

Reference: 15/01508/FUL	Site: Bentons Farm Mollands Lane South Ockendon Essex RM15 6DB
Ward: Belhus	Proposal: Demolition of existing buildings and erection of 9 houses with associated parking and garden areas (revised scheme following approval of planning application 13/00986/FUL).

Plan Number(s):		
Reference	Name	Received
1309-000	Location Plan	29th December 2015
SH007-002.E	Site Layout	23 rd March 2016
SH007-005.00 Rev A	Site Layout	23 rd March 2016
SH007-50-01.B	Floor Layout	2 nd March 2016
SH007-50-02.B	Elevations	2 nd March 2016
SH007-50-03.C	Floor Layout	23 rd March 2016
SH007-50-04.D	Elevations	23 rd March 2016
SH007-50-05.C	Floor Layout	23 rd March 2016
SH007-50-06.B	Elevations	2 nd March 2016
SH007-CP-01.00	Elevations	29th December 2015
SH007-SG1-01.00	Elevations	29th December 2015
LOR/1276/16	Site layout	23 rd March 2016

The application is also accompanied by:	
- Design and Access Statement	
Applicant: Lorimer Developments	Validated: 29 December 2015 Date of expiry: 14 th April (Extension of Time)
Recommendation: Approve, subject to conditions.	

The application is being reported directly to Committee as previous applications have been considered by the Committee.

1.0 DESCRIPTION OF PROPOSAL

- 1.1 The application seeks full planning permission for the redevelopment of the site to provide new nine dwellings.
- 1.2 The application proposes a new estate road to serve six of the dwellings, onto Mollands Lane. Three of the dwellings would be served directly by their own accesses onto Mollands Lane (one shared access and one single access).
- 1.3 There would be two pairs of semi-detached dwellings and a detached dwelling facing onto Mollands Lane and four detached dwellings within the site. Parking would be provided on site, either via hard surfaced area, garages and surfaced area or open car ports.

2.0 SITE DESCRIPTION

- 2.1 The application site is an approximately square shaped site on the southern side of Mollands Lane. The site was previously occupied by a large dwelling house and associated outbuildings, which have been relatively recently demolished.
- 2.2 At present the site is empty and vacant. The site lies in the Green Belt.

3.0 RELEVANT HISTORY

Reference	Description	Decision
13/00667/FUL	Demolition of existing house, storage shed and office building and construction of 14 houses, consisting of 12 no. semi-detached houses and 2 no. detached houses.	Refused
13/00986/FUL	Demolition of existing buildings and erection of 11 houses with associated parking and garden areas.	Approved
15/00239/CONDC	Discharge of Conditions 4 [Highways Management Plan], 5 [Construction Management Plan], 7 [Contamination Survey], 8 [Landfill Exploration] and 10 [Programme of Archaeology Work] against approved planning application 13/00986/FUL	Discharged

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/15/01508/FUL

PUBLICITY:

4.2 Neighbours were notified directly by letter. A site notice and press notice were also displayed. Three responses have been received. Two letters were received raising objections to the scheme. These letters were received from a local interest group and a neighbour. These objections were on the following grounds:

- Concerns over access to the site;
- Queries about contamination on the site;
- Impact of planting on sight lines;
- Consideration of development alongside adjacent site;
- Query over strip of land to the front of the site

These matters were clarified with the objector, who has subsequently written in to withdraw his original objections.

HIGHWAYS:

4.3 No objections (subject to conditions).

LANDSCAPE AND ECOLOGY ADVISOR:

4.4 No objections (subject to conditions).

ENVIRONMENTAL HEALTH:

4.5 No objections (subject to conditions).

EDUCATION:

4.6 No requirement for contributions.

5.0 POLICY CONTEXT

National Planning Policy Framework

5.1 The NPPF was published on 27th 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.

5.2 Annex 1 makes clear that Development Plan policies should not be considered out-of-date simply because they were adopted prior to publication of the Framework. It also sets out how decision-takers should proceed taking account of the date of adoption of the relevant policy and the consistency of the policy with the Framework. Due weight should be given to relevant policies in existing plans

according to their degree of consistency with the Framework (the closer the policies in the plan to the policies in the Framework, the greater the weight that may be given).

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

- 4. Promoting sustainable transport
- 7. Requiring good design
- 8. Promoting healthy communities
- 9. Protecting Green Belt land
- 10. Meeting the challenge of climate change, flooding and coastal change
- 11. Conserving and enhancing the natural environment

5.4 Detailed below are in an extracts from the NPPF with regards to housing need and Green Belt Policy;

5.5 *'Do housing and economic needs override constraints on the use of land, such as Green Belt?*

The National Planning Policy Framework should be read as a whole: need alone is not the only factor to be considered when drawing up a Local Plan.

The Framework is clear that local planning authorities should, through their Local Plans, meet objectively assessed needs unless any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in the Framework taken as a whole, or specific policies in the Framework indicate development should be restricted. Such policies include those relating to sites protected under the Birds and Habitats Directives, and/or designated as Sites of Special Scientific Interest; land designated as Green Belt, Local Green Space, an Area of Outstanding Natural Beauty, Heritage Coast or within a National Park or the Broads; designated heritage assets; and locations at risk of flooding or coastal erosion.

The Framework makes clear that, once established, Green Belt boundaries should only be altered in exceptional circumstances, through the preparation or review of the Local Plan'. (Paragraph: 044Reference ID: 3-044-20141006)

Planning Practice Guidance (PPG)

5.6 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 42 subject areas, with each area containing several sub-topics. Those of particular relevance to the determination of this planning application comprise:

- Climate change
- Conserving and enhancing the historic environment
- Design
- Determining a planning application
- Natural Environment
- Planning obligations
- Use of Planning Conditions
- Water supply, wastewater and water quality

5.7 Local Planning Policy

Thurrock Local Development Framework

The Council adopted the “Core Strategy and Policies for the Management of Development Plan Document” in December 2011. The following Core Strategy policies apply to the proposals:

SPATIAL POLICIES

- CSSP1: Sustainable Housing and Locations
- CSSP3: Sustainable Infrastructure
- CSSP4: Sustainable Green Belt
- OSDP1: Promotion of Sustainable Growth and Regeneration in Thurrock¹

THEMATIC POLICIES

- CSTP1: Strategic Housing Provision
- CSTP22: Thurrock Design
- CSTP23: Thurrock Character and Distinctiveness²
- CSTP25: Addressing Climate Change²
- CSTP26: Renewable or Low-Carbon Energy Generation²
- CSTP33: Strategic Infrastructure Provision

POLICIES FOR MANAGEMENT OF DEVELOPMENT

- PMD1: Minimising Pollution and Impacts on Amenity²
- PMD2: Design and Layout²
- PMD6: Development in the Green Belt²
- PMD8: Parking Standards³
- PMD9: Road Network Hierarchy
- PMD10: Transport Assessments and Travel Plans²
- PMD12: Sustainable Buildings²
- PMD16: Developer Contributions²

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

5.8 Focused Review of the LDF Core Strategy

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. Thurrock Council adopted the Core Strategy and Policies for Management of Development Focussed Review: Consistency with National Planning Policy Framework on 28 January 2015.

5.9 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 application site has no allocation within either of these draft documents. The Planning Inspectorate is advising local authorities not to continue to progress their Site Allocation Plans towards examination where their previously adopted Core Strategy is no longer in compliance with the NPPF. This is the situation for the Borough.

5.10 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 meeting 2014 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.

6.0 ASSESSMENT

BACKGROUND TO APPLICATION

- 6.1 As detailed in the planning history above, application 13/00986/FUL was approved for the development of 11 houses on this site. That application was recommended for refusal but approved at Committee on the basis that Members considered that the applicant has demonstrated very special circumstances to allow the development of the site, contrary to normal Green Belt policy.

6.2 The application was referred to the National Planning Casework Unit (NPCU) as it represented a departure from the Local Plan (Core Strategy). The application was not called in and the NPCU indicated that the Council was able to determine the proposal. Accordingly, the site has an extant permission for 11 dwellings. The current application is a revised scheme to alter the design and layout of the development. On the basis of the approval of the previous application it is not considered it would be necessary to refer this application to the NPCU if Members were minded to approve this application.

6.3 The principal issues to be considered in this case are:

- I Plan designation and principle of development
- II Layout and design
- III Highways
- IV Neighbour amenity
- V Trees and landscaping

I PLAN DESIGNATION AND PRINCIPLE OF DEVELOPMENT

6.4 The principle of residential development was established by the granting of permission, 13/00986/FUL. The current proposal would result in a reduction in number of dwellings on site and a less intensive form of development. Accordingly the principle is considered to be sound.

II. LAYOUT AND DESIGN

6.8 The current application proposes five of the proposed dwellings to have a frontage onto Mollands Lane, with three of these facing direct vehicle access. The dwellings would create a 'live' street frontage and tie the development into the existing street scene.

6.9 Three of the properties would have parking and turning areas served directly from Mollands Lane. Whilst this would lead to cars being on the frontage of these properties, the submitted plans show that there would be planting provided to screen these areas. It is considered therefore that it would be difficult to object on these grounds.

6.10 The four remaining properties would be arranged around a mews style courtyard in the southern part of the site. This layout is also considered to be acceptable, creating a more interesting and attractive layout than the previously approved scheme.

6.11 The proposed dwellings would be relatively simple in design terms with few notable additional features, save for projecting bays and canopies over the front doors. Because of the simplification of the house types proposed the success of the design will be the use of high quality materials and appropriately deep recesses around the windows to add articulation to the individual properties. It is not considered that an objection could be raised to the external appearance of the proposed buildings.

III. HIGHWAYS

- 6.12 The Council's Highways Officer is satisfied with the details and subject to conditions to ensure parking is retained and the roadway is provided before the dwellings are occupied the proposals comply with Policy PMD8 of the Core Strategy.

IV. NEIGHBOUR AMENITY

- 6.13 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.

V. TREES AND LANDSCAPING

- 6.14 Critical in the last application were the details of the landscaping, to replace the preserved trees that have previously been removed. During the course of consideration of this proposal the applicant has submitted a additional plans which show improved planting on the site to address the issue of loss of trees.
- 6.15 The Council's Landscape Advisor has indicated that the proposals would be acceptable subject to the landscaping being carried out as submitted. A condition to secure the appropriate landscaping is therefore recommended.

VI. OTHER MATTERS

- 6.21 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.
- 6.22 The proposal is for a small scale development and no infrastructure requirements have been identified arising from this development at this time. The previous scheme was for a larger number of units and required contributions, however on the basis of the number of units proposed, the responses received and current policy it accordingly is not considered necessary for an s.106 contribution in this instance

7.0 CONCLUSIONS AND REASON(S) FOR APPROVAL

- 7.1 The application site is previously developed land in the Green Belt. The development would result in a reduction in footprint and volume in comparison with the existing extant permission on the site. Against the background of the earlier approval, it is considered an objection to the principle of nine houses would be difficult to substantiate.
- 7.2 Matters of detail such as design and layout are all considered to be acceptable. Suitable conditions could be applied to ensure that the proposal results in a high quality development that will enhance and improve the appearance of the site.

8.0 RECOMMENDATION

Approve, subject to the following conditions:

Condition(s):

Time

- 1 The development hereby permitted must be begun not later than the expiration of 3 years from the date of this permission.

REASON: In order to comply with Section 51 of the Planning and Compulsory Purchase Act 2004.

Materials

- 2 Samples of all materials to be used in the construction of the external surfaces of the building(s) hereby permitted, shall be submitted to and approved in writing by, the Local Planning Authority, before any part of the development is commenced.

REASON: To ensure that the proposed development does not prejudice the appearance of the locality.

Roadways prior to occupation

- 3 None of the buildings hereby permitted shall be occupied/used until the service road(s), footway(s), loading, parking and turning areas shown on the plan accompanying the application have been constructed to a final specification as agreed in writing with the Local Planning Authority.

REASON: In the interests of highway safety in accordance with Policy PMD1 of the Thurrock Local Development Framework Core Strategy and Policies for Management of Development 2011.

Highways Management Plan

- 4 A Highways Management Plan (HMP) shall be submitted and approved by the Local Planning Authority prior to commencement of the development hereby approved, details to include (as appropriate):
 - i. Hours of operation
 - ii. Construction access
 - iii. Temporary hard standing
 - iv. Storage of materials
 - v. Heavy plant storage
 - vi. Abnormal Load Vehicle movements and routing
 - vii. Crane storage and its use
 - viii. Contractor parking
 - ix. Wheel Washing Facilities

Once submitted to and agreed in writing by the Local Planning Authority the works shall be undertaken in strict accordance with the agreed details, unless otherwise agreed in writing by the Local Planning Authority.

REASON: To ensure that the proposed development does not cause pollution in accordance with Policy PMD1 of the Core Strategy and in accordance with NPPF.

Construction Management Plan

- 5 Prior to the commencement of the works subject to this consent hereby approved, a Construction Management Plan and Waste Management Plan shall be submitted to and agreed in writing prior to the commencement of the works hereby approved. The details shall include;
- i Details of measures to minimise fugitive dust during construction demolition and stockpiling of materials;
 - ii A Waste Management Plan;
 - iii An asbestos survey with the details of its removal by a competent contractor;
 - iv. Details of any security lighting or flood lighting proposed including mitigation measures against light spillage outside the site boundary;
 - v. Details of crushing and/or screening of demolition and excavation materials including relevant permits;
 - vi. Details of measures to minimise noise and vibration during construction and demolition to comply with the recommendations (including those for monitoring) set out in Parts 1 and 2 of BS5228:2009 'Code of Practice for Noise and Vibration Control on Construction and Open Sites'.

Once submitted to and agreed in writing by the Local Planning Authority the works shall be undertaken in strict accordance with the agreed details, unless otherwise agreed in writing by the Local Planning Authority. All construction activities should be carried out using best practice with reference to BS5228 (control of noise from construction sites) to minimise the effect of construction on local residents).

REASON: To ensure that the proposed development does not cause pollution in accordance with Policy PMD 1 of the Core Strategy and in accordance with NPPF.

Landscaping

- 6 No construction works in association with the erection of the dwellings hereby permitted shall commence on site until a scheme of hard and soft landscaping has been submitted to and approved in writing by the Local Planning Authority, the details of which shall include:
- i. All species, planting sizes and planting densities, spread of all trees and hedgerows within or overhanging the site, in relation to the proposed buildings, roads, and other works;
 - ii. Finished levels and contours;
 - iii. Means of enclosure;
 - iv. Minor artefacts and structures (e.g. furniture, play equipment, refuse and other storage units including the cycle store, signs and lighting);
 - v. External surface material for parking spaces, pedestrian accesses.

All soft landscaping comprised in the approved details of landscaping shall be carried out in the first planting and seeding season following the first occupation of the building(s) or the completion of the development whichever is the sooner. Any trees, plants or hedges which, within a period of five years, die, are removed, or become seriously damaged or diseased shall be replaced in the next planting

season with others of a similar size and species, unless otherwise agreed in writing by the Local Planning Authority. All hard landscaping shall also be carried out in accordance with the approved details prior to the occupation of any part of the development or in accordance with a programme to be agreed in writing with the Local Planning Authority.

Upon approval of the landscaping scheme the replacement trees shall be covered by a Tree Preservation Order.

REASON: In the interests of the character and visual amenities of the area in accordance with Policy PMD2 of the Core Strategy.

Contamination

- 7 Prior to the commencement of any development of the site a full ground contamination survey together with a full risk assessment and scheme of remediation shall be submitted to, and approved in writing by, the Local Planning Authority. The scheme of remediation shall also include a plan for dealing with any further contamination that is identified during construction. The development hereby permitted shall only be implemented in accordance with the approved scheme.

REASON: In the interests of the health of potential future occupiers of the site and nearby neighbours

Landfill Survey

- 8 The development hereby permitted shall not be commenced until a comprehensive site survey has been undertaken to:
- i. Determine the existence, depth, extent and character of any filled ground.
 - ii. Determine the existence, extent and concentrations of any landfill gas with potential to reach the application site.
 - iii. A copy of the site survey findings together with a scheme to bring the site to a suitable condition in that it represents an acceptable risk including detailing measures to contain, manage and/or monitor any landfill gas with a potential to reach the site shall be submitted to and agreed in writing with, the Local Planning Authority prior to, the commencement of development hereby permitted.

Formulation and implementation of the scheme shall be undertaken by competent persons. Such agreed measures shall be implemented and completed in accordance with the agreed scheme. No deviation shall be made from this scheme.

Should any ground conditions or the existence, extent and concentrations of any landfill gas be found that was not previously identified or not considered in the scheme agreed in writing with the Local Planning Authority, the site or part thereof shall be re-assessed in accordance with the above and a separate scheme to bring the site to a suitable condition in that it represents an acceptable risk shall be submitted to and agreed in writing with the Local Planning Authority. Such measures shall be implemented in accordance with the agreed scheme.

The developer shall give one month's advanced notice in writing to the Local Planning Authority of the impending completion of the agreed works. Within four

weeks of completion of the agreed works a validation report undertaken by competent person or persons shall be submitted to the Local Planning Authority for written approval. There shall be no residential occupation of the site or the individual unit affected until the Local Planning Authority has approved the validation report in writing

REASON: In the interests of the health of potential future occupiers of the site and nearby neighbours.

Hours of Work

- 9 No demolition, building work or deliveries shall be carried out before 8am or after 6pm on Mondays to Fridays or before 9am or after 1pm on Saturdays and not at all on Sundays or Bank Holidays

REASON: In the interests of the amenity of surrounding occupiers.

Highways Access Technical Details

- 10 Details shall be submitted showing the layout, dimensions and construction specification of the proposed access to the highway, such details shall be approved and implemented on site in accordance with the approved scheme before occupation of the development hereby permitted.

REASON: In the interests of highway safety and efficiency.

Permitted Development Rights

- 11 Notwithstanding the provisions of the Town and Country Planning General Permitted Development Order 1995, or any subsequent re-enacting or revoking Acts or Orders, no development falling within Classes A, B, C or E shall be carried out on the site without the prior written consent of the Local Planning Authority.

REASON: To prevent an intensification use of the dwellings which lie within the Metropolitan Green Belt, to ensure adequate private garden areas are retained for the dwellings and to prevent damage to any trees

Porous Hardsurfacing

- 12 The hardstanding areas within the residential curtilages of the properties hereby permitted shall be contracted with a porous surface.

REASON: In the interests of surface water management.

Garages for Parking Only

- 13 Notwithstanding the provisions of the Town and Country Planning General Permitted Development Order 2015 and Section 55 of the Town and Country Planning Act 1990 or any subsequent Acts or Order re-voking or renewing the provisions of that Act or Order, the garages and carports hereby permitted shall be used solely for parking of vehicles in domestic use or for incidental domestic storage only.

REASON: To ensure adequate provision is made for vehicle parking and in the interests of the Green Belt in accordance with Policies PMD6 and PMD8 of the Core Strategy

Site Splays

- 14 Sight splays of 2.4 metres x 43 metres shall be provided at the proposed access and thereafter maintained at all times so that no obstruction is present within such area above the level of the adjoining highway carriageway.

REASON: In the interests of highway safety and efficiency.

Plan Numbers

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

Plan Number(s):		
Reference	Name	Received
1309-000	Location Plan	29th December 2015
SH007-002.E	Site Layout	23 rd March 2016
SH007-005.00 Rev A	Site Layout	23 rd March 2016
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SH007-CP-01.00	Elevations	29th December 2015
SH007-SG1-01.00	Elevations	29th December 2015
LOR/1276/16	Site layout	23 rd March 2016

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

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/15/01508/FUL

Alternatively, hard copies are also available to view at Planning, Thurrock Council, Civic Offices, New Road, Grays, Essex, RM17 6SL.

