

Planning Committee 25.04.2019	Application Reference: 19/00267/FUL
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Reference: 19/00267/FUL	Site: Silver Springs High Road Fobbing SS17 9HN
Ward: Corringham And Fobbing	Proposal: Demolition of Inglefield, part single/part two storey front, side and rear extensions with front balcony to Silver Springs and construction of six detached houses to rear with associated access road, landscaping and amenity space

Plan Number(s):		
Reference	Name	Received
	Tree Protection Plan	20 February 2019
1634-01	Location Plan	20 February 2019
1634-05	Existing Elevations	20 February 2019
1634-06	Existing Floor Plans	20 February 2019
1634-08	Proposed Floor Plans	20 February 2019
1634-09	Proposed Elevations	20 February 2019
1634-11	Proposed Studio	20 February 2019
1634-97	Existing Site Layout	20 February 2019
1634-98D	Proposed Site Plan	5 April 2019
1634-99D	Proposed Roof Plans	5 April 2019
1634-100	House Type A – Plot 1	20 February 2019
1634-101	House Type B – Plot 2	20 February 2019
1634-102A	House Type A Handed Plot 3	4 March 2019
1634-103A	House Type A Handed Plot 4	4 March 2019
1634-104	House Type C – Plot 5	20 February 2019
1634-105	House Type D – Plot 6	20 February 2019
1634-106	Proposed Street Scene	20 February 2019
1634-107	Bell Mouth Junction Plan	20 February 2019
1634-108	Swept Path Analysis	20 February 2019
1634-150C	Vehicle Access to Front of Site	5 April 2019

The application is also accompanied by:

- Arboricultural Report

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- Transport Statement	
Applicant: c/o Smart Planning	Validated: 20 February 2019 Date of expiry: 26 April 2019 (Extension of time agreed with applicant)
Recommendation: Refuse	

This application is scheduled for determination by the Council's Planning Committee because the application was called in by Cllr. G. Rice, Cllr. J. Potheary, Cllr. S. Liddiard, Cllr. O. Gerrish and Cllr. B. Rice to consider the proposal against Green Belt policy.

1.0 DESCRIPTION OF PROPOSAL

- 1.1 This application seeks planning permission for the demolition of an existing dwelling (Inglefield) and the erection of six detached houses with associated access road, landscaping and amenity space. The application also proposes side and rear extensions to the host dwelling (Silver Springs).
- 1.2 Access to the development would be provided at the northern corner of the site; the new entrance would lead to the rear of the site where six detached dwellings would be laid out in a cul-de-sac arrangement.
- 1.3 The proposed houses would all be two storey dwellings with regular roof styles and proportions which exhibit traditional design features. Each dwelling would have either private off street parking or garages and parking.

2.0 SITE DESCRIPTION

- 2.1 The site comprises approximately 0.55 Ha and is to the north of the village of Fobbing. The village is characterised by a single dwelling deep linear pattern of development.
- 2.2 The site is located on the western side of High Road and is occupied by a single dwellinghouse with a large grassed garden area to the rear. The site is located within the Green Belt forming part of an Established Residential Frontage.

3.0 RELEVANT HISTORY

Application reference	Description	Decision

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16/01242/FUL	Seven detached houses comprising one replacement dwelling, six new dwellings with access road, landscaping and amenity space.	Refused

4.0 CONSULTATIONS AND REPRESENTATIONS

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

PUBLICITY:

4.2 This application has been advertised by way of individual neighbour notification letters and public site notice which has been displayed nearby. There has been seven comments of objection. The objections raised are:

- Impact of development upon the Green Belt;
- Impact of development upon the character of the village;
- Loss of Privacy;
- Scheme represents overdevelopment;
- Greenfield site / not previously developed land.

4.3 ARCHAEOLOGY:

No objection.

4.4 BRITISH PIPELINE ASSOCIATION:

No objection.

4.5 ENVIRONMENTAL HEALTH:

No objection.

4.6 ESSEX AND SUFFOLK WATER:

No objection.

4.7 HIGHWAYS:

No objection.

4.8 LANDSCAPE AND ECOLOGY:

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No objection, subject to conditions.

5.0 POLICY CONTEXT

National Planning Guidance

5.1 National Planning Policy Framework (NPPF)

The NPPF was published on 27 March 2012 and amended on 19 February 2019. 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:

- 5. Delivering a sufficient supply of homes
- 11. Making effective use of land
- 13. Protecting Green Belt land

5.2 Planning Practice Guidance

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

- Design
- Determining a planning application
- Natural Environment
- Use of Planning Conditions

5.3 Local Planning Policy

Local Planning Policy Thurrock Local Development Framework (2015)

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 February 2015. The following policies apply to the proposals:

Spatial Policies:

- CSSP1 (Sustainable Housing and Locations);
- OSDP1 (Promotion of Sustainable Growth and Regeneration in Thurrock)¹

Thematic Policies:

- CSTP1 (Strategic Housing Provision)
- CSTP2 (The Provision of Affordable Housing)
- CSTP19 (Biodiversity)
- CSTP22 (Thurrock Design)
- CSTP23 (Thurrock Character and Distinctiveness)²

Policies for the Management of Development:

- PMD1 (Minimising Pollution and Impacts on Amenity)²
- PMD2 (Design and Layout)²
- PMD6 (Development in the Green Belt)²
- PMD7 (Biodiversity, Geological Conservation and Development)²
- PMD8 (Parking Standards)³
- PMD9 (Road Network Hierarchy)

[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].

5.4 Thurrock Local Plan

In February 2014 the Council embarked on the preparation of a new Local Plan for the Borough. Between February and April 2016 the Council consulted formally on an Issues and Options (Stage 1) document and simultaneously undertook a ‘Call

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for Sites' exercise. In December 2018 the Council began consultation on an Issues and Options (Stage 2 Spatial Options and Sites) document.

5.5 Thurrock Design Strategy

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

6.0 **ASSESSMENT**

6.1 The principal issues to be considered in the determination of this application are:

- I. Principle of development and impact upon the Green Belt
- II. Access, traffic and highway impacts
- III. Site layout and design
- IV. Landscape and ecology
- V. Amenity and neighbours
- VI. Developer contributions

I. PRINCIPLE OF DEVELOPMENT AND IMPACT UPON THE GREEN BELT

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

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

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

6.3 The site is identified on the LDF Core Strategy Proposals Map as being within the Green Belt where policies CSSP4 and PMD6 apply. Policy CSSP4 identifies that

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the Council will 'maintain the purpose function and open character of the Green Belt in Thurrock', and Policy PMD6 states that the Council will 'maintain, protect and enhance the open character of the Green Belt in Thurrock'. These policies aim to prevent urban sprawl and maintain the essential characteristics of the openness and permanence of the Green Belt to accord with the requirements of the NPPF.

- 6.4 Paragraph 133 within Chapter 13 of the NPPF states that the Government attaches great importance to Green Belts and that the *"fundamental aim of Green Belt policy is to prevent urban sprawl by keeping land permanently open; the essential characteristics of Green Belt are their openness and their permanence."* Paragraph 143 states that a local planning authority should regard the construction of new buildings as inappropriate in the Green Belt. The NPPF sets out a limited number of exceptions and the current proposal does not fall within the listed exempt categories.
- 6.5 The proposal would introduce six new detached dwellings and extensions to the host property. The proposal would clearly have a greater impact on the openness of the Green Belt and the purpose of including land within it than the existing development. Consequently, the proposals comprise inappropriate development with reference to the NPPF and Policy PMD6.

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

- 6.6 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.
- 6.7 Paragraph 134 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.

- 6.8 In response to each of these five purposes:

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

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6.9 The site is located along the main road in Fobbing. For the purposes of the NPPF, the site is considered to be outside of any 'large built up areas'. It would not therefore result in the sprawling of an existing built up area, but it would nonetheless represent the addition of new urban form on the site.

B. to prevent neighbouring towns from merging into one another

6.10 The development would not conflict with this Green Belt purpose.

C. to assist in safeguarding the countryside from encroachment

6.11 With regard to the third Green Belt purpose, the proposal would involve built development on what is currently an open and undeveloped part of the site. It is therefore considered that the proposal would constitute an encroachment of built development into the countryside in this location; the construction of six houses would constitute material harm to the openness character of the Green Belt. The development would consequently conflict with this purpose.

D. to preserve the setting and special character of historic towns

6.12 Fobbing is a historic village but the proposal is not within an area which has special character. Therefore, the proposals do not conflict with this defined purpose of the Green Belt.

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

6.13 In general terms, the development could occur in the urban area and, in principle; there is no spatial imperative why Green Belt land is required to accommodate the proposals. The proposed development is inconsistent with the fifth purpose of the Green Belt.

6.14 In light of the above analysis, it is considered that the proposals would be contrary to purposes c and e of the above listed purposes of including land in the Green Belt. Substantial weight should be afforded to these factors.

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

6.15 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.

6.16 With regard to the NPPF, paragraph 143 states that '*inappropriate development is, by definition, harmful to the Green Belt and should not be approved except in very special circumstances*'. Paragraph 144 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*".

6.17 The Design & Access Statement sets out the applicant's Very Special Circumstances which are assessed below:

a) Lack of 5 years housing supply

6.18 The applicant has argued that the Council's lack of 5 year housing supply is a very special circumstance which should be afforded weight.

Consideration

6.19 The Council acknowledges that there is presently a lack of 5 year housing supply. However the NPPG advises that 'unmet housing need 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' (Paragraph 034 Reference ID: 3-034-20141006).

6.20 The current proposals would provide a limited 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

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justify inappropriate development, and as such, for such circumstances to exist this factor must combine with other considerations.

b) £200,000 financial contribution towards affordable housing

- 6.21 Whilst the threshold for provision of affordable housing is 10 of more houses, the applicant has put forward a pledge to contribute £200,000 towards affordable housing within the borough.

Consideration

- 6.22 The Council has no policies which would allow for contributions which are not required to be paid for affordable housing. Additionally, the Council's Housing Development Manager has confirmed this level of financial contribution would equate approximately one affordable housing unit which would be of negligible benefit to the borough.
- 6.23 In light of the above, it follows that the arguments based upon a voluntary affordable housing contribution cannot be given any weight in the determination of this application.

c) The residential development to the rear of Thames View Farm adjacent to the site

- 6.24 Under this heading the applicant has argued that the granting of planning permission for residential development on the adjacent site at Thames View Farm should be considered a very special circumstance.
- 6.25 The adjacent site was identified as a potential housing site in the January 2013 draft Site Allocations Development Plan Document (SSADPD). The applicant has stated that given that the land at Hill Crest and Thames View was found to be suitable for allocation, and in the context of a housing land supply shortage, it is logical to presume that a larger site would have been welcomed and found to be equally suitable.

Consideration

- 6.26 The planning application at Thames View Farm related to a site that was included in the January 2013 SSADPD and this combined with a number of factors, tipped the balance towards allowing approval of the application. The fact that the adjacent site gained planning permission in 2015 does not mean that this site should automatically obtain planning permission. This site has never been included within the SSADPD and is therefore fundamentally different to Thames View Farm. The case for the Thames View Farm development was also based on the former usage of the site as a small-holding and the buildings on the site, this is very different to an open rear garden area which the site at Silver Springs consists of. This factor

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should therefore be afforded no weight in the consideration of this planning application.

d) Provision of executive homes constructed to a high standard

- 6.27 The applicant states that the development would deliver high quality, larger homes in the Borough for which there is a need and they would retain/attract captains of industry to the area.

Consideration

- 6.28 Whilst the Council expects all new development to be of the highest quality, there is no identified need within the Core Strategy or the Council's Housing Needs Survey specifically for larger homes. The provision of larger houses which would be constructed to a high standard is not considered a VSC as there is no particular reason why these houses should be in Green Belt rather than a brownfield site. Accordingly, this factor should be given no weight in the determination of the application as a Very Special Circumstance.

e) Increased ecological value of the site

- 6.29 The applicant has stated they would accept a condition to ensure the ecological value of the site is improved. They consider that the ecological improvements that could be gained on the site constitute a VSC.

Consideration

- 6.30 It is not accepted that the ecological value of an open site free of built form could be improved by building six detached dwellings. The Council's Landscape and Ecology Advisor notes in their consultation response '*Overall the development continues to provide little space for new planting or private amenity space*'. Accordingly, this factor should be given no weight in the determination of the application as a Very Special Circumstance.
- 6.31 A summary of the weight which has been placed on the various Green Belt considerations is provided below:

Summary of Green Belt Harm and Very Special Circumstances			
Harm	Weight	Factors Promoted as Very Special Circumstances	Weight
Inappropriate	Substantial	Lack of 5 years housing	Significant

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development		supply	weight
Reduction in the openness of the Green Belt			
Conflict (to varying degrees) with a number of the purposes of including land in the Green Belt – purposes a, c and e.		£200,000 towards affordable housing	No weight
		Residential development next door	No weight
		Provision of executive homes which are well constructed	No weight
		Increase ecological value of site	No weight

6.32 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. Several 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’.

6.33 Each circumstance put forward by the applicant attempts to redress that balance in favour of the development. In accordance with the NPPF, the harm has to be *clearly* outweighed by Very Special Circumstances. Taking into account all Green Belt considerations, Members are advised that the case associated with this development proposal falls some considerable way short of constituting genuine very special circumstances and it follows that the application should be refused. There are no planning conditions that could be used to make the proposal acceptable in planning terms.

II. ACCESS, TRAFFIC AND HIGHWAY IMPACTS

6.34 The proposal would make suitable off street parking provision for all the units and access to the High Road in accordance with Council standards, subject to conditions.

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- 6.35 The proposed access is to rationalise the accesses into one junction which will serve the original house and the additional units. The Highways Officer has stated this is acceptable and would not harm road safety.

III. SITE LAYOUT AND DESIGN

- 6.36 This part of the High Road is not characterised by any particular property style or design. The immediate location presents a wide variety of properties, in terms of age, design, use of materials and size and scale.
- 6.37 The proposed extensions to Silver Springs fronting the High Road would be located between a chalet/single storey dwellings. The proposed extensions would remodel the house and create a double gable ended frontage to which no objection is raised. The design and scale of the proposed extensions are considered to be appropriate as it is suitably related in both size and design terms to the adjacent properties on the High Road. As the site is within Established Residential Frontage (ERF) Core Strategy policy PMD6 provides some relaxation of normal Green Belt Policy without harm to the objectives of the Green Belt. This only applies to the main house within a Green Belt site.
- 6.38 A new cul-de-sac would be created which would be accessed from the north of the site adjacent to a new house which would front onto the High Road. The cul-de-sac would consist of six new detached dwellings. Within the mid-section of the site the four properties would have the principal elevation facing northwards and the two properties to the rear of the site would have a principal elevation facing eastwards.
- 6.39 In terms of private amenity space, the proposed dwellings would all have a private rear garden. All the garden sizes are all over 100 sq m, which meets the Council's space standard requirements.
- 6.40 These proposed dwellings and garages have been designed to a standard style and the overall design approach is considered to be acceptable. The careful use of materials could ensure a high quality finish. Subject to suitable conditions, it is considered that the external appearance of the proposed buildings could be acceptable.

VI. LANDSCAPE AND ECOLOGY

- 6.41 The application is supported by an arboricultural report which confirms that the trees on the site (primarily around the boundaries) can be retained as part of the scheme. Three trees have been identified to be removed if permission were granted. These comprise two Category B and one category C trees. The Council's Landscape and Ecology Advisor has stated these '*trees are to the rear of the*

existing house and their removal would not significantly affect the amenity of the area. Plot 5 is closest to the boundary hedge and trees; however there are no windows of habitable rooms facing these which should reduce the post-development pressure on these trees. The offsite oak T6 however is likely to require ongoing management to reduce the effects of shading on Plots 1 & 2 given their proximity to this tree'. The Landscape and Ecology Advisor has not raised a specific objection to the scheme but has warned that the development would provide little space for meaningful planting.

V. AMENITY AND NEIGHBOURS

- 6.42 Neighbours have raised concern in relation to the impact of the new dwellings on their outlook and amenity. Whilst it is true that the dwellings that are proposed on this site would be a change from the existing scenario, there is no right to an outlook under planning law. Accordingly an objection on these grounds could not be substantiated.
- 6.43 The new properties would be suitably distant from neighbours not to impact on the amenities that nearby occupiers presently enjoy. The houses would be set out so as not to impact on one another. Policy PMD1 is considered to be satisfied in this regard.
- 6.44 Notwithstanding the above, neighbour objections based upon the development of the Green Belt support the conclusions reached in section I of this report.

VI. DEVELOPER CONTRIBUTIONS

- 6.45 Policy PMD16 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.
- 6.46 There are no planning contributions or affordable housing required as the proposal falls short of the central government threshold of 10 units. The NPPG guidance indicates that for developments of 10 units or less, and which have a maximum combined gross floor space of no more than 1000sq.m affordable housing or tariff style contributions should not be sought.
- 6.47 The site is within the Essex Coast RAMS zone of influence and therefore it would be necessary for the LPA to secure a contribution towards mitigation of the effects of recreational disturbance on Thames Estuary and Marshes SPA. In the event that

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the application were being recommended favourably such a contribution could be secured via an appropriate legal agreement.

7.0 CONCLUSIONS AND REASONS FOR REFUSAL

- 7.1 The proposed development represents an inappropriate form of development within the Green Belt which is harmful by definition. The development would result in further harm by introducing built development where there is presently none; the dwellings, garages and hard surfacing would represent urbanising features which would be visually damaging to the countryside and undermining to the openness of this part of the countryside.
- 7.2 The applicant has not advanced any factors which would amount to very special circumstances that could overcome the harm that would result by way of inappropriateness and the other harm identified in the assessment. There are no planning conditions that could be used to make the proposal acceptable in planning terms. The development is clearly contrary to Policy PMD6 of the Core Strategy and guidance contained in the NPPF. Refusal is therefore recommended.

8.0 RECOMMENDATION

- 8.1 To Refuse for the following reasons:

Reason:

- 1 The proposed development, by reason of its scale, siting and location would result in inappropriate development in the Green Belt which is by definition harmful. In addition, the development would also cause loss of openness due to the siting and substantial increase in the scale of the buildings proposed on the site. The circumstances put forward by the applicant do not constitute very special circumstances to justify inappropriate development in the Green Belt. The proposal is therefore contrary to Policy PMD6 of the adopted Thurrock Local Development Framework Core Strategy and Policies for the Management of Development (as amended 2015) and the National Planning Policy Framework 2019.

Informative:

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

The Local Planning Authority has acted positively and proactively in determining this application by identifying matters of concern 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

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harm which has been clearly identified within the reason(s) 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:

www.thurrock.gov.uk/planning

