residential floorspace, details of measures to mitigate the impact of noise from fixed plant such that the noise levels shown in table 6-1 of the 'Little Thurrock Marshes Noise Assessment (report no. 70017943 – June 2016) are not exceeded at the nearest residential receptor shall be submitted to and approved in writing by the local planning authority. The approved measures shall be implemented prior to the first occupation of that phase of development.

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

### Boundary Treatments

20. Prior to the commencement of any phase of the development details of the locations, heights, designs, materials and types of all boundary treatments to be erected within that phase shall be submitted to and approved in writing by the local planning authority. The boundary treatments shall be completed in accordance with the approved details before the first occupation of the buildings within that phase.

Reason: In the interests of visual amenity, privacy and to ensure that the proposed development is satisfactorily integrated with its immediate surroundings as required by policies CSTP22 and PMD2 of the adopted Thurrock LDF Core Strategy and Policies for the Management of



Development DPD (as amended) (2015).

### Finishing Materials

21. Prior to the commencement of any phase of the development details of the materials to be used in the construction of the external surfaces of the buildings within that phase shall be submitted to and approved in writing by the local planning authority. Development within that phase shall be carried out in accordance with the approved details, unless otherwise agreed in writing by the local planning authority.

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

### External Lighting

22. Prior to commencement of any phase of the development, details of any external lighting (other than for private gardens) within that phase shall be submitted to and approved in writing by the local planning authority. Development shall be carried out in accordance with the approved details.

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

### Highways & Parking

23. Prior to the commencement of development within any phase details of the road and footpath / cyclepath layout and the associated construction details shall be submitted to and approved in writing with the local planning authority. The approved roads and footpaths / cyclepaths shall be constructed in accordance with the agreed details prior to the first occupation of development within that phase.

Reason: In the interests of highway safety and amenity in accordance with policy PMD2 of the adopted Thurrock LDF Core Strategy and Policies for the Management of Development DPD (as amended) (2015).

24. Unless otherwise agreed in writing by the local planning authority the details

submitted pursuant to condition no. 1 shall show adequate land reserved for the parking and / or garaging of private cars, motorcycles and bicycles in accordance with the Council's Draft Parking Standards and Good Practice document (March 2012) or any successor to that document. No building within any phase of the development shall be occupied until the related car parking, garaging, motor cycle parking and cycle parking has been provided in accordance with the submitted details. Once provided, the vehicle parking facilities shall be retained thereafter and shall be used for no other purpose.

Reason: To ensure that adequate provision is made for the parking of vehicles in the interests of highways safety in accordance with Policy PMD8 of the Adopted Thurrock LDF Core Strategy and Policies for the Management of Development DPD (as amended) (2015).

25. No building within any phase of the development shall be occupied until a detailed Travel Plan for that phase and a timetable for its implementation, has been submitted to and approved in writing by the local planning authority. The Travel Plan shall be developed in accordance with the principles set out in the Travel Plan (October 2015) and shall be implemented as approved.

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

26. Prior to the commencement of development details of the proposed emergency access and footpath / cyclepath access linking the site to Thurrock Park Way (as shown on drawing number 131G) shall be submitted to and approved in writing by the local planning authority. The submitted details shall specifically show measures to prevent motorised traffic (apart from emergency services) from using this route and a timetable for implementation. The details shall be implemented as approved and retained thereafter.

Reason: In the interests of highway safety and amenity in accordance with policy PMD2 of the adopted Thurrock LDF Core Strategy and Policies for the Management of Development DPD (as amended) (2015).

#### Invasive Species

27. Prior to the commencement of development in any relevant phase a detailed method statement for removing or for the long-term management / control of invasive species (as identified in the Ecological Report) shall be submitted to and approved in writing by the local planning authority. The method statement

shall include measures that will be used to prevent the spread of invasive species during any operations on-site. The method statement shall also contain measures to ensure that any soils brought to the site are free of the seeds / root / stem of any invasive plant listed under the Wildlife and Countryside Act 1981 (as amended). Development within the relevant phase shall proceed in accordance with the approved method statement.

Reason: In order to prevent the spread of invasive species

#### Landscaping / Biodiversity

28. No development shall begin on any phase of the development hereby permitted, including any works of site clearance / preparation, until a Biodiversity Mitigation and Enhancement Plan (BMEP), to include details for the provision of living roofs, for that phase has been submitted to and approved in writing by the local planning authority. The BMEP shall include a timetable for implementation of the mitigation and enhancement measures. Development of each phase shall be carried out in accordance with the approved BMEP for that phase.

Reason: To ensure that the effects of the development on the natural environment are adequately mitigated in accordance with Policy PMD7 of the adopted Thurrock LDF Core Strategy and Policies for the Management of Development DPD (as amended) (2015).

29. No development shall begin on any phase of the development hereby permitted, including any works of site clearance / preparation, until a Habitat Management Plan (HMP) for that phase has been submitted to and approved in writing by the local planning authority. The HMP shall include details of the long term management and maintenance arrangements for retained and new ecological habitats. Development of each phase shall be carried out in accordance with the approved HMP for that phase.

Reason: To ensure that the effects of the development on the natural environment are adequately mitigated in accordance with Policy PMD7 of the adopted Thurrock LDF Core Strategy and Policies for the Management of Development DPD (as amended) (2015).

30. The hard and soft landscaping details to be submitted pursuant to condition 1, including provision of the areas of public open space, shall include hard surfacing materials; details shall include a planting plan; written specifications (including cultivation and other operations associated with plant and grass establishment); schedules of plants, noting species, plant sizes and proposed

numbers / densities where appropriate; an implementation timetable; and ongoing management and maintenance arrangements. Development shall be carried out in accordance with the approved details.

Reason: To ensure that the proposed development is satisfactorily integrated with its immediate surroundings and provides for landscaping as required by policies CSTP18 and PMD2 of the adopted Thurrock LDF Core Strategy and Policies for the Management of Development DPD (as amended) (2015).

31. All hard and soft landscape works within any phase of the development shall be carried out in accordance with a Landscape and Open Space Strategy which shall previously have been submitted to and approved in writing by the local planning authority. Development within any phase shall be carried out in accordance with the approved Strategy. The Strategy shall include:
- a) a programme for implementation;
  - b) long term design objectives;
  - c) long term management responsibilities; and
  - d) maintenance schedules for all hard and soft landscape areas and open spaces (other than private gardens) and any associated features.

Reason: To ensure that the proposed development is satisfactorily integrated with its immediate surroundings and provides for landscaping as required by policies CSTP18 and PMD2 of the adopted Thurrock LDF Core Strategy and Policies for the Management of Development DPD (as amended) (2015).

### Sustainable Design

32. Applications for the approval of reserved matters for any phase shall be accompanied by a Sustainable Design and Construction Code, the parameters for which shall previously have been agreed in writing with the local planning authority. Development shall be carried out in accordance with the approved details unless otherwise agreed in writing by the local planning authority.

Reason: To ensure that development takes place in an environmentally sensitive way in accordance with Policies PMD12 and PMD13 of the adopted Thurrock LDF Core Strategy and Policies for the Management of Development DPD (as amended) (2015)].

33. Unless otherwise agreed in writing by the local planning authority, the dwellings on the site shall meet Lifetime Homes requirements. The reserved matters submission(s) for any phase of the development shall be

accompanied by a statement outlining the specification for Lifetime Home measures and detailing the proposed phase's compliance with that specification. Development shall be undertaken in accordance with the approved details.

Reason: To accord with the details submitted with the application in order to produce flexible, accessible and adaptable homes appropriate to diverse and changing needs in accordance with Policy CSTP1 of the Adopted Thurrock LDF Core Strategy and Policies for the Management of Development DPD (as amended) (2015).

## INFORMATIVES

1. Any works affecting flow within an ordinary watercourse will require the prior written consent from the Lead Local Flood Authority, Thurrock Council, under section 23 of the Land Drainage Act 1991, regardless of any planning permission. This includes both temporary and permanent works such as culverts, dams, weirs and piles.
2. Under the terms of the Water Resources Act 1991, prior written consent of the Environment Agency is required for any proposed works or structures, in, under, over or within 9 metres of the top of the bank/foreshore of the Chadwell New Cross Sewer, designated a 'main river'. The flood defence consent will control works in, over, under or adjacent to main rivers (including any culverting). Your consent application to the Environment Agency (EA) must demonstrate that:
  - there is no increase in flood risk either upstream or downstream
  - access to the main river network and sea/tidal defences for maintenance and improvement is not prejudiced.
  - works are carried out in such a way as to avoid unnecessary environmental damage.

Mitigation is likely to be required to control:

- off-site flood risk.

The EA will not be able to issue our consent until this has been demonstrated. Please note that applications for Flood Defence Consent can take up to 8 weeks to process. Application forms and guidance can be at:

<https://www.gov.uk/government/publications/flood-defence-consent-england-andwales>

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

Chief Highways Engineer,  
Highways Department,  
Thurrock Council,  
Civic Offices,  
New Road,  
Grays Thurrock,  
Essex. RM17 6SL

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

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

**Documents:**

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

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

