

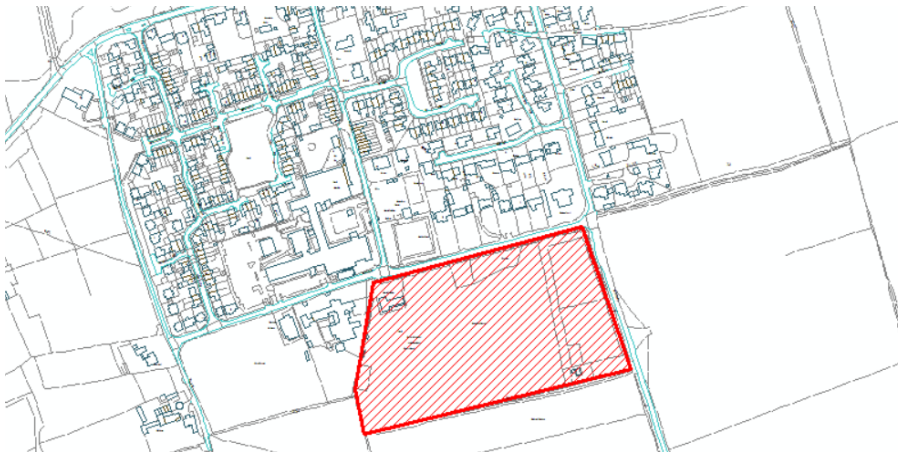
Planning Committee Report

ITEM NUMBER:	8
PLANNING COMMITTEE DATE:	19 December 2024
REFERENCE NUMBER:	24/01155/FUL
LOCATION:	Orsett Cricket Pavilion School Lane Orsett Essex RM16 3JR

Executive Summary:

- 1.1 This planning application (which is retrospective) seeks permission for the installation of two pétanque terrains on land adjacent to Orsett Cricket Pavillion.
- 1.2 The application site forms part of a larger outdoor sports and recreational facility and is identified as such in the Thurrock Core Strategy.
- 1.3 The application has been brought for determination at Planning Committee as the proposal is on land that is in the ownership of the Council and submitted by the Orsett Community Forum.
- 1.4 Given the additional recreational facility created and the limited external changes proposed, the application is recommended for approval.

SITE LOCATION PLAN (1:5000):



© Crown copyright and database rights 2021 Ordnance Survey 0100018688

Organisation: Thurrock Council Date: 22.10.24

PROPOSAL:	Creation of Pétanque terrain
APPLICANT:	Orsett Community Forum
AGENT:	N/A
EXPIRY DATE:	25.12.2024
EOT EXPIRY DATE:	25.12.2024
CASE OFFICER:	David Stewart
NOTATION:	
REASON THIS APPLICATION IS ON THE AGENDA:	Application is on land owned by Thurrock Borough Council
<hr/>	

1. APPLICATION OVERVIEW

- 1.1** This application involves the creation of a Pétanque terrain on land to the east of Orsett Cricket Club pavilion on behalf of the Orsett Community Forum. The works involve the installation of a timber sleeper frame within which an aggregate stone surface is laid.
- 1.2** Members should note that the application is made retrospectively (due to funding requirements for the club).

2. RECOMMENDATION

That the Chief Planning Officer be authorised to **GRANT** permission for the development subject to those items set out in section 16 of this report -

- A) Conditions

3. PROPOSAL

- 3.1** This planning application involves the creation of a Pétanque terrain on land adjoining the Orsett Cricket Pavilion. The terrain will provide 2 playing areas for Pétanque. The physical works involve the removal of

the existing grassed surface and the installation of treated timber sleepers in a rectangular grid with central divider to demarcate the 2 playing areas and the infilling with course aggregate stone. The terrain measures some 24m x 9m with each court being 12m in length. It is flush with the existing ground levels and no part of the structure protrudes above it.

3.2 The terrain is located immediately to the south of 2 existing trees and is set about 3m - 4m away from the pavilion and clear of the established cricket ground.

4. **SITE LOCATION AND DESCRIPTION:**

4.1 The application site affects only a small part of the wider Orsett and Thurrock Cricket Club ground and is located on the south side of School Lane, Orsett. The affected land is located about 4m to the east of the Pavilion, 20m back from the road frontage.

4.2 The ground is level and was, before installation of the terrain, laid to grass. The wider site is identified on the Thurrock Core Strategy Proposals map as Green Belt and Open Space.

5. **ENVIRONMENTAL IMPACT ASSESSMENT**

5.1 N/A

The development does not constitute 'EIA development' for the purposes of The Town and Country Planning (Environmental Impact Assessment) Regulations 2017.

6. **RELEVANT SITE HISTORY**

Reference	Proposal	Decision
67/00356/FUL	Erection of Sports Pavilion	Approved
75/00905/FUL	Erection of New Clubhouse	Approved
80/00485/FUL	Alterations to the bar and catering area	Approved
92/00246/FUL	Extension to Pavilion	Approved

7. **PREAPPLICATION ADVICE AND/OR COMMUNITY CONSULTATION**

7.1 There has been no pre-application advice given prior to the submission of this application.

8. **SUMMARY OF STATUTORY CONSULTEE RESPONSES**

8.1 None required given nature of development.

9. **CONSULTEE RESPONSES**

9.1 LANDSCAPE AND ECOLOGY OFFICER

No objections to the proposal on landscape or ecology grounds

10. **REPRESENTATIONS**

10.1 In addition to individual neighbour notifications, a site notice was displayed on site. No written responses have been received.

11. **MATERIAL CONSIDERATIONS**

11.1 In accordance with Section 38 (6) of the Planning and Compulsory Purchase Act 2004, this decision has been taken having regard to the policies and proposals in the National Planning Policy Framework, The Development Plan and all other material considerations identified in the “Considerations and Assessments” section of the report. The determination must be made in accordance with the plan unless material considerations indicate otherwise.

11.2 Section 70(2) of the Town and Country Planning Act requires the local planning authority in dealing with a planning application, to have regard to

- a) The provisions of the development plan, so far as material to the application:
- b) any local finance considerations, so far as material to the application, and
- c) any other material considerations.

11.3 **The Development Plan**

11.3.1 Thurrock Core Strategy and Policies for Management of Development (Reviewed 2015)

Any “saved” Policies of the Thurrock Borough Local Plan (1997)

12. **POLICY**

12.1 **National Policies**

12.1.1 National Planning Policy Framework (2023)

- 2. Achieving sustainable development;
- 3. Plan-making;
- 4. Decision-making;

- 8. Promoting healthy and safe communities
- 11. Making effective use of land;
- 12. Achieving well-designed places; and
- 13. Protecting Green Belt land

12.1.2 National Planning Policy Guidance

- Climate change;
- Design: process and tools;
- Determining a planning application;
- Effective use of land;
- Enforcement and post-permission matters;

12.2 Local Policies

Thurrock Core Strategy (as amended) Adopted January 2015

12.2.1

CSSP4	Sustainable Green Belt
CSSP5	Sustainable Green Grid
CSTP9	Wellbeing: Leisure and Sport
CSTP10	Community Facilities
CSTP18	Green Infrastructure
CSTP19	Biodiversity
CSTP20	Open Space
PMD2	Design and Layout
PMD6	Green Belt
PMD8	Parking Standards
PMD9	Road Network Hierarchy

12.3 Thurrock Local Plan

In February 2014, the Council embarked on the preparation of a new Local Plan for the Borough. In December 2023, the Council began an Initial Proposals Consultation (Regulation 18). Previously it was anticipated that the Draft Consultation (Regulation 19) would take place in December 2024. As a result of a variety of factors including the delay to the Government decision on the Lower Thames Crossing (now expected May 2025), fundamental changes being considered to the NPPF, the need to ensure a robust evidence base and an increased emphasis on the Duty to Cooperate, at Cabinet on 9 October 2024 Members approved a revised timescale for the LDS. It is proposed that the Draft Consultation (Regulation 19) will now take place between January and March 2026.

12.4 Supplementary Planning Document or Guidance

13. ASSESSMENT

13.1 The issues to consider in the determination of this application are:

- 13.2**
- A) Principle of Development**
 - B) Green Belt Principle and Impact**
 - B) Layout and Character Impacts**
 - C) Parking Impacts**
 - D) Landscape and Ecology Impacts**

13.3 A) Principle of development

13.3.1 This is an application which, if approved, would serve to extend the range of recreational facilities in the village. Policy CSTP9 supports the delivery of a physically active, socially inclusive and healthy community through the provision of high-quality sports and leisure facilities and in doing so meets the Council's objective of promoting participation in culture and sport. Policy CSTP10.2 provides support new and improved facilities. Both accord with the objective of promoting healthy and safe communities as set out in section 8 of the NPPF.

13.3.2 The development does not affect other sports activities/facilities of the Cricket Club or of the Orsett Playground and Outdoor Gym area. Officers are therefore satisfied that the principle of development is in accordance with the Thurrock Core Strategy subject to an assessment of other policies of the plan that are relevant to a consideration of this case.

13.4 B) Green Belt Principle & Impact

13.4.1 The site falls outside the settlement boundary of Orsett, within the Metropolitan Green Belt. Both national (NPPF) and local planning policies (CSSP4 and PMD6) give protection to the Green Belt and advise that substantial weight should be given to its protection. They indicate that inappropriate development should be resisted.

It is only where development proposals are exceptions or there are very special circumstances (VSCs) whose considerations clearly outweigh the harms caused that they can be favourably considered.

The key considerations in this case are:

- i) Whether the development is an exception and if not
- ii) Whether the effect of the proposal on the openness of the Green Belt is no more harmful than the current impact of the site and whether

the purposes of including the land within the green belt are prejudiced by this development if it were to be approved.

13.4.1 The NPPF identifies a number of exceptions to inappropriate developments, one of which comprises (at paragraph 154 (b)) the provision of appropriate facilities (in connection with the existing use of land or a change of use) for outdoor sport, outdoor recreation, cemeteries and burial grounds and allotments; as long as the facilities preserve the openness of the Green Belt and do not conflict with the purposes of including land within it.

13.4.2 The proposed facility accords with the description above and can therefore be regarded as an exception as it does not affect any of the purposes of the Green Belt designation, namely:

- a) to check the unrestricted sprawl of large built-up areas;
- b) to prevent neighbouring towns 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.

13.5 C) Layout and Character Impacts

13.5.1 The application involves the introduction of a hard surface on an area of grass which is set within a large recreation ground. Given the nature of the activity and its appearance, the development does not alter the character of the space or the locality.

13.6 D) Parking Impacts

13.6.1 The site is served by a large car park adjacent to the pavilion which has the capacity to house up to 25 cars. The terrain is likely, at its peak usage time, to accommodate up to 8 persons playing Boules at any one time. Given the sporadic use of the terrain it is unlikely to generate significant pressure for on street parking to a degree that would be a risk to highway safety.

13.7 E) Landscape and Ecology Impacts

13.7.1 The development does not impact on established vegetation in the locality which comprises 2 trees that are located immediately to the north of the terrain. Whilst the terrain is situated within the root protection zone of the tree the scheme does not affect natural surface water drainage. The works themselves, involving only shallow excavation, are unlikely to have caused harmful root damage to them.

13.7.2 Policy CSTP19 of the Thurrock Core Strategy encourages all development to include measures to contribute positively to the overall

biodiversity in the Borough. This development, which removes a grassed surface, involves habitat loss, albeit on a very minor scale and does not propose any mitigation or enhancement and could therefore be assessed as being contrary to adopted policy.

13.7.3 Since the adoption of the Core Strategy further legislation imposes stricter requirements on all developments. The Environment Act 2021 and the Biodiversity Gain (Town and Country Planning) (Modifications and Amendments) (England) Regulations 2024 imposes a duty for all developments to provide biodiversity net gain of 10%. The development, as submitted, does not make provision for this. Certain types of development are exempt from this requirement. This development does not comply with those exemptions which mainly cover self-build homes, developments that affect less than 25 square metres of onsite habitat.

13.7.4 In order to achieve a biodiversity net gain the applicant has the option to create a larger area of grassland on a site with no habitat value on land under their control or enhance areas within the recreation ground through habitat enhancement or tree planting. Officers consider that this can be satisfactorily achieved through the insertion of an appropriate landscaping condition.

14. ADDITIONAL DUTIES

14.1 Public Sector Equalities Duties

14.1.1 The Equality Act 2010 provides protection from discrimination in respect of certain protected characteristics, namely: age, disability, gender reassignment, pregnancy and maternity, race, religion or beliefs and sex and sexual orientation. It places the Council under a legal duty to have due regard to the advancement of equality in the exercise of its powers including planning powers.

14.1.2 The Committee must be mindful of this duty inter alia when determining all planning applications. In particular, the Committee must pay due regard to the need to: (1) eliminate discrimination, harassment, victimisation and any other conduct that is prohibited by or under the Act; (2) advance equality of opportunity between persons who share a relevant protected characteristic and persons who do not share it; and (3) foster good relations between persons who share a relevant protected characteristic and persons who do not share it.

14.1.3 Due consideration has been made to The Equality Act 2010 during the assessment of the planning application, no conflicts are raised.

14.2 Human Rights

14.2.1 There may be implications under Article 1 (protection of property) and Article 8 (right to respect for private and family life) of the First Protocol regarding the right of respect for a person's private and family life and

home, and to the peaceful enjoyment of possessions; however, these issues have been taken into account in the determination of this application.

15. CONCLUSION

15.1 The creation of a pétanque terrain would fully accord with all relevant Core Strategy Policies including CSSP4, CSSP5, CSTP9, CSTP10, CSTP18, CSTP19, CSTP20, PMD2, PMD6, PMD8 and PMD9 provided that suitable landscaping details are agreed and implemented to secure at least a 10% biodiversity net gain.

16. RECOMMENDATION

16.1 APPROVE, subject to the following condition:

1 Time limit for retrospective permission

Notwithstanding the time limits given to implement planning permission as prescribed by Sections 91 and 92 of the Town and Country Planning Act 1990 (as amended), this permission in so far as it relates to the development (being granted under section 73A of the Act in respect of development already carried out) shall have effect from the date of this decision notice.

Reason: To ensure clarification of the works commenced in accordance with Section 73A of Chapter 8, Part III, of the Town and Country Planning Act 1990 (as amended).

2 Plans List

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

Plan Number(s):		
Reference	Name	Received
Orsett Cricket Pavilion School Lane Orsett Essex RM16 3JR	Location Plan	29 October 2024
Orsett Cricket Pavilion School Lane Orsett Thurrock RM16 3JR	Site Plan	29 October 2024
Plan 1	Proposed Plan	29 October 2024

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

3 Landscaping

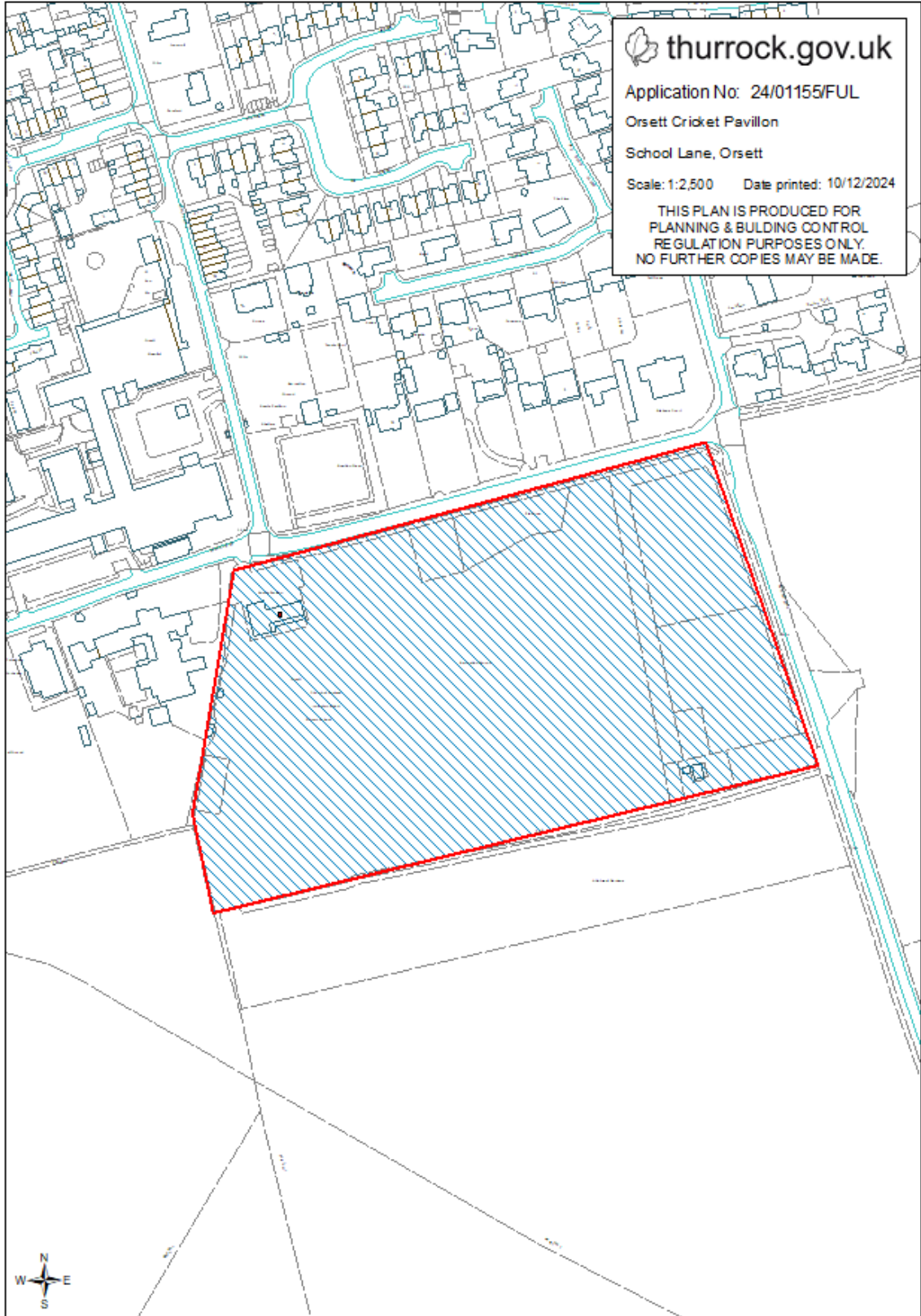
Within 3 months of the date of this planning permission details of tree planting, including the location of the planting, species/varieties, sizes and spacing shall be submitted to the Local Planning Authority for approval. The landscaping as approved shall thereafter be implemented within the first planting season following the granting of this permission. The landscape plan should include a timescale for its implementation, a landscape maintenance period and provide details in relation to protective measures to be implemented. Any dead, damaged or dying trees shall be replaced with similar replacements within 5 years.

Reason: To secure a 10% biodiversity net gain in accordance with the Environment Act 2021 and the Biodiversity Gain (Town and Country Planning) (Modifications and Amendments) (England) Regulations 2024.

Informative:

Positive and Proactive Statement

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



© Crown copyright and database rights 2024 Ordnance Survey AC0000819536