

Reference: 18/00811/OUT	Site: Land Adjacent Gunning Road Newburgh Road And Globe Industrial Estate Towers Road Grays Essex
Ward: Little Thurrock Rectory	Proposal: Outline planning application for four houses, detached garage, access, associated hardstanding, improved sports pitch and play equipment. To include determination of the matters of access, landscaping, layout and scale (matters relating to appearance reserved)

Plan Number(s):		
Reference	Name	Received
M002B	Location Plan	12th June 2018
PL-001	Other	12th June 2018
P201	Proposed Site Plan	12th June 2018
GR-SK	Proposed Plans	14th June 2018
(No Nos.)	Site Layout	12th June 2018
SK1	Proposed Floor Plans	12th June 2018
SK4	Proposed Elevations	12th June 2018
(No Nos.)	Location Plan	12th June 2018
(No Nos.)	Other	12th June 2018
M001	Landscaping	12th June 2018
(No Nos.)	Proposed Play Area CGI	10th August 2018
97.020/300 E (1 to 3)	Road and Sewer Layout	23rd August 2018
01	Highway Soakaway Relocation	23rd August 2018

The application is also accompanied by:

- Preliminary Ecological Assessment
- Planning Statement
- Open Space Statement
- Development Construction Plan
- Water Drainage Report

Applicant: Gunning Road Thurrock Ltd	Validated: 21 June 2018 Date of expiry: 26 November 2018 (Extension of
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	time agreed with Applicant)
Recommendation: Refuse.	

1.0 BACKGROUND AND DESCRIPTION OF PROPOSAL

1.1 The key elements of the proposals are set out in the table below:

Site Area (Gross)	0.31ha						
Height	9m to ridge						
Units (All)	Type (ALL)	1-bed	2-bed	3-bed	4-bed	5-bed	TOTAL
	Houses			4			4
	Flats						0
	TOTAL			4			4
Car parking	Total Spaces: 10 Spaces per unit: 2.5 (Average per unit)						
Amenity Space	Minimum 63.8sq.m Average 72.62 sq.m Maximum 83.45sq.m						
Density	38 dwellings per hectare on land to be used for housing						

1.2 This is an outline planning application for four houses, detached garage, access, associated hardstanding, improved sports pitch and play equipment. This application includes determination of access, landscaping, layout and scale with appearance held as a reserved matter.

2.0 SITE DESCRIPTION

2.1 The application site relates to an open area of land of 0.31 hectares located at the northern end of Gunning Road, a residential road within Grays. The site is divided into two parts with the southern part comprising a fenced play area with a number of pieces of play equipment and a small open grassed area. To the north side of the site is a small football pitch. The site is bounded on the west and north side by significant tree cover whilst there are chalk cliffs rising to the east of the site marking the boundary of the adjacent SSSI. Beyond the boundary to the south and east of the site are residential properties whilst to the west of the site is the Towers Road industrial estate.

2.2 The site serves as open space for the residential area to the south and east of the site.

- 2.3 The site is located within the Grays urban area, outside of the designated town centre. It is approximately 1.8km from the station and main shopping areas in the centre of Grays. The site is designated as being within a secondary industrial and commercial area, however it currently has no relationship with the surrounding commercial uses.

3.0 RELEVANT PLANNING HISTORY

- 3.1 The following table provides the planning history:

Reference	Description	Decision
16/30004/PMIN	Proposed residential development.	Advice Given
06/00491/TTGFUL Former Globe Works – North of application site, access from Gunning Road	132 no one and two bedroom flats, associated road access, amenity space and parking.	Refused
04/00574/FUL	Engineering operations for the filling of the former Celcon block manufacturing plant to enable re development.	Approved
99/00834/FUL	Erection of 18 no. dwellings, garages, parking courts, roads, sewers and ancillary works	Refused – Appealed – Allowed – Not Implemented
98/00349/FUL	Proposed 104 residential dwellings, garages, roads, sewers and ancillary works	Approved

4.0 CONSULTATION AND REPRESENTATIONS

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

4.2 PUBLICITY:

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

Eighty-seven letters of objection were received in relation to this application. The main areas of concern can be summarised as follows:

- Overdevelopment of the estate;
- Housing should be provided on more suitable brownfield sites;
- Existing houses on the estate are for sale;
- Impact on neighbouring amenity;
- Disturbance/traffic from construction work;
- Pedestrian safety;
- Pollution/noise;
- Traffic/parking issues;
- Damage to existing properties;
- Ownership of land;
- Restrictive covenants;
- Residents pay towards upkeep of park and there are funds available to invest in new equipment;
- Play area/park is regularly used;
- Park used for community events;
- Area is maintained and is not in a state of disrepair;
- Statements that park is underused is inaccurate;
- Park would be unavailable to use for duration of work;
- New development will obscure views of open space;
- Similar developments elsewhere refused;
- Impact upon SSSI and ecology;
- TPO trees;
- Impact on acoustic bank;
- Comments submitted to management company not passed on;
- Impact upon property value;
- Impact upon neighbouring amenity;
- Loss of view;
- Appendices not available;
- Impact on sewers;

4.3 ENVIRONMENTAL HEALTH :

No objection subject to conditions.

4.4 HIGHWAYS :

Further information requested, no objection subject to the additional details being secured by condition.

4.5 LANDSCAPE AND ECOLOGY ADVISOR :

No objection subject to conditions

4.6 NATURAL ENGLAND :

No objection.

4.7 SPORT ENGLAND :

Application does not fall within statutory or non-statutory remit. No objection.

5.0 POLICY CONTEXT

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

- 2. Achieving sustainable development
- 4. Decision-making
- 5. Delivering a sufficient supply of homes
- 6. Building a strong, competitive economy
- 8. Promoting healthy and safe communities
- 11. Making effective use of land
- 12. Achieving well-designed places

5.2 Planning Policy Guidance

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

- Design
- Determining a planning application
- Natural Environment
- Noise
- Open space, sports and recreation facilities, public rights of way and local green space
- Use of Planning Conditions

5.3 Local Planning Policy

5.4 Thurrock Local Development Framework (as amended) 2015

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

OVERARCHING SUSTAINABLE DEVELOPMENT POLICY

- OSDP1 (Promotion of Sustainable Growth and Regeneration in Thurrock)¹

SPATIAL POLICIES

- CSSP1 (Sustainable Housing and Locations)
- CSSP2 (Sustainable Employment Growth)

THEMATIC POLICIES

- CSTP1 (Strategic Housing Provision)
- CSTP6 (Strategic Employment Provision)
- CSTP9 (Well-being: Leisure and Sports)
- CSTP19 (Biodiversity)
- CSTP20 (Open Space)
- CSTP22 (Thurrock Design)
- CSTP23 (Thurrock Character and Distinctiveness)²

POLICIES FOR MANAGEMENT OF DEVELOPMENT

- PMD1 (Minimising Pollution and Impacts on Amenity)²
- PMD2 (Design and Layout)²
- PMD5 (Open Spaces, Outdoor Sports and Recreational Facilities)³
- PMD7 (Biodiversity, Geological Conservation and Development)²
- PMD8 (Parking Standards)³
- PMD16 (Developer Contributions)²

[Footnote: ¹New Policy inserted by the Focused Review of the LDF Core Strategy. ²Wording of LDF-CS Policy and forward amended either in part or in full by the Focused Review of the LDF Core Strategy. ³Wording of forward to LDF-CS Policy amended either in part or in full by the Focused Review of the LDF Core Strategy].

5.5 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 2018.

5.6 Thurrock Design Strategy

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

6.0 **ASSESSMENT**

The material considerations for this application are as follows:

- I. Principle of the development
- II. Design and Layout
- III. Traffic Impact, Access and Car Parking
- IV. Landscape
- V. Impact Upon Ecology and Biodiversity
- VI. Developer Contributions
- VII. Other Matters

I. PRINCIPLE OF THE DEVELOPMENT

- 6.1 The principle of development relates to the consideration of the partial loss of open space in order to provide housing. This site is located within the Thurrock Urban Area, however it relates to what is currently greenfield land in use as open space. Policy CSSP1 states that development on such land will only be permitted where it is specifically allocated for residential development and where it is required to maintain a five-year rolling housing land supply.
- 6.2 In accordance with paragraph 11 of the NPPF the proposal should be considered in the context of the principle of sustainable development. It is acknowledged that the site is located within a sustainable location in relatively close proximity to Grays Town Centre and public transport links. However paragraph 97 states that existing open space should not be built upon unless the following exceptions are met:

- an assessment has been undertaken which has clearly shown the open space, buildings or land to be surplus to requirements; or
- the loss resulting from the proposed development would be replaced by equivalent or better provision in terms of quantity and quality in a suitable location; or
- the development is for alternative sports and recreational provision, the needs for which clearly outweigh the loss.

6.3 This is reflected in Policy PMD5 of the Core Strategy which states that the Council will safeguard all existing open spaces, outdoor sports and recreational facilities. Development proposals that would result in their complete or partial loss or cause or worsen a deficiency in the area served by the space or facility will not be permitted unless:

- i. conveniently located and accessible alternative facilities of an equivalent or improved standard will be provided to serve current and potential new users; or improvements to remaining spaces or facilities can be provided to a level sufficient to outweigh the loss;*
- ii. proposals would not negatively affect the character of the area and/or the Greengrid.*

6.4 Policy PMD5 is considered to be consistent with policies in the NPPF and therefore significant weight is attached in the determination of this application. Whilst this land is not identified within the Core Strategy as existing open space the site clearly performs this function. In addition there is a S106 agreement relating to planning permission 98/00349/FUL which preserved this area of land for Open Space (including landscaping and play equipment) in perpetuity. Policy PMD5 does not differentiate between open space in public or private ownership or limit the consideration of the impact upon open space to those areas indicated on the policies map. As such it is considered that the site does constitute open space and that policy PMD5 and the relevant paragraphs of the NPPF are relevant in terms of the loss of this open space.

6.5 In this instance the primary argument put forward for the loss of part of the open space in terms of paragraph 97 of the NPPF and Policy PMD5 is the provision of higher quality replacement public open space than existing. The proposal would result in the loss of 0.11 hectares of public open space out of a total existing area of approximately 0.28 hectares of usable open space and play space. The key issue here is as to whether the qualitative improvements put forward by the applicant in terms of enhanced play equipment and a multi sports pitch would justify the loss of part of the existing open space.

- 6.6 This justification is based upon the quality of the existing open space and play area which they suggest is of low quality and in a state of disrepair. The applicant argues that the replacement of the existing facilities with a higher quality level of play equipment would result in a qualitative improvement which would outweigh the loss of part of the open space. The evidence for this is based upon photos of the open space and play area which reflect the current situation on site. This does include some damage to fencing and surfacing along with a missing piece of play equipment. However, there is evidence that the area continues to be maintained as the grass had clearly been cut and the area was generally tidy. Also the remaining play equipment and playing area all appeared to be usable.
- 6.7 The replacement play area provided would constitute a greater number of different play equipment pieces. The existing football goals would be replaced with multi-sport goals. The result of this is that there would be a small improvement in terms of the variety of play equipment on the site. There would also clearly be a short term improvement in quality through the replacement of the existing play equipment. However, whilst the benefit of new replacement facilities is acknowledged this cannot be guaranteed to be maintained any better than the existing. There would be an ongoing need for maintenance that is unlikely to be met through the provision of four dwellings. Therefore, whilst there would be a short term improvement in the quality of play equipment the long term situation could be similar to the existing but with a reduction in the size of the open space.
- 6.8 In addition to the above members are advised that a number of letters of representation have highlighted that this open space is well used by the local community and that part of their maintenance fee goes towards this area of open space. As already noted there is also a S106 on this land which protects it for use as open space for the benefit of the estate. Therefore, the long term protection of this open space is afforded significant weight in the assessment of this proposal.
- 6.9 On the basis of the above it is considered that the partial loss of open space is not justified by the limited benefit afforded through the replacement of play equipment. The partial loss of the open space would result in a permanent detrimental impact upon the open space provision to the area which would not be offset by the short term gain from new improved play equipment. In addition, comments received in third party representation indicate that the open space is used for various other community activities and that there is a maintenance fee paid towards the upkeep of this area which could be used to upgrade the equipment on the existing open space. Therefore, in terms of

paragraph 11 the adverse impacts of granting permission would significantly and demonstrably outweigh the benefits when assessed against the policies in the NPPF as a whole with particular reference to paragraph 97. As a result the principle of the partial redevelopment of the existing open space is considered to be unacceptable.

- 6.10 The residential element of the scheme would comprise an area of approximately 0.105 hectares of the site. This equates to a density of development of approximately 38 dwellings per hectare. Whilst this is at the lower end of the acceptable density range it would comply with the requirements of Policy CSTP1 in order to ensure the efficient use of land within the urban area. The proposal is for relatively small 3 bed units. Whilst this isn't the unit size for which there is the greatest need it would still provide a unit size for which there is an identified need. Therefore, in isolation, notwithstanding the loss of open space the density of the development would be within the appropriate range.
- 6.11 It is also noted that the land was allocated as a secondary industrial and commercial area. However, this site is isolated from the surrounding commercial land and practically couldn't accommodate such development. In addition it would be in close proximity to residential receptors and would significantly compromise the use of the open space in comparison to the partial residential redevelopment of the site. On this basis it is considered that the secondary industrial and commercial allocation is of limited weight in the assessment of this proposal.
- 6.12 During the course of the application the applicant has submitted additional information in relation to the practicality of the access to the site for commercial use. They suggest that there are a number of points where the site could be accessed from the adjacent site and there would be demand for the site from commercial operators. They also provided a letter and plan from Vortex Exhaust Systems indicating their interest in the site for the expansion of their operation. Whilst it is acknowledged that there may be some opportunity for access points these are only indicative and have not been fully explored, relying upon narrow routes between buildings on adjacent sites. The acceptability of such access arrangements could only be fully assessed through a planning application for such a proposal.
- 6.13 On the basis of the possible access points and the interest from commercial enterprises the applicant suggest that if the application were to be refused they have a legitimate fall-back position in the form of the commercial or industrial redevelopment of the site. Planning policy and the situation on site have changed significantly since the land allocation and therefore any such

application would need to be considered on this basis. This assessment would include the impact upon the nearby residential receptors and the loss of open space. Whilst no details have been submitted of a commercial or industrial scheme it is likely that such a proposal would be unacceptable when assessed against all relevant planning policies. Therefore the fall back position of the complete redevelopment of the site for commercial or industrial uses is afforded limited weight and would not justify the identified loss of open space.

- 6.14 The applicant has referred to the previous permission on the site granted on appeal under reference 99/00834/FUL. This was for the erection of 18 dwellings on this land to the north of the site. The applicant considers that this establishes the principle of the residential use of the site. Whilst the planning history of the site is acknowledged this permission is for a different parcel of land, was not implemented and has now expired. There have also been significant changes in planning policy since this decision. In any case this proposal did not result in the significant loss of the public open space as it only resulted in the development of an access road towards the east of the open space. The only real relevance of the previous decision was the acceptability of the loss of designated employment land for residential use.
- 6.15 The applicant submitted additional information regarding the loss of open space that would have occurred as a result of the previously approved access road on the site. They consider that the current proposal results in a similar loss of open space and therefore the previous permission should be given significant weight in the consideration of the current application. However, as already outlined above, the permission referred to by the applicant has expired and could no longer be implemented. Planning policy and the situation on site has also changed since 1999, and, in any case the area of usable open space lost to the roadway is not equivalent to that which would be lost to the current proposal. Therefore the previous permission for a road through part of the site is afforded very limited weight in the current assessment and does not outweigh the loss of open space.
- 6.16 The plans provided in relation to the previously approved road also indicate the greater area of usable open space provided to the north and west sides of the site through the clearance of some vegetation. Limited information has been submitted in relation to this and such maintenance to open up these areas could theoretically be carried out without the need for the development proposed. The space provided through the clearance of vegetation would also be towards the margins of the site away from the access point and the nearest residential properties. Therefore the limited additional space provided

through the clearance of some vegetation around the edge of the site would not outweigh the loss of a substantial central area of the existing open space.

- 6.17 Whilst a number of aspects of the previous appeal decision are afforded limited weight it is considered that the loss of the designated secondary employment land would be acceptable in the context of its unsuitability for such a use. The proposed residential use would be more appropriate in this context. Whilst the loss of designated secondary employment land, would, in isolation be acceptable, the loss of open space would not and the principle of development is therefore unacceptable.

II. DESIGN AND LAYOUT

- 6.18 This is an outline application which includes the consideration of matters relating to layout and scale. The proposed layout comprises two semi-detached pairs which would follow the established building line along this side of Gunning Road. These properties would be accessed to the front by an area of hardstanding which would appear as a continuation of Gunning Road. A further area of hardstanding would be provided off the turning head to the south west of the site which would provide an area of car parking. There would also be a single storey double garage located between and to the rear of the two pairs. The layout of the remainder of the site would constitute the consolidation of play equipment into a smaller area of open space.
- 6.19 The layout of the proposed dwellings would accord with the general character of the estate and the street scene. The provision of hardstanding and garaging to the rear of properties is characteristic of Gunning Road and the estate as a whole. It is noted that the proposed garden space is somewhat limited, however again this is common within the estate and therefore wouldn't appear out of character.
- 6.20 With regards to scale, the buildings would be two storey and are indicated to be of pitched roof design. Again, this would accord with the scale of properties in the area and would not appear out of character. The proposed garage would be subordinate to the main buildings and would not result in any significant impact upon the street scene.
- 6.21 In terms of neighbouring amenity the proposed layout would ensure that the buildings are sited away from the nearest residential neighbour at the end of Gunning Road with a minimum separation distance of approximately 20m. The siting and scale of the buildings would ensure that the proposal would not result in a significant loss of light or overbearing impact upon this neighbour. The proposed floor plans show that there would be no windows in the side

elevation facing the nearest neighbour. Therefore, no concerns are raised with regards to privacy.

6.22 In terms of the dwellings themselves the proposed internal layout is considered to be acceptable in terms of size, light and outlook. The proposed garage would impact upon rear facing windows and private amenity space. However, given this is characteristic of the area and there is an element of buyer beware this would not be unacceptable. The proposed garden sizes are relatively small and some would be marginally below the recommended minimum of 75sqm for dwellings of this size. However, given the similarity with other garden sizes in the area and the proximity to retained public open space this would not be unacceptable.

6.23 Given the above the proposal is considered to comply with the requirement of policies PMD1, PMD2, CSTP22 and CSTP23.

III. LANDSCAPING

6.24 The proposed site plan indicates that there is adequate scope for landscaping and screening. In the context of the character of the area only limited planting and screening would be necessary. The full details of this could be secured by condition in the event of a grant of planning permission. The detailed landscaping scheme would need to consider how views could be retained along Gunning Road towards the open space in order to deter vandalism and anti-social behaviour.

IV. TRAFFIC IMPACT, ACCESS AND CAR PARKING

6.25 The proposal would utilise the existing turning head for access and would result in four additional units. This would not result in a significant impact upon traffic in the area and no objection is raised in terms of highway safety or capacity. The proposal would provide 10 parking spaces which would exceed the recommended standard by one. However, in the context of an area where there is clearly some on street parking stress this is considered to be acceptable. The Council's Highway Officer requested that full details of the allocation of parking spaces be provided to ensure sufficient provision for each unit. It is considered that this could be secured through condition. The proposed access and parking is considered to be acceptable and would accord with the requirements of Policy PMD8.

6.26 In terms of cycle parking the proposed plans do not indicate any specific storage. However, all of the properties have access to private rear gardens and two would benefit from garages. This would provide sufficient scope for

future occupiers to store bikes. Therefore it would not be reasonable to impose a condition requiring additional cycle storage information.

- 6.27 With regards to refuse collection the Council's Highway Officer did query the refuse strategy and in particular the tracking manoeuvres within the site. However there is an existing turning head in this location which allows for vehicles to turn at the end of this section of road. Given the existing situation and the limited number of additional dwellings it is considered that there would not be any significant impact in terms of refuse collection. Again each dwelling would benefit from private amenity space with sufficient space for storage of bins.

V. FLOOD RISK AND DRAINAGE

- 6.28 It was identified that the proposal will significantly impact upon the existing surface water drainage system. Additional information was submitted during the consideration of the application indicating the design of possible mitigation measures. The Council's Highway Officer has reviewed this information and suggested that whilst it was insufficient at this stage the full details of the mitigation could be secured by condition. Therefore it is considered that in the event permission was to be granted a condition would be recommended requiring the submission of full surface water drainage details prior to the commencement of development on site.

VI. IMPACT UPON ECOLOGY AND BIODIVERSITY

- 6.29 The site is located in close proximity to the chalk cliff SSSI located to the east on the opposite site of Gunning Road. The proposal would not encroach upon the SSSI and a preliminary ecological appraisal was submitted with the application which concludes that there are no major areas of concern in relation to ecology. However, a number of recommendations are made for during the development and biodiversity enhancements as part of the development. The Council's Landscape and Ecology Advisor confirmed that they are satisfied with the scope and recommendations within the ecology appraisal and therefore no objection is raised on these grounds.

VII. VIABILITY AND PLANNING OBLIGATIONS

- 6.30 Policy PMD16 of the Core Strategy indicates that where needs would arise as a result of development; the Council will seek to secure planning obligations under Section 106 of the Town and Country Planning Act 1990 and any other relevant guidance. The Policy states that the Council will seek to ensure that development proposals contribute to the delivery of strategic infrastructure to

enable the cumulative impact of development to be managed and to meet the reasonable cost of new infrastructure made necessary by the proposal. In this instance, in the event that the proposal was considered acceptable, a varied s106 would be necessary to secure the remaining open space in perpetuity. However, given that the scheme is unacceptable in principle a revised s106 has not been sought.

VIII. OTHER MATTERS

- 6.31 A number of neighbours raised concern regarding disturbance from construction work and traffic. This in itself would not constitute a reason for refusal and a condition could be imposed requiring a construction environmental management plan (CEMP) to demonstrate how the site will be accessed taking into account the narrow roads within the development.
- 6.32 Any damage to existing dwellings would be a civil matter between the parties concerned. The impact upon property value and the loss of a view are not material planning considerations.
- 6.33 Restrictive covenants and rights of access over the land are not a planning consideration and would be a separate Civil matter.
- 6.34 Ownership of land is not a material planning consideration. However, given the queries raised in representation clarification was sought from the applicant to ensure the correct ownership certificate had been signed. Land registry information was provided which demonstrates that the site is within the ownership of the applicant.
- 6.35 Reference has been made to the refusal of similar developments elsewhere refused. The application has been assessed on its own merits in relation to its particular constraints.
- 6.36 Concern was raised regarding the impact upon the acoustic bank. The applicant stated that the acoustic bank would be completed and retained as part of the development.
- 6.37 The proposal is for a small scale development and is unlikely to have a significant impact upon the sewer network. There is no indication that this would present a particular issue.
- 6.38 A number of neighbours stated that comments made to the management company during pre-application consultation were not passed on. Whilst this

is noted, the Council can only consider documents and comments submitted with the application.

- 6.39 The appendices submitted with the application were not initially available to view, however this was subsequently rectified and it is considered that this did not prejudice any party.
- 6.40 Comments were made regarding lack of demand for housing at the moment due to houses being on the market. Whilst there may be market forces which affect demand there is an identified housing need in the Borough which has been given significant weight.
- 6.41 The Council's Landscape and Ecology advisor raised no concerns with regards to the impact upon trees.

7.0 CONCLUSIONS AND REASONS FOR REFUSAL

- 7.1 The key issue in the assessment of this proposal is the partial loss of existing open space and whether the benefits of the scheme in terms of the provision of new facilities are sufficient to outweigh the loss. The applicant has also referenced the Council's lack of a five year housing land supply and the contribution that the site will make towards housing in the area.
- 7.2 Council and national policy both restrict development on existing open space and state that new development will be prohibited other than in specific circumstances. The justification for the loss of open space in this instance is that the replacement facilities would provide a higher quality facility which would outweigh the loss of part of the open space. This was partially based upon the state of repair of the existing equipment as well as the high quality of the replacement.
- 7.3 Whilst the provision of the new pieces of equipment is acknowledged, this would provide a relatively short term benefit until this equipment reaches a similar age to the existing equipment. The loss of the open space on the other hand would be permanent. Representation received from a number of local residents indicates that this area is still well used and functions as a community space as well as a play area. There is also a S106 agreement on the open space which preserves this area of land as open space (including landscaping and play equipment) in perpetuity. As a result it is considered that the provision of new replacement equipment would not outweigh the loss of part of the open space on the site and therefore the proposal is contrary to paragraph 97 of the NPPF and policy PMD5 of the Thurrock Local Development Framework Core Strategy 2015.

- 7.4 Therefore, the principal of development on this area of open space is considered to be unacceptable. All other material considerations have been assessed but none would outweigh the impact of the loss of open space. Given that the loss of open space is unacceptable the deed of variation in relation to the protection of this land has not been pursued any further.

8.0 RECOMMENDATION

- 8.1 Refuse for the following reason:

1. The proposed development would result in the permanent loss of part of an area of existing open space. The benefits of the scheme in terms of replacement equipment and additional housing would not outweigh the loss of this area of open space which provides an important function for the local community. Therefore, the principle of the proposed development is unacceptable and is contrary to the requirements of Policy PMD5 of the Thurrock Local Development Framework Core Strategy 2015 and paragraph 97 of the National Planning Policy Framework 2018.

Positive and Proactive Statement

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

Documents:

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

