

22 March 2012

Mr M Hull
Kember Loudon Williams Ltd
Ridgers Barn
Bunny Lane
Eridge
Tunbridge Wells
KENT
TN3 9HA

Our Ref: APP/M9565/V/11/2154021

Your Ref:10/50235/TTGOUT

Dear Mr Hull,

**TOWN AND COUNTRY PLANNING ACT 1990 – SECTION 77
APPLICATION BY BARRATT HOMES
AT LAND SOUTH OF OXFORD ROAD, WEST OF BUTTS LANE,
STANFORD-LE- HOPE, ESSEX SS17 0NW
APPLICATION: REF 10/50235/TTGOUT**

1. I am directed by the Secretary of State to say that consideration has been given to the report of the Inspector, Graham Dudley, BA(Hons) Arch Dip Cons AA RIBA FRICS, who held a public local inquiry between 18 and 25 October 2011 into your client's application for outline planning permission for the comprehensive development of land to provide a sustainable urban extension comprising up to 350 dwellings with associated infrastructure including: new vehicular accesses on to Butts Lane; new on-site accesses and road network; cycleway and footpath network; public open space including 51.5ha of strategic open space; landscaping and local community facilities, at land south of Oxford Road, west of Butts Lane, Stanford-le-Hope, Essex SS17 0NW in accordance with application Ref 10/50235/TTGOUT, dated 19 October 2010.
2. On 16 May 2011, the Secretary of State directed, in pursuance of section 77 of the Town and Country Planning Act 1990, that the application be referred to him instead of being dealt with by the relevant planning authority, Thurrock Thames Gateway Development Corporation (TTGDC). The reason given for making the direction was that the Secretary of State was of the opinion that the application was one he ought to decide himself because the proposal may conflict with national policies on important matters.

Inspector's recommendation and summary of the decision

3. The Inspector recommended that planning permission be granted subject to conditions. For the reasons given below, the Secretary of State agrees with the Inspector's conclusions and agrees with his recommendation. A copy of the Inspector's report (IR) is enclosed. All references to paragraph numbers, unless otherwise stated, are to that report.

Procedural matters

4. In reaching his decision, the Secretary of State has taken into account the Environmental Statement which was submitted under the Town and Country Planning (Environmental Impact Assessment) (England and Wales) Regulations 1999. The Secretary of State is content that the Environmental Statement complies with the above regulations and that sufficient information has been provided for him to assess the environmental impact of the application (IR15).
5. The Secretary of State has taken account of the revision to the area of strategic open space, as noted at IR6, in determining the application.

Matters arising after the close of the inquiry

6. Following the close of the inquiry, the Secretary of State received a representation from Mr D Harper dated 17 November 2011. He has taken account of this representation but, as it did not raise any new matters that would affect his decision, he has not considered it necessary to circulate it to all parties. Copies of this representation can be made available upon written request.
7. Following the Secretary of State's receipt of the Inspector's report, Thurrock Council adopted its Core Strategy and Policies for Management of Development Development Plan Document. The Secretary of State has had regard to the policies in the adopted plan, but given that the submission Core Strategy and the Council's Proposed Focused Changes were before the inquiry, he does not consider that they raise new issues relevant to this application that either affect his decision, or require him to refer back to the parties for further representations before reaching his decision.

Policy considerations

8. In deciding the application, the Secretary of State has had regard to section 38(6) of the Planning and Compulsory Purchase Act 2004 which requires that proposals be determined in accordance with the development plan unless material considerations indicate otherwise.
9. In this case, the development plan comprises the East of England Plan 2008 (EEP), the Thurrock Core Strategy and Policies for Management of Development Development Plan Document (CS), adopted December 2011, and those saved policies of the Thurrock Local Plan (LP), adopted in 1997, that have not been superseded by policies of the CS. The Secretary of State considers that the development plan policies most relevant to the appeal are those set out by the

Inspector at IR17 and CS Policies CSSP1, CSSP4, CSSP5, CSTP1 and CSTP2 (IR 24 and 25).

10. Other material considerations which the Secretary of State has taken into account include the national policy documents listed at IR22, Planning Policy Guidance 17: *Planning for Open Space, Sport and Recreation* (PPG17), Circular 05/05: *Planning Obligations*; Circular 11/95: *The Use of Conditions in Planning Permission*; and *The Community Infrastructure Levy (CIL) Regulations* 2010.
11. The Secretary of State has taken into account the Draft National Planning Policy Framework document, issued for consultation on 25 July 2011. However, as this document is still in draft form and subject to change, he has accorded its policies little weight.
12. In determining the appeal, the Secretary of State has had regard to the impact of the proposed development on the settings of the listed buildings at St Clere's Hall, referred to by the Inspector at IR14, and at St Margaret of Antioch's Church, referred to at IR274. In accordance with section 66 of the Planning (Listed Buildings and Conservation Areas) Act 1990, he has paid special regard to the desirability of preserving the listed buildings or their settings or any features of special architectural or historic interest which they may possess.

Main issues

13. The Secretary of State considers that the main issues in this case are:-

- a) Green Belt;
- b) Housing Supply;
- c) Affordable Housing;
- d) Strategic Open Space, Greengrid, Sports and Recreation;
- e) Impact on Listed Buildings;
- f) Other Matters;
- g) Conditions and Obligation.

Green Belt

14. The Secretary of State agrees with the Inspector's reasoning and conclusions, as set out at IR265 – 289. He agrees with the Inspector that the proposed housing would be inappropriate development in the Green Belt and he has attached substantial weight to the harm caused due to inappropriateness (IR265). He has similarly attached substantial weight to the harm caused to the openness of the Green Belt (IR266), and agrees that development of the site would be harmful to the countryside (IR267). However, he agrees with the Inspector, at IR277, that harm to the Green Belt should be viewed in the context of the harm that the development of the land west of Butts Lane, identified as a broad location for development on CS Proposals Map Part 2 East (CSPM2E), would cause in the future, thereby considerably lessening the overall harm of this proposal.
15. The Secretary of State agrees with the Inspector that residential development at this site would remove the current purpose that the Green Belt is serving in preventing the edge of Stanford-le-Hope extending into the countryside (IR278).

He also agrees that the protection offered by the Green Belt, of preventing encroachment into what is currently countryside, would be lost in relation to the residential part of the proposed development (IR280). Like the Inspector, he considers that the proposal would be unlikely to considerably compromise the need for urban regeneration elsewhere in the borough at the current time (IR286). The Secretary of State agrees that the proposal will open up a very large area of land to the public for leisure and recreational purposes (IR287). With regard to the loss of the existing golf course, he attaches limited weight to the loss of this facility, given the availability of provision elsewhere (IR288). In addition, he agrees that whether or not Thurrock Council policies identify a need for the open space, the proposal will enable recreational use of the land by the general public creating a significant opportunity for outdoor recreation (IR289).

Housing Supply

16. The Secretary of State agrees with the Inspector's reasoning and conclusions at IR290 – 303 on housing supply in Thurrock. He considers that considerable weight can be attached to the housing supply requirements i.e. the provision of a minimum of about 18,500 homes between 2001 and 2021 (IR292) and he has taken account of the Statement of Common Ground concluding that the 5-year supply is between 3 years and 3.3 years (IR293). Like the Inspector, he has some sympathy for the managed approach to housing supply advocated by Thurrock Council (IR294) but he agrees that, even with the reduced requirements of this managed approach, it is clear that the targets for the next 5-year period will not nearly be achieved (IR298). The Secretary of State shares the Inspector's view, stated at IR303, that under-achievement of the accepted housing land supply against the planned housing trajectory is now clearly a situation where management action is urgently required in order to meet current housing land delivery requirements and to ensure that later years do not become unacceptably loaded by the now projected shortfalls against the target (IR303). He agrees that this matter contributes significantly towards very special circumstances in relation to development of the Green Belt (IR303) and considers that the scheme's contribution to meeting the shortfall in the 5-year supply of housing is a substantial benefit.

Bringing Sites Forward Outside of the Development Plan Documents

17. The Secretary of State agrees with the Inspector's reasoning and conclusions with regard to bringing sites forward outside of the development plan documents, as set out at IR304 – 309. He accepts that the Site Specific Allocations Development Plan Document would consider timing of release, and it potentially could be decided that a later release would be more appropriate. However, given the substantial shortfall in the current 5-year supply, he agrees that it is hard to see how it would not be concluded that at least early release of the Inset Map 5 land (shown on CSPM2E) is required, if it were being actively considered at present (IR309).

Affordable Housing

18. The Secretary of State agrees with the Inspector's reasoning and conclusions on the provision of affordable housing at IR310 – 315. He accepts that the provision

of 35% affordable housing is sought in the CS, but agrees that, given the current economic circumstances and the difficulty in achieving a lesser provision in the past, providing 35% affordable housing during the current economic situation should be considered as a beneficial material consideration (IR314). He agrees that the past shortfall in affordable housing provision and the ability of this site to provide a substantial amount of affordable houses in accordance with the requirements of the CS in the next five years is a substantial material consideration (IR315).

Strategic Open Space, Greengrid, Sports and Recreation

19. The Secretary of State agrees with the Inspector's reasoning and conclusions with regard to the impact of the proposal on strategic open space and greengrid, sports and recreation, as set out at IR316 – 330. He has carefully considered the concerns of Natural England, referred to at IR325, and agrees that it is essential to have the strategic open space at the application site to deflect visitor pressure and residents away from the Mucking Flats Site of Special Scientific Interest, and part of the Thames Estuary and Marshes Special Protection Area and Ramsar Site. He further agrees that the application site, being at the very edge of Stanford-le-Hope and on the footpath network, would provide good access (IR326). Like the Inspector, he considers that while the proposal does neither fully fit the description of a park and garden, nor fully the description of country park, it would serve some of their purposes and have some limited benefit in terms of need, in relation to the identified shortfall in parks and gardens. It would also improve connectivity between Thurrock's urban areas and the Green Belt (IR328).
20. The Secretary of State agrees that the proposed open space would have considerable benefits in deflecting visitors away from the Thames Estuary and Marshes, relieving pressure on important sites, which Natural England considers to be important (IR329). He agrees that the provision of the strategic open space associated with the development is a significant material consideration, contributing towards very special circumstances (IR330).

Impact on Listed Buildings

21. For the reasons given by the Inspector at IR274 - 276, the Secretary of State considers that the special architectural and historic interest of St Margaret of Antioch's Church and St Clere's Hall and their settings would be preserved.

Other Matters

22. The Secretary of State agrees with the Inspector's reasoning and conclusions with respect to the other matters set out at IR331 – 343.

Conditions

23. The Secretary of State has considered the proposed conditions, the Inspector's assessment of these at IR253– 258, and national policy as set out in Circular 11/95. He agrees with the Inspector's assessment that the conditions are necessary and he considers that they comply with the provisions of Circular

11/95. The Secretary of State is satisfied that the reasons given by the Inspector for the conditions in Annex 1 of his report with reference to LP policies and the emerging CS policies are still relevant, following the adoption of the CS, which also supersedes specified LP policies.

Planning Obligation

24. The Secretary of State has considered the planning obligation, the Inspector's assessment of it at IR259 – 264, the provisions of the CIL Regulations 2010 and the guidance in Circular 05/2005. He agrees with the Inspector that the provisions of the obligation comply with the guidance in Circular 05/2005 and meet the tests of Regulation 122 of the CIL Regulations 2010 (IR264).

Overall Conclusions

25. The Secretary of State agrees with the Inspector's overall conclusions, as set out at IR344 – 357. He considers that development of the application site is not consistent with the development plan as it is Green Belt (IR344). He notes that in the Core Strategy the northern part of the proposed housing site is identified as a broad location for the release of land from the Green Belt in CSPM2E, although the intention is that development will only be permitted on Green Belt land where it is specifically allocated and required to maintain a 5 year land supply. He has gone on to consider whether there are material considerations of sufficient weight to overcome this. He considers that the proposed development would cause substantial harm in terms of being inappropriate development in the Green Belt, cause substantial harm to Green Belt openness and considerable harm to the visual amenity of the countryside, changing its character and appearance from countryside to urban (IR344). He further considers that the early release of Green Belt land for development would cause harm to the ability to coordinate the release of land (IR346) but considers that development of the CSPM2E area of land now would only be likely to mean that it is developed earlier rather than not at all, and that this reduces the weight to be given to the harm from development of that land, in terms of the Green Belt, amenity, and character and appearance (IR347).

26. The Secretary of State considers that, even with the proposed back loading to counter the economic situation, it is clear that the 5-year housing land supply in the current housing trajectory will not be achieved by a considerable margin (IR348) and considers that in these circumstances, the plan, monitor and manage approach requires that consideration should be given to bringing deliverable sites forward and that this is promoted not only by PPS3, but by the development plan (IR349). He considers that the provision of 35% affordable housing in the current economic climate is a substantial benefit of the scheme (IR352) and that provision of strategic open space, with enhancement to the land and contribution towards the greengrid, to also be a significant benefit of the proposal (IR353).

27. Having weighed up all the relevant material considerations, the Secretary of State concludes that given the fact that part of the site has already been identified as a broad location for development and removal from the Green Belt, and that bringing sites forward early is not against the principles of the development plan, the benefits of the scheme, including provision of housing to help meet a shortfall

in the 5-year supply, provision of affordable housing and the proposed strategic open space clearly outweigh harm to the Green Belt and the other harm identified. He concludes that very special circumstances exist to justify development in the Green Belt.

Formal Decision

28. Accordingly, for the reasons given above, the Secretary of State agrees with the Inspector's recommendation. He hereby grants planning permission for the comprehensive development of land to provide a sustainable urban extension comprising up to 350 dwellings with associated infrastructure including: new vehicular accesses on to Butts Lane; new on-site accesses and road network; cycleway and footpath network; public open space including 42.3ha of strategic open space; landscaping and local community facilities, at land south of Oxford Road, west of Butts Lane, Stanford-le-Hope, Essex SS17 0NW in accordance with application Ref 10/50235/TTGOUT, dated 19 October 2010, subject to the conditions set out at Annex A of this letter.
29. An applicant for any consent, agreement or approval required by a condition of this permission for agreement of reserved matters has a statutory right of appeal to the Secretary of State if consent, agreement or approval is refused or granted conditionally or if the Local Planning Authority fail to give notice of their decision within the prescribed period.
30. This letter does not convey any approval or consent which may be required under any enactment, bye-law, order or regulation other than section 57 of the Town and Country Planning Act 1990.
31. This letter serves as the Secretary of State's statement under regulation 21(2) of the Town and Country (Environmental Impact Assessment) (England and Wales) Regulations 1999.

Right to challenge the decision

32. A separate note is attached setting out the circumstances in which the validity of the Secretary of State's decision may be challenged by making an application to the High Court within six weeks from the date of this letter.
33. Copies of this letter have been sent to Thurrock Thames Gateway Development Corporation and Thurrock Council. A notification letter has been sent to all other parties who asked to be informed of the decision.

Yours sincerely,

Pamela Roberts

Authorised by Secretary of State to sign in that behalf

ANNEX A – SCHEDULE OF CONDITIONS

1. Details of the appearance, landscaping, layout and scale, (hereinafter called "the reserved matters") shall be submitted to and approved in writing by the local planning authority before any development begins and the development shall be carried out as approved.

Application for approval of the reserved matters shall be made to the local planning authority not later than two years from the date of this permission.

The development hereby permitted shall begin not later than one year from the date of approval of the last of the reserved matters to be approved.

2. Subject to compliance with the requirements of any other conditions, the submission of Reserved Matters for any part of the site or phase shall demonstrate conformity with the following key design parameters accompanying the application:
 - (a) The approach to building height detailed on the 'Building Heights' plan ref: D1291-GA-103 accompanying the application;
 - (b) The vehicle access points, pedestrian and cycle links and network detailed on the 'Access Parameters Plan'; ref: D1291-GA-104 accompanying the application;
 - (c) The desire to retain and accommodate the trees detailed on 'Proposed Layout and Tree Removals' plans: 200905-P-02-01 (Top of site), 200905-P-02-02 (Middle) and 200905-P-02-03 (Bottom of site) and associated 'Arboricultural Impact Assessment' (Oct 2010);
 - (d) To create pedestrian and cycle networks through the site as illustrated on Figure 7.11 Revision D;
 - (e) The desire to create a road hierarchy as detailed in Section 4.4.3 'Street hierarchy and types' on page 47 of the Design and Access Statement (15th October 2010) and at figure 4.6 (page 49).
3. In the event that there is more than one phase, prior to the submission of any Reserved Matters pursuant to Condition 6, a Design Code shall be submitted to, and approved in writing by, the Local Planning Authority. The Design Code shall, where relevant, have reference to the Design and Access Statement supporting the outline application, and shall in any case address and codify the following matters:

Built form:

- Block structure

- Building forms and types
- Use of building heights to enhance legibility
- Corner treatments
- Elevation composition
- Placement of entrances
- Building materials palette

Public realm:

- Landscape design principles
- Street types
- Surface materials palette
- Street furniture and design of play equipment, lighting and boundary treatments
- Planting palette
- Integration of car parking and traffic calming measures
- Incorporation of public art

Private space;

- Living standards which will establish a benchmark for detailed submissions to be assessed against, e.g. storage provision for individual dwellings, provision of private outdoor space
- Integration of usable terraces and balconies

Other matters:

- Character areas
- Types of refuse and recycling storage
- Cycle parking
- Standards to be applied (including back-to-back distances, car parking ratios, garden sizes) which shall have regard to the adopted standards

Proposals contained within applications for the approval of Reserved Matters pursuant to Condition 6 shall comply with the 'Mandatory' sections of the Design Code and shall have regard to the illustrative material and non-mandatory codes. Construction shall be in accordance with the 'Mandatory' section of the approved Design Code. There shall be no amendment to the approved Design Code.

4. The development shall not be begun until a detailed programme of phasing of the Development has been submitted to, and approved in writing by, the Local Planning Authority (herein referred to as 'the Phasing Strategy'). The Phasing Strategy shall include;

- a. A plan defining the extent of the works comprised within each phase;
- b. Details of the number of residential units to be accommodated within each phase;
- c. A strategy for accommodating the affordable housing;
- d. The infrastructure works to be included within each phase, including works within the existing highway;
- e. A timetable for the implementation of works within each phase;
- f. Detail of the timing for the provision of the Community Building;
- g. Details of the quantum of open space to be provided in each phase and a timetable for its provision;
- h. Details for the landscaping and works associated with the 42ha of Strategic Open Space together with details of the timing of its provision for use by the public.

The development shall be implemented in accordance with the approved Phasing Strategy.

5. Development shall not commence on any phase (as so defined pursuant to the approved Phasing Strategy under Condition 4) until details of:
 - (a) the Layout of that phase of the new development;
 - (b) the Scale of that phase of the new development;
 - (c) the Appearance of that phase of new development;
 - (d) the Means of Access approved by this permission. Such details shall include access within the site for vehicles, cycles and pedestrians in terms of the positioning and treatment of access and circulation routes and how these fit into the surrounding access network; and
 - (e) the Landscaping of that phase of the site (hereinafter called the 'Reserved Matters'), have been submitted to, and approved in writing by, the Local Planning Authority for that phase. Development shall be carried out in accordance with the approved details.

For the purposes of this condition, 'Development' shall exclude: demolition, archaeological investigations, and investigations for the purpose of assessing ground conditions.

6. The development hereby permitted shall:
 - (a) Not exceed 350 residential units (Use Class C3);
 - (b) Accord with the extent, location and quantum of the following uses detailed on drawing D1291-GA-102 accompanying the application:
 - 'residential, roads and local open space',
 - Strategic Landscape Buffer - screen planting',

'other local open space'.

(c) Contain a series of public open spaces of at least the extent and distribution shown on the drawing D1291-GA-102.

(d) Include a Community Building (Use Class D2 - Assembly and Leisure) of 300sq,m within the area detailed for 'Residential' or 'Community Centre' on plan D1291-GA-102 accompanying the application.

(e) Include 42.33ha of 'Strategic Open Space', the extent and location of which shall accord with the details on plan Figure 7.11 Revision 'D'.

(f) The mix of units to be delivered by the totality of development shall comprise a mix not exceeding 15% one and two bedroom flats and 85% houses.

Each application for Reserved Matters incorporating residential units shall be accompanied by:

(i) a schedule of residential accommodation proposed within that phase(s) together with an updated schedule of residential units to be delivered by further phase(s) of development,

(ii) an updated illustrative Masterplan of the totality of the residential development at a scale of 1:1000 together with a site wide plan;

(iii) details of how the development proposed would ensure that the remaining quantum of development permitted and the requirement for open space can be satisfactorily accommodated on-site having regard to the requirements of this condition.

7. Applications for approval of Reserved Matters pursuant to Condition 5 (Parts

(a) Layout (b) Scale and (c) Appearance) shall be accompanied by a Sustainable Design and Construction Code for that phase. The Sustainable Design and Construction Code shall:

(a) detail the area to be covered by the Sustainable Design and Construction Code;

(b) detail when development is proposed to commence and be completed on that phase;

(c) provide a brief review of the technical solutions prevailing at the time;

(d) indicate how the proposed building design(s) realise(s) opportunities to include design and technology energy efficiency measures;

(e) detail the sustainable design measures incorporated into the phases, including but not limited to, building orientation, passive solar gain and sustainable landscape design, water conservation and efficiency measures;

(f) detail how this phase will contribute to the residential development as a whole securing at least 10% of its energy from decentralised and renewable or

low carbon sources;

- (g) confirm the Code for Sustainable Homes (or an equivalent assessment method and rating) standard(s) to be achieved for the proposed building(s) having regard to the requirements of this condition and contain an interim certificate by an accredited assessor for the Code for Sustainable Homes (or an equivalent assessment method and rating) confirming that the design for the dwellings within that phase achieve the Code Level specified;
- (h) detail how sustainable construction methods will be utilised.

The Code for Sustainable Homes level to be achieved by the residential development shall be:

Those dwellings completed, or in the case of apartment buildings substantially completed, during the period up to and including 2012 will meet Code for Sustainable Homes (CSH) Level 3 as a minimum;

Those dwellings completed, or in the case of apartment buildings substantially completed, from 1st January 2013 onwards will meet Code for Sustainable Homes level 4 as a minimum;

For those dwellings completed, or in the case of apartment buildings substantially completed, post 2014 there shall be a presumption for the phase to meet Government targets for Code for Sustainable Homes prevailing at the time of completion of the phase, unless it is demonstrated, via a submission with the Sustainable Design and Construction Code, to the satisfaction of the Local Planning Authority that this is not feasible or viable and that a lower standard should be applied.

The Sustainable Design and Construction Code for the relevant phase shall be submitted to, and be approved in writing by, the Local Planning Authority prior to the commencement of development on that phase.

Development shall be carried out in accordance with the approved Sustainable Construction Code for that phase. Within 3 months of the first occupation of each dwelling (or apartment) (or at an alternative time first agreed in writing), a 'Post Construction Review' carried out by a suitably qualified person shall be submitted to, and approved in writing by, the Local Planning Authority to confirm that the required Code for Sustainable Homes level has been met for each dwelling. Prior to the residential occupation of 90% of the phase, written confirmation shall be submitted to and agreed in writing by the local planning authority, that the energy efficiency measures and measures to secure the energy from decentralised and renewable or low-carbon sources has been

incorporated in the manner agreed.

For the purposes of this condition 'Development' shall exclude: site clearance, demolition, archaeological investigations, investigations for the purpose of assessing ground conditions, remedial work in respect of any contamination or other adverse ground conditions.

8. The dwellings and flats on the site shall meet the Lifetime Homes Standard. The reserved matters pursuant to Condition 5 (Parts (a) Layout (b) Scale and (c) Appearance) shall be accompanied by a statement outlining the specification for Lifetime Home applied and detailing the proposed development's compliance with that specification. Development shall be undertaken in accordance with the approved details.
9. Applications for approval of Reserved Matters pursuant to Condition 5 (Parts (a) Layout (b) Scale and (c) Appearance) shall be accompanied by a 'Scheme for Noise Insulation' for the dwellings which should accord with the Noise Impact Assessment accompanying the outline application (Ardent Consulting, ref: H160-008, Oct 2010). The measures shall; (a) propose appropriate measures to ensure that the noise level within any habitable room meet 'good' internal noise standards in BS8233:1999 and (b) detail the measures proposed to ensure that the external noise environment is acceptable having regard to World Health Organisation values for Community noise in specific environments.

There shall be no residential development undertaken on that phase until such a scheme has been submitted to, and agreed in writing by, the Local Planning Authority. The measures agreed in writing with the Local Planning Authority shall be incorporated in the manner detailed prior to the residential occupation of the residential units to which the mitigation is specified and such measures shall thereafter be permanently retained in the agreed form.

For the purposes of this condition 'Residential Development' shall exclude: site clearance, demolition, archaeological investigations, investigations for the purpose of assessing ground conditions, remedial work in respect of any contamination or other adverse ground conditions.

10. Until the landscaping scheme has been submitted to, and approved in writing by, the Local Planning Authority pursuant to the Reserved Matters, all existing trees, shrubs and hedgerows on the site shall be retained and shall not be

felled, lopped or topped without the prior written consent of the Local Planning Authority. If any existing trees, shrubs or hedgerows are removed without such consent or if any become dead or dying or seriously diseased or are severely damaged, they shall be replaced with others of a species, number, size and in positions to be agreed in writing with the Local Planning Authority, such replacement to take place within the first planting season after the Local Planning Authority's written agreement. Any works to existing trees, shrubs and hedgerows which may prove necessary shall be carried out in strict accordance with a written scheme to be submitted to and approved in writing by the Local Planning Authority prior to the carrying out of those works.

11. The Reserved Matters details to be submitted in accordance with Condition 5(e) (Landscape) shall include a Landscape Scheme (herein referred to as the 'Residential Landscape Scheme') relating to the 15ha parcel comprising the residential area, strategic landscape buffer and boundary with Butts Lane as detailed on Plan ref L D1291-GA-102 (ie. all the site except the Strategic Open Space). The Residential Landscape Scheme shall include, but not be limited to, details of:
- (a) Trees, hedgerows and other landscape features to be removed, retained, restored or reinforced,
 - (b) The location, species and size of all new plants, trees, shrubs and hedgerows to be planted, those areas to be grassed and/or paved, and for a programme of planting, transplanting and maintenance,
 - (c) Written specifications (including cultivation and other operations associated with plant and grass establishment);
 - (d) Surfacing materials,
 - (e) Construction methods in the vicinity of retained trees and hedges, including protection measures in accordance with BS4428 and BS5837:2005,
 - (f) Details of the extent and method for translocating the existing hedge adjacent to Butts Lane.
 - (g) Pit design for tree planting within streets or areas of hard landscaping,
 - (h) Existing and proposed levels comprising spot heights, gradients and contours, grading, ground modelling and earth works,
 - (i) Locations and specifications and product literature relating to street furniture including signs, seats, bollards, planters, refuse bins, location of play areas,
 - (j) Boundary treatments and means of enclosure with particulars of locations, heights, designs, materials and types of all boundary treatments to be erected on site,
 - (k) Whether such land shall be accessible by the public and the management principles for such area,

- (l) How the landscaping scheme proposed promotes ecological interests and biodiversity in a manner which accords with the Environmental Statement accompanying the application.
- (m) The location, enclosure, surfacing, landscaping and play equipment for the play spaces
- (n) Programme of Implementation and maintenance.

The Residential Landscaping Scheme, associated works and play areas shall be completed in accordance with the approved programme that has been approved as part of the reserved matters.

Any newly planted tree, shrub or hedgerow dying, uprooted, severely damaged or seriously diseased or existing tree, shrub or hedgerow to be retained, dying, severely damaged or seriously diseased, within a period of 5 years from completion of the landscape scheme shall be replaced within the next planting season with others of the same species and of a similar size, unless the Local Planning Authority gives prior written consent to any variation.

Management and maintenance of the open space and landscaped areas and play equipment shall be in strict accordance with the approved details.

12. The Reserved Matters details to be submitted in accordance with Condition 6(e) (Landscape) shall include a Landscape Scheme (herein referred to as the 'Strategic Open Space Landscape Scheme') relating to the 42.3ha parcel comprising the strategic open space as detailed on Figure 7.11 Rev D (i.e. all areas except the Residential Area and associated open space). The Strategic Open Space Landscape Scheme shall include, but not be limited to, details of:
 - (a) Trees, hedgerows and other landscape features to be removed, retained, restored or reinforced,
 - (b) The location, species and size of all new plants, trees, shrubs and hedgerows to be planted, those areas to be grassed and/or paved, and for a programme of planting, transplanting and maintenance,
 - (c) Written specifications (including cultivation and other operations associated with plant and grass establishment),
 - (d) Surfacing materials,
 - (e) Existing and proposed levels comprising spot heights, gradients and contours, grading, ground modelling and earth works,
 - (f) Locations and specifications and product literature relating to signs, seats, bollards, planters, refuse bins,
 - (g) Boundary treatments and means of enclosure with particulars of locations, heights, designs, materials and types of all boundary treatments to be erected

on site,

(h) Whether such land shall be accessible by the public and the management principles for such area,

(i) How the landscaping scheme proposed promotes ecological interests and biodiversity in a manner which accords with the Environmental Statement accompanying the application.

(j) Implementation timetables,

(k) Programme of maintenance.

The Strategic Open Space Landscape Scheme and associated works shall be completed in accordance with a programme that has been agreed in writing by the Local Planning Authority.

Any newly planted tree, shrub or hedgerow dying, uprooted, severely damaged or seriously diseased or existing tree, shrub or hedgerow to be retained, dying, severely damaged or seriously diseased, within a period of 5 years from completion of the landscape scheme shall be replaced within the next planting season with others of the same species and of a similar size, unless the Local Planning Authority gives prior written consent to any variation.

Management and maintenance of the open space and landscaped areas shall be in strict accordance with the agreed details.

13. Unless contaminated, overburden, top-soils and sub-soils resulting from ground works shall be retained on-site for purposes including landscaping. Such soils shall be stockpiled and managed in a way to ensure that different soils are not mixed, contaminated or damaged by vehicles or construction. During site preparation and construction, no waste material shall enter the site.
14. Notwithstanding the details accompanying the application, prior to the commencement of development, a scheme of highway works in Butts Lane shall be submitted to, and approved in writing by, the Local Planning Authority. Such details shall include:
 - (a) Design, layout and construction details of the junctions comprising the northern T-junction and the southern roundabout;
 - (b) Details of road widening;
 - (c) Details of sight splays;
 - (d) Details of the footway(s) and cycleways(s);
 - (e) Details of a minimum of four pedestrian refuges;
 - (f) Traffic calming measures, including gateway features;

- (g) Traffic safety measures, including the use of anti-skid surfacing;
 - (h) Details of signage;
 - (i) Details of drainage;
 - (j) Details of works to repair and or relay the surface course of the highway (including footways);
 - (k) Details of tie-ins to existing footways and carriageways;
 - (l) A scheme of lighting, including lux levels;
 - (m) Details of any parking restrictions within the public highway;
- shall be submitted to, and approved in writing by, the Local Planning Authority.

The approved highway works shall be completed prior to the first occupation of any dwelling served by that junction as defined in the phasing plan required by Condition 4.

For the purposes of this condition, 'Development' shall exclude: site clearance, demolition, archaeological investigations, investigations for the purpose of assessing ground conditions, remedial work in respect of any contamination or other adverse ground conditions.

15. Application(s) for approval of Reserved Matters for a phase pursuant to Condition 5 (parts (a) and (d) shall include (where applicable) the following details: Movement network including layout of streets, visibility splay(s), sightlines, accesses, turning space(s), footways, cycleways and footpaths. The details to be submitted shall include plans and sections indicating design, layout, levels, gradients, materials and method of construction. It shall also detail how that phase fits into a comprehensive movement network for the totality of the site and links off site.

(a) External lighting (including to roads, car parking areas, footways / cycleways) and shall include details of the spread and intensity of light together with the size, scale and design of any light fittings and supports and a timescale for its installation. The external lighting shall be provided in accordance with the approved details and timescales.

(b) Street furniture,

(c) Surface finishes,

(d) Cycle and car parking,

(e) Signage,

(f) Estate road construction and geometry. Details of whether such roads are proposed to be put forward for adoption by the Local Highway Authority

(g) Drainage (including to roads, car parking areas, footways / cycleways)

(h) Timescale for the provision of this highway infrastructure.

The details submitted pursuant to this condition shall (where applicable) accord with the mandatory parts of the Design Code approved pursuant to Condition 3 unless otherwise first agreed in writing with the Local Planning Authority.

The development shall be implemented in accordance with the approved details and timescales or in accordance with any variation first agreed in writing by the Local Planning Authority.

16. Vehicular access to the residential development shall be from Butts Lane in the manner approved and there shall be no other means of vehicular access to the residential element of the site.
17. Residential units within any phase of development shall only be brought into residential occupation when there is a consolidated and surfaced carriageway and footway (apart from the wearing surface) necessary to connect that part of the development to the existing highway and footpath network. Furthermore, the footways and footpaths commensurate with the frontage of each dwelling or apartment building shall be constructed and completed within six months from the date of the first occupation of that dwelling or apartment building.
18. Application(s) for approval of Reserved Matters pursuant to Condition 5 part (e) 'Landscaping' shall include a comprehensive network of paths for pedestrians and cyclists linking through the site joining on to the existing off-site network of footpaths.

The details shall:

follow the network of routes detailed on plan ref: Figure 7.11 Rev D

- include details of construction and surface finish,
- measures to prevent unauthorised vehicular / motor cycle access;
- include details of signage
- include the timetable for provision

The paths shall be formed in accordance with the agreed timescale and thereafter permanently retained and maintained in the agreed form.

19. Applications for approval of Reserved Matters for a phase including residential development pursuant to Condition 5 (parts (a) Layout (d) Means of Access) shall include;

(a) details of the number, size, location, design and materials of secure and weather protected cycle parking facilities to serve the residents of the development.

(b) details of the number, size, location, design and materials of cycle parking facilities to serve visitors.

Such provision shall be in accordance with the following standards specified in the application (unless a variation to these standards is first agreed in writing with the Local Planning Authority):

- 1 secure covered space per dwelling (including per flat unit). None if garage with sufficient accommodation is provided within the curtilage
- 1 space per 8 dwellings for visitors

Such cycle parking facilities as approved under reserved matters shall be installed on site prior to the occupation of the units they serve and shall thereafter be permanently retained for sole use for cycle parking.

20. Applications for approval of Reserved Matters for a phase including residential development pursuant to Condition 5 (parts (a) Layout (d) Means of Access) shall;

a. show provision for the parking and / or garaging of private cars in accordance with the standards for allocated and unallocated parking spaces specified in the outline application unless a variation to these standards is first agreed in writing with the Local Planning Authority.

b. be accompanied with a Parking Management Strategy specifying the restrictions on car parking, what constitutes an enforceable parking offence, how and by whom this will be administered and enforced.

The reserved matters shall detail the parking allocation for that phase.

Residential units shall only be occupied within a phase of development when the vehicular accesses, car parking areas and turning areas serving that unit have been constructed in accordance with details that have been submitted to, and approved in writing by, the Local Planning Authority.

The parking spaces shall thereafter be retained for the parking of cars. The Parking Management Strategy for this phase shall be implemented and thereafter retained for the duration of the residential use in accordance with

the approved Car Parking Management Strategy.

21. Prior to the commencement of the first residential phase of the development, a Travel Plan for the site will be submitted to, and approved in writing, by the Local Planning Authority. The Travel Plan shall accord with the Framework Travel Plan (Oct 2010) accompanying the application and shall provide the following:

- Identify the objectives for Travel Plan for the site (including targets for trip reduction and modal shift having regard to the phasing of the development);
- The key processes they should include (e.g. surveys, consultation, monitoring etc.),
- Measures that may be employed to bring about the aims and objectives of the travel plan and the establishment of a Travel Plan Coordinator.
- The monitoring regime to include details of the timing and methodology for undertaking monitoring and review.
- Details of specific measures to be implemented to promote the use of sustainable modes of transport; including the provision of a 'Welcome Pack' for each dwelling providing information to promote modal shift to public transport, walking and cycling.
- Details of penalties to be applied in the event that targets are not met;

No residential occupation of the units shall take place until the Travel Plan has been approved in writing by the Local Planning Authority. The approved Travel Plan and the measures therein shall be implemented in accordance with the details contained within the approved Travel Plan and shall remain in force for the period stated in the Travel Plan.

The monitoring shall be undertaken in strict accordance with the agreed scheme and the outcomes of the monitoring shall be made available to the Local Planning Authority in accordance with the agreed monitoring regime. If the agreed targets are exceeded then the applicant or their successor in title shall submit to the Local Planning Authority a 'Remedial Action Plan' which shall include details of the measures to be employed, the timetable for their implementation and monitoring. The commitments explicitly stated in the Remedial Action Plan shall be binding on the applicants or their successors in title.

For the purposes of this condition 'Development' shall exclude; site clearance, demolition, archaeological investigations, investigations for the purpose of

assessing ground conditions, remedial work in respect of any contamination or other adverse ground conditions.

22. Development (other than that required to be carried out as part of an approved scheme of remediation) must not commence until parts 1 to 4 of this condition have been complied with.

(PART 1) Site Characterisation and Remediation Strategy;

Prior to the commencement of development the following components of a scheme to deal with the risks associated with contamination of the site shall each be submitted to, and approved in writing by, the local planning authority:

A) A preliminary risk assessment which has identified:

- all previous uses;
- potential contaminants associated with those uses;
- a conceptual model of the site indicating sources, pathways and receptors;
- potentially unacceptable risks arising from contamination at the site.

B) A site investigation scheme, based on (A) to provide information for a detailed assessment of the risk to all receptors that may be affected, including those off site

C) The site investigation results and the detailed risk assessment (B) and, based on these, an options appraisal and remediation strategy giving full details of the remediation measures required and how they are to be undertaken.

D) A verification plan providing details of the data that will be collected in order to demonstrate that the works set out in (C) are complete and identifying any requirements for longer-term monitoring of pollutant linkages, maintenance and arrangements for contingency action.

Any changes to these components require the express consent of the local planning authority. The scheme shall be implemented as approved.

(PART 2) Implementation of Approved Remediation Scheme;

The approved remediation scheme must be carried out in accordance with its terms prior to the commencement of development (other than that required to carry out remediation). The Local Planning Authority shall be given two weeks written notification of commencement of the remediation scheme works.

(PART 3) Verification Plan;

Following completion of measures identified in the approved remediation scheme and prior to occupation of any part of the permitted development, a verification report demonstrating completion of the works set out in the approved remediation strategy and

the effectiveness of the remediation shall be submitted to, and approved in writing by, the local planning authority. The report shall include results of sampling and monitoring carried out in accordance with the approved verification plan to demonstrate that the site remediation criteria have been met. It shall also include any plan (a long-term monitoring and maintenance plan) for longer-term monitoring of pollutant linkages, maintenance and arrangements for contingency action, as identified in the verification plan, and for the reporting of this to the local planning authority.

(PART 4) Reporting of Unexpected Contamination;

If, during development, contamination not previously identified is found to be present at the site then no further development (unless otherwise agreed in writing with the Local Planning Authority) shall be carried out until the developer has submitted to, and obtained written approval from, the Local Planning Authority for an amendment to the remediation strategy detailing how this unsuspected contamination shall be dealt with.

23. The development / use hereby permitted shall not be commenced until a comprehensive site survey has been undertaken to:
- a) determine the existence, depth, extent and character of any filled ground.
 - b) determine the existence, extent and concentrations of any landfill gas with potential to reach the application site.
 - c) 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.

24. Prior to the commencement of demolition, remediation or development on any phase of the development, a Construction Environment Management Plan (CEMP) shall be submitted to, and approved in writing by, the Local Planning Authority covering either the totality of development or a defined phase in accordance with the agreed Phasing Strategy. The CEMP shall be in accordance with the details contained in the outline application and shall include, but not be limited to, details of:
- (a) Hours and duration of any piling operations,
 - (b) Vehicle haul routing in connection with construction, remediation and engineering operations,
 - (c) Wheel washing and sheeting of vehicles transporting loose aggregates or similar materials on or off site,
 - (d) Details of construction access;
 - (e) Location and size of on-site compounds (including the design layout of any proposed temporary artificial lighting systems)
 - (f) Details of any temporary hardstandings;
 - (g) Details of temporary hoarding;
 - (h) Method for the control of noise with reference to BS5228 together with a monitoring regime
 - (i) Measures to reduce vibration and mitigate the impacts on sensitive receptors together with a monitoring regime
 - (m) Dust and air quality mitigation and monitoring (to have regard to the measures outlined in the Environmental Statement para 9.7 - 9.77 accompanying the application),
 - (k) Water management including waste water and surface water discharge,
 - (l) Method statement for the prevention of contamination of soil and groundwater and air pollution, including the storage of fuel and chemicals,
 - (m) A Site Waste Management Plan,
 - (n) Ecology and environmental protection and mitigation,
 - (o) Community liaison including a method for handling and monitoring complaints, contact details for site managers.

All works and development shall be carried out in accordance with the approved CEMP and the measures contained therein.

25. No construction work in connection with the development shall take place on any Sunday or Bank Holiday, nor on any other day except between the following times: Monday to Friday 08:00 - 18:00 hours, Saturdays 08:00 - 1300 hours unless in association with an emergency.
26. No phase of development shall take place until samples of the materials to be used in the external construction (including surfacing materials for buildings and hard landscaping) for that phase, have been submitted to, and approved in writing by, the Local Planning Authority. Development shall be carried out in strict accordance with the approved samples.

For the purposes of this condition 'Development' shall exclude: site clearance, demolition, archaeological investigations, investigations for the purpose of assessing ground conditions, remedial work in respect of any contamination or other adverse ground conditions.

27. No phase of development shall take place until a brick panel showing a sample of the proposed brickwork and the colour, type and texture of mortar courses is constructed on site and approved in writing by the Local Planning Authority. Development shall be carried out in accordance with the approved panel.

For the purposes of this condition 'Development' shall exclude; site clearance, demolition, archaeological investigations, investigations for the purpose of assessing ground conditions, remedial work in respect of any contamination or other adverse ground conditions.

28. Applications for approval of Reserved Matters for a phase pursuant to Condition 5 (parts (a) Layout (c) Appearance and (d) Means of Access) shall include: full details of all the number, size, location, design and materials of bin and recycling stores to serve that phase of the development together with details of the means of access to bin stores for residents and refuse operatives, including collection points if necessary.

The development shall make provision for:

- 1 x 180 litre container for refuse, 1 x 240 litre container for recycling and 1 x 240 litre container for kitchen and garden waste per residential dwelling.
- Flats containing more than 4 units shall be provided with communal bins. The calculation used for refuse and recycling provision shall be as follows:

- o Number of households x 180-litre capacity (residual waste)
- o Number of households x 240-litre capacity (dry recycling)

The bin and recycling stores as approved shall be provided prior to the first occupation of any of the residential or commercial units they serve and shall be constructed and permanently retained in the form agreed.

29. No phase of development shall take place until detailed drawings and sections of the existing and proposed levels of that phase, the levels of the surrounding area and adjoining buildings (where applicable) and the finished floor level of the building(s) hereby permitted have been submitted to, and approved in writing by, the Local Planning Authority. Development shall be in strict accordance with the details agreed.

30. Development shall not commence until a detailed Surface Water Drainage Scheme for the site, based on sustainable drainage principles and an assessment of the hydrological and hydrogeological context of the development, has been submitted to, and approved in writing by, the Local Planning Authority. The Surface Water Drainage Scheme shall have regard to the 'Flood Risk and Drainage Assessment' (ref: H160-03, Oct 2010) accompanying the application and shall:
 - a) Assess whether there is an unacceptable risk to controlled waters from infiltration of surface water drainage into the ground post the approved works of remediation to the site pursuant to condition 22 of this permission;
 - b) Detail all surface water from parking, servicing and manoeuvring areas being passed through a Class 1 oil interceptor prior to disposal to groundwater, watercourse or surface water sewer;
 - c) Include infiltration drainage as a priority wherever this can be shown to be a practicable means for achieving surface water drainage for areas within the site;
 - d) Include the means for all volumes of surface water generated on site in excess of the soakage capacity of the site's infiltration devices to be attenuated on site for all storms up to and including the 1 in 100 year storm event (including agreed PPS25 allowances for climate change over the development lifetime).
 - e) Include a timescale for undertaking the works;
 - f) Detail how the scheme shall be maintained and managed after completion.

In addition, the Surface Water Drainage Scheme shall include;

- g) Means of ensuring that peak discharges leaving the site to Anglian Water

Services Limited's surface water sewer are within acceptable levels required by Anglian Water Services Limited and in any event not greater than 20 litres per second.

h) All volumes of surface water generated on site in exceedance of the peak discharge rate limitations shall be attenuated on site for all storms up to and including the 1 in 100 year event (including agreed PPS25 allowances for climate change over the development lifetime)

i) Details of how the scheme shall be maintained and managed after completion.

The approved Surface Water Drainage Scheme shall be implemented in strict accordance with the approved details and timescale. Notwithstanding this, there shall be no residential development until such time as it has been demonstrated that the quantity and flow rate of surface water discharge from the site is within the capacity of the off-site receptor, and this has been evidenced to, and agreed in writing by, the Local Planning Authority. The measures to maintain and manage the Surface Water Drainage Scheme shall be put in place and thereafter retained.

For the purposes of this condition 'Development' shall exclude; site clearance, demolition, archaeological investigations, investigations for the purpose of assessing ground conditions, remedial work in respect of any contamination or other adverse ground conditions.

31. The Reserved Matters details to be submitted in accordance with Condition 5 ((c) Appearance) containing details of residential units within a phase of development, shall include a scheme for the provision and implementation of water efficiency for the residential units within that Phase. Such a scheme shall be agreed in writing with the Local Planning Authority prior to the commencement of development of residential units on that phase. The works / scheme for each unit shall be constructed and completed in accordance with the approved plans/specification before occupancy of that unit and thereafter retained.
32. Development shall not commence until a Foul Water Drainage Strategy to serve the totality of the development hereby permitted has been submitted to, and approved in writing by, the Local Planning Authority. The strategy shall include details of the means of connection, phasing of provision and capacity of the receptor system.
The foul water drainage systems shall be constructed in accordance with the

approved strategy and maintained thereafter in accordance with it. There shall be no occupation of any building in the relevant phase of development until the approved foul water drainage system is in place.

For the purposes of this condition 'Development' shall exclude: site clearance, demolition, archaeological investigations, investigations for the purpose of assessing ground conditions, remedial work in respect of any contamination or other adverse ground conditions.

33. Demolition and clearance of vegetation or other potential bird nesting sites shall not be undertaken within the breeding season of birds (i.e. within 1st March to the end to 30th September) except where a suitably qualified ecological consultant has confirmed in writing that such clearance works would not affect any nesting birds.
34. PART A - Prior to the commencement of development or site clearance, a 'Biodiversity Management Plan' shall be submitted to, and approved in writing by, the Local Planning Authority. The Biodiversity Management Plan shall be based upon the details proposed within the Environmental Statement accompanying the planning application and shall include details of:
 - (a) phasing of operations,
 - (b) the further survey work undertaking (including a further bat, great crested newt, reptile, invertebrate and botanical surveys), the methodology, timing and findings of these surveys and how they have informed the measures outlined in the Biodiversity Management Plan,
 - (c) the mitigation and measures outlined within the Biodiversity Management Plan will be implemented;
 - (d) methodologies for translocation of protected species (where relevant);
 - (e) suitable receptor areas together with evidence produced by an ecologist that the receptor areas are capable of supporting the population displaced;
 - (f) the methods for the protection of existing species in situ (where relevant);
 - (g) any seeding, planting and methods to promote habitat creation and establishment or habitat enhancement;
 - (h) general ecological mitigation applying to the program of construction works;
 - (i) an assessment of the works required for management and who will undertake such works,G) a monitoring programme in accordance with the Environmental Statement.

The Biodiversity Management Plan shall be implemented in accordance with

the approved plan and timescale. Any translocation undertaken shall be verified in writing to the Local Planning Authority by an independent qualified ecologist within 28 days of undertaking the translocation.

35. An 'Ecological Monitoring Programme' shall be submitted to, and approved in writing by, the Local Planning Authority prior to the commencement of development. The Ecological Monitoring Programme shall include details of ecological surveys and botanical and invertebrate recording to assess seeding success, plant colonisation and the use of the site by UK BAP species and to identify remedial action, if required, at years 1 and 2 post completion of the final phase.
36. All electrical and telephone services to the development shall be run underground.
37. There shall be no residential occupation on site until the existing golf-pro shop illustrated to the east of the 'Car Park for Strategic Open Space' on figure 7.11 Revision D submitted with the planning application is demolished and all the resultant material removed from the site. Following its demolition, the site of the golf-pro shop shall be used solely as part of the Strategic Open Space and associated car parking.
38. Part A - An archaeological evaluation by trial trenching shall be undertaken on the residential element of the proposed site prior to the submission of reserved matters, with the Evaluation Report submitted with the first reserved matters application. This work shall be undertaken in accordance with an Archaeological Brief first approved in writing by the Local Planning Authority.

Part B - An Archaeological Mitigation Strategy shall be submitted with the first reserved matters application and approved by the Local Planning Authority prior to the commencement of development.

Part C - No development or preliminary groundworks shall commence until the satisfactory completion of fieldwork, as detailed in the agreed Archaeological Mitigation Strategy, and the Local Planning Authority has given its written agreement that the works have been undertaken in the manner agreed.

Part D - The applicant will submit to the local planning authority a post-excavation assessment (to be submitted within six months of the completion of fieldwork, unless otherwise agreed in advance with the Planning Authority).

This will result in the completion of post-excavation analysis, preparation of a full site archive and report ready for deposition at a registered museum, and submission of a publication report to be completed within one year of the completion of fieldwork.

39. Prior to the commencement of development, the site shall be surveyed for the presence of Japanese Knotweed and a copy of this survey sent to the Local Planning Authority. This survey must also note any knotweed adjoining the site. If Japanese Knotweed is confirmed, full details of a scheme for its eradication and/or control shall be submitted to, and approved in writing, by the Local Planning Authority prior to the commencement of development on site, including any clearance works. Eradication and control of the Knotweed shall be in accordance with the approved scheme.
40. Notwithstanding the Town & Country Planning (General Permitted Development) Order 1995 (or any Order revoking or re-enacting that Order with or without modification), no electrical substations and gas governors shall be erected on the site without the prior written approval of the Local Planning Authority (through the submission of Reserved Matters). Notwithstanding the illustrative details accompanying the outline application, such structures shall be located within the area detailed for 'residential, roads and local open space' on drawing D1291-GA-102.
41. The Community Building hereby permitted shall be used as a Community Centre (i.e. where members of a community gather for group activities, social support, public information and other purposes) and for no other purpose (including any purpose in Class D2 'Assembly and Leisure' of the Schedule to the Town and Country Planning (Use Classes) Order 1987, or in any provision equivalent to that Class in any statutory instrument revoking and re-enacting that Order with or without modification).
42. Notwithstanding the terms of any licence issued for the premises, the Community Building shall be cleared of all occupiers by 22:00 hours Monday to Sunday. The premises shall not open before 07:30 hours Mondays to Saturdays or before 08:30 hours on Sundays.
43. Prior to the first residential occupation, apartments if any shall be equipped with a communal TV and radio aerial and satellite dish. Details of the size, external appearance and the positions of the communal TV and radio aerial and satellite dishes shall be submitted to, and agreed in writing with, the Local

Planning Authority prior to the installation of such systems. Development shall be in strict accordance with the agreed details. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995 (or any Order revoking or re-enacting that Order with or without modification) no satellite dishes or aerials shall be fixed to the buildings hereby permitted without the prior written approval of the Local Planning Authority.

44. The car park detailed as 'Car Park for Strategic Open Space' on figure 7.11 Revision D submitted with the planning application shall be made available for car parking in association with the use of the Strategic Open Space hereby permitted in accordance with the details submitted pursuant to Condition 4 (the Phasing Plan). Prior to the use of the car park in association with the open space, a parking management plan shall be submitted specifying the restrictions on car parking, what constitutes an enforceable parking offence, how and by whom this will be administered and enforced.



Report to the Secretary of State for Communities and Local Government

by Graham Dudley BA (Hons) Arch Dip Cons AA RIBA FRICS

an Inspector appointed by the Secretary of State for Communities and Local Government

Date: 8 December 2011

The Town and Country Planning Act 1990

Thurrock Thames Gateway Development Corporation

Application by Barratt Homes

Inquiry commenced on 18 October 2011 with the site visit on 25 October 2011

Land South of Oxford Road, West of Butts Lane, Stanford Le Hope, Essex SS17 0NW

File Ref: APP/M9565/V/11/2154021

File Ref: APP/M9565/V/11/2154021

Land South of Oxford Road, West of Butts Lane, Stanford Le Hope, Essex SS17 0NW

- The application was called in for decision by the Secretary of State by a direction, made under section 77 of the Town and Country Planning Act 1990, on 16 May 2011.
- The application is made by Barratt Homes to Thurrock Thames Gateway Development Corporation
- The application Ref 10/50235/TTGOUT is dated 19 October 2010.
- The development proposed is outline planning permission for the comprehensive development of land to provide a sustainable urban extension comprising up to 350 dwellings with associated infrastructure including: new vehicular accesses on to Butts Lane; new on-site accesses and road network; cycleway and footpath network; public open space including 51.5 ha of strategic open space; landscaping and local community facilities.
- The reason given for making the direction was that the Secretary of State is of the opinion that the application is one that he ought to decide himself because he considers the proposal may conflict with national policies on important matters.
- On the information available at the time of making the direction, the following were the matters on which the Secretary of State particularly wished to be informed for the purpose of his consideration of the application:
 - A) The extent to which the proposed development is in accordance with the development plan for the area including any 'saved policies'.
 - B) The extent to which the proposed development is consistent with emerging changes to the development plan, including consideration of the weight to be attached to them.
 - C) The extent to which the proposed development is consistent with Government policies in Planning Policy Guidance Note 2: Green Belts [PPG 2], with particular regard to: inappropriate development in the Green Belt and, if it is inappropriate, whether very special circumstances exist which clearly outweigh the harm to the Green Belt caused by reason of its inappropriateness and any other harm.
 - D) The extent to which the scheme would be consistent with the purposes of including land in the Green Belt.
 - E) Whether the proposed development would harm the visual amenities of the Green Belt by reason of siting, materials and design.
 - F) The extent to which the proposed development might contribute to the achievement of the objectives for the use of land in Green Belts as set out in paragraph 1.6 of PPG2.

Summary of Recommendation: The application be approved subject to conditions

Procedural Matters

1. The inquiry was held between the 18 October 2011 and 21 October 2011 and was completed on the 25 October 2011.
2. Thurrock Thames Gateway Development Corporation were minded to approve the application, subject to conditions and obligation, but referred the application to the Secretary of State under the terms of the Town and Country Planning Act (Consultation) (England) Direction, as a departure from the development plan.
3. This report includes a description of the application site and surrounding area, the gist of the cases made at the inquiry and my conclusions and recommendation. I have attached all documents, including proofs of evidence, statements, open and closing submissions and plans and all information submitted at the inquiry. These are as originally submitted and

do not take account of how the evidence may have been affected during the inquiry. The Core Documents and numbering was set up prior to the Inquiry. Some documents that were being considered for inclusion as Core Documents were decided not to be necessary or were found in other documents already available. I have left these numbers in the list of core documents with a blank entry.

4. The emerging Core Strategy was subject to Examination by an inspector earlier this year and the Examination Fact Checking Report is expected in November 2011; subject to the findings, adoption early in 2012 is anticipated. Significant comments or changes in relation to the subjects covering this application, such as housing supply and use of Green Belt sites etc, would require further consultation with the parties.
5. Similarly, introduction of the National Planning Policy Framework and formal abandoning of regional spatial strategies is likely to have an impact on the cases put forward. Should this occur during the course of consideration of the application, the parties would need to be consulted.
6. As the playing fields are not to be provided on the land adjacent to the school, the strategic open space described in the application description is reduced to about 42.3 hectares.

The Site and Surroundings

7. A detailed and reasonable description of the site and area can be found in the statement of common ground¹. A plan showing the site in its local context can be found at BAR9, Appendix 1, Fig 3 and in the Additional Figures to Appendix 1; Fig 6A shows a representational layout of the application site. Plans are found at CD22-30.
8. The housing would be to the west of Butts Lane, partly on an area of agricultural land, currently unmaintained and unused for this purpose, which is immediately to the south of the existing residential development fronting Oxford Road. The land is generally rough pasture, with two large agricultural buildings that are used in association with the golf course and agricultural land. This area of land is broadly identified on Inset Map 5² as the location of an area of Green Belt land for possible future development. The remainder of the housing would be to the south of this land on the golf course, also running parallel with Butts Lane. The boundary of the proposed new housing to the south and east has effectively been determined by the 15m contour, shown orange on BAR9, Appendix 1, Fig 3.
9. The remainder of the application site to the west of Butts Lane forms the St Clere's Hall Golf Course. The character of this land is typical of a managed golf course, with areas of rough grass, fairways, bunkers and close mown greens and tees. There is also a small golf pro shop that would be removed as part of the development. There are also areas of trees, some of which

¹ CD85 – page 6, section 2. Also see BAR9 – page 9 Section 2.2 and Environmental Statement CD3 and the Design and Access Statement – CD5 which includes many photographs of the area

² CD85 – appendix 9, inset map 5 – Part of the emerging Core Strategy

are native and others less so, including leylandii, so while not a 'natural' landscape it fits reasonably well within the surrounding countryside.

10. The land in the surrounding area is of a gently undulating nature, and at the application site there is a shallow rise up from Butts Lane, towards Buckingham Hill Road and Footpaths 41 and 42. Contours can be seen on Fig 1. The remainder of the application proposal to the west of Butts Lane would be strategic open space on the remainder of the golf course. A nine hole golf course would remain outside the red line of the application site, where 'Singlewell' is denoted on BAR9, Appendix 1, Fig 3.
11. There is a small isolated parcel of land (8.8 ha) to the east of Butts Lane and to the south of the school. It was initially anticipated that this would be used for the provision of playing fields for use in association with the adjacent school, but because of the presence of a gas pipeline, this was not acceptable on health and safety grounds. The land will therefore remain in agricultural use.
12. The main urban area of Stanford-le-Hope is to the east of Butts Lane with the town centre not far from where the station is marked on fig 3. The area of land to the south of Stanford-le-Hope and the railway line and above 'Mucking' on fig 3 is currently used for waste purposes, but part of it is now being restored as the Thurrock Thameside Nature Park.
13. To the north of the proposed housing area, and between the existing housing near Oxford Road and St Clere's Hall (marked yellow on fig 6A) are former agricultural buildings. This land has planning approval for 14 dwellings.
14. St Clere's Hall is a grade II* listed building and has a listed grade II outbuilding to the north east. Details of the building, list descriptions and assessment of the development on these can be found in the Environmental Assessment³.

Environmental Assessment

15. There is an Environmental Statement with appendices⁴ produced in relation to The Town and Country Planning (Environmental Impact Assessment) (England and Wales) Regulations 1999 and a non-technical summary⁵. Consultation responses have been received in relation to the original application and taken into consideration⁶. I consider that the information provided is sufficient to meet the requirements of the Regulations in relation to the development proposed and circumstances at the application site and to enable the Secretary of State to determine the application.

Planning Policy

³ CD3 – section 14

⁴ CD3

⁵ CD4

⁶ File 1

16. The development plan for the area includes the East of England Plan [EEP] 2008 and the Thurrock Local Plan [LP], adopted in 1997. The statement of common ground sets out all the policies relevant to the application⁷. The main policies relevant to the issues identified by the Secretary of State are as follows.

East of England Plan [EEP]

17. EEP Policy SS3 identifies key centres for development and change where new development should be concentrated, including Thurrock urban area. EEP Policy H1 sets out regional housing provision with a target of 18,500 homes between 2001 and 2021, with the minimum still to be built noted in the EEP as being 14,250. Paragraph 5.4 of notes accompanying policies indicates that local planning authorities should plan for an upward trajectory of housing completions, seeking first to achieve the annual average development rates for 2006-21 as soon as possible, then to make up any shortfall from the period before that rate is achieved. It is important that policies in existing plans do not constrain inappropriately the build-up of the house building rate while development plan documents, which give effect to the EEP are put in place. EEP Policy H2 relates to affordable housing noting that at regional level delivery should be monitored against the target for some 35% of housing to be affordable coming forward through planning permission granted after publication of the RSS.

Thurrock Local Plan [LP]

18. A number of the policies in the LP are the subject of a saving direction and continue in force. Policy BE3 sets an expectation of 10% of the gross area of development sites to be laid out as open space and this is reinforced by LP Policy LR6. LP Policy BE10 seeks appropriate contributions to infrastructure necessary as a result of the effects of the development. LP Policy GB1 has similar aims and objectives to Planning Policy Guidance Note 2 – Green Belts [PPG 2], resisting development of the Green Belt other than for appropriate development or in very special circumstances. LP Policy GB9 resists the loss of good quality agricultural land to irreversible development.
19. Policy LN2 refers to identified landscape improvement areas that include the application site, where sympathetic landscape schemes are expected in association with new development. Policy LN12 seeks landscape schemes to make provision for new wildlife habitat creation and management, and LP Policy LN16 notes that development in identified ecological corridors will only be permitted where the nature conservation interest of the area is retained. Stanford Road forms part of an Ecological Corridor.
20. LP Policy H5 seeks affordable housing in development, the level of which is to be agreed by negotiation. LP Policy CF2 seeks contributions toward community facilities related to the scale and nature of the proposal.

⁷ CD85 – page 15, section 5

21. LP Policies BE1 expects good design and BE4 that landscape proposals should be submitted concurrent with the scheme, but these matters are reserved, so details can be considered at that stage.

National Policy

22. I have taken into consideration relevant national policy, including Planning Policy Statement 1 – Delivering Sustainable Development, Planning Policy Guidance Note 2 – Green Belts and Planning Policy Statement 3 Housing.

Other Policy Documents

23. Thurrock Thames Gateway Development Corporation is not the plan making authority for the area, but it has produced a number of master plans and other guidance for development, but as these are non-statutory documents they carry limited weight.

Emerging Core Strategy [SCS]

24. The emerging core strategy is at a reasonably advanced stage, having been the subject of an examination, but the outcome is as yet unknown. Therefore, in principle the weight to be attached to its policies is limited. If the outcome of the examination becomes available during consideration of the application, then this is likely to need reassessment. In addition, some of the relevant parts of the SCS relate closely to previous requirements of the RSS and to government guidance and where this occurs the relevant parts should incur more weight. SCS Policy CSSP4 relates to maintaining a sustainable Green Belt and SCS Policy CSSP5 to provision of a sustainable greengrid .
25. SCS Policy CSSP1 relates to sustainable housing and locations and SCS Policy CSTP1 relates to strategic housing provision and SCS Policy CSTP2 relates to the provision of affordable housing and again the seeking of a provision of about 35% which accords generally with the EEP.

Planning History

26. Details of the planning history of the site are set out in the Statement of Common Ground⁸. While there are a significant number of applications, most relate to the golf facility/agricultural use. None appears directly relevant to the proposed development, but it can be seen that an application for an 80 bedroom hotel was refused in about 2000 and the subsequent appeal dismissed. As noted above, permission was granted for 14 houses on land adjacent to St Clere's Hall in 2011.

The Proposal

27. The proposal is for outline planning permission and includes up to 350 dwellings. While it is noted as being 'up to' the applicant confirmed at the inquiry that its intention is to construct 350 dwellings. All matters apart from access are reserved at this stage. Plans showing the scheme are CD22 to CD30. The non-illustrative plans are 09/164/01 Rev D – Location Plan,

⁸ CD85 – appendix 1

D1291-GA-102 – Land use map, D1291-GA-103 – Building Heights, D1291-GA-104 – Access Parameters Plan, H160-010 Rev B – Proposed Improvements to Butts Lane, H160-010 Rev A – Compact Roundabout at School Exit and priority access opposite No 53 / 55 and H160-012 Rev A – Potential Road Safety Scheme – Walton Hall Road. In terms of the scale of the buildings proposed, heights are identified on plan D1291-GA-103 and layout on D1291-GA-100 Rev B⁹.

28. It includes two vehicular accesses to Butts Lane, improvements to the nearby highway network, open space within the site, a large area of Strategic Open Space, landscaping, links to the existing footpath network, a community building on site and demolition of the existing golf pro-shop.

Other Agreed Matters

29. There are two statements of common ground submitted in relation to the inquiry: the first relates to planning matters¹⁰ and is between the applicant and Thurrock Thames Gateway Development Corporation and the second relates to highway matters¹¹ and is between the applicant and Thurrock Council. Also relevant is a statement of common ground between Thurrock Thames Gateway Development Corporation and Thurrock Council relating to a range of matters associated with submissions to the Examining Inspector for the Core Strategy; relevant to this application are matters relating to housing supply¹². A Section 106 Obligation has been submitted and is signed by the relevant owners and Thurrock Thames Gateway Development Corporation¹³.

The Case for Barratt Homes

30. The case for the applicant is set out in the application documentation CD1 – CD30 and BAR1 – BAR9. The proofs of evidence for the applicant's witnesses are at BAR8 and BAR9. The material points are: -

Green Belt

31. It is acknowledged that the proposed housing development would be inappropriate development in the Green Belt, as defined by PPG 2 and therefore paragraphs 3.2 to 3.3 of PPG 2 are relevant. There is no prohibition of development in the Green Belt; the presumption against inappropriate development can be set aside if there are very special circumstances which clearly outweigh the harm by reason of inappropriateness and any other harm. These very special circumstances may include a combination of all material considerations¹⁴.

⁹ CD23 and 24 – See also note handed in to inquiry relating to sizes – INQ7

¹⁰ CD85

¹¹ CD86

¹² CD85 – appendix 8

¹³ INQ4

¹⁴ BAR8 - pages 7/8

32. Reference is made to the Ardale School appeal decision¹⁵ where 5 year land supply, affordable housing, sustainability of location, benefits of open space, recreation provision, wildlife protection, allotments and landscaping were taken into consideration.
33. The case here is that the provision of affordable housing and strategic open space on their own are sufficient to be considered as very special circumstances. In addition to these are matters related to the suitability of the site in relation to the development plan and emerging policy; housing delivery and delivery of the core strategy in relation to housing and affordable housing shortfall; compliance with major purposes of including land in the Green Belt, limited harm to openness and the visual amenities of the Green Belt by reason of siting, material and design; achieving objectives of use of land in the Green Belt; merits of new Green Belt boundary and suitability of the proposal in respect of other adopted and emerging policy¹⁶.
34. EEP Policy SS4 notes that the approach to development in other areas should be defined. Thurrock Council, at paragraph 3.38 of the Thurrock LDF Core Strategy [SCS] and Policies for Management of Development DPD – Submission Draft, February 2010¹⁷, notes that new homes will be provided mainly on previously developed land at Corringham and Stanford-le-Hope but there will be some Green Belt land release around Stanford-le-Hope. EEP Policy SS7 notes that the broad extent of Green Belts is appropriate and should be maintained and Thurrock is not an area where it is suggested that the Green Belt boundary should be reviewed. Nevertheless, PPG 2 permits review if there are exceptional reasons. Thurrock Council has conducted a review.
35. The SCS notes that, except for the limited specific planned Green Belt releases, there will be no Strategic Scale releases of Green Belt. The EEP Policy SS8¹⁸ notes that some urban fringe sites can be considered for urban extensions and within the SCS Thurrock Council has identified sites on the edge of Corringham and Stanford-le-Hope as urban fringe sites, including a large part of the application site. It notes that the council will release land within the Green Belt if required on the urban edge of Stanford-le-Hope for dwellings and at Corringham to provide for a replacement secondary school. Therefore, notwithstanding that the proposed site is larger than that identified by the council in the SCS for potential release, it is generally consistent with the EEP strategy and policy for Green Belt release.

Suitability of the site in respect of the development plan and emerging policy

36. PPS1 paragraph 10 notes that where there is conflict between policies in a Regional Spatial Strategy or a development plan document, 'the most recent policy takes precedence'. The East of England Plan of 2008 is more up to date than the Thurrock Borough Local Plan of 1997. In addition,

¹⁵ BAR8 – Appendix 3

¹⁶ BAR8 – page 9 paragraph 5.6

¹⁷ BAR8 – CD34

¹⁸ BAR8 – page 15 paragraph 6.20

emerging policy is a material consideration, which in relation to this application is the emerging Core Strategy.

37. Planning Policy Statement 3 – Housing [PPS 3], updated in 2011, retains the requirement for a local planning authority to identify and maintain a rolling five-year supply of deliverable land for housing. This is reinforced by the draft National Planning Policy Framework which intends to extend the 5 year period to 6 years. The land identified must be deliverable i.e. available, suitable and achievable.¹⁹
38. Local planning authorities should also identify suitable sites for future years, illustrating expected rates of delivery, including identifying strategic sites critical to the delivery of the housing strategy in the plan period. The supply of housing should then be actively managed over the 5 year period. The advice is that where performance is within 10-20% of target no action is required. Here actual performance is significantly outside 20% of the housing land requirements set out in the East of England Plan 2008 paragraph 5.4 and few management actions have been taken to rectify the shortfall²⁰. Where a five year supply has not been identified on deliverable sites, PPS 3 notes that the local planning authority should consider favourably planning applications for housing having regard to policies in PPS 3.
39. It is acknowledged that as the Draft National Planning Policy Framework [NPPF]²¹ is only at consultation stage, so the weight that should be attached to it is limited. The thrust of this document is for the increase in supply of housing to meet local needs and to encourage growth. Provided development is carried out in a sustainable way and meets local need, it should be supported. It also identifies that local planning authorities should identify 20% more housing supply than needed to ensure that the supply anticipated is met and that windfalls should not be taken into consideration in the first 5 years of the anticipated supply figures, unless there are genuine local circumstances indicating otherwise.
40. The East of England Plan 2008 [EEP] is adopted and currently should be considered as being part of the development plan as identified in the Cala Homes judgement. The EEP reflects the housing Green Paper – Homes for the Future: More Affordable, More Sustainable – July 2007, which promoted the increase in housing provision, including socially rented and low cost ownership and therefore does not have dissimilar objectives to the NPPF.
41. The EEP notes the pressure for housing around London and the acute need for affordable housing in coastal and rural areas, such as the application site location. It seeks an upward strategy of housing completions to meet that targeted for each year and then to meet any shortfall in completions prior to that. It notes that it is important that policies in existing plans do not constrain inappropriately the build-up of the house building rate while

¹⁹ BAR8 – page 11 paragraph 6.5

²⁰ BAR8 – page 12 paragraph 6.7

²¹ BAR8 – pages 12 and 13

development plan documents are put in place. This approach was supported in the Ardale School appeal²²

42. EEP Policy H1²³ requires a minimum of 18,500 new dwellings to be provided in Thurrock Urban Area up to 2021. This is a minimum and it makes clear that more housing can be provided on previously developed land outside the Thames Gateway, indicating that more housing is required. EEP Policy SS3 directs development towards existing centres, including the Essex Thames Gateway where the application site is located. Although the submission Core Strategy does not identify Stanford-le-Hope and Corringham as a key centre, they are identified in the emerging Core Strategy at Policy CSSP1 as a broad location where land release in the Green Belt and on the urban fringe is to be considered.
43. Even if the EEP were to be abolished it remains necessary to achieve sustainable development and growth and there is a pressing need for more housing than identified in the EEP.

Thurrock Borough Local Plan

44. The statement of common ground²⁴ sets out the saved policies in the Thurrock Borough Local Plan 1997 [LP]. No weight should be given to the housing strategy of the plan because its predictions were only up to 2001. LP Policy BE2 requires a minimum of 10% of the gross site area to be urban open space, which is provided by the proposal. LP Policy BE10 requires the necessary infrastructure to be provided as is the case here and LP Policy BE11 expects energy efficiency to be taken into consideration. LP Policy BE4 encourages submission of landscape schemes with development and this is reiterated in LP Policy LN2 for areas designated as landscape improvement areas. Significant amounts of open space, new habitat creation and public access are proposed.
45. Policy H5 requires affordable house provision which should be negotiated with the developer. The proposal would include 35% affordable housing and would be consistent with the requirement in the EEP. LP Policy CF2 relates to the provision of community facilities and here a community hall is proposed. Contributions would be made in relation to LP Policy CF8 for provision of health and welfare facilities where necessary for the new development.
46. Full weight should be attached to Green Belt policy GB2, which reflects PPG 2. LP Policy LR8 relates to recreation and Leisure provision and LP Policy LR6 requires 10% of the gross site area for open space and LP Policy LR7 children's play space. The proposal provides significant amounts of open space and children's play areas. LP Policies T8 and T11 encourage the provision of new footpaths and cycleways, which are included in the proposal²⁵.

²² BAR8 – appendix 3 Inspector's report paragraph 25

²³ BAR8 – page 14 paragraph 6.16

²⁴ CD85 – statement of common ground at paragraph 5.4

²⁵ CD30 - figure 7.11D

Submission Core Strategy[SCS]

47. This was published in 2010 and was based on the EEP. It has been subject to public consultation and an Examination between March and May 2011. The council intend to review the Core Strategy in the light of any changes proposed through the emerging National Planning Policy Framework. Changes were proposed at the examination that have required further public consultation. The Fact Checking Report should be published in November with adoption of the SCS early in 2012. Given there are objections, the applicant considers only limited weight can be given to the emerging Core Strategy and where there is objection to policies, these should receive less weight.

Housing Assessment in Thames Gateway, South Essex

48. The Thames Gateway South Essex Strategic Housing Market Assessment (2008) [SHMA]²⁶ and associated update Thames Gateway South Essex: Strategic Housing Market Assessment: Update Report, May 2010²⁷ provide the strategic housing assessment for the area. These indicate that Thurrock has a steady rise in population, with a 7.5% increase over a nine year period up to 2009. It notes that Thurrock, Basildon and Southend will contribute most to employment growth between 2010 and 2030 and that Thurrock has the lowest stock of vacant properties and is suffering from a severe contraction in its available housing supply.
49. The Chelmer Model²⁸ run by Cambridge Econometrics provided projections in support of the RSS review 2010, but that has now been terminated. The Office for National Statistics indicates that the population of Thurrock will increase from about 156,200 to 183,200 people between 2011 and 2031. The Department of Communities and Local Government projects that households in Thurrock will increase from 66,000 to 82,000 between 2011 and 2031²⁹. It is estimated that the need for housing between 2001 and 2021 is 17,000 and between 2001 and 2026 is 20,500, but there have only been about 5,038 built. This gives an annualised requirement of 11,962 up to 2021 and 15,462 up to 2026.
50. The EEP requirement is for 18,500 dwellings between 2001 and 2021, so with only 5,038 built the residual is 13,462 dwellings, with a need for a further 4,750 up to 2026. Therefore, whether the current need for dwellings or the requirement of the EEP is considered, a substantial number of dwellings are required per annum, estimated to be between 1,030 (up to 2021) and 1,236 (up to 2026) and as completions are slow it is more likely to be nearer the higher figure.
51. Thurrock Council in its submissions in relation to the SCS Examination utilised data from the Chelmer Model. This submission confirmed there has been considerable net immigration into Thurrock. It suggests that there

²⁶ CD38

²⁷ CD37

²⁸ BAR8 – appendix 13 – extracts from the Chelmer Model

²⁹ BAR8 – appendix 13

would be a need for about 13,000 households between 2011 and 2026 and 16,200 between 2011 and 2031. It also noted that it would be prudent to maintain a substantial contingency. Taking into consideration the CLG projections for housing³⁰ even without the RSS the housing required up to 2026 would be closer to 15,462 than the 13,000 predicted by Thurrock Council. Even taking the minimum figure anticipated of 1,030 dwellings per annum, with the recommended 20% addition to ensure completion there would be a need for 6,180 dwellings against the 5 year proposed supply figure of 4,612 dwellings. This is a positive consideration for the scheme.

Managing Housing Supply and Delivery

52. Thurrock Core Strategy [SCS]³¹ Policy CSTP1 looks for managed delivery of at least 18,500 houses in accordance with the EEP between 2001 and 2021. 92% of new residential development is to be on previously developed land up to 2021. This target was the subject of much comment at the examination because there was little confidence that it could be achieved based on the sites identified and the historic delivery identified in the Annual Monitoring Reports. In any case, Mr Moseley has indicated that the 92% target would be breached by the identified Green Belt sites anyway. The assessment is that 9% would be on Green Belt land, leaving only 91% on previously developed land. Therefore, the increase of 1.4% flowing from this site would be marginal and should be afforded limited weight.
53. The second part of SCS Policy CSSP1 (1ii) notes housing delivery will be managed by allowing development on Green Belt sites that have been specifically allocated and where it is required to meet the 5 year housing land supply. So even with the high (92%) previously developed land target it is still necessary to allocate some Green Belt land. In this situation there is no adopted development plan document showing Green Belt site allocations. That aspect of the emerging policy cannot be satisfied, although part of the application site is indicated for allocation. So the SCS is moving toward an allocation at the application site. In this respect the Secretary of State noted in relation to the Bata Field Inquiry³² that ideally the release of Green Belt sites should be through appropriate development plan documents, but also noted there was no reliable information setting out proposals to address the shortfall. Similar reasons apply here, but in this case part of the site is indicated for release from the Green Belt for residential development and there is a shortfall in the five year housing land supply. PPS 3 requires a flexible and responsive supply of housing land.
54. Some tolerance is acceptable in relation to supply meeting allocations, but the acceptable range is between 10 and 20%. Here the supply on the council's estimates is about 3 to 3.3 years so there is a shortfall of about 40%, which is well outside the acceptable range. The applicant's estimate for the 5 year period is that only about 2 years supply has been achieved.

³⁰ BAR8 – Appendix 13

³¹ CD34 – CSTP1 page 62

³² BAR8 – appendix 2 Inspector's report paragraph 347

55. The council say that it is the current economic situation that is the constraint to development rather than land not being available. However, if the last two years are excluded and only figures from 2001 to 2008 are considered, over the 7 year period there is only an annualised completion rate of 689 dwellings. The five year land supply projection was considered at the Bata Field Inquiry last year³³. It was found to be seriously flawed, being an overestimate that did not bear robust examination against the deliverability test of PPS 3. A similar conclusion was reached in the Ardale appeal decision³⁴.
56. In view of the continuing delays to the production of the Development Plan Document for site specific allocations and the SCS, the Secretary of State should make a positive decision in relation to this proposal based on the emerging policy. The landscape assessment shows that the development proposed is right for the surrounding landscape.
57. The second part of SCS Policy CSSP1(1ii) allows Green Belt housing releases to meet the 5 year housing supply, which the evidence shows is necessary. PPS 3 notes that authorities must ensure a flexible and responsive supply of housing land and this shortfall was recognised by the Secretary of State at the Bata Field inquiry, noting agreement with the inspector that the shortfall represents a failure to deliver a flexible and responsive supply of housing in relation to housing targets required by the EEP. The council accepts in the statement of common ground that there is only a 3 to 3.3 year housing supply, a shortfall of 40% well outside the 10-20% range suggested in PPS 3. The applicant considers the true 5 year land supply figure to be nearer 2 years and it has been like this for many years.
58. The annual monitoring report of 2010 shows the average supply to be 560 since 2001, only 560 per annum and 60% of the annualised requirement of 925 by 2021. The identified supply has not been met historically and is unlikely to be met in the future. While it is noted that PPS 3 refers to taking account of current market conditions, if the last two years are ignored the annualised figures for the seven years up to 2008 are only 689 dwellings per annum. There was still a shortfall in the most buoyant of times and PPS 3 paragraph 60 also requires need to be considered. The Thurrock Thames Gateway Development Corporation has found it necessary to recommend approval for Green Belt schemes and Thurrock Council has consistently objected.
59. The annual monitoring review for 2005 showed that 4,859 dwellings were required, but with only 1,531 built, there was a 69% shortfall. The 5 year housing land supply was assessed at the Bata Field inquiry last year and was found to be seriously flawed by being an overestimate and not bearing robust examination against deliverability. The inspector noted that the situation was serious and the requirement to consider applications favourably is clearly engaged³⁵. A similar conclusion was drawn in relation to the Ardale School appeal.

³³ BAR8 – appendix 2

³⁴ BAR8 – appendix 3

³⁵ BAR8 – appendix 2, Inspector's report paragraph 335

60. Thurrock Thames Gateway Development Corporation noted in its annual monitoring prediction 2010 that 1,923 dwellings would come forward on land owned by them, but now following review they consider it is more likely to be only 735. SCS Policy CSTP1 seeks to increase the supply of deliverable housing sites where it appears that the five year housing supply will not meet the required dwelling provision.
61. Thurrock Council claim that it can increase housing delivery in the mid part of the plan period to overcome and make good the deficit that has persisted since 2001 and that the proposed management of supply should be allowed to progress. This is inconsistent with the EEP, and the joint position adopted with Thurrock Thames Gateway Development Corporation in relation to the SCS examination, as well as with PPS 3.
62. Given the historic rate of supply, this trajectory is unlikely to be achieved. There is not enough supply of housing on either previously developed land or Green Belt land. The highest rate of release in 2004/5 was only 1,167, so to achieve in excess of 1700, so objecting to Green Belt land release such as Bata Field and Aveley By-Pass appears naïve and will not deliver the required housing growth in this area.
63. The council is relying too heavily on small previously developed land sites, which are unviable given current uses, and others have constraints such as at Bellmont Allotments³⁶. Barratt Homes, who are experienced developers in the area, do not consider housing requirements of the trajectory can be met on previously developed land alone. In any case, the council expect the release of Green Belt sites to meet the trajectory, including part of the application site for about 184 dwellings. Delaying the proposal coming forward will mean a large shortfall will be rolled forward to the next plan period and the deficits will persist. The focus should be on the remaining 166 units proposed (over and above the 184) and whether the harm of these is outweighed by the various material considerations.
64. Thurrock Council's policy of directing land to previously developed land effectively means most will be in the urban areas to the west of the district. Barratt Homes made representations at the SCS inquiry for more to be in the east of the district to take advantage of employment opportunities such as London Gateway, which would be a more sustainable approach³⁷. Even without this SCS Policy CSSP1 seeks 580 dwellings towards Stanford-le-Hope, with focus on regeneration and development on brownfield land. So in broad terms 281 dwellings are required in outlying settlements south of the A13 (580 less that approved at Bata Fields). 330 are required on Green Belt land at Stanford-le-Hope before 2021, and a further 250 between 2021 and 2026. 611 of these are expected by 2021 and an additional 250 by 2026 – 861 in total.
65. It cannot be claimed that this proposal is against the council's strategy as it is partly on Green Belt land they have identified for development, south of the A13. With the lack of deliverable sites, the strategy would not be

³⁶ BAR9 – page26, paragraph 6.55

³⁷ BAR9 – page 27, paragraph 6.58

undermined. It is well located in terms of the Green Belt and sustainable development. It has been the subject of comparative assessment, so a decision can be made in advance of the Site Specific Allocations Development Plan Document.

66. 653 dwellings have been permitted in the Green Belt, so with the application site there would be about 1003 dwellings in the Green Belt. The Final Draft RSS Compliance Sieving Schedule of the proposed Focused Changes notes a requirement of 17,350 dwellings for April 2011 and March 2026 of which 4,750 for the period 2021 to 2026 (950 per annum) and 12,600 dwellings for the period 2011 – 2021. So if 12,600 dwellings are needed between 2011 and 2022, it is 6300 per 5 year period. The 653 dwellings with permission are about 10.3% of that 5 year total. This development would provide a further 270 in the first 5 years and 80 in the second five years. On this basis there would be about 14.6% of dwellings on Green Belt land which is compliant with SCS Policy CSSP1 2 (i). This also accords with SCS Policy CSSP1 2 (ii) which sets the intention for 80% of housing on previously developed land and SCS Policy CSSP1 2 (iii) that says no more than 20% shall be on Green Belt land. SCS Policy CSTP1 notes the intention to increase supply should the 5 year supply not materialise.
67. SCS Policy CSSP1 notes that with various releases of Green Belt land, if taken with other unidentified releases, such as Bata Field etc, the total release of Green Belt land would still only be 13.6%, well below the 20% maximum. The proposal would be consistent with emerging policy. The Strategic Land Availability Assessment³⁸ identifies the part of the Green Belt site identified for release as having the possibility for between 147 and 221 dwellings, (average 184), so the site is supported in broad terms by this. The increased area is to take account of the shortfall in the 5 year supply and topographical assessment of the site. It is consistent with SCS Policy CSSP1 3 (iv).
68. SCS Policy CSSP1, Part 4 identifies a further provision of 250 dwellings for Stanford-le-Hope between 2021 and 2026, giving a total allocation of 580. The draft Key Diagram for Thurrock Council's Proposed Submission Draft details 680 additional dwellings. There is insufficient previously developed land for this number of houses, without Green Belt release. SCS Policy CSSP4 notes the retention of Green Belt, apart from the broad areas of land identified, but it does allow release based on an exceptional housing need, and presumably this has been identified, as up to 20% of provision is anticipated on Green Belt land in the future.
69. SCS Policy CSSP4 notes that the broad extent of Green Belts will be maintained except for the proposed urban extensions, noting proposals would be resisted where there would be danger of coalescence, and the opportunity for increased public access, leisure and biodiversity would be sought. SCS Policy CSSP4 2(ii) indicates the council's support for improving connectivity between Thurrock's urban areas and the Green Belt. Policy

³⁸ CD45

- CSSP4 also seeks to reinforce the Green Belt boundaries, which would be achieved by the belt of trees proposed around the edge of the housing.
70. Policy CSSP5 supports the Greengrid which it notes as being part of the Core Strategy, with Stanford-le-Hope, Corringham and Horndon-on-the-Hill listed as improvement zones for the Greengrid. The criteria include delivery of semi-natural green space, multi-functional green space, ecosystem opportunities and safeguarding bio-diversity and geology.
 71. SCS Policy CSTP1 sets out the strategic housing requirements, noting the period for the 5 year supply is between 2011 – 2016. It notes that site allocations will be on the basis of the Site Specific Allocations Development Plan Document, but that maintenance and delivery will be based on the plan, monitor and manage approach, requiring delivery to be tracked and to actively seek to increase the supply of housing where the 5 year supply does not exist. Thurrock Council Assessment of 5 year Housing Land Supply 2010 (March 2010)³⁹ notes that in addition to the identified 5 year land supply there will be a contingency reserve of housing sites. This clearly is not happening. Thurrock Council is not maintaining a 5 year deliverable land supply.
 72. SCS Policy CSTP1 recommends the density range for developments, with which the applications proposals are consistent. Local assessments including the Thurrock Council Housing Needs Survey (2004) identify the need for affordable housing. The statement of common ground⁴⁰ acknowledges the significant shortfall with a backlog of 439 units. The demand for housing by people dependent on the public sector has grown by 20% over the past year, with 2500 on the Housing Register, with 117 of these allocated the highest 'gold' priority⁴¹. The requirement of 35% affordable housing with 70% of that being socially rented and 30% intermediate housing is carried into SCS Policy CSTP2. The application site would achieve the required mix of housing. This exceeds the 30% to be provided at Bata Fields site, and St Chad's School where zero affordable housing was allowed. The fact that few sites are currently offering any affordable housing and this site is offering substantial affordable housing must be a material consideration in favour of this proposal.
 73. SCS Policies CSTP9 to CSTP13 aim to secure new leisure, community, education and health facilities with new developments. The proposal would provide a village hall and appropriate contributions through the completed obligation. SCS Policies CSTP18 and CSTP19 relate to green infrastructure and bio-diversity, seeking a net gain in these; the application proposals go well beyond what might normally be expected by this policy.
 74. The Site Specific Allocations Development Plan Document - preferred Options 2007⁴² is the latest publication, but is now out of date. The council's latest advice on its website is that a new Issues and Options document is to

³⁹ CD40

⁴⁰ CD85

⁴¹ BAR8 – page 38, paragraph 7.8

⁴² CD43

be published after adoption of the core strategy and probably results from the Focused Changes made during the SCS Examination. Therefore, little weight should be attached to the 2007 document.

75. Thurrock Thames Gateway Development Corporation has produced a series of masterplans to help guide the decision making process, while the development plan was in preparation. In the Bata Field inquiry these were given little weight by the inspector. The Thurrock Thames Gateway Development Corporation is not a plan making authority and the applicant concurs with the inspector's approach.

Housing Delivery

76. The Bata Fields case is very relevant to this application. It was also found there that there was a significant shortfall in delivery and the Secretary of State noted that the shortfall represents a failure to deliver a flexible and responsive supply of housing in relation to the housing targets required by the East of England Plan and that was a material consideration in favour of the proposal⁴³. The housing supply shortfall here is also substantial and requires management in line with policies and advice in Planning Policy Statement 3 – Housing. The Bata Fields inquiry also concluded that the provision of 30% affordable housing would be a major benefit⁴⁴. While Thurrock Council say that the developers are holding on to land and not developing housing at the moment, that is not the case with Barratt Homes. Delivery of development at this site can be realistically contemplated as the option was negotiated in 2010, and so takes account of the downturn. A phased implementation has been confirmed⁴⁵, providing about 270 units by 2016. The applicant is an experienced house builder and knows the market - INQ14 shows that Barratt Eastern Counties have been able to build houses since 2008 and are continuing to identify sites for housing development.

Purposes of the Green Belt

Unrestricted Sprawl

77. Development that is constrained is not inconsistent with this purpose. The proposed development would be well located in relation to the existing landscape, sitting in a low depression and contained by Oxford Road and other urban form, that would provide a built backdrop to the proposal. The proposed thick planted screen would be set along the western fringe of the development. It would not be seen as unrestricted sprawl, but as a well contained urban extension, as anticipated by the SCS for part of the application site.

Merging of towns

78. The nearest settlements are some distance away and are not visible, so with the physical features surrounding the development, including Buckingham

⁴³ BAR8 – page 36, paragraph 7.1 and appendix 2, paragraph 13 of decision

⁴⁴ BAR8 – appendix 2, Inspector's report paragraph 308

⁴⁵ BAR8 – page 55/56, phasing and delivery

Hill and the proposed belt of trees there would be no perception of physical coalescence occurring⁴⁶.

Countryside encroachment

79. It is acknowledged that there would be encroachment into the countryside, but the harm is limited by the robustness of the Green Belt boundary and some encroachment is already anticipated by the SCS with the identification of part of the land on Inset Map 5. Therefore, encroachment should only really be considered in relation to the additional housing area, over and above the Inset Map 5 land.

Assisting urban regeneration

80. The need for the release of land to meet the 5 year housing supply is so pressing that the release of this site or others like it would not inhibit the development of the identified previously developed land sites in the Strategic Housing Land Availability Assessment. This is particularly the case as the Inset Map 5 part of the site is anticipated for development in the next 10 years alongside the currently identified previously developed land. In addition, many of the identified previously developed land sites have various constraints that mean they would not come up for development in the same time scale as the application site, so would not be affected⁴⁷. There are no previously developed land sites in Stanford-le-Hope or Corringham that could be affected by development at the application site.
81. At the Bata Field Inquiry the inspector noted that the East of England Plan does not envisage the release of Green Belt land to meet housing targets, but without Green Belt release there was very little prospect of meeting the 5 year housing land supply. He concluded that effectively means that some Green Belt release would have to be considered, as recognised by Thurrock Thames Gateway Development Corporation in its Aveley By-pass decision and Thurrock Council in the proposed SCS and by the inspector in the Ardale School case.

Openness

82. It is accepted that openness will be eroded as a consequence of the built development at the application site. It will be mitigated by the proposed planting and some degree of loss of openness is envisaged in the SCS with the future development of the Inset Map 5 part of the site. It is not considered that the harm to openness is so significant that it and other harm would not be outweighed by the benefits of the proposal.

Objectives of using land in the Green Belt

Access to open countryside

83. The proposal would create links to the countryside from footpaths 224, 41 and 49, enhancing links to the countryside from nearby urban areas. The

⁴⁶ BAR8 – appendix 7 – shows distances to nearest settlements and page 342 paragraph 9.3

⁴⁷ BAR8 – page 43, paragraph 9.7

existing land is in agricultural use and the golf course used only by members of the private golf club, so currently public access to the land is limited. The proposal would significantly improve access and contribute to the Greengrid strategy⁴⁸.

Outdoor sport and recreation

84. There would be no outdoor sport on site, but the strategic open space would provide the opportunity for outdoor recreation on a type of amenity land not found elsewhere in the area. Suitable contributions are proposed towards sports facilities to be provided elsewhere⁴⁹.

Derelict land

85. The land is not damaged or derelict.

Conservation interests

86. The strategic open land would be improved, providing ecological enhancement⁵⁰.

Agricultural land

87. The agricultural land (Inset Map 5 land) would be lost, but this has been 'set aside land' for some time, so would not actually be lost to agriculture and some agricultural land would be retained⁵¹.

Landscape Assessment

Identification of the residential development site

88. In deciding on the location for residential development, the Green Belt status of site, the Thurrock Landscape Capacity Study[TLCS]⁵², The Thurrock Greengrid Strategy 2006-2011⁵³; Thurrock Council's Site Specific Allocations Development Plan Document – Preferred Options⁵⁴ and the decision of the golf club to focus on the 9 hole course, were taken into consideration.
89. It is recognised that the new residential development will inevitably cause harm to the Green Belt as it is 'inappropriate development' and built development where there is currently none, so there will also be a loss of openness. The landscape assessment shows that it is possible to minimise that harm through location.
90. The application site is identified as being in area D5 in the Thurrock Landscape Capacity Study, where the initial assessment concluded that the

⁴⁸ BAR8 – page 47, paragraph 11.2

⁴⁹ BAR8 – page 47, paragraph 11.3

⁵⁰ BAR8 – page 47, paragraph 11.6

⁵¹ BAR8 – page 48, paragraph 11.7

⁵² CD55

⁵³ CD55

⁵⁴ CD43

area has low sensitivity to small scale urban development⁵⁵. Small scale is defined as new development that either individually or cumulatively would equate to an urban land use approximately up to the size of East Tilbury (45ha)⁵⁶.

91. In the second stage of the assessment related to Stanford-le-Hope the Thurrock Landscape Capacity Study identifies four indicative settlement opportunities, all within the Green Belt. Two of these relate to Stanford-le-Hope. They are both considered to have low-moderate capacity for development, where low capacity is defined as 150-399 dwellings and moderate as 400-999.
92. The most distinctive feature of the Landscape Character Area is the elevated broad, rounded ridge that runs through its centre, with the top at Buckingham Hill, which is considered to be the principal unifying feature of the area. The principal consideration for the proposed development is that it should avoid the ridge and maintain open views to the south. Long distance views of the ridge are also important. There are currently limited positions for these views and increasing opportunities to appreciate them are desirable.
93. Two of the recommended locations from the Thurrock Landscape Capacity Study were picked up by Thurrock Council and included in the SCS⁵⁷, including the Inset Map 5 land that is part of the application site. During that inquiry, maps were prepared showing the broad location of the proposed areas for removal from the Green Belt⁵⁸. The area identified appears to be 'set aside' agricultural land. The reason why the south part was probably not considered was that it was an active golf course. The owners have now decided to concentrate only on the 9 hole course and driving range, making the part of the golf course adjacent to the Inset Map 5 land available for development.

Landscape Assessment⁵⁹

94. The broad, rounded ridge that characterises the Linford/Buckingham Hill Urban Fringe has the effect of isolating the north eastern side of the application site from the wider landscape to the west, which is in the Green Belt. This, with other ridges in combination, forms a shallow depression either side of Butts Lane. The area identified for residential development sits low down. With the golf course land, the development can be located on the lowest land, which is also relatively flat, so there would be significant topographical screening from the wider landscape to the south and west. Development here also relates well to the existing urban area of Stanford-le-Hope. The 15m contour has generally been used to define the development edge. The site is contained to the north and east by the urban areas of Stanford-le-Hope.

⁵⁵ CD55 – Page 24

⁵⁶ CD55 – Page 10 paragraph 3.2.5

⁵⁷ CD34

⁵⁸ CD69 – Insert Map 5

⁵⁹ BAR9 – page 9, paragraph 2.2

95. The southern edge of the development is again determined by topography and also the existing pedestrian network, specifically footpath 49⁶⁰, providing a link to the proposed open space without going through the development and enabling a cyclepath to be included. Woodland would be provided on the slope of Buckingham Hill, as recommended in the Thurrock Landscape Capacity Study as being desirable.
96. The area to be removed from the Green Belt as proposed in the SCS does not coincide with any physical features, including properties opposite in Butts Lane, but only to current land use, which is set to change with the golf club's changed plans. While the area of the proposed development is larger than the broad indication on Inset Map 5, it responds much more to the topography and urban area and allows for the creation of significant open space within the development site. Almost 35% of the development site would be open space. This will benefit future residents of the development, as well as existing residents, particularly in Butts Lane. It also allows a much softer edge at the new junction with the Green Belt.

Impact on amenity of the Green Belt⁶¹.

97. The area of the application site has an 'urban fringe character' and the golf course, with leylandii, poplars and bunkers currently detracts from the distinctiveness of the natural landscape. As noted above, the site is well located in relation to the topography of the area and the proposed woodland on the side of Buckingham Hill will reinforce the topographical screening, providing a soft edge to the housing where it is visible from more distant locations. These would be mainly public views, created by the access to the open space provided through the development. The woodland would also provide a backdrop to the development when viewed from Butts Lane. It is accepted that the part of the land within the application site allocated for potential development would also have similar properties, but would not gain the benefit of the screening provided by the proposed woodland.
98. The landscape advisor for Thurrock Thames Gateway Development Corporation felt that, although the quality of the landscape is quite poor, and both the boundaries to the golf course and the school playing fields are unattractive, it still retains a sense of openness from the road and public footpath, which would be lost should development take place. It has been acknowledged that there will be a loss of openness, but the landscape strategy will retain positive elements of the existing landscape in Butts Lane, while improving other parts in the context of the proposed urban development. The existing hedge, because it is over 30 years old, is regarded as an important hedge, but it is unmanaged and in poor condition. The proposal would retain as much of the existing hedge as possible, transplanting it where necessary for sightlines, with managing and reinforcing elsewhere. This will be a significant visual improvement.
99. There will be a visual change for those using Butts Lane, as the open impression provided by the land beyond will be replaced by views of houses.

⁶⁰ BAR9- appendix 1, fig 7

⁶¹ BAR9 – page 14 paragraph 3

However, the linear park will improve the rural characteristics of the remainder of the site and create an attractive sense of place. The character and appearance of the site will be appropriate to the adjacent urban area. In relation to the part of the site that is already identified for potential development (Inset Map 5) there would be little difference in relation to this proposal, although if it were developed as identified in the SCS, there would be no opportunity for the linear park to improve appearance and development would be likely to be denser here.

100. The open space will have a moderate beneficial impact on the visual amenity of the Green Belt. The local landscape character will be restored from the golf course through native planting and management, and views from the open space would be accessible to all.
101. The proposal provides two options for a robust Green Belt boundary, either tight around the housing development or around the woodland buffer on rising land; either would be a secure boundary⁶².

*The objectives for the use of land in Green Belts*⁶³

102. The housing development site would no longer contribute to the achievement of the objectives for the use of land in the Green Belt as set out in paragraph 1.6 of PPG 2. However, the wider enhancement of the site outside the housing development would provide opportunities for public access to the countryside, outdoor recreation, retain and enhance the natural landscape and secure conservation interests. 8.8ha of the site would be retained as agricultural land, fulfilling objectives for land in the Green Belt.
103. While part of the site would be lost to golf, this is a private club and studies show this is only used by a small proportion of the population⁶⁴, while local parks are visited by a large proportion of the population. The open space proposed will create opportunities for access to the countryside and elevated views of the surrounding countryside. It would fit in with Strategic Green Links proposed within the Thurrock Greengrid Strategy as agreed in the statement of common ground⁶⁵. It is also noted that the proposals for the site and subsequent management would enhance ecological potential⁶⁶. The site is not damaged or derelict, so this aspect of the use of land in Green Belts is not relevant.

Benefits of the open space

104. While it is accepted by Thurrock Thames Gateway Development Corporation that the open space would support the aims of the Greengrid Strategy, the need for the Strategic Open Space is not agreed. Greening the Thames Gateway development has been an important part of the development plans

⁶² BAR9 – appendix 1, figure 8

⁶³ BAR9 – page 24, paragraph 3.6

⁶⁴ BAR9 – page 24, paragraph 3.6.3

⁶⁵ CD85 – SofCG, paragraph 6.64

⁶⁶ BAR9 – page 25, paragraph 3.6.7

for the area⁶⁷. The intention was to provide a greenspace network consisting of attractive and accessible landscape, ranging from parks and gardens to wild coast marshes.

105. The development of the strategy behind the Greengrid and open space and relationship between the various documents is set out in a note handed in to the inquiry⁶⁸ with an analysis of the need identified in the Thames Gateway South Essex Greengrid Strategy (CD53) set out in INQ8. The Greengrid proposals for this area are in the Thames Gateway Strategy, South Essex Greengrid⁶⁹. The application site is identified as an area providing the opportunity for the creation of new strategic open space for incorporation in the Greengrid⁷⁰ and for protection, improvement and enhancement of existing designated open space, and for the creation of new links and open spaces for incorporation into the Greengrid⁷¹. The Thurrock Strategic Area Framework of the South Essex Greengrid Strategy shows two suggestions for parks. The Bluehouse Country Park is only indicative, but appears to include land at the application site.
106. In addition, the Thurrock Green Infrastructure Plan 2006-2011⁷² builds on the South Essex Greengrid Strategy. Map 4⁷³ shows the area including the application site. This identified Strategic Multifunctional Greenspaces and Strategic Links. The Bluehouse Country Park was carried through from the South Essex Greengrid Strategy. While it is suggested that the park be developed from mineral workings (Orsett Quarry) just to the south of the application site, this area has very steep gradients with stability issues and a concern in relation to public access. This is not public land and Thurrock Thames Gateway Development Corporation does not consider that restoration of the quarry could be enforced, so use of this for a greenspace is not being actively pursued.
107. The application site would also fit in with the proposed Greengrid Strategy⁷⁴, allowing paths across the site and avoiding the need to walk along dangerous roads. A bridleway can also be included, linking with footpath 41, but there are no other bridleways adjacent to the site to link into.
108. The strategic open space proposed would provide a Strategic Multifunctional Greenspace in the locations shown on Figures 1 and 2 in the Thurrock Greengrid Strategy 2006/2011⁷⁵, alleviating an identified deficiency.
109. It is acknowledged that the Thurrock Thameside Nature Park is being formed and is to protect, improve and maintain the environment, providing

⁶⁷ BAR9 and CD70 – Creating sustainable communities: Greening the Gateway A greenspace strategy for Thames Gateway (ODPM & DEFRA). CD71 – Greening the Gateway Implementation plan

⁶⁸ INQ22 – Note by Ms Bolger

⁶⁹ CD53 and BAR9, appendix 2 – executive summary

⁷⁰ CD53 – page 41

⁷¹ CD53 – Greengrid connections identifies proposed connections close to the application site

⁷² CD50

⁷³ CD50 – fig 4.14, Map 4

⁷⁴ BAR9 – page 34, paragraph 4.5

⁷⁵ CD54

access and education for the public. This will fulfil the needs of the Greengrid Strategy in that location, but would not meet the identified need for a Strategic Multi-functional Greenspace. The Thameside Nature Park is not close to Stanford-le-Hope, as will be the proposed open space, and the Thurrock Thameside Nature Park will be an important area for nature conservation and the conservation and enhancement of the marshland landscape. It would not generally be appropriate to be in close proximity to a town. The application site will provide an area for public access and informal recreation. The two sites have very different roles to play within the Strategic Links and as Greenspace opportunities. It is also noted in the Thames Gateway Greengrid Strategy – South Essex⁷⁶ that the application site and land to the south and west of the application site does not fall into the catchment area of either a metropolitan or district park. In fact none of the area of Stanford-le-Hope falls within the catchment of a district park. Accompanying text notes that figure 19 delineates the catchment area for Regional, Metropolitan and District Parks and areas not covered by the catchment area define deficient areas⁷⁷. It is the applicant's view that there is a need for the open space and associated Greengrid.

The Case for Thurrock Thames Gateway Development Corporation

The case for Thurrock Thames Gateway Development Corporation is set out in Doc TTG1 and also see Committee Reports in FILE2. The material points are: -

110. Planning Policy Statement 3 – Housing paragraph 9 notes a key goal is that everyone has the opportunity of living in a decent home, which they can afford, in a community where they want to live. This includes a mix of high quality homes in a mix of tenures and a flexible, responsive supply of land – managed in a way that makes efficient and effective use of land, including re-use of previously developed land, where appropriate, and addresses any shortfalls in the supply of market housing.⁷⁸
111. PPS3 requires maintenance of a 5 year supply of deliverable land for housing, particularly with reference to making planning decisions. Paragraph 54 notes, drawing on information from Strategic Housing Land Availability Assessment and other relevant evidence, that local planning authorities should identify sufficient specific deliverable sites to deliver housing in the first five years of the plan. To be considered deliverable, sites should, at the point of adoption of the relevant Local Development Document, be available, suitable and achievable. It also requires identification of land supply for the following years. Paragraph 57 requires the identified land to be managed to ensure a continuous supply. Where there is less than a five year supply of deliverable sites, PPS3 notes authorities should favourably consider planning applications for housing, having regard to the policies in PPS3⁷⁹.

⁷⁶ CD53 – section 2, fig 19

⁷⁷ INQ8 – Analysis of need for the strategic open space

⁷⁸ TTG1 – page 13, section 8

⁷⁹ TTG1 – page 14 paragraph 8.1.7

112. There is a requirement for housing implementation strategies, with targets and trajectories with risk assessment, engagement with stakeholders, monitoring and action to ensure a five year housing land supply. It is not just identifying targets etc, but management action is required to deliver the 5 year supply. It is noted that where performance is within 10% - 20% of the trajectory there may be no need for specific management actions.
113. In this area there is a serious shortfall in deliverable land for housing and no management action has been taken to address it⁸⁰. There are question marks over the council's ability to implement the managed delivery approach now being put forward or to address the undersupply in a timely manner.
114. The National Planning Policy Framework is only a consultation document, but the aim is a clear indication of the government's 'direction of travel' in planning policy, removing brownfield targets, identification of an additional 20% of land in the five year housing supply, retention of Green Belt protection and provision of green infrastructure.
115. The development plan includes the East of England Plan (May 2008) and the Adopted Thurrock Local Plan (1997). These remain in place although it is accepted that the aim to abolish regional spatial strategies is a material consideration. This acknowledges that land around London experiences most pressure for housing and paragraph 5.4 notes local planning authorities should plan for an upward trajectory of housing completions, seeking first to achieve the annual average development rates for 2006 – 2021 as soon as possible, then to make up any shortfall from the period before that rate is achieved. It notes that it is important that policies in existing plans do not constrain inappropriately the build-up of the housing building rate, while development plan documents, which give effect to the RSS, are put in place.
116. EEP Policy H1 requires a minimum of 18,500 new dwellings in Thurrock. The figure applies to land in the Thurrock Thames Gateway and includes Stanford-le-Hope⁸¹. The past performance level up to 2011 in Thurrock equates to only 533 units per year, a residual undersupply of 392 homes per annum. The current proposed Housing Trajectory Chart does not anticipate meeting the RSS target until 2014/2015. In this situation the council should not be constraining the house building rate while development plan documents, which give effect to the Regional Spatial Strategy, are put in place. EEP Policy SS3 identifies Key Centres for Development and change and EEP Policy SS4 explains the approach to rural areas and the role of the Local Development Documents. The emerging SCS identifies that Stanford-le-Hope and Corringham will accommodate 580-680 additional homes, of which 325 will be on Green Belt land. The SCS has been put forward as being in conformity with the EEP, so it can be concluded that Thurrock Council consider the planned housing and release of Green Belt in this location accords with EEP Policy SS4.

⁸⁰ TTG1 – page 15 paragraph 8.1.9

⁸¹ CD64 – Thurrock Spatial Plan

117. EEP Policy SS7 explains that the broad extent of Green Belts is appropriate and should be maintained, but the policy does identify strategic review of the Green Belt can take place, although Thurrock is excluded. However, the SCS is seeking to identify Green Belt releases for housing. EEP Policy SS8 recognises that some urban fringe sites may be used to accommodate urban extensions⁸².
118. The SCS⁸³ has been the subject of a Public Examination. At the request of the inspector in October 2010, at the pre inquiry meeting, a Proposed Focused Changes – Tracked Changes was produced⁸⁴. Since the inquiry earlier this year there have been a number of proposed focused changes. Thurrock Council consulted on Proposed Focus Changes – Clarification which set out changes to draft policies⁸⁵. This also sought to clarify broad locations for Green Belt development and Inset Map 5 is relevant. It is anticipated that the fact checking report will be issued in November 2011. Approval if found sound would be some time in 2012.
119. The SCS identifies 18,500 new homes by 2021 and up to a further 4740 dwellings to meet provision to 2026 and beyond, with an emphasis on achieving a more balanced supply. This effectively seeks to achieve the EEP requirement of 18,500 between 2001 and 2021, giving an annual requirement of about 950 dwellings per annum and to maintain the same growth to 2026. The SCS aim is to provide most housing on previously developed land and in the five key areas, which do not include Stanford-le-Hope. However, EEP Policy SS4 does not rule out development outside the key areas.
120. It is recognised that there will be major import/export business employment in the area and the SCS⁸⁶ notes new homes will be provided mainly on previously developed land at Corringham and Stanford-le-Hope and that there will be some Green Belt land release around Stanford-le-Hope. In relation to Green Belt releases, it is noted that where release of the Green Belt is required, the overall scheme will provide for measures to enhance the surrounding Green Belt land and incorporate design features that reinforce and secure defensible Green Belt boundaries.
121. Inset Map 5, showing one of the broad areas for Green Belt release near Stanford-le-Hope, is on part of the application site. The Thurrock LDF – Site Specific Allocations Development Plan⁸⁷ has part of the site identified (Inset map 5)⁸⁸ in the 'reasonable alternatives – other preferred options' and the Green Belt land identified on inset map 5 is estimated to have a capacity of between 147 to 221 dwellings (mid point 184) in the Strategic Housing Land Availability Assessment (2010)⁸⁹. With the additional land included in this

⁸² TTG1 – page 18, paragraph 8.2.13

⁸³ CD34

⁸⁴ CD76

⁸⁵ CD77

⁸⁶ CD34 paragraph 3.38 p31

⁸⁷ CD43 and see Doc TTG1 page 22 paragraph 8.5.15

⁸⁸ [CD 85 statement of Common Ground, appendix 9](#)

⁸⁹ CD45

proposal to that identified on inset map 5, there would be 166 extra units in relation to the mid point of 184.

122. Other broad locations for housing in the Green Belt are set out in the inset maps⁹⁰. The proposed spatial distribution of land for housing is set out in SCS Policy CSSP1. Because the annualised housing provision of 950 homes has historically not been met and because the Thurrock Council has planned housing provision based on the trajectory in the Annual Monitoring Review⁹¹, it is not anticipated or planned to meet the 1260 units per annum until 2017 – 18. (It was also acknowledged at the inquiry that the lesser targets set in the trajectory will not be met. The figure of anticipated housing supply in the 5 year period in the Annual Monitoring Review 2010 was 4,612, but this is now going to be about 3,720.)
123. SCS Policy CSSP1, Part 1(i) notes the intention to have 92% of new housing on previously developed land to protect the surrounding countryside and Green Belt. With the phasing envisaged in the Strategic Housing Land Availability Assessment (2010), there are six Green Belt sites that could form part of the 10 year land supply, that could accommodate up to 1,245 units. There is a distinction between previously developed land in Green Belt and non previously developed land in Green Belt. The only Green Belt site with part previously developed land is at Thurrock and Basildon College. If all those sites came forward it would give rise to 9% of new residential development in the Green Belt, not on previously developed land. So this alone would exceed the 92% target for previously developed land by 1%. The addition of the extra Green Belt land use at the application site would only make a difference of a further 1.4%⁹².
124. SCS Policy CSSP1, Part 1 (ii) notes that development will only be permitted on greenfield and Green Belt land where it is specifically allocated for residential development and where it is required to maintain a five year rolling housing land supply. There are only two sites meeting these criteria, which are at Bata Fields and Aveley Bypass. Both are included in the Annual Monitoring Review 2010 five year housing supply calculations. Even with the inclusion of these two sites, there is only 2.66 years housing land supply using the residual method.
125. PPS 3 requires authorities to have a flexible and responsive approach to housing supply⁹³. The ability of allocated Green Belt sites to address the chronic shortfall in housing land is questionable. Thurrock Council is currently undertaking a call for sites in relation to the Site Specific Allocations Development Plan Document, but the timescale for production of this makes it unlikely that additional allocations would come forward before 2013. This time scale was considered at the Bata Field Inquiry, where it was noted, 'ideally, consideration of the release of Green Belt sites would be undertaken through the production of appropriate Development Plan

⁹⁰ TTG1 page 22 tables 1 and 2

⁹¹ CD74

⁹² TTG1 – page 24 paragraph 8.5.21

⁹³ PPS3 – paragraphs 52 - 54

Documents.... in these circumstances, there is no reliable information setting out proposals for how the shortfall will be addressed⁹⁴.

126. SCS Policy CSSP1, Part 1 (iii) notes that the council has and will continue to identify broad locations for release of land in the Green Belt in accordance with Policies CSTP1 and CSSP4 to help maintain the 5 year rolling land supply. Thurrock does not have a 5 year land supply available and deliverable and in these circumstances SCS Policy CSSP1 directs what action will be taken, including the identifying of locations for release of land in the Green Belt. As it is questionable that current Green Belt allocations will meet this need and the anticipated time scale for the Site Specific Allocation Development Plan Document, there is currently limited ability to identify further land for housing.
127. SCS Policy CSSP1, Part 1 (iv) notes the policy to direct housing to broadly defined locations that make optimum use of previously developed land, including within the Green Belt, where appropriate. SCS Policy CSSP1, Part 2(i) notes that at least 85% of new housing in the 5 year period 2011-2016 should be allocated on previously developed land, including within the Green Belt where appropriate. Based on the capacities in the Strategic Housing Land Availability Assessment (2010), the two sites on the inset maps of Aveley Village Extension and Bata Field with an additional 14 houses on the St Clere's Hall site give a total of 653 units. This would represent only 10.3% of the housing provision for the period 2011-2016 (6,300)⁹⁵.
128. If the application proposal were allowed, it would generate an additional 270 houses in the first five years, taking the total to 14.6% of the housing provision for 2011-16 on Green Belt land, which would not result in a breach of the 85% target contained in the SCS Policy CSSP1, Part 2 (i).
129. SCS Policy CSSP1 Part 2 (ii) and (iii) notes that in the period 2011 – 2026, 80% of development should be allocated to previously developed land locations, including previously developed land within the Green Belt where appropriate and to broadly define locations for the release of land within the Green Belt in accordance with SCS Policies CSTP1 and CSSP4 for the period 2011-2026 to accommodate no more than 20% of new housing development. The overall requirement of housing for this period is 17,350 dwellings, equating to about 3,470 new houses in the Green Belt. The seven Green Belt sites identified in the inset maps⁹⁶ have a capacity of about 1,526 units, 8.79% of the new housing development for the Green Belt and only 44% of the provision anticipated for the period. The additional 166 units from the application site would increase this figure to 9.78% well within the 20%, so over the remainder of the plan period 2011-2016 it would not be contrary to SCS Policy CSSP1 Part 2 (ii) and (iii)⁹⁷.
130. SCS Policy CSSP1 Part 3 seeks to identify the broad location for housing in the period 2011-21 where Stanford-le-Hope and Corringham have an

⁹⁴ CD67 – page 63 paragraph 347

⁹⁵ TTG1 – page 26 paragraph 8.5.30

⁹⁶ CD77

⁹⁷ TTG1 – page 27 paragraph 8.5.37

indicated capacity of 330 new dwellings, with an indication of a limited release of Green Belt land in two locations. SCS Policy CSSP1 Part 4 identifies a further provision of 250 homes in the area for 2021–2026, giving a total allocation in Stanford-le-Hope and Corringham of 580 for 2011-2026, although the draft 'Key Diagram for Thurrock Council Proposed Submission Draft' details 680 additional dwellings for the area⁹⁸.

131. SCS Policy CSSP4 (Sustainable Green Belt) seeks to maintain the Green Belt boundaries, except for the urban extension broad locations identified, and notes proposals will be resisted where there is a danger of coalescence. There is no such danger at the application site. The policy also notes that opportunities for increased public access, leisure and biodiversity will be maximised, which would be provided by the proposal.
132. SCS Policy CSSP4, Part 1 notes that the aims for the Green Belt are, without prejudice to, and pending the formal review of, the Thurrock Core Strategy and Development Plan Documents. Thurrock Council intends to review the SCS, which may alter the approach to the competing demands of the Green Belt. Part 3 of the policy relates to housing supply, where it is detailed that there would be an additional 580-680 homes in Stanford-le-Hope and Corringham, of which 328 are expected to be on Green Belt sites for the period 2011-2021.
133. SCS Policy CSSP4 Part 2 (ii) states the council's support for improving connectivity between Thurrock's urban areas and the Green Belt and Part 4 seeks to reinforce the Green Belt boundaries through structural enhancement of local landscape features and implementation of the Greengrid Strategy.
134. The foreword to SCS Policy CSSP5 (Sustainable Green Grid) sets out that the greengrid is a key priority for the council and criterion iv emphasises the role of developer contributions in delivering the strategy. Under Part 2, Stanford-le-Hope and Corringham/Langdon and Horndon-on-the-Hill are listed as an 'improvement zone' for greengrid infrastructure.
135. SCS Policy CSTP1 sets out strategic housing provision with the 'Proposed Focused Changes', altering the 5 year plan period to 2016. Criteria 1(iv) notes housing will be allocated in accordance with the Site Specific Allocations Development Plan Document, which will not realistically be available until 2013. Criteria 1(v) and (vi) require a managed delivery approach to ensure the maintenance of the 5 year supply in accordance with PPS 3. It notes the council will actively seek to increase the supply of deliverable housing sites where it appears that the five-year housing supply will not meet the required dwelling provision.
136. The Housing Trajectory Chart⁹⁹ identifies 4,612 units for the period 2011-2016. The council acknowledges, in the light of further evidence, that this is

⁹⁸ TTG1 – page 28 paragraph 8.5.43

⁹⁹ CD74 Chart 1 – taken from the Annual Monitoring Report 2010 (CD46). See also TTG1 pages 30/31

not likely to be achieved and that about 3720 is the appropriate figure¹⁰⁰. This will not meet the requirement for housing on an annualised basis as agreed in the statement of common ground¹⁰¹, or the aims set out in the Housing Trajectory Chart. In the Bata Field inquiry, the inspector notes a serious shortfall in housing land supply¹⁰². A similar conclusion was drawn by the inspector in the Ardale School appeal decision¹⁰³.

137. SCS Policy CSTP1, Criterion 1, Part (vi) seeks to increase the supply of deliverable housing sites where it appears that the five year housing supply will not meet the required provision. It is now clear that the housing supply when viewed against an annualised figure or the Housing Trajectory Chart will not be achieved, but this was not anticipated in the Annual Monitoring Review 2010, so no specific actions are identified to bolster a flagging supply.
138. There is mention of a contingency pool in Table 4 in the forward to the draft Policy CSTP1, noting that the Strategic Housing Land Availability Assessment (2010) pool identifies alternative or additional housing sites that can be brought forward into this time period if required¹⁰⁴. A contingency of 1000 units is noted in Table 4(b)¹⁰⁵. The council initially appeared to be relying on sites not yet shown to be deliverable within 5 years to counter any shortfall. But the sites are not identified, and neither are what actions are necessary to enable the sites to be deliverable and capable of being included in the 5 year land supply. Two of the sites initially included in the Annual Monitoring Review 2010 were unlikely to be available in 5 years¹⁰⁶ and were not brought into the Annual Monitoring Review 2010. It is now common ground that the five year land supply falls short of that identified in the Annual Monitoring Review 2010 and the Strategic Housing Land Availability Assessment (2010).
139. SCS Policy CSTP2 relates to the provision of affordable housing, with a requirement of 35% affordable housing in a mix of 70% socially rented and 30% intermediate housing. The proposed development would include 35% affordable housing, with a balanced mix of dwelling types to meet the needs of the community.

*Highways*¹⁰⁷

140. The Highway Agency raised no objection, subject to appropriate contributions/highway works and requiring a travel plan. While it is accepted that some of the junctions will have an increase in traffic flow as a consequence of the development, there are proposals to improve these in

¹⁰⁰ INQ11 – revised figures.

¹⁰¹ CD85 – appendix 8

¹⁰² BAR8 – Appendix 2 Inspector's report paragraph 336

¹⁰³ BAR8 – Appendix 3 Inspector's report paragraph 41

¹⁰⁴ CD76 page 69

¹⁰⁵ CD76 page 70

¹⁰⁶ TTG1 – page 34 paragraph 8.5.61

¹⁰⁷ TTG1 – page 45, paragraph 9.4

association with other development, so subject to appropriate contributions towards these improvements there is no objection¹⁰⁸.

141. Queuing does occur at the London Road/Butts Lane Mini Roudabout in the weekday peak times as a result of westbound traffic queuing back from the traffic signals at the Stanford Road junction, blocking access to Butts Lane. This can be mitigated by widening the road to extend the left turn lane and by having queue detection in the road linked to the traffic signals. This would be part of the obligation and would mitigate harm from the development¹⁰⁹.
142. While there would be no capacity problems along Walton Hall Road, East Tilbury Road, and Buckingham Hill Road, there is a history of accidents along Walton Hall Road, which involve drivers losing control. Mitigation can be provided in the form of speed reduction measures and anti-skid surfacing that would sufficiently mitigate harm from the increased use.
143. Congestion also occurs at the school opposite the site, but this stems from inadequate parking for staff, giving rise to their parking in the children's drop-off area, which in turn results in children drop-offs occurring in the bus stopping space. This can be mitigated by improvement to staff parking facilities, which will be enabled by an appropriate contribution.
144. The Transport Assessment finds that the additional number of pedestrian trips would have only a negligible impact. Thurrock Council Highways does not agree, and have concerns over pedestrian safety at the level crossing barrier. The Transport Assessment predicts at peak morning times only an additional 5 people waiting on the west side of the barrier if the worst closure time of about 15 minutes were to occur. With the normal shorter closure time there would only be about 1 additional person waiting¹¹⁰. While there are recommendations for improvements to the crossing, it is not considered proportionate on the basis of the likely increased use for the applicant to be required to address this issue. Network Rail were consulted about the application, but did not respond.
145. No objection has been raised to the proposal by Thurrock Council Highways or the Highway Agency on the grounds of safe and efficient operation of the highway network and the proposal would accord with Local Plan Policy BE1.

Sustainable Development¹¹¹

146. The site is close to footpaths and cycle routes and within walking distance of services within the town, and bus stops serving a number of routes to surrounding settlements and the mainline railway station. The site would also be convenient for employment locations, including London Gateway. This is supported by inclusion of the site in the SCS, which advances part of the site for future housing development. The proposal would have walking and cycle routes around the site and would accord with Local Plan Policy T8

¹⁰⁸ TTG1 – page 48 paragraph 9.4.16

¹⁰⁹ TTG1 – page 48 paragraph 9.4.21

¹¹⁰ CD10 - paragraph 6.6 and 6.8

¹¹¹ TTG1 – page 50, paragraph 9.4.28

and T11. In addition, the proposed Travel Plan would promote travel to and from the site by more sustainable means of transport and therefore the proposal would accord with the EEP.

147. It is expected to meet the Essex Planning Officers' Association parking standards which in relation to this development are very similar to that which would be required through SCS Policy PMD8 and associated guidance and it is anticipated that cycle parking can be provided. The measures to promote changes in travel behaviour, including a shift to more sustainable forms of transport, and provision of enhanced pedestrian and cycle links, conform to the EEP Policies T1, T2, T4 and T13.

Education¹¹²

148. The consultation response from Thurrock Council Children, Education and Families confirmed that they do not seek an education contribution from the development, although part of the infrastructure items include a contribution towards further and higher education provision.

Healthcare¹¹³

149. There is a need for improved healthcare in the area and the Thurrock Thames Gateway Development Corporation Document Planning Obligations Strategy¹¹⁴ identifies that deficit. It was originally proposed for a new facility to be provided on site, but The East Thurrock Masterplan¹¹⁵ specifies that, amongst other things, the existing Health Practice at Stanford-le-Hope should be expanded. The financial contribution would make adequate contribution towards this aim and would be proportionate to the increase in residential population, complying with Local Plan Policy CF8 and SCS Policy CSTP11.

Community Facilities¹¹⁶

150. SCS Policy CSTP10 encourages the development of multi-functional community facilities as an integral part of all major development. The application proposes a 300sqm community building on site and to put in place a management company to manage and maintain it, which would comply with SCS Policy CSTP10.

Sports and recreation facilities¹¹⁷

151. SCS Policy CSTP9 and PMD5 are relevant. The current base for assessing the impact of the proposal on existing sports facilities is Thurrock Council's Community Needs and Open Spaces Strategy¹¹⁸, Sport and Active Recreation Strategy for Thurrock¹¹⁹ and Thurrock Outdoor Sports Strategy.

¹¹² TTG1 – page 459, paragraph 9.9.5

¹¹³ TTG1 – page 6, paragraph 9.9.6

¹¹⁴ CD62

¹¹⁵ CD65

¹¹⁶ TTG1 – page 6, paragraph 9.9.7

¹¹⁷ TTG1 – page 6, paragraph 9.9.8

¹¹⁸ CD48

¹¹⁹ CD52

The methodology used to assess the need for facilities broadly conforms with PPG17. A shortfall of 3 adult football pitches in Stanford-le-Hope and Corringham is identified, but an element of the shortfall will be made up with new football pitches at Gable Hall School, Corringham. The development would result in a population of about 840 which would necessitate about 1.09ha of land for outdoor sport purposes. The applicant is proposing to make a commuted payment toward sport and recreation provision off-site. It is considered that this would accord with the aims and objectives of SCS Policy CSTP9 and PMD5.

152. There would be the loss of an 18 hole golf course. PPG17 seeks to maintain the provision of existing facilities and SCS Policy CSTP9 seeks to safeguard existing and future provision of leisure, sports and open space facilities. It notes the loss of a particular facility would only be allowed where appropriate alternative provision can be made elsewhere. This approach was supported by Sports England.
153. The applicant has submitted a report which seeks to establish the extent of demand for use of the existing golf course. Sports England considered this to be a sound and a comprehensive assessment of the golf facility need in the area and that the applicant has demonstrated a lack of need for the facility or its replacement.

Green Belt

Inappropriate development

154. It is common ground that the proposal would be inappropriate development in the Green Belt.

Consistency with the 5 purposes of the Green Belt (Planning Policy Guidance Note 2 – Green Belts [PPG 2] paragraph 1.5.)

To check unrestricted sprawl¹²⁰

155. The SCS anticipates some release of Green Belt on the urban fringes of Stanford-le-Hope and Corringham, including part of the application site. The Environmental Statement¹²¹ explains how the proposal would respond to its surroundings. The northern boundary is clearly defined by residential development fronting Oxford Road, the eastern boundary by Butts Lane, the southern boundary is in line with the southern boundary of Stanford-le-Hope, although with the playing fields of St Clere's School between, and the western boundary would be defined by the local topography, approximately following the 15m contour at the foot of Buckingham Hill and contained by the open space and landscape buffer.
156. The extent that the proposal would enlarge the urban area is logical given the topography of the site and the extent of the existing urban area. The existing and proposed containment are important to ensure that the development would not represent unrestricted sprawl.

¹²⁰ TTG1 – page 64, paragraph 9.13.2

¹²¹ CD3 – appendix 7.1

Preventing Neighbouring Towns Merging¹²²

157. The proposal would make Stanford-le-Hope closer to Southfields, the closest developed area, but this is over 1km to the west and would only be marginally closer than existing development along Oxford Road. The extent of separation from adjoining areas and topographical features means there would be no coalescence or perception of coalescence of neighbouring towns.

Safeguarding the Countryside from Encroachment¹²³

158. The residential development would encroach into the agricultural land and golf course. The encroachment would be contained as described above with the woodland belt providing an appropriate visual screen and edge definition to the development, acting as a robust and defensible boundary.

Historic Towns

159. This is not considered relevant.

Urban Regeneration

160. Development at the application site would not assist the regeneration of urban areas through diversion of development to brownfield sites, as clearly this is a greenfield site. Notwithstanding this, it is considered that the amount of harm to the Thurrock Council and Thurrock Thames Gateway Development Corporation strategies for regeneration would be limited.
161. Policies focus development in urban areas, but it is recognised that accommodating the levels of housing growth necessary in a sustainable way will require Greenfield/Green Belt land releases, including for the 5 year supply. The current economic climate and heavy reliance on urban development of complex brownfield sites has contributed, in part, to reductions in anticipated housing delivery. The immediate need for housing land, acknowledged by previous inspectors and the secretary of state indicates that there is an urgent need to bring forward a limited amount of additional housing land. The use of this site now would not exceed the SCS overall target for housing on non previously developed land during the plan period. Therefore, it is considered that allowing the application before the result of the Examination into the SCS is known would not prejudice the effectiveness of the SCS. Release of the application site would play a positive role in increasing the momentum and delivery of housing in the area and a timely contribution to the delivery of housing alongside the emerging development of London Gateway Port.

Visual Amenities and Openness of the Green Belt

162. The element of the proposal for open space would maintain the openness of the Green Belt and not conflict with the purposes of including land within it. 350 houses on currently largely open agricultural land and golf course,

¹²² TTG1 – page 66, paragraph 9.13.6

¹²³ TTG1 – page 66, paragraph 9.13.8

apart from farm buildings, trees and hedgerows, would result in harm to openness of this part of the Green Belt. However, it is considered the new development would relate well to the urban areas of Stanford-le-Hope.

163. The majority of the site is within the Lindford/Buckingham Hill Urban Fringe Landscape Character Area and has been identified in the Thurrock Landscape Capacity Study¹²⁴ as having low sensitivity to a small urban extension, being close to other housing and away from the visually prominent ridge. The local topography, particularly the higher ground and the adjacent urban area, limits views of the proposed residential development.
164. The existing mature tree belt, containing a number of mature pine trees would be retained and incorporated into new planting at the edge of the development. The existing tree belt running north/south close to the western boundary would also be retained. There is one tree in the site that is subject to a tree preservation order, but this is dead and can therefore be removed. There is a prominent, large oak tree in the development site, but this is proposed to be retained. The development will involve the loss of a significant length of hedgerow along Butts Lane, but part of this would be transplanted to a new alignment with restorative management. While Local Plan Policy BE4 notes that development that would harm important landscape features, such as hedgerows, should not be permitted, it is difficult to see how the site could be developed without some partial loss. The transplanting and new hedgerow along the road would mitigate the loss.
165. It is also considered that the removal of leylandii and hybrid poplar trees from the golf course and replacement with native species would be beneficial in landscape terms and development of wildflower meadows would provide important habitat and visual interest, mitigating the harm of the residential development and hedge loss.
166. The landscape assessment accords with the requirements of SCS Policy CSTP23, but the development would impact on the existing landscape character, contrary to Local Plan Policy GB2. However, the proposed landscape features and strategic open space would enhance the landscape character of the area and would help, in part, to mitigate the impact of the residential element of the development. This harm, together with harm to openness, needs to be weighed against the benefits, for the purposes of PPG 2.

The Extent the Development Contributes to the Objectives for the Use of Land in Green Belt (Planning Policy Guidance Note 2 – Green Belts [PPG 2] paragraph 1.6

Access to open countryside for the urban population

167. The land is currently private, so the public open space proposed would, with the creation of footpaths and tracks, connect to the nearby urban area and

¹²⁴ CD55 – page 37

footpath network and there would be a bridleway across the site. The proposal enhances the opportunities to access the countryside for the urban population.

Opportunities for outdoor sport

168. The proposed Strategic Open Space and open space greatly exceeds the needs arising from the proposed development when assessed against the emerging standards and would assist in the provision of outdoor recreation opportunities near to the urban area, and form part of the wider greengrid network. There would be the loss of an 18 hole golf course, but as noted above, the applicant has demonstrated a lack of need for the facility or for any form of replacement.

Retention of attractive landscape and nature conservation interests

169. The features of the golf course would be removed, including trees of limited landscape value, such as the leylandii. New planting, including native species of trees would be beneficial in terms of landscape and ecology and the proposed wildflower meadow would provide important habitat and visual interest. Overall there would be a beneficial impact on the landscape character that would help mitigate harm arising from the proposed residential element of the development. There is also potential to achieve a net biodiversity gain through the implementation of species specific mitigation and appropriate long term management of the Strategic Open Space.

Derelict Land

170. None of the land is derelict.

Agricultural Land

171. Part of the site (that identified on Inset Map 5) would be lost to agriculture, but has not been in actual agricultural production for some time. Part of the site adjacent to the playing fields across Butts Road from the main area of the application site would be retained in agricultural use.

Very Special Circumstances

172. It is considered that land supply and housing delivery, delivery of affordable housing and delivery of green infrastructure should be considered in relation to very special circumstances.
173. EEP Policy H2 notes that affordable housing should be delivered with a regional expectation of 35% of housing being affordable. Local Plan Policy H5 requires an appropriate level of affordable housing, with no specific number identified, although accompanying text indicates a provision of at least 20%. The SCS Policy CSTP2 seeks 35% of affordable housing, which would be provided by the proposal.
174. Housing delivery has been considered above. There is an acute housing land supply issue that needs to be addressed. Policies do not prevent sites being brought forward, but actively seek to increase supply of housing sites where it appears that the five year supply will not meet the required provision.

Some Green Belt release on a smaller scale than now proposed is envisaged for Stanford-le-Hope in the SCS. While there should be a plan led system to identify development sites, it is not yet known if the SCS will be found to be sound and even if it is, it will take until at least 2013 for the Site Specific Allocations Development Plan Document to be produced.

175. The application site would play a positive role in increasing momentum and delivery of housing in the area and PPS 3 notes that, in the absence of a 5 year land supply, the decision maker should favourably consider this type of application.
176. The proposal would provide a good mix of high quality housing in accordance with development plan policies, including 35% affordable. It would meet policy criteria in relation to sustainable design and construction in a sustainable location, making effective and efficient use of the site.
177. The Housing Needs Survey of 2004¹²⁵ formed part of the evidence base for the SCS and this noted a need for 204 affordable houses per annum. Total delivery between 2003 and 2010 has been 358, just 51 per year. This for the larger sites is a provision at the rate of about 14% of all housing provision, below the 20% suggested by Local Plan Policy H5 and the 35% in the SCS. Thurrock Council Housing's response to the application notes that demand for publicly assisted housing has grown by 20% in the past year. There is a severe shortage of affordable housing and in the Bata Field appeal this was noted as being relevant in relation to very special circumstances.
178. It is considered that the affordable housing is a significant benefit which adds weight to the very special circumstances. This approach is consistent with the decision in relation to the Aveley By-pass site and the inspector's report in relation to Bata Fields, which concluded there is also a demonstrable shortfall in affordable housing completions measured against need which weighs substantially in favour of allowing the scheme¹²⁶.

Green Infrastructure

179. The need for public open space is an established requirement of the local plan. The Community Needs and Open Spaces Study¹²⁷ assess open space requirements and this includes parks and gardens, amenity green spaces, children's play space, outdoor sports facilities, allotments and community gardens. The 42.3ha of Strategic Open Space and 2.14ha of open space greatly exceeds the needs arising from the development when assessed against the emerging standards.
180. SCS Policy CSTP20 seeks to encourage new provision, particularly to address areas of deficiency identified in the Open Spaces Strategy 2006/2011¹²⁸. When landfilling operations and restoration of the Mucking Landfill site have been completed, the former landfill site will form the

¹²⁵ CD41

¹²⁶ BAR8 – appendix 2, Inspector's report, page 66, paragraph 362

¹²⁷ CD48

¹²⁸ CD51

Thurrock Thameside Nature Park, creating 319ha of public open space. It is considered that the proposed Strategic Open Space would primarily offer informal recreational opportunities similar to that envisaged for the Thurrock Thameside Nature Park. The Community Needs and Open Spaces Study shows that Stanford-le-Hope and Corringham have an existing and projected surplus in terms of natural and semi natural green space¹²⁹.

Greengrid

181. EEP Policy ENV1 states that areas and networks of green infrastructure should be identified, created, protected and managed to ensure that an improved and healthy environment is available for the benefit of present and future communities. The Greengrid strategy is set out in The Greengrid Strategy 2005¹³⁰, The Greengrid Strategy for Thurrock 2006-2011¹³¹ and the Green Infrastructure Plan for Thurrock 2006-2011¹³². SCS Policies CSSP5 (sustainable greengrid) and CSTP18 (Greengrid Infrastructure) seek to deliver the Greengrid Strategy.
182. There would be significant connections to the greengrid¹³³. The Greengrid Infrastructure Plan sets out infrastructure opportunities in Thurrock and that identified on the Local Opportunities Map 4 – East Tilbury, Stanford-le-Hope and Corringham covers the area of the application site.
183. The Strategic Open Space and the network of links provided through the development site would enhance both the proposed strategic green links 9 and 10, provide a better link between footpath 41 and 49 and remove the need for strategic link 9 to use Butts Lane. It could provide a connection for walkers and cyclists using footpath 81 and footway/cycleway (Stanford Road) to footpath 41. The link would provide an alternative route to Buckingham Hill Road and facilitate part of the strategic link 10, providing a safe and convenient route away from the busy Buckingham Hill Road.
184. It would provide a direct and traffic free route from footpath 224 and the cycle route along the A1013 (Standford Road) to St Clere's School. It would improve access from the urban fringe to the countryside, providing key linkages in the greengrid strategy and would be of wider community benefit. It would also provide a bridleway from the north east corner of the site boundary with Standford Road across the site and linking to footpath 41. The proposal would enable horse riders to go from Stanford Road southwards and join footpath 41, with the link in the site being designed as a bridleway.
185. The Community Needs and Open Spaces Strategy¹³⁴ does identify a shortfall in playing field provision. Sports provision is covered by SCS Policy CSTP9 and PMD5. For the proposed population of about 840 people at the application site there would be a need for about 1.9ha of land for outdoor

¹²⁹ CD48 – pages 77/79

¹³⁰ CD53

¹³¹ CD54

¹³² CD49/50

¹³³ BAR9 - appendix 1 figures 4, 5 and 6.

¹³⁴ CD48

sports. This would not be accommodated on the proposed on-site open space. However, the proposed contribution provided through the obligation would be adequate to cover this requirement¹³⁵.

186. While the majority of the Strategic Open Space proposed does not explicitly form part of a local opportunity envisaged in the greengrid strategy, this does not preclude it from supporting a number of the aims of the Thurrock Greengrid which would enhance accessibility and be capable of being considered as a very special circumstance.
187. Thurrock Thames Gateway Development Corporation considers that the benefits of the proposed development in terms of housing supply, provision of affordable housing and contribution to the greengrid amounts to very special circumstances that would outweigh the harm through inappropriateness, openness and all other harm identified.

The Case for Thurrock Council

The case for Thurrock Council is set out in Doc TC1. The material points are: -

Very Special Circumstances put forward by the applicant

*Development of the site consistent with the Regional Spatial Strategy?*¹³⁶

188. EEP Policies SS1 and SS2 seek to achieve sustainable development directing significant growth to the region's major urban areas and EEP Policy SS3 notes that development should be concentrated at specific locations, including Thurrock. EEP Policy SS5 notes priority for achieving regeneration. EEP Policy SS7 indicates that the broad extent of Green Belts should be retained and, where strategic reviews are identified, none are in Thurrock.
189. Thurrock Urban Area is a key centre for change where local development documents should promote urban renaissance, re-using previously developed land and making best use of the Thames Riverside to bring about substantial quality of the urban environment. So while the development might be in accordance with the general thrust of other policies in the plan, nowhere does it say these would outweigh the normal restrictions of development in the Green Belt.
190. The Core Strategy concentrates the regeneration of Thurrock in 5 areas. The LDF will provide for 18,500 new homes by 2021 and up to a further 4750 dwellings to meet need to 2026 and beyond. Most of these would be within the Thurrock Urban Area Key Centre for Development and Change which does not include Corringham and Stanford-le-Hope.
191. SCS Policy SS01 seeks to achieve sustainable communities, focusing development in urban areas. SCS Policy SS011 seeks to sustain and enhance the open character of the Green Belt allowing development only in very special circumstances. SCS Policy CSSP1 relating to sustainable housing and locations notes growth will be achieved through managed

¹³⁵ TTG1 – pages 60-61 paragraphs 9.9.8 – 9.9.10

¹³⁶ TC1 – paragraph 2

regeneration and renewal of previously developed land and if necessary through greenfield release well integrated with neighbourhoods in Thurrock. A plan, monitor and manage approach is to be adopted. The council has prepared a Housing Trajectory, which identifies how the rolling five year supply relates to the current market outlook and anticipated recovery in the housing market. SCS Policy CSSP1 directs residential development to previously developed land and indicates that development on the Green Belt will only be permitted where it has been specifically allocated for residential development and where it is required to maintain a five year rolling housing land supply. 330 houses are indicated on Green Belt land near Corringham and Stanford-le-Hope, with the final site boundaries to be included in the adopted site specific allocations development plan document and identified on a proposals map.

192. Inset Map 5 does show part of the application site as land to be removed from the Green Belt, but only as a broad location which it is noted should not be taken to represent a defined site boundary. It cannot be reasonably construed from this that the final Sites Specific Allocations Development Plan Document will encompass the whole of the housing proposed at the site. Proper preparation of the Development Plan Document will allow a detailed comparison of alternative sites. The extent of development on Inset Map 5 is logical given that it coincides with the end of the existing development on the other side of Butts Lane.
193. The council agrees with the applicant that the identified housing numbers will not be achieved by use of urban land alone¹³⁷, but by a proper process of consideration of where the release should occur and at what scale is necessary, so release now would be premature.
194. SCS Policy CSSP4 also directs development to previously developed land and promoting the regeneration of derelict and under-used land within identified regeneration areas. It reiterates the intention to maintain the purpose and function and open character of the Green Belt. It also notes the broad locations for the release of Green Belt land at Stanford-le-Hope to provide 328 houses. It is noted that the council considers that only relatively small scale allocations in the Green Belt are necessary to meet housing needs and this would be subject to review¹³⁸. The proposed Green Belt release included two other sites¹³⁹ apart from the application site and the 328 houses relate to all three sites, not just one. An application for up to 185 dwellings has already been submitted in relation to land adjacent to the A13/A114 (Inset map 3)¹⁴⁰. The council's intentions for the site indicate that the site might be suitable for between 147 and 221 dwellings, a mid point of 184. Therefore, the size of the proposal is not supported by the SCS.

¹³⁷ TC1 – paragraph 2.12

¹³⁸ TC1 – paragraph 2.17

¹³⁹ CD69 – Representations on Proposed Focused Changes Clarifications - maps 3 and 4

¹⁴⁰ CD69 – Representations on Proposed Focused Changes Clarifications - map 3

Housing Land Supply

195. PPS 3 requires a 5 year deliverable land supply to be identified. Deliverable is explained, but not how it should be calculated. The requirement to show that sites are achievable has introduced a peculiarity into housing land supply that is not found elsewhere in planning policy requirements. If market conditions are such that developers are choosing not to take up opportunities, because of economic conditions and intend to 'land bank' or sell sites, then they will not be achievable, because they have no immediate intention to develop them. The answer suggested by some developers is to release more sites, but the same economic conditions may well apply.
196. There are various ways the 5 year total can be defined. Thurrock Thames Gateway Development Corporation and the applicant assume annualised figures based on the EEP. The council does not consider this to be the most sensible interpretation of the requirements based on the intent of PPS 3. The 5 year requirement was to ensure councils were responsive to the market and provide housing land to meet market needs. The council's approach is set out in the SCS and its assessment of the 5 year housing land supply need¹⁴¹. This accords with PPS 3 paragraph 61. The approach was amplified in the Written Statement Matter 3a to d Housing Supply and Locations Issues to the Core Strategy Inspector's Matters¹⁴².
197. The council maintains that its approach based on the current market conditions is the correct approach and to blindly follow annualised figures from the EEP is not appropriate and not a basis for releasing unallocated land in the Green Belt. The council accepts, as set out in the statement of common ground that based on an annualised approach there would be shortfall in the 5 year supply. But this does not reflect current market conditions and the management that is necessary.
198. The Strategic Housing Land Availability Assessment update will form part of the evidence base for the LDF and review is necessary to take account of changes that have occurred in housing supply since the previous assessment and this will feed back into the SCS and inform the Sites Specific Allocations Development Plan Document. A 'call for sites' is part of this process and has been undertaken, but this does not include re-submission of sites already considered where there has been no change in circumstances. This has resulted in 48 new sites of various sizes coming forward. In addition, the Annual Monitoring Review will be published by the end of the year.
199. The council is close to putting a plan led approach in place for making considered judgements about the future land releases that must be considered preferable to ad hoc decisions being made on sites considered in isolation. A decision to allow this would require a view to be taken that the council's approach set out in the SCS is wrong, but that is for the deliberations of the Core Strategy Inspector and this decision should not be pre-empted as there is no imperative for this. The council's approach is

¹⁴¹ TC1 – appendix 5

¹⁴² TC1 – appendix 6

aligned with market conditions and follows advice in Planning Policy Statement 12 [PPS 12] - Creating strong safe and prosperous communities through local spatial planning, relating to ensuring the necessary land is available at the right time and in the right place to deliver the required new housing. PPS 3 notes that the quantity of housing should take account of demand as well as need.

200. PPS 3 may well have assumed that the future demand would continue and probably grow, and the 5 year requirement only makes sense in that context. Currently we have a lack of demand and it is a reasonable assumption that this will continue for a while. PPS 3 indicates that there can be departure from what is planned/forecast. While paragraph 64 does refer to acceptable ranges within 10-20%, this is only an example and not a rule. PPS 3 paragraph 65 notes that if the performance is outside of acceptable ranges the local planning authority should establish why and take appropriate action. It clearly is acceptable to undershoot the targets and it is for the local planning authority to decide on the action required.
201. If the housing land supply target is calculated using the plan average figure this gives 4750 units (950 x 5). The council calculates the 5 year supply as being 3788¹⁴³, which is about 80% of the 4750 target, so would in fact be within the example range of PPS 3 i.e. 20%.
202. An annualised residual figure set out in the EEP by the council is 1,138, equating to 5,690 for the 5 year period. The calculated supply of 3788 would be within 33% of this target, which is not unacceptable, given the current market conditions. There is no merit in compromising other planning objectives in the current economic situation, particularly the release of unallocated sites in the Green Belt. If the annualised figure is to be adopted this would mean a requirement in the short term of about 2022 units¹⁴⁴. If this was justification for very special circumstances, because of their attractiveness and ease of development, there would be a rush of applications on Green Belt sites in the next 5 years. That is evident from recent examples locally. The effect on spatial strategy, infrastructure planning and Green Belt would be profound.
203. Tighter lending from banks and weak wage growth means that demand is down and likely to remain down, as supported by the Oxford Economic Report for the Home Builders Federation¹⁴⁵. Concerns about the balance between greenfield and brownfield land being brought forward has been expressed in response to consultation on PPS 3¹⁴⁶.
204. Also pertinent to the way plans are envisaged is The Growth Fund – Programme of Development Guidance 2008¹⁴⁷. This notes that the programme should be focused on the delivery of a housing growth trajectory based on RSS housing provision targets, and in relation to

¹⁴³ This figure was revised at the inquiry

¹⁴⁴ TC1 – paragraph 3.29

¹⁴⁵ TC1 – appendix 7

¹⁴⁶ TC1 – appendix 8

¹⁴⁷ TC1 – appendix 11

potential phasing of development, notes 'where this occurs you may wish to generate trajectories demonstrating delivery against phasing, bearing in mind that the impact of phasing as opposed to the use of annualised rates should be nil over a single whole plan period. In other words the key to looking at the trajectory is in understanding the difference between planned rates and completions at the end of the plan period'¹⁴⁸. It also recognises that housing supply can be 'lumpy', changing significantly as sites come forward. This shows that the annualised figures from the EEP are not the only way the 5 year land supply figures can be calculated. This is supported by reference to the Local Development Framework Monitoring : A good Practice Guide and PPS 3 Regulatory Impact Assessment¹⁴⁹.

205. In addition, an MP raised a question asking for a nationally accepted method to calculate land supply. In reply to other questions, Grant Shapps did not address this. If it had been the case that there was an obvious method already set out in PPS 3 it would have been very easy to say so¹⁵⁰.

Supply of Housing Land

206. It is widely reported that the number of homes being built has fallen to the lowest in peacetime since 1923. In 2008/9 only 130 dwellings were completed in Thurrock and only 88 in 2009/10. There is no correlation between this and the supply of housing land in Thurrock. The supply of housing land did not 'dry up' in Thurrock in those two years. The immediate constraint on delivery is the lack of effective demand brought about by economic uncertainty, constraint on mortgage lending and funding for developers. Major developers have cut back on house completions¹⁵¹. In Barratt's annual accounts¹⁵² it is noted that the key restriction on the industry is the availability of mortgage finance. It notes with demand continuing to be constrained the industry responded by opening fewer sites and controlling stock better. It notes that while the improved balance between supply and demand has stabilised prices, it has done little to address the nation's fundamental housing shortage.
207. The report notes that priorities have been driving efficiency and optimising selling price growth. As a result, the company has reduced volumes and driven significant margin improvements, with selling prices increasing. It also notes they have been able to secure a strong flow of potentially high margin sites, acquiring wherever possible on deferred terms and now ensure they secure only the best opportunities and that the group has a strong land bank. Taylor Woodrow¹⁵³ takes a similar approach to maximising value rather than volume, identifying availability of mortgages as being a major constraint. It has a landbank of 6 years. Persimmon

¹⁴⁸ TC1 – appendix 11 – Annexe B, Frequently Asked Questions

¹⁴⁹ TC1 – paragraph 3.49 – 3.54

¹⁵⁰ TC1 – appendices 15 and 16

¹⁵¹ TC1 – paragraph 3.58

¹⁵² TC1 – appendix 17

¹⁵³ TC1 – appendix 18

Homes annual report shows similar indications¹⁵⁴. It is clear from this that land supply is not the problem.

208. If further land is released in addition to that already proposed, it will reduce the likelihood that more difficult to develop sites in less attractive urban locations will be developed, which is against the strategies of urban renewal and maximising brownfield development. A decision to approve Green Belt development on this basis will encourage others to pursue the same approach, using the same arguments. This is evident from representations made by Icen Projects, who wish to see a release of Green Belt land in the eastern end of Thurrock, contrary to the proposed SCS. The location of sites would effectively be at random, only depending on whether developers want to gamble on getting permission, and would not be based on comparison of the relative merits of different sites.
209. There is no guarantee that the site would be developed in the short term, because the macro economic conditions are likely to be the same, so developers will concentrate on increasing margins and not volume as seen above. The site's development may therefore only deal with need in the longer term, which the council's approach already covers. The prime example of this is the Aveley site, where permission was granted on Green Belt land with the advice of Barratt Homes that it would commence development later this year. The site was factored into the council's five year land supply. Development has not commenced and the site is up for sale. Disposal will inevitably mean delay, and if there is no new owner who will the council consult on intention in order to assess achievability of delivery of the site in relation to future annual monitoring reviews?
210. In relation to the Bata Field appeal¹⁵⁵ the Secretary of State only gave limited weight to the need for more land to be brought forward. It was noted that the housing land supply situation does not warrant planning permission being granted for this proposal. In the Ardale¹⁵⁶ School appeal there was apparent agreement between Thurrock Thames Gateway Development Corporation and the applicant that the 5 year land supply could not be achieved, with the inspector concluding the situation was 'dire', but he still concluded the Ardale School appeal housing land need did not outweigh the harm to the Green Belt. He also noted that it was unrealistic to expect completions to immediately reach the rate assumed under the Regional Spatial Strategy, mindful of the fact that the economy has slowed considerably and it is difficult to sustain high volumes of house sales. Development on those sites would also have been less intrusive than that proposed on this site¹⁵⁷, because of the surrounding development and topography.
211. The Secretary of State concluded, in relation to the Bata Field development, even in the light of the proposal to abolish Regional Spatial Strategies, that there was a need for more land to be brought forward for housing, but only

¹⁵⁴ TC1 – appendix 19

¹⁵⁵ TC1 – appendix 22

¹⁵⁶ TC1 – appendix 21

¹⁵⁷ TC1 – appendix 23

gave limited weight to this in relation to releasing that site for development. It was the quality of the design and sensitivity to the setting that tipped the balance in favour of granting permission. Another difference between the current situation and that at the time of consideration of the Bata Field development is the SCS is now much closer to resolution and this application site is not contained in the same way with a defensible boundary as the inspector identified in relation to Bata Field site.

212. Although not related to housing, in relation to another appeal in West Thurrock, the inspector noted 'it is not my role to pre-empt the site allocations process through the development plan process'¹⁵⁸.

Affordable Housing

213. Affordable housing shortfall should also not necessarily lead to an approval of housing development. Affordable Housing is a normal requirement in connection with market housing. The Bata Field site was allowed, but not specifically because it was a means of remedying a shortfall in affordable housing. Similarly, with the Ardale School appeal, the inspector concluded that the availability of affordable housing would be an undeniable benefit, but not of overriding importance, either on its own or along with other matters. In this respect, PPS 3 paragraph 29 and SCS Policy CSTP2 note that whatever the desirability of such provision in connection with market housing, it is something to be achieved only if it is viable, i.e. there is no absolute requirement and under-provision against a need should not be a matter that stands in the way of permitting market housing. Provision of affordable housing is not a very special circumstance.
214. In addition, there is no certainty that the affordable housing at 35% would be provided. There have recently been applications on other sites for reduction in the provision of affordable housing which has been allowed¹⁵⁹. A significant reason is the change in funding by the government of Registered Social Landlords and the Affordable Rent model. The expectation is that the ability to provide affordable housing will reduce¹⁶⁰. Evidence to the London Assembly's Planning and Housing Committee¹⁶¹ suggests there will be a tension between affordability and volume of dwellings and that the numbers of properties built by housing associations is likely to be lower than in the past. The Peabody Trust indicates that whereas over 50% of funding for affordable housing was capital grants, this would now reduce to, at the most, no more than 20%.
215. Thurrock Thames Gateway Development Corporation planning committee considered two proposals, one to reduce the amount of affordable housing at Drapers Yard, Grays, and the other to reduce the number of units overall, with a consequent reduction in the affordable housing percentage at Arisdale Avenue. Drapers Yard was for 30% affordable housing and was only granted on 10 June 2010. Thurrock Thames Gateway Development

¹⁵⁸ TC1 – appendix 25

¹⁵⁹ TC1 – paragraphs 4.3 – 4.09

¹⁶⁰ TC1 – paragraphs 4.10 - 4.14

¹⁶¹ TC1 – appendix 28

Corporation has had to agree to only 5 affordable units (3% of the total housing)¹⁶². The proposal for Arisdale Avenue has had to be reduced from 65 units overall to 33 units, to provide a more saleable mix, with only 4 affordable houses.

216. The issues affecting London will not be exactly the same in Thurrock and there are likely to be some self imposed limits by the Registered Social Landlords¹⁶³. There can be no certainty that the affordable housing provision will come forward and it should not be taken into consideration in the very special circumstances balance.

Green Infrastructure

217. The council agrees with the Thurrock Thames Gateway Development Corporation that there is no identified need for the informal recreation facility of the proposed strategic open space, particularly with the new facility at the Thurrock Thameside Nature Park, which is being formed as part of the restoration of land that formed the Cory waste site. The proposed open space would offer very similar facilities to those envisaged at that park, which will soon be available. An application has been submitted to extend the period for restoration of the Thurrock Thameside Nature Park to 2016, which is yet to be determined. The site would be managed by Essex Wildlife Trust under a lease from Cory Environmental. The site is at least 263ha and is substantial and the Trust already manages Stanford Warren, a 17ha nature reserve next to the landfill site.
218. In addition, there is likely to be permission for further gravel extraction on the adjacent East Tilbury quarry, which when worked out will be restored for nature conservation, which is anticipated to be in about 9 years time.
219. The proposed open space exceeds what is required for a development of this size and there are no policies that require developers to rectify deficits in open space provision in the wider vicinity. However, SCS Policy CSTP18 (green infrastructure) notes that the council will create green assets where appropriate and will require a net gain in green infrastructure in order to address existing and developing deficiencies, and opportunities to increase green infrastructure will be pursued in new developments. Guidance on the provision of green infrastructure will be identified in a future Greengrid Supplementary Planning Document. If a proposal provides what is expected, then it is not a very special circumstance. Where a proposal provides greater than what is expected, but the facility is not needed, then again it is not a very special circumstance. The proposed green space does not meet an identified need.
220. Thurrock Council's Community and Needs and Open Spaces Study 2005¹⁶⁴ identifies for Stanford-le-Hope and Corringham a substantial existing and projected surplus in natural green space (about 600ha). This is without the Thurrock Thameside Nature Park and East Tilbury Quarry. Langdon Hills

¹⁶² TC1 – paragraph 4.5 – 4.8

¹⁶³ TC1 – paragraphs 4.15 – 4.19

¹⁶⁴ TC1 – appendix 35

Country Park is also a short distance away¹⁶⁵. Concern is expressed in the study in relation to the 300m and 2km accessibility of these spaces. But as on Map 28¹⁶⁶, it can be seen that only the northern extremity of Corringham does not fall within the 2km criteria, but this area is the closest to the Langdon Hills Country Park and the proposed space would not improve on this distance.

221. Similarly, the proposed open space would not assist in the 300m accessibility criteria, apart from perhaps a few houses fronting Butts Lane. In addition, the approach to these standards has now changed and smaller spaces can be included as set out in the SCS. Stanford-le-Hope is not deficient in natural green space that is reasonably accessible. The 300m standard is reasonable when considering open space in relation to new development, but it is unrealistic to expect those developments to make up for deficiencies in the area. It is accepted the proposal would increase choice, but this is not a very special circumstance.
222. The proposed open space does not appear to fill any gaps in terms of improving bio-diversity and if there are some improvements these are likely to be marginal, particularly in the light of the Thurrock Thameside Nature Park and East Tilbury Quarry Proposals. The ecological benefits are not such that they would outweigh the harm to the Green Belt¹⁶⁷. While there will be good elevated views from the proposed open space, similar or better views will be available from the Thurrock Thameside Nature Park. Linkages to footpaths would have limited value, as they effectively only provide alternative routes to those already available. It is accepted that the proposed routes would be more attractive than the existing routes along roads. Notwithstanding the objectives of the proposed greengrid, it is not considered this matter would outweigh the harm to the Green Belt.
223. The proposals for the Greengrid routes are schematic only – it was never the intention to have the route across the middle of the playing fields. It would be better to seek to improve the connection of footpath 41 with Mucking Wharf Road, as this will be the access to the Thurrock Thameside Nature Park.
224. While the Bluehouse Country Park was identified schematically, it was intended to coincide with the quarry and area of unimproved acid grassland found on Buckingham Hill. There is no short term prospect of the quarry workings ceasing and it is the council's view that the Bluehouse Country Park will be considered a non-starter and removed from future plans as it is not needed to address any deficiency. It is likely that the proposed Greengrid Supplementary Planning Guidance will firm up linkages to the Thurrock Thameside Nature Park.

The Case for RAID and the Stanford Forum

¹⁶⁵ TC1 – appendix 36

¹⁶⁶ TC1 – appendix 35

¹⁶⁷ TC1 – paragraph 5.12

The case for RAID and the Stanford Forum is set out in RAD1 and RAD2 and FILE3 and FILE4. The material points are: -

225. The Issues and Options phase of the East Thurrock Master Plan was the most responded to of all the Thurrock Thames Gateway Development Corporation Master Plans. There was no mention of development of the application site in that inquiry. Thurrock Council's Issues and Options Phase also had a large response. This did show a possible release of Green Belt land, but this only included part of the application site (for about 175 houses).
226. One of the Green Belt sites at Manor Way has an application for development and RAID did not object to the principle of that development as it was identified in the plan process, other than in relation to access. We are not against development in principle. Mention is also made of Bata Fields where Green Belt land has been approved for development at appeal. This shows the erosion of Green Belt land in the area, far greater than envisaged in the Core Strategy.
227. The LDF at appendix 4 has the Housing and Infrastructure Needs Trajectory. It shows 187 dwellings for Stanford-le-Hope and this figure has been extrapolated for the infrastructure needs of the area. Allowing a development of up to 350 houses will place unwarranted demands on the existing infrastructure. Barratt Homes conjoin the figures for Stanford-le-Hope and Corringham, but if this had been the intention in the plan they would have been one figure. This means that one geographical area is bearing the brunt of development on the Green Belt.
228. The SCS¹⁶⁸ indicates a 5 year requirement of 595 dwellings on Green Belt land in the whole of Thurrock. This figure has already been exceeded with decisions regarding Aveley and East Tilbury. With a further release of up to 328 houses in Stanford-le-Hope there is a real danger the LDF will be compromised. The Thurrock LDF was formulated to regenerate the run-down built-up areas, while maintaining the visual openness and village setting.
229. The proposal would not be in line with PPS 3, which requires that the spatial vision for the area is reflected in proposed development as well as being in line with housing objectives, and would undermine the wider policy objective of regenerating the borough.
230. At the time of formulating the East of England Plan, the economic growth targets reflected a buoyant economy, when the financial crisis that has occurred was not foreseen. The world economy has changed dramatically, so to follow those targets is to deny the reality of today's economic climate. Given the likelihood of abolition of the Regional Spatial Strategies, the housing requirements in it should be given little weight. The Bata Field and Arisdale Ave sites were decided prior to the proposed abolition.

¹⁶⁸ SCS - policy CSTP1 section 11 table b

231. The Callcutt Review of Housebuilding Delivery (2007) and The Housing Markets and Planning Analysis Expert Panel – Factors Affecting Housing Build-Out Rates: A report for CLG by Professor David Adams and Dr Chris Leishman¹⁶⁹ indicate that it is market forces and hence developers that control the rate of housing completions. A managed delivery approach as utilised by Thurrock Council is best suited to the current situation, allowing a flexible approach to current need and economic factors.
232. According to a Shelter Report¹⁷⁰, Thurrock has the third highest number of repossessions in England and the highest in the East of England Region. Availability of mortgages to first time buyers and families is lower than it has been for years. This indicates that it is not the land supply that is the problem, but that there is no need for housing. To blindly follow targets set in more affluent times ignores the reality of the current situation.
233. Developers are using the lack of housing supply, which they control, as being a very special circumstances and justification for release of Green Belt land at low cost enabling them to gain enhanced profit in the future. There is no sign of an immediate recovery, but when it does occur it is not likely to be a sudden surge in growth, but a gradual improvement, which would allow time for appropriate sites to be brought forward. House sales are very low, with a Royal Institution of Chartered Surveyors report indicating that on average its members had sold only 14 houses each during the last 3 month period¹⁷¹.
234. While Thurrock Thames Gateway Development Corporation recommended approval, the chairman of the planning committee noted at the time that they were 'between a rock and a hard place', and would normally have refused development on Green Belt land, but were concerned that Barratt Homes would appeal the decision if that were the case.

Transport

235. The Transport Assessment does not give a true picture of the vehicle numbers that queue at the level crossing when the barriers are down. Vehicles on the westbound approach regularly get to 28 in number during the am peak, and the eastbound approach 34 during the pm peak. The westbound traffic queue extends back along Church Hill and into Corringham Road on more than one occasion each morning, causing blockage in the High Street. Some vehicles then drive down the wrong side of the road to drop people off at the station, causing a dangerous situation. This would be exacerbated by increased traffic. When the barrier is lifted, there is a surge of traffic along the road which mixes with school traffic and causes difficulties for drivers turning out from adjoining minor roads. Vehicles then have to edge into the traffic which can cause traffic to stop completely, causing gridlock. This situation is reversed in the evening.

¹⁶⁹ RAD – appendices 3 and 4

¹⁷⁰ RAD – appendix 5, Shelter Report - 'England Repossession Hotspots 2010/2011 pages 6 and 24

¹⁷¹ RAD – appendix 6, RICS Newsletter published on 13 September 2011

236. The Transport Assessment refers to the Bata Field Inquiry and the East Tilbury Crossing, where a further 6/8 cars was considered to be acceptable. However, the queues at the Stanford-le-Hope crossing are far longer than at East Tilbury and tailbacks do not affect the town centre as they do at Stanford-le-Hope.
237. The Transport Assessment has taken into consideration the Bata Fields development, but not the potential development of the Bata factory site. This site could generate up to an additional 500 homes along with factory space and this would considerably increase traffic flows down Butts Lane.
238. Development of the DP World Development may also have an impact and with increased HGV usage The Manorway could become a rat run, which already occurs when there are problems on the motorway.
239. Development in East Tilbury also needs to be taken into consideration. East Tilbury falls within the St Clere's School catchment area and Stanford-le-Hope and Corringham are the nearest shopping centres. So future development in these areas should also be taken into consideration.

Amenity of residents¹⁷²

240. Residents opposite the entrance to the site will suffer from the glare of headlights from cars leaving the site, which will affect their peace and tranquillity. The four traffic islands proposed along Butts Lane will reduce considerably the amount of on-street parking available to residents and there is insufficient capacity in the side roads to accommodate the overflow.

Open Space¹⁷³

241. The development provides ten times more open space than is required for the development and is an oversupply that should not carry any greater weight than if it were the appropriate size. It does not relate to the development proposed. A large country park (Thurrock Thameside Nature Park) is being built at Mucking less than a mile away, so it is likely the proposed open space would be under utilised.

Openness of the Green Belt¹⁷⁴

242. The openness of Butts Lane would be lost. This is the only place in Stanford-le-Hope where there are houses on one side of the road and open space on the other. Elsewhere, there is an abrupt junction of housing and countryside. This provides important visual amenity derived from the feeling that at least part of Stanford-le-Hope is still a village abutting countryside.

Foul Drainage¹⁷⁵

243. There have been problems with foul discharge into the streets of Stanford-le-Hope, especially during heavy rain, when the existing system cannot

¹⁷² RAD1 – page 14, paragraph 4.2.1

¹⁷³ RAD1 – page 14, paragraph 5.1

¹⁷⁴ RAD1 – page 15, paragraph 5.1.3

¹⁷⁵ RAD1 – page 16, paragraph 6.1

cope. Some mitigation has been done by Anglian Water, but RAID is fearful that another 350 homes discharging into the limited system would cause the previous problems to recur.

St Clere's School¹⁷⁶

244. St Clere's School is at full capacity, so with the recent increase of the catchment area to include East Tilbury and this proposed development it will become over subscribed. Currently there are only 3 spare places in year 10, and year 9 is over subscribed by 3 places. Local residents may not be able to get their children into the school, resulting in the need to travel to distant schools. The school is an import aspect of community life, and the inability to get children into the school could cause friction in the community.

Community Facilities¹⁷⁷

245. There is a lack of community facilities in the area, especially village halls. A hall is proposed in the development, but it will be run and managed only by those living in the development. While it is to be made available to all, it could be managed so that it was fully utilised by those in the development, reducing the benefit to the rest of the community. The open space would also be managed by the same group, potentially removing the benefit of the open space from existing local residents.

DP World and Logistics Park Development [DPWL]¹⁷⁸

246. The employment opportunities to be provided by the DPWL development have been used as justification for housing around Stanford-le-Hope. However, estimates for employment opportunities there have been continually revised down. RAID believes the likely figure would be in the region of 12,000. These benefits will not be seen for at least 3/4 years. The intention when this development was considered was that Thurrock would provide a substantial amount of the employment development in the area, with housing being provided elsewhere, ensuring there was no need for release of Green Belt land.

Howard Tenens Appeal

247. This was decided in the light of the government's aim for an economic led recovery and job creation. Even in the light of this and other benefits the development was refused, largely because of the adverse impact on the Green Belt, which was in fact also previously developed land.

Localism Bill¹⁷⁹

248. This is expected to get Royal Assent in November and is a material consideration. The local residents have taken an active part in the development plan process so they have an expectation that the outcome

¹⁷⁶ RAD1 – page 16, paragraph 7.1

¹⁷⁷ RAD1 – page 17, paragraph 7.2

¹⁷⁸ RAD1 – page 18, paragraph 8.1

¹⁷⁹ RAD1 – page 20, paragraph 10.1

would be adhered to. If it is not it would have a devastating effect and could lead to apathy in the future.

Written Representations

249. Letters and consultation responses to the original application are contained in FILE 1 and FILE 3. There were 167 letters from individuals in relation to the original application. Responses in relation to the inquiry are found in FILE 4. There were 24, including a 102 page petition.
250. The majority of written representations make a similar case to that identified by RAID and the Stanford Forum.
251. Icen Projects make no case in relation to the merits or otherwise of the application site, but having been involved in another call-in inquiry in the area confirm its view that the current shortfall in 5 year housing supply is very serious and there is a pressing need for more housing. It is concerned that Thurrock Council has overestimated identifiable housing supply and pushed its obligation to deliver housing to the longer term.
252. Natural England notes the proximity of the site (0.75km) to Mucking Flats Site of Special Scientific Interest (SSSI), part of the wider Thames Estuary and Marshes Special Protection Area (SPA) and Ramsar Site. Natural England considers that it is imperative that the issue of potential recreational disturbance arising from the incoming residents, who may choose to visit the closest foreshore, is addressed. It is noted that the Environmental Statement¹⁸⁰ considers this matter and aims to deflect visitor pressure from the SSSI. Natural England, having reviewed the Environmental Statement and the extent and quality of alternative green space to be provided (42.73 ha of strategic open space) is satisfied that there will be no likely significant impact on the Thames Estuary and Marshes SPA/Ramsar site, but in coming to this view it was essential that the proposed green space is delivered as stated in the Environmental Statement.

Conditions and Obligations

Conditions

253. The Thurrock Thames Gateway Development Corporation's suggested conditions are contained in appendix 5 of the statement of common ground¹⁸¹ and my recommended conditions are attached as annex A to this report. The following comments refer to the corporation's numbering. The reasons for the conditions are set out in Annex 1.
254. Many of the conditions allow for informal modification and adjustment with the use of terms such as 'unless otherwise agreed in writing with the local planning authority'. If changes are required in relation to conditions, these should be the subject of formal applications to the council, to ensure that

¹⁸⁰ CD3

¹⁸¹ CD85

notification of relevant interested parties occurs. The wording of conditions where this has occurred has been amended.

255. Condition 1: I consider that it would be appropriate to use the standard conditions relating to outline planning permissions with a modified time scale. I accept that the 'standard' time scale should be shortened to encourage delivery of that part of the housing within 5 years, as this would form part of the very special circumstances identified and the applicant considered this to be reasonable and achievable.
256. Condition 7 : The applicant questions the need for this condition if the details of the design are to be submitted as one operation as part of the reserved matters application. However, I do not see that the condition would prevent an application in the way envisaged. If that were to occur then the information provided could ensure that it satisfied this condition. However, if the development were to be spread over a long period, which is partially anticipated by the phasing proposed, it is reasonable to ensure that the standard of construction meets the up to date requirements. I therefore consider that the condition should remain unchanged.
257. Condition 21 relating to a travel plan is not considered necessary as the provision of a travel plan coordinator and submission of a travel plan is a requirement of the planning obligation.
258. Condition 31 relates to conservation of potable water. The applicant objects to the condition on the grounds that appropriate 'grey water' systems are not readily available or suitable for the type of development proposed. While I acknowledge that may be the case, this could be simply a matter of collecting some rainwater in a butt for use in the garden and therefore consider it reasonable that the matter should be addressed by this condition.

Planning Obligation

259. Details of the planning obligation are set out in Section 7 and Appendix 4 of the statement of common ground¹⁸². Agreed mitigation measures in relation to highway matters are set out in the statement of common ground on highways¹⁸³. A signed and dated obligation is found at INQ4. Section 7 of the statement of common ground sets out the policy basis for the various elements of the obligation.
260. Part 1 of the obligation relates to highway works and travel plan. It requires the developer to undertake provision of schemes and complete highway works in accordance with the scheme, with dedication of relevant parts as a highway, adopted and maintained at public expense. It requires the provision of a travel plan and to manage and monitor its implementation for a period of 5 years from completion, amending the travel plan as necessary to achieve the aim of reduction in private car use. The obligation includes contributions toward road safety, the provision of a school travel plan and

¹⁸² CD85

¹⁸³ CD86 – page 42 paragraph 5.42

travel plan monitoring fee. The developer also agrees not to object to any application for an Order to provide a bridleway across the application site between identified points and to provide and dedicate such a route.

261. Part 2 relates to open space, play equipment, community building, SUDs, biodiversity measures and management plan. Details of these will be submitted to the council for approval and to follow through in relation to the agreed details. The community building will be made available for assembly and leisure purposes by residents of the site, other parts of the administrative area of Thurrock and surrounding areas and by community, voluntary, charitable, social or recreational groups or organisations based or operating in such area or other users serving or benefiting the residents of such area for assembly and leisure purposes.
262. Schedule 2 relates to the provision of affordable housing, requiring compliance with the target tenure mix and at least 35% of the residential units on the development or phase.
263. The obligation also requires the development corporation to use money for purposes identified and to consult with the council in relation to highway works and travel plan.
264. I consider that these elements of the obligation are fairly and proportionately related to the development proposed, comply with the guidance in Circular 05/2006 and meet the tests of Regulation 122 of the Community Infrastructure Levy Regulations 2010.

Inspector's Conclusions

[In this section the numbers in parentheses [n] refer to the preceding paragraphs.]

Green Belt

Inappropriate Development

265. There is agreement that the proposed housing would be inappropriate development in the Green Belt [31, 154]. Inappropriate development is, by definition, harmful to the Green Belt and substantial weight is attached to the harm because of inappropriateness. It is for the applicant to show why permission should be granted. Very special circumstances to justify inappropriate development will not exist unless the harm by reason of inappropriateness, and any other harm, is clearly outweighed by other considerations.

Openness of the Green Belt

266. In relation to the proposed housing development, the existing agricultural buildings and golf pro shop, which would be removed, [8, 9], are small. The application site, apart from some trees and perimeter hedges, is very open agricultural land and a golf course. The proposed development of mainly 2 and 2.5 storey units and a community building would add substantial bulk of built form, alien to the countryside and Green Belt and would completely compromise the openness of this part of the Green Belt, causing significant harm to its openness and substantial weight should be attached to this harm. The remainder of the application site would remain open, but the maintenance of the status quo on the remainder of the site does not add or subtract weight in terms of openness.

Visual Amenity and Green Belt Boundary

267. The application site is on the urban fringe of Stanford-le-Hope, separated from the main area of Stanford-le-Hope by Butts Lane, but it adjoins the housing fronting Oxford Road. The housing development at the site would completely change the character of the land from countryside to urban, which would be harmful to the countryside. However, once constructed the housing development would be seen as an urban extension to and in the context of the adjoining built development of Stanford-le-Hope and would not appear isolated or out of place.
268. Butts Lane has a mixed character where it abuts the application site. The first part near to Oxford Road has an urban character, with residential development on each side. From the start of the application site, Butts Lane retains some urban character until the end of the school, with housing and school buildings on one side of the Lane. The agricultural land to the west and the boundary hedge provide a partial rural character, and the field provides a rural outlook from the existing houses and the Lane. The change of this to urban character would cause some harm in terms of amenity and character and appearance. Beyond the school buildings, Butts Lane has the character and appearance of a rural lane, with hedges close to the road on each side.

269. The siting and layout of the proposed development has been logically arranged, responding not only to the contours of the land [94], but also to the extent of existing development at the edge of Stanford-le-Hope. The extent of the new housing to the west would be generally in line with the extent of existing houses in Oxford Road and the extent to the south would be in line with existing housing to the east, beyond the school playing fields. Thurrock Council considers the logical end at the south to be as indicated by the proposed release of Green Belt land, as shown on Inset Map 5, being just beyond the existing housing on Butts Lane and near the school buildings. While there is some logic to this in terms of development along Butts Lane, in the wider circumstances of housing in Stanford-le-Hope the proposed boundary further south would also be a logical location to end the future Green Belt.
270. I consider that the application site housing would result in a logical location for what would effectively become the new Green Belt edge and the south and western boundaries would be fixed positions, being the extent of the houses and gardens along this edge, and this would be reinforced by the proposed belt of tree planting. I therefore consider that a strong new Green Belt boundary could be established on completion of the development and that it would be well integrated with the current housing in Stanford-le-Hope.
271. The proposal would include significant landscaping that would be finalised in the reserved matters applications. The intention is to retain and reinforce as much as possible of the hedge along Butts Lane, relocating parts of the hedge where works to the road necessitate. There would be a linear landscaping strip along the edge of Butts Lane [99], and a large open space in the middle of the houses (central park), leading into the strategic open space. There would also be a significant tree belt to the west and south of the development [98]. Clearly it would not be possible to mask the large development of houses proposed when viewed from either Butts Lane or from the surrounding countryside, including Buckingham Hill, and as noted above a change in character of the land would be inevitable, but I consider that the proposed landscaping would significantly mitigate the impact and would help to amalgamate it into this urban fringe location, which was identified in the Thurrock Landscape Capacity Study¹⁸⁴ as having low sensitivity to a small urban extension [163].
272. In addition, the character of the strategic open space would be improved by restoring it, using native planting and removing the unnatural features of the golf course [100]. This would considerably improve the natural landscape and countryside on the application site beyond the housing development [252].
273. Materials and design are reserved matters in relation to the outline application and are therefore not for detailed consideration here. However, if the principle of development is accepted at the site, there should be no reason why appropriate materials and design for the proposed buildings

¹⁸⁴ CD55 – page 37

could not be achieved at the reserved matters stage, providing a sustainable development.

274. St Margaret's of Antioch Church in Stanford-le-Hope is a grade 1 listed building, dating mainly from the 14th century, but with some 12th and 13th century remains. It is an important listed building with its significance and special architectural and historic interest relating to its age, detailing and historical development. The church is a reasonable distance from the application site, so the proposal would have little direct impact on it. However, I consider the setting of the church to be wide, because the tower rises distinctly over the surrounding development in Stanford-le-Hope and can be clearly viewed from the surrounding countryside, particularly from Buckingham Hill. I therefore consider the site would be within its wider setting.
275. However, when viewed from a distance the church is seen mainly in the context of its urban setting of buildings and trees. The proposed development, while extending the edge of Stanford-le-Hope out a little way, would have no material impact on the overall appearance, character or special architectural and historic interest of the church, as the context of buildings and trees, surrounded by countryside would be relatively unchanged in the distant and wider views. I therefore consider that its setting would be preserved.
276. St Clere's Hall is also a listed building [14] and adjacent to the application site. Its immediate curtilage is surrounded by trees and it is well screened from the application site. The land immediately adjacent to it would not be directly affected by the housing proposal. The landscape beyond the building would change from a golf course to strategic open space, but this would have no impact in relation to the listed building. I consider that the special architectural and historic interest of St Clere's Hall and its setting would be preserved.
277. In terms of considering the harm of the development, it is material that part of the site has already been identified in the SCS for residential development at some time in the future. It is only one of the sites identified, and timing and assessment of if and how it should come forward would occur through the Site Specific Allocations Development Plan Document. But as noted under housing supply, given the shortage of supply of land, for the purposes of this decision it must be realistic to expect it to be developed at some stage, and sooner rather than later. Therefore, the harm to the Green Belt and surrounding area in association for the proposed development should be viewed in the context of the harm that the development of the land identified by Inset Map 5 would cause in the future, considerably lessening the overall harm of this proposal in terms of Green Belt, its amenity and the character and appearance of the countryside, and providing considerable benefits in terms of the greenlinks and to some extent open space [96].

Purposes of including land in the Green Belt (PPG 2 Paragraph 1.5)

Unrestricted Sprawl

278. Currently the Green Belt at the application site does serve the purpose of preventing the edge of Stanford-le-Hope extending into the countryside. The Green Belt designation is serving this purpose by preventing development of the site in an unrestricted way, by requiring the presence of very special circumstances to justify it, but Green Belt designation does not completely prevent development. Nevertheless, the residential development at the site would remove this current purpose that the Green Belt is serving on the housing area of the application site [155]. The provision of the open space and continuation of agricultural use on the remainder of the application site would not conflict with this purpose, but could help reinforce it.

Prevention of neighbouring towns from merging

279. There is a reasonable amount of space between Stanford-le-Hope and Southfields, which is the nearest settlement, being over 1km to the west [157]. The proposal would not make Stanford-le-Hope closer to Southfields, as the proposed housing would be no nearer to Southfields than the existing housing that fronts Oxford Road. The southern edge would be nearer Linford to the south, but this again is a considerable distance away and Buckingham Hill intervenes, preventing any visual link. I do not consider that the proposal would have any significant effect in relation to the merging of towns.

Safeguarding the Countryside from Encroachment

280. The Green Belt designation has to date helped to ensure that the application site has not been unsuitably developed, preventing encroachment of Stanford-le-Hope into the countryside. Clearly this protection would be lost in relation to the residential part of the proposed development and encroachment into what is currently countryside would occur. The provision of the open space on the majority of the application site, which would retain its Green Belt designation, would ensure that the remainder of the site continues to protect the countryside from encroachment and be beneficial.

Historic Towns

281. This is not relevant in relation to the proposal [159].

Assisting in urban regeneration

282. Thurrock Council identifies EEP Policies SS1, SS2, SS3, SS5 and SS7 which encourage development in urban areas and retention of the Green Belt [188]. The SCS also concentrates on regeneration directing development to five major areas. Strategic Spatial Objectives found in the SCS at Table 3 seek to achieve sustainable communities focusing development to urban areas. SCS Policy CSSP1 also directs housing development towards managed urban regeneration and to previously developed land [191]. However, this policy also notes that the council should continue to identify broad locations for release of land in the Green Belt in accordance with SCS

Policies CSTP1 and CSSP4, to help maintain the 5 year housing supply [125].

283. Restricting development on greenfield sites, which are generally more attractive to develop, will in principle help to encourage development of more difficult Brownfield urban sites. Therefore, allowing development at the application site, which would increase housing supply, may have some effect on the overall demand for housing in the area, potentially making it less attractive to develop urban previously developed sites.
284. However, Thurrock Council acknowledged in evidence at the inquiry that there are no significant urban sites in Stanford-le-Hope and Corringham that would be affected in this way. In addition, the development of the site and delivery of the housing would not exceed the SCS overall target for housing on non-previously developed land during the overall plan period, identified in the SCS [161], so in this respect it would not ultimately significantly compromise the outcome of the SCS Examination although it would reduce options when considering the Site Specific Allocations Development Plan Document. In addition, the current 5 year delivery of housing is so far below what is expected, even as anticipated by Thurrock Council in the SCS Housing Trajectory, that there will still be a very substantial need for more housing, in addition to that provided at the application site, that could still be directed to previously developed land and urban sites.
285. I accept that there needs to be a balance of releases and that developers will be likely to look for greenfield development in preference to more difficult urban sites [207-208]. This is a matter of judgement of economic conditions. There is no doubt of the continued need for dwellings, or that demand has been low since the economic downturn. It is my view that it should be anticipated that demand will increase in the next few years, and therefore planning for growth anticipated by Thurrock Housing Trajectory should be planned for.
286. Thurrock Thames Gateway Development Corporation's view is that reliance on urban development of complex brownfield sites has in part contributed to the poor housing delivery in relation to the 5 year housing requirement [161]. I consider that release and early delivery of housing of the application site could help with momentum and help meet the substantial current need for more development in the area. Given the extensive need generally it would be unlikely to considerably compromise the need for urban regeneration elsewhere in the borough at the current time. It would accord with the aims and objectives of PPS3 and the SCS to release sites in order to manage and maintain the 5 year housing supply, but would rely on early delivery.

Use of land in Green Belts (Planning Policy Guidance Note 2 – Green Belts Paragraph 1.6)

Opportunities for access to the open countryside for the urban population.

287. I consider the need for the open space provision and greengrid strategy in greater detail below. However, while there is some argument related to the

need for the Strategic Open Space, it clearly will open up a very large area of land to the public for leisure and recreational purposes and would be accessible, not only from the proposed dwellings, but also from existing dwellings across Butts Lane and those close to Oxford Road. In addition, it would serve the purposes of the Greengrid strategy, linking more distant routes and access for people further afield.

Opportunities for outdoor sports and recreation

288. The application site would not offer opportunities for outdoor sport and the existing use for a golf course would be lost. The study undertaken by the developer indicates that there is a reasonable supply of golf courses in the area and that the loss of this golf course would not cause difficulties in relation to outdoor sporting opportunities [84,103,153]. This conclusion was supported by Sport England. A member of the golf club identified at the inquiry the benefit of having a local facility and also that the decline in club membership had occurred, particularly more recently, because of the uncertainty surrounding the course and proposed development. However, even taking this into consideration, I consider that only limited weight should be attached to the loss of this facility, given the availability of provision elsewhere.
289. In addition, whether or not Thurrock Council policies identify a need for the open space, the proposal will enable recreational use of the land by the general public creating a significant opportunity for outdoor recreation.

Housing Supply

290. It is well accepted that there is a general need for new housing, with supply having been poor over the last few years. Evidence presented [48-51] indicates a considerable need locally. Even Thurrock Council's calculations show a need for about 13,000 dwellings between 2011 and 2026 and Thurrock Council accepts the overall rate of housing supply should be in accordance with the EEP.
291. Extensive detailed evidence has been presented in relation to housing supply and the ability of the SCS to meet the level of supply identified. Much of the detail seems to me to be more appropriate to assessing whether the SCS is sound or not. Clearly, it is not the role of this planning decision or report to pre-empt the findings of the Examination that has taken place, and which will have considered the necessarily much wider extent of evidence in coming to a conclusion on the soundness of the SCS. Therefore, my conclusions only take account of the level of detail relevant to reaching a recommendation in relation to this application.
292. While there is some doubt now over the future of the EEP, the housing supply figures identified by it have not been changed for the SCS, and were the EEP to be withdrawn there is no suggestion at this stage that the housing supply figures would be altered. I therefore consider that considerable weight can be attached to the housing supply requirements set out in the EEP (INQ19 Section 5 page 30) and SCS i.e. the provision of a minimum of about 18,500 homes between 2001 and 2021 [42, 50, 190]. In terms of housing supply, I consider that little weight should be given to the

local plan as this is now old and essentially intended to serve up until about 2001 [44].

293. There is no argument between the parties that where a shortfall in delivery of housing is anticipated that a managed approach to increasing supply is required. However, there is disagreement between the applicant and Thurrock Council on the way the annual housing requirement should be calculated and what management is required. The applicant believes the approach consistently taken elsewhere is to annualise the figures by dividing the number of houses required by the number of years for supply, giving the required annual supply. Any under/oversupply from a previous year is then adjusted in the next year. It is common ground that if annualised figures were used the 5 year housing supply would not be achieved [202]. The Statement of Common Ground between Thurrock Thames Gateway Development Corporation and Thurrock Council [29] in relation to the SCS concluded that the 5-year land supply is between 3 years (RS residual) and 3.3 years (15 years supply) [54].
294. Thurrock Council does not consider under current economic circumstances that the annualised method of calculation is the most sensible approach but, in accordance with PPS3 paragraph 61, the managed approach to housing supply required is to take account of the current exceptional situation created by the economic downturn and market conditions in the rate of delivery [196, 197, 198]. I have some sympathy for this approach. It seems to me that currently we do have exceptional circumstances and to expect housing delivery, which is essentially market led and mortgage funded, to continue at a consistent rate would be overly optimistic.
295. Barratt Homes chairman in the annual report, clearly identifies that the current problem of housing supply is not related to land supply, but mainly to the availability of mortgage finance and notes the company's current approach of limiting supply to enhance demand and income [207]. The applicant notes that Barratt Eastern Counties have been delivering housing on a number of sites in the region since 2008 [76]. Thurrock Council notes that available housing land has not dried-up during the downturn; there have been sites available for development, but these have not been taken up or delivered by developers [206].
296. The applicant also identified in answers to questions at the inquiry that plainly the company is a commercial operation and cannot afford to develop sites at a loss. Therefore, where sites have permission from the past with an option negotiated prior to the downturn, it would be unlikely to be commercially viable to go ahead with that scheme now. Thurrock Council also indicated that it had had to negotiate on the provision of affordable housing on other sites with permission, because the viability of the permitted developments had changed with the economic situation.
297. The acceptability of Thurrock Council's approach to managing housing supply is a matter for the SCS Examination, but for the purpose of this decision I accept it as presented in the Housing Trajectory of the Annual Monitoring Report 2010 page 24 (CD46). The basic strategy is to manage the supply by having a reduced requirement in the early years when

demand is low, but with increased supply requirements later in the period when the economic situation should have improved.

298. However, while accepting this as the approach for housing supply over the plan period, it is clear that, even with the reduced requirements of this managed approach, the targets for the next 5 year period will not nearly be achieved. The Council's AMR gives a figure of 4,612 dwellings in the 5 years, but Thurrock Council acknowledges that the likely outcome now is only 3,720 deliverable dwellings, a substantial shortfall (INQ11). However, on a positive note it was reported to the inquiry that the supply for 2010/11 anticipated to be 292 units has almost been achieved, with completion of 290 units. Notwithstanding this, the overall undersupply will not only have an adverse effect on short term housing supply, but the further transfer of the shortfall in the early years to later years will substantially increase the target requirements for the later years, beyond that shown in the current trajectory.
299. This needs to be viewed in relation to housing completions for housing supply in the past, including before the economic downturn. From 2001 to 2008 the annualised completion rate of housing is about 689 dwellings, which against an annual supply target of between 925 and 950 dwellings is still a considerable shortfall at a time when the economy was buoyant [12]. The supply of housing in the later years of the plan, using the managed approach of the Housing Trajectory, is likely to be under significant pressure because of the way it is back-loaded and this will become a substantially more difficult target to meet, if the early years of the managed approach do not reach their targets. The historical rates of delivery do not give any confidence that the subsequent rates of required delivery, increased by the now anticipated early years shortfall, would be achieved.
300. PPS 3 paragraph 57 requires land in the 5 year supply period to be managed to ensure a continuous supply. Where there is less than a five year supply of deliverable sites, PPS3 notes that authorities should consider favourably planning applications for housing, having regard to the policies in PPS 3. It gives an example where performance is between 10% and 20% less than anticipated, there may be a need for specific management action [24]. The lack of deliverable supply here is close to the lower end of this figure and that is in relation to the managed Housing Trajectory that has already taken into consideration the economic situation by back-loading delivery. The East of England Plan at paragraph 5.4 notes that local planning authorities should plan for upward projections seeking to first achieve the annual average development rates as soon as possible.
301. SCS Policy CSSP1 also promotes the plan, monitor and manage approach and identifies that action should be taken where the supply would not be met, including identifying land on Green Belt sites where it is required to maintain a 5 year rolling housing land supply. Thurrock Council is reviewing the housing supply and is currently undertaking a call for sites in relation to the Site Specific Allocations Development Plan Document (CD45). It is also considering release of sites in its control, at no profit, to appropriate social housing developers to ensure some house building is brought forward. However, even assuming a smooth passage for the SCS and this document

it is unlikely to be finalised until at least 2013 [26] and there was no evidence to indicate what the timescale would be in bringing forward Thurrock Council's own land for development.

302. The applicant also contests the figures of the council, considering the shortfall in housing land supply to be even greater [54]. In addition, the applicant refers to the draft National Planning Policy Framework, which intends to extend the 5 year period to 6 years for identification of deliverable housing land [37]. However, at this stage I attach limited weight to the draft National Planning Policy Framework as it is only at consultation stage.
303. It is my view, even putting aside the applicant's view on supply and the draft National Planning Policy Framework, that under-achievement of the accepted housing land supply against the planned Housing Trajectory is now clearly a situation where management action is urgently required in order to meet current housing land delivery requirements and to ensure that later years do not become unacceptably loaded by the now projected shortfalls against the target. This matter contributes significantly towards very special circumstances in relation to development in the Green Belt.

Bringing Sites Forward Outside of the Development Plan Documents

304. Thurrock Council notes that a main purpose of EEP Policies is to direct development towards urban centres and previously developed land, noting Policies SS1, SS2, SS3, and SS5 and that the broad extent of the Green Belt should be retained [188]. The SCS concentrates the regeneration of Thurrock to five areas and does not include Stanford-le-Hope [190]. It notes that SCS Policy SS01 seeks to achieve sustainable communities focusing development in urban areas. Policy SS011 seeks to sustain and enhance the open character of the Green Belt and SCS Policy CSSP1 to managed regeneration and renewal on previously developed land. Thurrock Council says the proposal would harm the objectives in both the EEP and SCS of urban renewal and retention of the Green Belt. While accepting that some Green Belt release is likely to be required, it should be in a managed way through the SCS and Site Specific Allocations Development Plan Document [206-208].
305. However, while I accept that would be the best approach, the method for management, as noted above, through the SCS and Site Specific Allocations Development Plan Documents is not in place and will not be for some time. In these circumstances the East of England Plan, at paragraph 5.4, notes that it is important that policies in existing plans do not constrain inappropriately the build-up of the house building rate while development plan documents, which give effect to the plan, are put in place. With the Site Specific Allocation Development Plan Document not expected until 2013 [135], this is a situation where the delay should not be a constraint. SCS Policy CSTP1 Part 1 (iv) notes that the Council and partners will actively seek to increase the supply of deliverable housing sites where it appears that the five year housing supply will not meet the required dwelling provision.

306. SCS Policy CSSP1, while emphasising managed growth and regeneration and use of previously developed land, also acknowledges that there will be a need for some greenfield release that will be well integrated with existing neighbourhoods in Thurrock. The application site would be reasonably integrated as noted in relation to character and appearance. It notes the intention to have 92% of development on previously developed land. If all the Green Belt sites identified for development in the SCS were developed it would give rise to about 9% of new development outside previously developed land, exceeding the 92% target. The additional development on Green Belt at the application site would add about 1.4% to this [123].
307. SCS Policy CSSP1 notes that development will only be permitted on greenfield and Green Belt land where it is specifically allocated and where required to maintain the 5 year land supply. The two sites meeting these criteria at Bata Fields and Aveley By-pass are already included in the five year housing supply calculations. Therefore, as noted above, the second part of the criteria relating to the need to maintain the five year housing supply is relevant. SCS Policy CSSP1, Part 1 (iii) notes that 'the Council has and **will continue to** (my emphasis) identify broadly defined locations for the release of land within the Green Belt in accordance with SCS Policies CSTP1 and CSSP4'. Identification of further Green Belt sites is potentially anticipated in a situation where the housing land supply is not being delivered. Therefore, release of further, as yet unidentified, Green Belt land, is not ruled out by SCS policies, albeit that it would be best to be done through a current Development Plan Document if it were available. In addition, PPS 3 requires a flexible and responsive approach to housing supply.
308. The time scale for land supply was also considered at the recent Bata Fields Inquiry, where it was accepted that the ideal situation would be for identification of Green Belt land releases through Development Plan Documents, but concluded in the circumstances that there was no current reliable information for this to occur [125]. It is also clear that release of the application site for development would not mean that subsequent targets for use of non-previously developed land, as set out in SCS Policy CSSP1 Part 2, would be breached [129].
309. Two broad locations for housing on Green Belt land have been identified in Stanford-le-Hope and Corringham. One of these is identified on Inset Map 5 [8] and forms the northern part of the proposed housing on the application site. I accept that the Site Specific Allocations Development Plan Document would want to consider timing of release, and it potentially could decide a later release would be more appropriate. However, given the substantial shortfall in the current 5 year supply it is hard to see how it would not be concluded that at least early release of the Inset Map 5 land is required, if it were being actively considered at present.

Affordable Housing

310. EEP Policy H2 notes that affordable housing should be delivered with a regional expectation of 35% of housing being affordable. Local Plan Policy H5 requires an appropriate level of affordable housing, with no specific

number identified, although accompanying text indicates a provision of at least 20%. The SCS Policy CSTP2 seeks 35% of affordable housing.

311. There is no argument that there is a substantial shortfall in the delivery of affordable houses. The Housing Needs Survey of 2004 noted a need for 204 affordable houses per annum, but between 2003 and 2010 only 358 have been delivered (51 per year) [177]. Thurrock Council argues that this should not constitute nor contribute to very special circumstances [213]. Thurrock Council cites the Bata Fields and Ardale School appeal findings [213]. It also refers to PPS 3 and SCS Policy CSTP2 that note affordable housing is something to be achieved only if viable, so under-provision against a need should not be used to justify market housing.
312. Thurrock Thames Gateway Development Corporation notes the substantial need for affordable housing [174-178] and considers this to be a very special circumstance, also referring to the Bata Field Inquiry. At Bata Field, the inspector concluded there was a demonstrable shortfall in affordable housing completions which, measured against need, weighs substantially in favour of allowing the scheme. In the Ardale School Appeal the inspector found the housing land supply situation and affordable housing of material significance. He noted the availability of deliverable affordable housing was an undeniable benefit. It is not the case that it was found this could not be a material consideration that amounted to very special circumstances, but in the Ardale School case the harm to the Green Belt and other harm was not outweighed by the benefits identified.
313. Thurrock Council and Thurrock Thames Gateway Development Corporation acknowledged that it is currently difficult to deliver affordable housing, even on sites where provision has been agreed. It was noted at the inquiry that developers are requesting that agreed numbers of affordable houses are reduced in order to make development of those sites viable [215].
314. I accept that the provision of 35% affordable housing is sought in the SCS, and to some extent complying with what is required might not be considered as an 'additional benefit' in terms of material considerations. However, given the current economic circumstances and the difficulty in achieving a lesser provision in the past, I consider that in this situation, providing 35% affordable housing during the current economic situation should be considered as a beneficial material consideration.
315. At the application site Barratt Homes will be able to meet the 35% provision of affordable housing and confirmed that it is deliverable, with an obligation completed to that effect. I consider that the past shortfall in affordable housing provision and the ability of this site to provide a substantial amount of affordable houses in accordance with requirements of the SCS in the next five years is a substantial material consideration.

Strategic Open Space and Greengrid, Sports and Recreation

316. The Community Needs and Open Space Strategy identifies a need for sports and recreation facilities through SCS Policies CSTP9 and PMD5 [185]. The requirement for 1.09 ha for sport would not be accommodated on site, but suitable provision is made through a financial contribution in the completed

obligation. Other open space needs set out in SCS Policy PMD5 would clearly be met by the open space provided by the scheme, including the central park. The main issue in relation to this is whether the Strategic Open Space and contribution it would make in terms of the Greengrid Strategy should be a material consideration with regard to demonstrating very special circumstances, as put forward by the applicant.

317. Neither Thurrock Council nor Thurrock Thames Gateway Development Corporation consider that policies directly identify a need for the strategic open space provided, but Thurrock Thames Gateway Development Corporation consider that the contribution the routes through the site would make to the Greengrid is a benefit and material consideration.
318. The Department for Environment, Food and Rural Affairs document 'Creating Sustainable Communities: Greening the Gateway – A greenspace strategy for Thames Gateway (2004)' recognised the need for greenspace as an important part of regeneration and development of the area. It notes that all open space is important, serving different needs, and that it would be privately as well as publicly owned, delivering wide ranging benefits. The strategy was identified to be delivered through the development plan system and local plan partnership regeneration frameworks (CD70 and CD71).
319. Around 2005/6 a partnership of various bodies, including Thames Gateway South Essex Partnership and Thurrock Council produced 'Thames Gateway South Essex – Greengrid Strategy'. While the proposals in this are generally relatively diagrammatic, the strategic framework and guidance in section 4, Fig 26 identifies the Greengrid passing close to or through the application site, with strategic parks identified at Corys Country Park (now the Thurrock Thameside Nature Park) and the Bluehouse Country Park, which covers some of the application site. However, under guidance it states 'Develop disused mineral workings as parks as and when land becomes available in strategic locations identified: Cory and Bluehouse Country Parks' [224].
320. While the applicant considers this would not be suitable for a country park, because of the steep gradients and stability issues [106], given the identification of 'mineral workings', it seems to me that while the application site is partly covered by the location for a park on the map, the intention was to make use of the gravel pit adjacent to the golf course, as and when it became available.
321. The Green Infrastructure Plan for Thurrock 2006-2011 – Thurrock Greengrid Strategy, continues to identify the Cory and Bluehouse country parks (CD49/5 Fig 4.8). East/west and north/south routes of the Greengrid are shown passing through parts of the application site (CD49/50 fig 4.14). This document notes that country parks within Thurrock have also been identified in addition to the Open Space categories, although they did not form part of the Open Space Strategy (CD51). Thurrock Greengrid Strategy 2006-2011 – Creating a sustainable network of multi-functional greenspaces and links within Thurrock's towns and countryside' also identifies the Corys and Bluehouse parks and Greengrid.

322. Thurrock Council says there is no need for the proposed Strategic Open Space so close to the Thurrock Thameside Nature Park. However, the above documents show that there has been an intention to have two parks for a long time. Even if only the gravel pit next to the golf club were what was intended to be used, it would be even closer to the Thurrock Thameside Nature Park. My instinct is that the original intention was to find a use for the waste site at Cory and the gravel pit next to Bluehouse Farm as first identified. Given the proximity of The Thurrock Thameside Nature Park it does not seem necessary to have another country park and it would be hard to justify it on the basis of need alone.
323. Policy CSSP4 notes that proposals that would result in coalescence would be resisted, but also requires the opportunity for greater public access and biodiversity to be sought. The proposal would not cause coalescence and would overall result in greater public access and improved biodiversity [69].
324. The appellant notes that the Thurrock Thameside Nature Park would have a different purpose to that of the open space. While enabling access to the public its main purpose is nature conservation and education and it would not meet the needs of a multi-functional greenspace [109]. It is also noted in the Thames Gateway Greengrid Strategy – South Essex that the application site and land to the south and west of the application site does not fall into the catchment area of either a metropolitan or district park. None of Stanford-le-Hope is in the catchment of a district park and it notes this as a deficiency.
325. Natural England has concerns about the development [252] in relation to Mucking Flats, which is only about 0.75km from the application site and is a Site of Special Scientific Interest, and part of the wider Thames Estuary and Marshes Special Protection Area and Ramsar Site. It concludes that it is essential to have the strategic open space at the application site to deflect visitor pressure and residents away from the Thames Estuary and Marshes.
326. One of the findings in relation to the Thurrock Council Community Needs and Open Spaces Study (CD48) is that Country Parks are positively regarded, but tend to exclude those people who have no independent transport. It notes that Stanford-le-Hope and Corringham are not well provided for, but that was in 2005 and not with the Thurrock Thameside Nature Park. While the Thurrock Thameside Nature Park will be reasonably close to Stanford-le-Hope, the application site being at the very edge of Stanford-le-Hope and on the footpath network would provide good access.
327. There is little evidence to suggest that the 'Bluehouse' gravel pit workings would cease in the near future, but that there is a likelihood of them continuing for some time. However, if the gravel pit were to become available, as it is next to the application site, there is no evidence to suggest that it could not be used for the purposes first identified in the greengrid strategies, along side the application site if found to be appropriate.
328. The Thurrock Council Community Needs and Open Spaces Strategy does not identify a specific need for the proposed strategic open space, but it does identify a shortfall in parks and gardens. So, while the proposal does neither

fully fit the description of a park and garden nor fully the description of a country park, it would serve some of their purposes and have some limited benefit in terms of need, in relation to the identified shortfall in parks and gardens. It would also support SCS Policy CSSP4 2(ii), which indicates the council's support for improving connectivity between Thurrock's urban areas and the Green Belt [69].

329. More importantly, I consider that the arrangement of the various routes through the Strategic Open Space, including the bridle way, would have substantial benefits in relation to achieving/improving the Greengrid. This is not only because of the provision of the routes through the site, linking up a number of existing footpaths and enabling use of the network with considerably less need to use busy local roads, but also because the use of the routes would be greatly enhanced by the presence of the open space provided. The open space would also have considerable benefits in deflecting visitors away from the Thames Estuary and Marshes, relieving pressure on important sites, which Natural England considers to be important.
330. To my mind, the Strategic Open Space is a substantial benefit that is associated with the development of the current application site. Should the development of the Inset Map 5 land progress through the Site Specific Allocations Development Plan Document in isolation from the remainder of the application site, which I consider is likely sooner rather than later given the housing supply situation, the benefits of the strategic open space would most likely be lost. I conclude that the provision of the strategic open space (over and above that which would need to be provided in relation to policies) is a significant material consideration, contributing towards very special circumstances.

Other Matters

Sustainable Development

331. The application site is on greenfield land, so in terms of land use is not as sustainable as development on previously developed land. However, in terms of location, it is close to the edge of Stanford-le-Hope, which has good services and facilities in walking and cycling distance of the proposed houses [146], and the site would be connected into local networks. In addition, it would encourage more sustainable use of transport through the Transport Plans proposed for the school and proposed housing. Design of the houses is not to be considered at this stage, but there is no reason why appropriate energy efficient houses should not be achieved in association with proposed conditions.

Highways

332. RAID and the Stanford Forum and many interested parties are concerned about the impact the development would have on traffic in Butts Lane and on surrounding roads, particularly at peak times when associated with queuing traffic at level crossings and arrival and departure times at St Clere's School, opposite the application site. They would prefer to see the main access to the site taken away from Butts Lane, but this is not an

acceptable solution to the Highway Authority. RAID and other residents are particularly concerned that the number of cars identified in the applicant's survey of queuing at the level crossing is not representative of what actually occurs. The Transport Assessment is at CD10 and refers to queues in excess of between 13 and 18 vehicles at the level crossing¹⁸⁵ and at the inquiry it was acknowledged that queues would have been longer than this.

Interested parties refer to queues regularly of 60 cars and sometimes when delays occur on the railway, it can be up to 100 cars.

333. However, while I accept that increased traffic flows will be a result of the development, the number of cars added over the course of the day and at peak times, relative to the large number of cars queuing at the crossing, would only make a small difference. Clearly the cars from this development will increase traffic flows and that is acknowledged in the transport assessment. In my view, the mitigation measures, such as improving the lanes at the Butts Road junction and having queue detection loops, will help to manage flows, ensuring that there would be no significant impact from the development and possibly some additional benefit. These matters would be covered by the submitted obligation.
334. Similarly it is acknowledged that there could be potential impact in relation to school arrival and leaving times. To help alleviate problems, funding for on-site staff parking places is proposed, leaving the drop off points for buses and parents free for use, and to fund a travel plan for the school to encourage use of alternative means of transport. Again this aspect would be covered by the obligation submitted.
335. The increase in vehicle movements from the site would also have some effect on the road system in the wider area. While these effects are not sufficient to justify the proposal to fully fund required alterations to appropriate junctions, it is reasonable that some contribution is made towards them. The effect on the surrounding area has been identified by the transport assessment and recognised by Thurrock Thames Gateway Development Corporation [140-143] and appropriate mitigation measures agreed with Thurrock Council Highways. I consider that, with the proposed mitigation required by conditions and the obligation, the proposal would not have an unacceptable effect in relation to the surrounding highway network.

Education and St Clere's School

336. RAID and a number of interested parties are concerned that the school would not be able to accommodate the children that would come to live in the new houses and, in particular, they could displace children already in the area, and perhaps prevent siblings attending the same school [244]. Advice was sought through the asset development advisor by Thurrock Thames Gateway Development Corporation. While it is noted that the development is in the catchment of St Clere's School and Stanford-le-Hope Primary School, it was observed that the primary school is not full, nor are other schools in a 2 mile radius. It was noted that St Clere's School is currently over-subscribed, but because of the revision of forecasted

¹⁸⁵ CD10 – page 66, paragraph 6.81

numbers for the area, an educational contribution for expansion because of the proposed development, would not be sought, now or in the future (File 1 appendix 16). I therefore do not consider that problems with enrolment to St Clere's School should be anticipated in the future.

337. RAID complain that if the development is permitted it would override all the results on consultation that has occurred in relation to production of the Local Development Framework and identification of sites for development, which did not identify the whole of the application site [248]. In its and other residents' views this does not accord well with the principles of localism promoted by the Government. While I sympathise to some extent with this, as noted above, there are good reasons why more land for the five year housing supply is likely to be needed to be identified, and it is not unreasonable that development at the application site should be considered in terms of making up the shortfall. In addition, the current process has enabled interested parties to put forward their views on the development and these have been taken into consideration.

Amenity of neighbours [240]

338. The proposed main access to the development would be opposite Nos 53 and 55 Butts Lane. The owners and RAID are concerned that headlights from vehicles would cause an unacceptable nuisance to the occupiers. While I acknowledge there is some risk of headlight beams projecting to these houses, any harmful effect of them would be mitigated by boundary features and curtains within rooms, which are a normal feature and expected to be drawn at night, when car headlights would be on. In my opinion, there would not be a significant harmful impact on these neighbouring occupiers caused by car headlights.

Surface Water Drainage

339. Residents have made reference to existing surface water drainage problems and consequent flooding. I accept that there are limitations in relation to the existing surface water drainage system, and that controlled surface water flows from the development into the existing drains will be necessary. On site storage arrangements are proposed and the Environment Agency and Anglian Water consider that the information submitted indicates that an acceptable surface water drainage system can be achieved and raise no objection on flood risk grounds, subject to conditions and obligations.

Foul Drainage [243]

340. Residents' concerns about the ability of the foul drainage system are confirmed by consultations with Anglian Water, which notes that there would be an unacceptable risk of flooding downstream without appropriate mitigation. The problem is not at Tilbury Sewage Treatment Works, which has adequate spare capacity, but with the sewerage system near to the application site. Anglian Water recommend an appropriate condition to ensure suitable arrangements are made, and the Environment Agency recommends that development is not commenced until adequate capacity has been provided. The applicant's suggested solution is to connect the

sewerage outflow from the site to the existing system further away from the application site, by-passing the problem area.

341. I consider that there would be methods of overcoming this problem, but in relation to the suggested condition it should be more strongly worded than proposed in the statement of common ground, preventing development commencing until the design for the foul drainage has been submitted to and approved in writing by the planning authority and that no building should be occupied until the approved system has been constructed.

Community Facilities

342. RAID notes the lack of village halls in the area [245] and therefore in principle the proposed hall should be welcome and a positive consideration. Their concern relates to the way that it would be run and managed by those living in the new development. While it is noted that it should be made available for all, RAID considers that it could be managed in a way that it is fully utilised by those in the new housing, leaving little ability for existing residents to use it.
343. The obligation requires that the community building is made available as a community centre for assembly and leisure purposes by residents of the site, other parts of the administrative area of Thurrock and surrounding areas and by community, voluntary, charitable, social or recreational groups or organisations based or operating in such area or other users serving or benefiting the residents of such areas for assembly and leisure purposes. A requirement is that a management plan is submitted to the planning authority for approval. I am satisfied the community building would provide a service to all those in the area and this could be ensured through the obligation.

Conclusion and very special circumstances

344. Development of part of the application site at this time for housing is not consistent with the Local Plan, East of England Plan or the SCS, as the site is in the Green Belt and not currently identified for development. However, it could accord with Green Belt policy if there were found to be very special circumstances as identified by PPG2. It will cause substantial harm in terms of being inappropriate development, cause substantial harm to openness and considerable harm to the visual amenity of the countryside, changing its character and appearance from countryside to urban. I have accepted, because the application site is on the urban fringe, that once developed it would appear as an extension of Stanford-le-Hope.
345. I accept that the new Green Belt boundary would be logical in relation to the other parts of Stanford-le-Hope and would be readily defensible, but I do not consider this to be a 'positive' benefit that should add weight in terms of very special circumstances.
346. Policies in the East of England Plan and the SCS follow the general approach of Planning Policy Statement 3 – Housing, looking for a plan, monitor and manage approach to housing land supply. In furtherance of this the SCS has identified the Inset Map 5 area of the application site for possible future development. The intention is that the Site Specific Allocations Development

Plan Document would decide on which sites identified should be brought forward and when, enabling releases of Green Belt to be coordinated with take-up and development of previously developed land sites. The loss of the ability to coordinate this balance by early release of Green Belt land would cause harm.

347. However, given the severe shortage of housing in the identified 5 year housing land supply, I consider that it is likely that some Green Belt land would be brought forward at an early stage, so development of the Inset Map 5 area of the site now would only be likely to mean it is developed earlier rather than not at all, so I consider that this reduces the weight to be given to the harm of development of the Inset Map 5 land, in terms of the Green Belt, amenity, character and appearance .
348. The Inspector's view in relation to the SCS Examination is yet to be published. In principle, the approach of Thurrock Council in relation to responding to the current economic situation does not appear to be unreasonable. However, even with the proposed back loading to counter the economic situation, it is clear that the 5 year housing land supply in the current Housing Trajectory will not be achieved by a considerable margin, requiring even more back loading.
349. When the extent of housing that would be required towards the end of the period is considered against what has been achieved in the past 'buoyant' times, it would appear that a very difficult task would be set for the later years of the Trajectory. In these circumstances the plan, monitor and manage approach requires that consideration should be given to bringing deliverable sites forward. This is promoted not only by Planning Policy Statement 3, but by the East of England Plan and the SCS.
350. Therefore, bringing the site forward for development is not against the principles and aims of the East of England Plan or the SCS. However, the mechanism, particularly the Site Specific Allocations Development Plan Document, would be by-passed. I accept that this does mean that a fully managed approach would not be achieved, in that other sites that might be developed first are not able to be assessed. However the East of England Plan also notes that development should not be put on hold waiting for the appropriate planning documents to be produced. This is such a case.
351. There is a substantial need for deliverable housing, part of the site has been identified in the SCS process and to bring forward development on that part would not be against the aims and objectives of the development plan or the emerging development plan, just not accord with the process envisaged.
352. The provision of 35% affordable housing in the current economic climate is clearly a substantial benefit. Very little affordable housing is being achieved on other sites and even where it was previously agreed, the level of provision is being reduced. Normally I would not consider delivery of affordable housing in line with policy requirements to be a 'positive' benefit and therefore would not contribute to very special circumstances, but in the current economic climate if the affordable housing were to be delivered

soon, at that rate proposed, it would be a substantial material consideration contributing towards very special circumstances.

353. The provision of the Strategic Open Space may not fully accord with meeting a specific deficit identified in Thurrock Council's policies, but it does enable good connections associated with the identified location for the greengrid. The Strategic Open Space also provides a positive environment for the greengrid and an excellent opportunity for providing public access to open countryside for the population of Stanford-le-Hope, an identified aspect to be considered for Green Belt land under paragraph 1.6 of PPG 2. The land would also be improved, benefiting the countryside. While some of the application site would be retained in agricultural use, this is not a specific 'benefit' that adds positively towards very special circumstances. However, overall, I consider the Strategic Open Space, enhancement to the land and contribution towards the greengrid to be a significant benefit of the proposal, contributing substantial weight towards very special circumstances.
354. Overall, assuming that the provision of the houses would come forward in the short term as proposed, along with the affordable housing, I conclude that the accumulation of the benefits of the scheme would amount to material considerations that would together be very special circumstances that outweigh the harm to the Green Belt and other harm identified. This is a balanced decision as to some extent much of the special circumstances rely on a large proportion of the development being completed in the time scale put forward.
355. The adjustment of the standard timing conditions means that the reserved matters would have to be agreed quickly and an early start made, so by this stage the developer would have made a substantial commitment to the project, through design and applications, which should be taken into consideration. However, it should also be noted that not much on-site work has to be completed to demonstrate commencement of a planning permission, enabling the permission to be maintained into the future without completion of the houses. If construction occurred at a much later stage than envisaged, economic circumstances may not be the same and the very special circumstances may not have the same weight and this is a matter for the Secretary of State to consider.
356. Notwithstanding that there can be no certainty of early development, given the weight in relation to the need for housing (including affordable housing), the fact that part of the site has already been identified as having development potential and that bringing sites forward early is not against the principles of the EEP or SCS, I consider that these, and other benefits identified, amount to very special circumstances sufficient to outweigh the harm by reason of inappropriateness, and any other harm, and recommend that the application be approved. I include as Annex A conditions that I recommend be imposed and which I consider are necessary to achieve a satisfactory standard of development.

Recommendation

357. I recommend that the application be approved subject to conditions.

Graham Dudley

Inspector

APPEARANCES

FOR BARRATT HOMES:

Mr M Lowe	QC, Instructed by Mr M D Hull
He called	
Ms M Bolger CMLI, Dip	Liz Lake Associates, Chartered Landscape
LA, BA Hons LA, PGCE,	Architects
BA Hons Eng	
Mr M D Hull BA, MA,	Director of Kember Loudon Williams LLP,
MRTPI	Planning and Environmental Consultants
Mr M Last	Highway consultant

FOR THURROCK COUNCIL:

Mr J Pereira,	Of Counsel, instructed by Miss Tasnim, Head of
	Legal Services
He called	
Mr P Clark BSc	Principal Planning Officer, Strategic Planning
Environmental Planning,	Team, Thurrock Thames Gateway Development
MRTPI	Corporation

FOR THURROCK THAMES GATEWAY DEVELOPMENT CORPORATION

Mr P Shadarevian	Of Counsel, Instructed by Mr D Moseley
He called	
Mr D Moseley MA Hons	Planning Development Officer, Thurrock Thames
DMS MRTPI	Gateway Development Corporation

FOR RESIDENTS AGAINST INAPPROPRIATE DEVELOPMENT & STANFORD FORUM (RAID)

Mr T Piccolo
He called
Mr T Piccolo

INTERESTED PARTIES:

Cllr Shane Hebb	Local Councillor, Stanford-le-Hope West
Mr C W Hurst	Local resident
Mr K Osborne	Chair of St Clere's Golf Club
Mr D Figes	Local resident
Mrs E Ross	Local resident

CORE DOCUMENTS

Documents 1 to 20 submitted with the planning application

Document	CD1	Application Forms and Certificates
	CD2	Planning Statement (Kember Loudon Williams, October 2010)
	CD3	Environmental Statement (Kember Loudon Williams, October 2010)
	CD4	Non-technical Summary for Environmental Statement (Kember Loudon Williams, October 2010)
	CD5	Design and Access Statement (Rummey Design, October 2010)
	CD6	Statement of Community Involvement (Hard Hat, October 2010)
	CD7	Sustainability Statement (Daedalus)
	CD8	Flood Risk and Drainage Assessment (Ardent, October 2010)
	CD9	Services Statement (Ardent, October 2010)
	CD10	Transport Statement (Ardent, October 2010)
	CD11	Framework Residential Travel Plan (Ardent, October 2010)
	CD12	Arboricultural Impact Assessment (Tim Moya Associates, Oct 2010)
	CD13	Safer Routes to School Assessment (Ardent, September 2010)
	CD14	Public Rights of Way Assessment (Ardent, 2010)
	CD15	Noise Impact Assessment (Ardent, October 2010)
	CD16	St Clere's Hall Golf Club Needs Assessment (SLC, Jan 2011)
	CD17	Road Safety Audit Stage 1 (M&S Traffic Ltd, Jan 2011)
	CD18	Stanford-le-Hope Sports Contribution Paper (SLC, Jan 2011)
	CD19	Cultural Heritage Desk Based Assessment (CgMs, Sep 2010)
	CD20	Butts Lane, Stanford-le-Hope H160-09 'Access Options Appraisal December 2010' (Ardent, Dec 2010)

Document 21 Additional information submitted in relation to the application

CD21	Letter from Liz Lake Associates dated 14 January 2011 to Martin Hull
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CD 22 to 31 – See Plans Below

Documents 32 and 33 - TTGDC Committee Reports

Blue folder	CD32	Planning Report to TTGDC's 14 th February 2011 Planning Committee
Blue folder	CD33	Supplementary report to TTGDC's 14 th February Planning Committee

Core Documents submitted in relation to the application prior to the inquiry

- CD34 Thurrock LDF Core Strategy and Policies for Management of Development DPD – Submission Draft, February 2010
- CD35 Thurrock LDV Core Strategy – Final Draft RSS Compliance Sieving Schedule of the Proposed Focused Changes, 10th March 2011
- CD36 Thurrock Borough Local Plan 1997
- CD37 Thames Gateway South Essex: Strategic Housing Market Assessment: Update Report, May 2010
- CD38 Thames Gateway South Essex Strategic Housing Market Assessment (SHMA) (2008) (handed in at inquiry)
- CD39 Thurrock Council Assessment of 5 year Housing Land Supply 2010 (January 2011)
- CD40 Thurrock Council Assessment of 5 year Housing Land Supply 2010 (March 2010)
- CD41 Housing Needs Survey 2004
- CD42 Chelmer Model for the East of England Plan Review (Summer 2009)
- CD43 Thurrock LDF – Site Specific Allocations Development Plan Document (November 2007)
- CD44 Thurrock LDF Topic Supplement 1A: Assessing an appropriate level of housing, Thurrock Council (16 Nov 2010)
- CD45 Strategic Housing Land Availability Assessment (SHLAA) (4 volumes), February 2010
- CD46 Thurrock Council Annual Monitoring Report 2010
- CD47 Thurrock Council Annual Monitoring Report 2005
- CD48 Thurrock Council Community Needs and Open Spaces Study 2005 (pages 40 – 59 handed in at inquiry)
- CD49 Thurrock Green Infrastructure Framework Plan
- CD50 Green Infrastructure Plan for Thurrock 2006-11
- CD51 Open Spaces Strategy 2006 – 2011 (contents and page 27 handed in at inquiry)
- CD52 Sport and Active Recreation Strategy for Thurrock (TTGDC and Thurrock Council, 2007)
- CD53 Thames Gateway South Essex Green Grid Strategy (2005)
- CD54 Thurrock Green Grid Strategy for Thurrock 2006-2011
- CD55 Thurrock Council Landscape Capacity Study (Chris Blandford Associates, March 2005)
- CD56 Thurrock Biodiversity Study 2006-2011 (EECOS)
- CD57 Creating Sustainable Communities: Delivering the Thames Gateway (ODPM, 2005)
- CD58
- CD59
- CD60
- CD61 TTGDC Planning Obligations Strategy – Technical Report
- CD62 TTGDC Planning Obligations Strategy – (TTGDC, 2010)
- CD63 TTGDC Regeneration Framework (TTGDC, 2006)
- CD64 TTGDC Spatial Plan (TTGDC, 2006)
- CD65 TTGDC East Thurrock Masterplan (TTGDC, 2009)
- CD66 TTGDC Thurrock Regeneration Plan (TTGDC, 2010)
- CD67 Appal Decision – Bata Field (November 2010) Ref APP/M9565/A/09/2114804 (BAR 8 appendix 2)
- CD68 Appeal Decision – Arndale School (Jan 2010) Pins ref

- APP/M9565/A/09/2112346 & APP/M9565/A/09/2112350 (BAR 8 appendix 3)
- CD69 Core Strategy and Policies For Management of Development (Core Strategy) – Post Submission Representation on Proposed Focused Changes – Clarification (March 2011)
- CD70 Creating sustainable communities: Greening the Gateway – A greenspace strategy for Thames Gateway 2004
- CD71 Creating sustainable communities: Greening the Gateway Implementation Plan 2005
- CD72 Planning Application No 11/50297/TTGCND by Cory Environmental Ltd Proposed variation of Conditions 2, 4 and 14, Planning Ref 06//00663/TTGND: Mucking Landfill Site, Mucking
- CD73 -
- CD74 Thurrock Council's 'Housing Trajectory Chart' extracted from 2010 AMR
- CD75 List of saved Policies in the Thurrock Local Plan (1997)
- CD76 Thurrock Local Development Framework: Core Strategy and Policies for Management of Development, DPD – incorporating 'Proposed focused changes – tracked changes' November 2010
- CD77
- CD78 TTGDC Document '5 year land supply in Thurrock', July 2011
- CD79 Thurrock Council's AMR 2008
- CD80 Extract from Thurrock Council's 'Assessment of Thurrock Minerals and Waste Sites – Issues and Options – December 2009'
- CD81 MB Figure 4: Proposals from the Thurrock Greengrid Strategy (BAR 9 appendix 1)
- CD82 MB Figure 5: Thurrock Thameside Nature Park (BAR 9 appendix 1)
- CD83 MB Figure 6: Outline Strategic Open Space Proposals (BAR 9 appendix 1)
- CD84 Promoting Recovery in Housing Supply, DCLG, April 2010
- CD85 Statement of Common Ground (July 2011)
- CD86 Statement of Common Ground Highways (August 2011)

APPLICANT'S DOCUMENTS HANDED IN PRIOR TO THE INQUIRY

- Document BAR1 Urban Design Statement - Kevin Radford (July 2011)
- BAR2 Urban Design Statement of Kevin Radford - Appendix A
- BAR3 Urban Design Statement of Kevin Radford – Appendix B
- BAR4 Flood Risk and Drainage – Written Statement Ardent (September 2011)
- BAR5 Highways – Written Statement – Ardent (September 2011)
- BAR6 Health and Safety Review of Proximity of High Pressure Gas Pipelines – Cooper Associates (September 2011)
- BAR7 Ecology and Nature Conservation Statement – Liz Lake Ass (September 2011)
- BAR8 Proof of Evidence of Martin Hull with appendices 1 - 13
- BAR9 Proof of Evidence of Michelle Bolger with appendices 1 - 4

THURROCK COUNCIL'S DOCUMENTS HANDED IN PRIOR TO THE INQUIRY

Document TC1 Proof of Evidence of Paul Clark with appendices PC1 – PC41 and summary proof

THURROCK THAMES GATEWAY DEVELOPMENT CORPORATION'S DOCUMENTS HANDED IN PRIOR TO THE INQUIRY

Document TTG1 Proof of Evidence of David Moseley with appendices DM1 – DM3 and summary proof

RAID & THE STANFORD FORUM'S DOCUMENTS HANDED IN PRIOR TO THE INQUIRY

Document RAD1 Summary Proof of Mr T Piccolo
RAD2 Proof of Evidence of Mr T Piccolo with appendices 1 to 7_____

INTERESTED PARTIES AND CONSULTATION RESPONSES

Document FILE1 Consultation Responses
FILE3 Notifications and Representations relating to the original application
FILE4 Representations received in relation to the inquiry

DOCUMENTS SUBMITTED AT THE INQUIRY

Document INQ1 Notification letter
IMQ2 Opening statement for the applicant
INQ3 Opening submissions on behalf of Thurrock Thames Gateway Development Corporation
INQ4 Planning Obligation
INQ5 LDF monitoring information
INQ6 Thurrock Council's response to scoping opinion
INQ7 List of intended building sizes
INQ8 Note by Ms Bolger relating to CD53
INQ9 Pages 49 – 53 – Community Needs and Open Spaces Study – Thurrock Council
INQ10 Thurrock Council's response to Mr Hull's appendix 9A and 9B
INQ11 Written statement of Thurrock Council clarifying position on total number of dwellings comprising the five year supply
INQ12 Extract from the Open Spaces Strategy pages 21 and 22
INQ13 HSE's Land Use Planning Methodology
INQ14 Factual note on Barratt Eastern Counties Trading Position
INQ15 Ms E Ross statement
INQ16 Mr D Figes statement
INQ17 Cllr S Hebb statement with attachments
INQ18 Committee report for development at Aveley

- INQ19 East of England Plan
- INQ20 Planning Obligations Strategy Thurrock Thames Gateway Development Corporation
- INQ21 Planning Obligation Policy References
- INQ22 Note 2 by Ms Bolger
- INQ23 Secretary of State Report on Application S/2009/1943/FUL
- INQ24 RAID and The Stanford Forum closing statement
- INQ25 Thurrock Council's opening statement
- INQ26 Thurrock Council's closing submissions
- INQ27 Thurrock Thames Gateway Development Corporation closing submissions
- INQ28 Applicant's closing submissions

PLANS

Plan Documents CD 22 – 30 Plans considered with the application

- CD22 09/164/01 Rev D – Location Plan (Non Illustrative)
- CD23 D1291-GA-100 Rev B – Indicative Block Layout (Illustrative)
- CD24 D1291-GA-102 – Land use map (Non illustrative)
- CD25 D1291-GA-103 – Building Heights (Non illustrative)
- CD26 D1291-GA-104 – Access Parameters Plan (Non illustrative)
- CD27 H160-010 Rev B – Proposed Improvements to Butts Lane (Non illustrative)
- CD28 H160-010 Rev A – Compact Roundabout at School Exit and priority access opposite No 53 / 55 (Non illustrative)
- CD29 H160-012 Rev A – Potential Road Safety Scheme – Walton Hall Road (Non illustrative)
- CD30 Fig 7.11 Rev D – Outline Proposals for new Strategic Open Space at St Cleres (Illustrative)

Document 31 Superseded Master Plan

- CD31 D1291-GA-100 – Stanford-le-Hope illustrative Master plan (Superseded)

Annex 1

Proposed Conditions

1. Details of the appearance, landscaping, layout and scale, (hereinafter called "the reserved matters") shall be submitted to and approved in writing by the local planning authority before any development begins and the development shall be carried out as approved.

Application for approval of the reserved matters shall be made to the local planning authority not later than two years from the date of this permission.

The development hereby permitted shall begin not later than one year from the date of approval of the last of the reserved matters to be approved.

Reason: Permission is granted having regard to the very special circumstances advanced in this case, including the contribution towards the supply of housing and affordable housing. To establish a timescale for the submission of reserved matters and implementation, having regard to the scale of development and Sections 91 to 95 of the Town and Country Planning Act 1990 as amended by Section 51 of the Planning and Compulsory Purchase Act 2004.

2. Subject to compliance with the requirements of any other conditions, the submission of Reserved Matters for any part of the site or phase shall demonstrate conformity with the following key design parameters accompanying the application:
 - (a) The approach to building height detailed on the 'Building Heights' plan ref: D1291-GA-103 accompanying the application;
 - (b) The vehicle access points, pedestrian and cycle links and network detailed on the 'Access Parameters Plan; ref: D1291-GA-104 accompanying the application;
 - (c) The desire to retain and accommodate the trees detailed on 'Proposed Layout and Tree Removals' plans: 200905-P-02-01 (Top of site), 200905-P-02-02 (Middle) and 200905-P-02-03 (Bottom of site) and associated 'Arboricultural Impact Assessment' (Oct 2010);
 - (d) To create pedestrian and cycle networks through the site as illustrated on Figure 7.11 Revision D;
 - (e) The desire to create a road hierarchy as detailed in Section 4.4.3 'Street hierarchy and types' on page 47 of the Design and Access Statement (15th October 2010) and at figure 4.6 (page 49).

Reason: To ensure that individual reserved matters and phases follow master planning principles, do not prejudice the ability to deliver the development in a manner which is coherent and compliant with Local Plan Policies BE1, BE4, LR6, T1 and T11 and RSS Policies ENV1, ENV3, T2, T9 and Emerging LDF Core Strategy Policies PMD1, PMD7 and PMD2.

3. In the event that there is more than one phase, prior to the submission of any Reserved Matters pursuant to Condition 6, a Design Code shall be submitted to, and approved in writing by, the Local Planning Authority. The Design Code shall, where relevant, have reference to the Design and Access Statement supporting the outline application, and shall in any case address and codify the following matters:

Built form:

- Block structure
- Building forms and types
- Use of building heights to enhance legibility
- Corner treatments
- Elevation composition
- Placement of entrances
- Building materials palette

Public realm:

- Landscape design principles
- Street types
- Surface materials palette
- Street furniture and design of play equipment, lighting and boundary treatments
- Planting palette
- Integration of car parking and traffic calming measures
- Incorporation of public art

Private space:

- Living standards which will establish a benchmark for detailed submissions to be assessed against, e.g. storage provision for individual dwellings, provision of private outdoor space
- Integration of usable terraces and balconies

Other matters:

- Character areas
- Types of refuse and recycling storage
- Cycle parking
- Standards to be applied (including back-to-back distances, car parking ratios, garden sizes) which shall have regard to the adopted standards

Proposals contained within applications for the approval of Reserved Matters pursuant to Condition 6 shall comply with the 'Mandatory' sections of the Design Code and shall have regard to the illustrative material and non-mandatory codes. Construction shall be in accordance with the 'Mandatory' section of the approved Design Code. There shall be no amendment to the approved Design Code.

Reason: To ensure that the proposed development is visually satisfactory, provides satisfactory living conditions for future residents and that consistency is maintained throughout the development. To accord with the Development Corporation's published guidance and to ensure compliance with Local Plan Policy BE1, BE2, LR6, T11 RSS Policy ENV7, T9 and emerging LDF Policies CSTP29, PMD2, PMD9, PMD12.

4. The development shall not be begun until a detailed programme of phasing of the Development has been submitted to, and approved in writing by, the Local Planning Authority (herein referred to as 'the Phasing Strategy'). The Phasing Strategy shall include;
- a. A plan defining the extent of the works comprised within each phase;
 - b. Details of the number of residential units to be accommodated within each phase;
 - c. A strategy for accommodating the affordable housing;
 - d. The infrastructure works to be included within each phase, including works within the existing highway;
 - e. A timetable for the implementation of works within each phase;
 - f. Detail of the timing for the provision of the Community Building;
 - g. Details of the quantum of open space to be provided in each phase and a timetable for its provision;
 - h. Details for the landscaping and works associated with the 42ha of Strategic Open Space together with details of the timing of its provision for use by the public.
- The development shall be implemented in accordance with the approved Phasing Strategy.

Reason: To ensure the timely delivery of infrastructure and to protect the amenity of the area. To ensure the public open space is provided and in a timely manner. In accordance with Thurrock Borough Local Plan Policies LR4, LR6, BE3, BE4 and BE10 and emerging LDF Policy CSTP22 and PMD2.

5. Development shall not commence on any phase (as so defined pursuant to the approved Phasing Strategy under Condition 4) until details of:
- (a) the Layout of that phase of the new development;
 - (b) the Scale of that phase of the new development;
 - (c) the Appearance of that phase of new development;
 - (d) the Means of Access approved by this permission. Such details shall include access within the site for vehicles, cycles and pedestrians in terms of the positioning and treatment of access and circulation routes and how these fit into the surrounding access network; and
 - (e) the Landscaping of that phase of the site (hereinafter called the 'Reserved Matters'), have been submitted to, and approved in writing by, the Local Planning Authority for that phase. Development shall be carried out in accordance with the approved details.

For the purposes of this condition, 'Development' shall exclude: demolition, archaeological investigations, and investigations for the purpose of assessing ground conditions.

Reason: The application as submitted does not give particulars sufficient for the consideration of the reserved matters and to accord with Section 92 of the Town and Country Planning Act 1990 as amended by Section 51 of the Planning and Compulsory Purchase Act 2004. To ensure the development is undertaken on the basis of the development proposed and accompanying assessments which has been advanced at outline stage, assessed and agreed and to which the reserved matters should adhere.

6. The development hereby permitted shall:
- (a) Not exceed 350 residential units (Use Class C3);
 - (b) Accord with the extent, location and quantum of the following uses detailed on drawing D1291-GA-102 accompanying the application:
'residential, roads and local open space',
Strategic Landscape Buffer - screen planting',
'other local open space'.
 - (c) Contain a series of public open spaces of at least the extent and distribution shown on the drawing D1291-GA-102.
 - (d) Include a Community Building (Use Class D2 - Assembly and Leisure) of 300sq,m within the area detailed for 'Residential' or 'Community Centre' on plan D1291-GA-102 accompanying the application.
 - (e) Include 42.33ha of 'Strategic Open Space', the extent and location of which shall accord with the details on plan Figure 7.11 Revision 'D'.
 - (f) The mix of units to be delivered by the totality of development shall comprise a mix not exceeding 15% one and two bedroom flats and 85% houses.

Each application for Reserved Matters incorporating residential units shall be accompanied by:

- (i) a schedule of residential accommodation proposed within that phase(s) together with an updated schedule of residential units to be delivered by further phase(s) of development,
- (ii) an updated illustrative Masterplan of the totality of the residential development at a scale of 1:1000 together with a site wide plan;
- (iii) details of how the development proposed would ensure that the remaining quantum of development permitted and the requirement for open space can be satisfactorily accommodated on-site having regard to the requirements of this condition.

Reason: In the interests of creating a balanced community and housing supply whilst ensuring that the development can be successfully accommodated within the site. To ensure that public open space, public realm and play space is adequately provided. In accordance with PPG17, Local Policies LR6, LR7, BE3 and BE4, emerging LDF Policies PMD5, PMD2, CSTP22. (i-iii) To ensure that individual reserved matters and phases do not prejudice the ability to deliver the development hereby permitted in an acceptable manner.

7. Applications for approval of Reserved Matters pursuant to Condition 5 (Parts (a) Layout (b) Scale and (c) Appearance) shall be accompanied by a Sustainable Design and Construction Code for that phase. The Sustainable Design and Construction Code shall:
- (a) detail the area to be covered by the Sustainable Design and Construction Code;
 - (b) detail when development is proposed to commence and be completed on that phase;
 - (c) provide a brief review of the technical solutions prevailing at the time;
 - (d) indicate how the proposed building design(s) realise(s) opportunities to include design and technology energy efficiency measures;
 - (e) detail the sustainable design measures incorporated into the phases, including but not limited to, building orientation, passive solar gain and sustainable landscape design, water conservation and efficiency measures;
 - (f) detail how this phase will contribute to the residential development as a whole securing at least 10% of its energy from decentralised and renewable or low carbon sources;
 - (g) confirm the Code for Sustainable Homes (or an equivalent assessment method and rating) standard(s) to be achieved for the proposed building(s) having regard to the requirements of this condition and contain an interim certificate by an accredited assessor for the Code for Sustainable Homes (or an equivalent assessment method and rating) confirming that the design for the dwellings within that phase achieve the Code Level specified;
 - (h) detail how sustainable construction methods will be utilised.

The Code for Sustainable Homes level to be achieved by the residential development shall be:

Those dwellings completed, or in the case of apartment buildings substantially completed, during the period up to and including 2012 will meet Code for Sustainable Homes (CSH) Level 3 as a minimum;

Those dwellings completed, or in the case of apartment buildings substantially completed, from 1st January 2013 onwards will meet Code for Sustainable Homes level 4 as a minimum;

For those dwellings completed, or in the case of apartment buildings substantially completed, post 2014 there shall be a presumption for the phase to meet Government targets for Code for Sustainable Homes prevailing at the time of completion of the phase, unless it is demonstrated, via a submission with the Sustainable Design and Construction Code, to the satisfaction of the Local Planning Authority that this is not feasible or viable and that a lower standard should be applied.

The Sustainable Design and Construction Code for the relevant phase shall be submitted to, and be approved in writing by, the Local Planning Authority prior to the commencement of development on that phase.

Development shall be carried out in accordance with the approved Sustainable Construction Code for that phase. Within 3 months of the first occupation of each dwelling

(or apartment) (or at an alternative time first agreed in writing), a 'Post Construction Review' carried out by a suitably qualified person shall be submitted to, and approved in writing by, the Local Planning Authority to confirm that the required Code for Sustainable Homes level has been met for each dwelling. Prior to the residential occupation of 90% of the phase, written confirmation shall be submitted to and agreed in writing by the local planning authority, that the energy efficiency measures and measures to secure the energy from decentralised and renewable or low-carbon sources has been incorporated in the manner agreed.

For the purposes of this condition 'Development' shall exclude: site clearance, demolition, archaeological investigations, investigations for the purpose of assessing ground conditions, remedial work in respect of any contamination or other adverse ground conditions.

Reason: To ensure that the development is sustainable in accordance with national government advice contained in 'The Code for Sustainable Homes: Setting the Sustainability Standards for New Homes', PPS1 and PPS22 and Local Plan Policy BE11, Development Corporation published guidance and RSS Policies ENG1 and ENG2 and emerging LDF Policy PMD2 and PMD12.

8. The dwellings and flats on the site shall meet the Lifetime Homes Standard. The reserved matters pursuant to Condition 5 (Parts (a) Layout (b) Scale and (c) Appearance) shall be accompanied by a statement outlining the specification for Lifetime Home applied and detailing the proposed development's compliance with that specification. Development shall be undertaken in accordance with the approved details.

Reason: To accord with the details submitted with the application and to produce flexible, accessible and adaptable homes appropriate to diverse and changing needs. To accord with emerging LDF Policy CSTP1 and PMD16.

9. Applications for approval of Reserved Matters pursuant to Condition 5 (Parts (a) Layout (b) Scale and (c) Appearance) shall be accompanied by a 'Scheme for Noise Insulation' for the dwellings which should accord with the Noise Impact Assessment accompanying the outline application (Arden Consulting, ref: H160-008, Oct 2010). The measures shall; (a) propose appropriate measures to ensure that the noise level within any habitable room meet 'good' internal noise standards in BS8233:1999 and (b) detail the measures proposed to ensure that the external noise environment is acceptable having regard to World Health Organisation values for Community noise in specific environments.

There shall be no residential development undertaken on that phase until such a scheme has been submitted to, and agreed in writing by, the Local Planning Authority. The measures agreed in writing with the Local Planning Authority shall be incorporated in the manner detailed prior to the residential occupation of the residential units to which the

mitigation is specified and such measures shall thereafter be permanently retained in the agreed form.

For the purposes of this condition 'Residential Development' shall exclude: site clearance, demolition, archaeological investigations, investigations for the purpose of assessing ground conditions, remedial work in respect of any contamination or other adverse ground conditions.

Reason: To accord with the details submitted with the application. In the interest of the amenities of future occupiers. To accord with emerging LDF Policy CSTP22 and PMD2

10. Until the landscaping scheme has been submitted to, and approved in writing by, the Local Planning Authority pursuant to the Reserved Matters, all existing trees, shrubs and hedgerows on the site shall be retained and shall not be felled, lopped or topped without the prior written consent of the Local Planning Authority. If any existing trees, shrubs or hedgerows are removed without such consent or if any become dead or dying or seriously diseased or are severely damaged, they shall be replaced with others of a species, number, size and in positions to be agreed in writing with the Local Planning Authority, such replacement to take place within the first planting season after the Local Planning Authority's written agreement. Any works to existing trees, shrubs and hedgerows which may prove necessary shall be carried out in strict accordance with a written scheme to be submitted to and approved in writing by the Local Planning Authority prior to the carrying out of those works.

Reason: To ensure that landscaping is not removed in advance of the consideration of landscaping, in the interests of visual amenity and can biodiversity. To accord with PPS9, PPG17 and Local Plan Policies BE1, BE4, LR7 and LN12 and Emerging LDF Policies PMD7, CSTP19 and PMD2.

11. The Reserved Matters details to be submitted in accordance with Condition 5(e) (Landscape) shall include a Landscape Scheme (herein referred to as the 'Residential Landscape Scheme') relating to the 15ha parcel comprising the residential area, strategic landscape buffer and boundary with Butts Lane as detailed on Plan ref L D1291-GA-102 (ie. all the site except the Strategic Open Space). The Residential Landscape Scheme shall include, but not be limited to, details of:
- (a) Trees, hedgerows and other landscape features to be removed, retained, restored or reinforced,
 - (b) The location, species and size of all new plants, trees, shrubs and hedgerows to be planted, those areas to be grassed and/or paved, and for a programme of planting, transplanting and maintenance,
 - (c) Written specifications (including cultivation and other operations associated with plant and grass establishment);
 - (d) Surfacing materials,

- (e) Construction methods in the vicinity of retained trees and hedges, including protection measures in accordance with BS4428 and BS5837:2005,
- (f) Details of the extent and method for translocating the existing hedge adjacent to Butts Lane.
- (g) Pit design for tree planting within streets or areas of hard landscaping,
- (h) Existing and proposed levels comprising spot heights, gradients and contours, grading, ground modelling and earth works,
- (i) Locations and specifications and product literature relating to street furniture including signs, seats, bollards, planters, refuse bins, location of play areas,
- (j) Boundary treatments and means of enclosure with particulars of locations, heights, designs, materials and types of all boundary treatments to be erected on site,
- (k) Whether such land shall be accessible by the public and the management principles for such area,
- (l) How the landscaping scheme proposed promotes ecological interests and biodiversity in a manner which accords with the Environmental Statement accompanying the application.
- (m) The location, enclosure, surfacing, landscaping and play equipment for the play spaces
- (n) Programme of Implementation and maintenance.

The Residential Landscaping Scheme, associated works and play areas shall be completed in accordance with the approved programme that has been approved as part of the reserved matters.

Any newly planted tree, shrub or hedgerow dying, uprooted, severely damaged or seriously diseased or existing tree, shrub or hedgerow to be retained, dying, severely damaged or seriously diseased, within a period of 5 years from completion of the landscape scheme shall be replaced within the next planting season with others of the same species and of a similar size, unless the Local Planning Authority gives prior written consent to any variation.

Management and maintenance of the open space and landscaped areas and play equipment shall be in strict accordance with the approved details.

Reason: To ensure that the proposed development is satisfactorily integrated with its immediate surroundings, enables high quality design, incorporates measures to promote biodiversity in accordance with the Habitat Survey and that adequate provision is made for open space and play equipment in the interests of the amenity of future occupiers. To accord with PPS9, PPG17 and Local Plan Policies BE1, BE4, LR7 and LN12, Emerging LDF Policies PMD2, PMD7, CSTP22 and CSTP23.

12. The Reserved Matters details to be submitted in accordance with Condition 6(e) (Landscape) shall include a Landscape Scheme (herein referred to as the 'Strategic Open Space Landscape Scheme') relating to the 42.3ha parcel comprising the strategic open space as detailed on Figure 7.11 Rev D (i.e. all areas except the Residential Area and associated open space). The Strategic Open Space Landscape Scheme shall include, but

not be limited to, details of:

- (a) Trees, hedgerows and other landscape features to be removed, retained, restored or reinforced,
- (b) The location, species and size of all new plants, trees, shrubs and hedgerows to be planted, those areas to be grassed and/or paved, and for a programme of planting, transplanting and maintenance,
- (c) Written specifications (including cultivation and other operations associated with plant and grass establishment),
- (d) Surfacing materials,
- (e) Existing and proposed levels comprising spot heights, gradients and contours, grading, ground modelling and earth works,
- (f) Locations and specifications and product literature relating to signs, seats, bollards, planters, refuse bins,
- (g) Boundary treatments and means of enclosure with particulars of locations, heights, designs, materials and types of all boundary treatments to be erected on site,
- (h) Whether such land shall be accessible by the public and the management principles for such area,
- (i) How the landscaping scheme proposed promotes ecological interests and biodiversity in a manner which accords with the Environmental Statement accompanying the application.
- (j) Implementation timetables,
- (k) Programme of maintenance.

The Strategic Open Space Landscape Scheme and associated works shall be completed in accordance with a programme that has been agreed in writing by the Local Planning Authority.

Any newly planted tree, shrub or hedgerow dying, uprooted, severely damaged or seriously diseased or existing tree, shrub or hedgerow to be retained, dying, severely damaged or seriously diseased, within a period of 5 years from completion of the landscape scheme shall be replaced within the next planting season with others of the same species and of a similar size, unless the Local Planning Authority gives prior written consent to any variation.

Management and maintenance of the open space and landscaped areas shall be in strict accordance with the agreed details.

Reason: To ensure that the proposed development is satisfactorily integrated with its immediate surroundings, enables high quality design, incorporates measures to promote biodiversity in accordance with the Habitat Survey and that adequate provision is made for open space and play equipment in the interests of the amenity of future occupiers. To accord with PPS9, PPG17 and Local Plan Policies BE1, BE4, LR7 and LN12 and emerging LDF Policies PMD2, PMD7, CSTP22 and CSTP23.

13. Unless contaminated, overburden, top-soils and sub-soils resulting from ground works shall be retained on-site for purposes including landscaping. Such soils shall be stockpiled and managed in a way to ensure that different soils are not mixed, contaminated or damaged by vehicles or construction. During site preparation and construction, no waste material shall enter the site.

Reason: To ensure the retention of existing soils on the site for landscaping purposes and to minimise the impact of the development on groundwater, residential amenity and highway network. Furthermore, importing waste material would raise alternate environmental concerns, which would need to be considered afresh. In accordance with PPS25, emerging LDF Core Strategy Policy PMD1.

14. Notwithstanding the details accompanying the application, prior to the commencement of development, a scheme of highway works in Butts Lane shall be submitted to, and approved in writing by, the Local Planning Authority. Such details shall include:
- (a) Design, layout and construction details of the junctions comprising the northern T-junction and the southern roundabout;
 - (b) Details of road widening;
 - (c) Details of sight splays;
 - (d) Details of the footway(s) and cycleways(s);
 - (e) Details of a minimum of four pedestrian refuges;
 - (f) Traffic calming measures, including gateway features;
 - (g) Traffic safety measures, including the use of anti-skid surfacing;
 - (h) Details of signage;
 - (i) Details of drainage;
 - (j) Details of works to repair and or relay the surface course of the highway (including footways);
 - (k) Details of tie-ins to existing footways and carriageways;
 - (l) A scheme of lighting, including lux levels;
 - (m) Details of any parking restrictions within the public highway;
- shall be submitted to, and approved in writing by, the Local Planning Authority.

The approved highway works shall be completed prior to the first occupation of any dwelling served by that junction as defined in the phasing plan required by Condition 4.

For the purposes of this condition, 'Development' shall exclude: site clearance, demolition, archaeological investigations, investigations for the purpose of assessing ground conditions, remedial work in respect of any contamination or other adverse ground conditions.

Reason: Whilst the points of access / egress to and from the site are acceptable, amendments to and further detail of the highway works are needed, in the interests of safety and amenity. To accord with PPG13, The Manual for Streets and Local Plan Policies

BE1 and T11 and emerging LDF Policy PMD2 and PMD9.

15. Application(s) for approval of Reserved Matters for a phase pursuant to Condition 5 (parts (a) and (d) shall include (where applicable) the following details: Movement network including layout of streets, visibility splay(s), sightlines, accesses, turning space(s), footways, cycleways and footpaths. The details to be submitted shall include plans and sections indicating design, layout, levels, gradients, materials and method of construction. It shall also detail how that phase fits into a comprehensive movement network for the totality of the site and links off site.
- (a) External lighting (including to roads, car parking areas, footways / cycleways) and shall include details of the spread and intensity of light together with the size, scale and design of any light fittings and supports and a timescale for its installation. The external lighting shall be provided in accordance with the approved details and timescales.
 - (b) Street furniture,
 - (c) Surface finishes,
 - (d) Cycle and car parking,
 - (e) Signage,
 - (f) Estate road construction and geometry. Details of whether such roads are proposed to be put forward for adoption by the Local Highway Authority
 - (g) Drainage (including to roads, car parking areas, footways / cycleways)
 - (h) Timescale for the provision of this highway infrastructure.

The details submitted pursuant to this condition shall (where applicable) accord with the mandatory parts of the Design Code approved pursuant to Condition 3 unless otherwise first agreed in writing with the Local Planning Authority.

The development shall be implemented in accordance with the approved details and timescales or in accordance with any variation first agreed in writing by the Local Planning Authority.

Reason: The application as submitted does not give particulars sufficient for the consideration of the Reserved Matters. To ensure the comprehensive planning and design of the site and in the interests of safety, amenity and sustainability. To accord with PPG13, The Manual for Streets and Local Plan Policies BE1, T8, T11, LR17 and LDF Policy PMD2, PMD8 and PMD9.

16. Vehicular access to the residential development shall be from Butts Lane in the manner approved and there shall be no other means of vehicular access to the residential element of the site.

Reason: In the interest of amenity, in accordance with Policy BE1 and emerging LDF policies PMD1 and PMD2.

17. Residential units within any phase of development shall only be brought into residential occupation when there is a consolidated and surfaced carriageway and footway (apart from the wearing surface) necessary to connect that part of the development to the existing highway and footpath network. Furthermore, the footways and footpaths commensurate with the frontage of each dwelling or apartment building shall be constructed and completed within six months from the date of the first occupation of that dwelling or apartment building.

Reason: In the interests of highway safety, amenity and convenience. To accord with PPG13, Local Plan Policies BE1, T8, T11, LR17 and LDF Policy PMD2 and PMD9.

18. Application(s) for approval of Reserved Matters pursuant to Condition 5 part (e) 'Landscaping' shall include a comprehensive network of paths for pedestrians and cyclists linking through the site joining on to the existing off-site network of footpaths.

The details shall:

follow the network of routes detailed on plan ref: Figure 7.11 Rev D

- include details of construction and surface finish,
- measures to prevent unauthorised vehicular / motor cycle access;
- include details of signage
- include the timetable for provision

The paths shall be formed in accordance with the agreed timescale and thereafter permanently retained and maintained in the agreed form.

Reason: The site is located within the Metropolitan Green Belt wherein permission is granted having regard to the very special circumstances including the provision of publicly accessible open space. To ensure that the development incorporates suitable access to the wider footway network and has suitable access within the strategic open space, in the interests of accessibility and promoting sustainable forms of transport, in accordance with PPG13, Local Plan Policies BE1, T8, T11, LR17, LR18 and LDF Policies CSTP5, CSTP9, CSTP15, CSTP20, PMD2 and PMD9.

19. Applications for approval of Reserved Matters for a phase including residential development pursuant to Condition 5 (parts (a) Layout (d) Means of Access) shall include;

(a) details of the number, size, location, design and materials of secure and weather protected cycle parking facilities to serve the residents of the development.

(b) details of the number, size, location, design and materials of cycle parking facilities to serve visitors.

Such provision shall be in accordance with the following standards specified in the application (unless a variation to these standards is first agreed in writing with the Local

Planning Authority):

- 1 secure covered space per dwelling (including per flatted unit). None if garage with sufficient accommodation is provided within the curtilage
- 1 space per 8 dwellings for visitors

Such cycle parking facilities as approved under reserved matters shall be installed on site prior to the occupation of the units they serve and shall thereafter be permanently retained for sole use for cycle parking.

Reason: To reduce reliance on the use of private cars, in the interests of sustainability, highway safety and amenity, in accordance with PPG13, EPOA parking standards and emerging LDF Policies PMD8.

20. Applications for approval of Reserved Matters for a phase including residential development pursuant to Condition 5 (parts (a) Layout (d) Means of Access) shall;

a. show provision for the parking and / or garaging of private cars in accordance with the standards for allocated and unallocated parking spaces specified in the outline application unless a variation to these standards is first agreed in writing with the Local Planning Authority.

b. Be accompanied with a Parking Management Strategy specifying the restrictions on car parking, what constitutes an enforceable parking offence, how and by whom this will be administered and enforced.

The reserved matters shall detail the parking allocation for that phase. Residential units shall only be occupied within a phase of development when the vehicular accesses, car parking areas and turning areas serving that unit have been constructed in accordance with details that have been submitted to, and approved in writing by, the Local Planning Authority.

The parking spaces shall thereafter be retained for the parking of cars. The Parking Management Strategy for this phase shall be implemented and thereafter retained for the duration of the residential use in accordance with the approved Car Parking Management Strategy.

Reason: The application as submitted does not give particulars sufficient for the consideration of the Reserved Matters. To ensure that satisfactory provision is made and retained for car parking, in the interests of highway safety, convenience, amenity and promoting alternative means of transport, in accordance with PPG13, Local Plan Policy BE1 and emerging LDF Policy PMD8.

21. Prior to the commencement of the first residential phase of the development, a Travel Plan

for the site will be submitted to, and approved in writing, by the Local Planning Authority. The Travel Plan shall accord with the Framework Travel Plan (Oct 2010) accompanying the application and shall provide the following:

- Identify the objectives for Travel Plan for the site (including targets for trip reduction and modal shift having regard to the phasing of the development);
- The key processes they should include (e.g. surveys, consultation, monitoring etc.),
- Measures that may be employed to bring about the aims and objectives of the travel plan and the establishment of a Travel Plan Coordinator.
- The monitoring regime to include details of the timing and methodology for undertaking monitoring and review.
- Details of specific measures to be implemented to promote the use of sustainable modes of transport; including the provision of a 'Welcome Pack' for each dwelling providing information to promote modal shift to public transport, walking and cycling.
- Details of penalties to be applied in the event that targets are not met;

No residential occupation of the units shall take place until the Travel Plan has been approved in writing by the Local Planning Authority. The approved Travel Plan and the measures therein shall be implemented in accordance with the details contained within the approved Travel Plan and shall remain in force for the period stated in the Travel Plan.

The monitoring shall be undertaken in strict accordance with the agreed scheme and the outcomes of the monitoring shall be made available to the Local Planning Authority in accordance with the agreed monitoring regime. If the agreed targets are exceeded then the applicant or their successor in title shall submit to the Local Planning Authority a 'Remedial Action Plan' which shall include details of the measures to be employed, the timetable for their implementation and monitoring. The commitments explicitly stated in the Remedial Action Plan shall be binding on the applicants or their successors in title.

For the purposes of this condition 'Development' shall exclude; site clearance, demolition, archaeological investigations, investigations for the purpose of assessing ground conditions, remedial work in respect of any contamination or other adverse ground conditions.

Reason: In order to minimise the use of the private car and promote the use of sustainable modes of transport in accordance with Policy T13 of the Local Plan and guidance in Planning Policy Guidance note 13 '*Transport*' and emerging LDF Policies CSTP14, CSTP15, PMD8 and PMD10.

22. Development (other than that required to be carried out as part of an approved scheme of remediation) must not commence until parts 1 to 4 of this condition have been complied with.

(PART 1) Site Characterisation and Remediation Strategy;

Prior to the commencement of development the following components of a scheme to deal with the risks associated with contamination of the site shall each be submitted to, and approved in writing by, the local planning authority:

A) A preliminary risk assessment which has identified:

- all previous uses;
- potential contaminants associated with those uses;
- a conceptual model of the site indicating sources, pathways and receptors;
- potentially unacceptable risks arising from contamination at the site.

B) A site investigation scheme, based on (A) to provide information for a detailed assessment of the risk to all receptors that may be affected, including those off site

C) The site investigation results and the detailed risk assessment (B) and, based on these, an options appraisal and remediation strategy giving full details of the remediation measures required and how they are to be undertaken.

D) A verification plan providing details of the data that will be collected in order to demonstrate that the works set out in (C) are complete and identifying any requirements for longer-term monitoring of pollutant linkages, maintenance and arrangements for contingency action.

Any changes to these components require the express consent of the local planning authority. The scheme shall be implemented as approved.

(PART 2) Implementation of Approved Remediation Scheme;

The approved remediation scheme must be carried out in accordance with its terms prior to the commencement of development (other than that required to carry out remediation). The Local Planning Authority shall be given two weeks written notification of commencement of the remediation scheme works.

(PART 3) Verification Plan;

Following completion of measures identified in the approved remediation scheme and prior to occupation of any part of the permitted development, a verification report demonstrating completion of the works set out in the approved remediation strategy and the effectiveness of the remediation shall be submitted to, and approved in writing by, the local planning authority. The report shall include results of sampling and monitoring carried out in accordance with the approved verification plan to demonstrate that the site remediation criteria have been met. It shall also include any plan (a long-term monitoring and maintenance plan) for longer-term monitoring of pollutant linkages, maintenance and arrangements for contingency action, as identified in the verification plan, and for the reporting of this to the local planning authority.

(PART 4) Reporting of Unexpected Contamination;

If, during development, contamination not previously identified is found to be present at the site then no further development (unless otherwise agreed in writing with the Local Planning

Authority) shall be carried out until the developer has submitted to, and obtained written approval from, the Local Planning Authority for an amendment to the remediation strategy detailing how this unsuspected contamination shall be dealt with.

Reason: To ensure that risks from land contamination to the future users of the land and neighbouring land are minimised, together with those to controlled waters, property and ecological systems, and to ensure that the development can be carried out safely without unacceptable risks to workers, neighbours and other offsite receptors, in accordance with PPS23, adopted Local Plan Policy BE26 and Emerging LDF Policy PMD1.

23. The development / use hereby permitted shall not be commenced until a comprehensive site survey has been undertaken to:
- a) determine the existence, depth, extent and character of any filled ground.
 - b) determine the existence, extent and concentrations of any landfill gas with potential to reach the application site.
 - c) 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: To ensure that any potential risks arising are properly assessed and that the development incorporates any necessary measures and subsequent management measures to satisfactorily deal with contamination / gases in the interests of amenity and

public health, in accordance with PPS23, adopted Local Plan Policy BE26 and Emerging LDF Policy PMD1.

24. Prior to the commencement of demolition, remediation or development on any phase of the development, a Construction Environment Management Plan (CEMP) shall be submitted to, and approved in writing by, the Local Planning Authority covering either the totality of development or a defined phase in accordance with the agreed Phasing Strategy. The CEMP shall be in accordance with the details contained in the outline application and shall include, but not be limited to, details of:
- (a) Hours and duration of any piling operations,
 - (b) Vehicle haul routing in connection with construction, remediation and engineering operations,
 - (c) Wheel washing and sheeting of vehicles transporting loose aggregates or similar materials on or off site,
 - (d) Details of construction access;
 - (e) Location and size of on-site compounds (including the design layout of any proposed temporary artificial lighting systems)
 - (f) Details of any temporary hardstandings;
 - (g) Details of temporary hoarding;
 - (h) Method for the control of noise with reference to BS5228 together with a monitoring regime
 - (i) Measures to reduce vibration and mitigate the impacts on sensitive receptors together with a monitoring regime
 - (m) Dust and air quality mitigation and monitoring (to have regard to the measures outlined in the Environmental Statement para 9.7 - 9.77 accompanying the application),
 - (k) Water management including waste water and surface water discharge,
 - (l) Method statement for the prevention of contamination of soil and groundwater and air pollution, including the storage of fuel and chemicals,
 - (m) A Site Waste Management Plan,
 - (n) Ecology and environmental protection and mitigation,
 - (o) Community liaison including a method for handling and monitoring complaints, contact details for site managers.

All works and development shall be carried out in accordance with the approved CEMP and the measures contained therein.

Reason: In the interests of protecting amenity, highway safety, sustainability, minimising impact upon the environment and ecology and ensuring that the development can be carried out safely without unacceptable risks to workers, neighbours and other off-site receptors. To accord with the ES and Emerging LDF Policy PMD1.

25. No construction work in connection with the development shall take place on any Sunday or Bank Holiday, nor on any other day except between the following times: Monday to Friday 08:00 - 18:00 hours, Saturdays 08:00 - 1300 hours unless in association with an emergency.

Reason: In the interest of residential amenity. To accord with emerging LDF Policy PMD1.

26. No phase of development shall take place until samples of the materials to be used in the external construction (including surfacing materials for buildings and hard landscaping) for that phase, have been submitted to, and approved in writing by, the Local Planning Authority. Development shall be carried out in strict accordance with the approved samples.

For the purposes of this condition 'Development' shall exclude: site clearance, demolition, archaeological investigations, investigations for the purpose of assessing ground conditions, remedial work in respect of any contamination or other adverse ground conditions.

Reason: In the interest of amenity and to ensure that the proposed development is satisfactorily integrated with its immediate surroundings as set out in Policy BE1 of the 1997 Thurrock Borough Local Plan, Development Corporation published guidance and emerging LDF Policy PMD1.

27. No phase of development shall take place until a brick panel showing a sample of the proposed brickwork and the colour, type and texture of mortar courses is constructed on site and approved in writing by the Local Planning Authority. Development shall be carried out in accordance with the approved panel.

For the purposes of this condition 'Development' shall exclude; site clearance, demolition, archaeological investigations, investigations for the purpose of assessing ground conditions, remedial work in respect of any contamination or other adverse ground conditions.

Reason: To ensure that the proposed development is visually satisfactory and does not prejudice the appearance of the locality in accordance with Policy BE1 of the Adopted Local Plan and emerging LDF Policy PMD1.

28. Applications for approval of Reserved Matters for a phase pursuant to Condition 5 (parts (a) Layout (c) Appearance and (d) Means of Access) shall include: full details of all the number, size, location, design and materials of bin and recycling stores to serve that phase of the development together with details of the means of access to bin stores for residents and refuse operatives, including collection points if necessary.
- The development shall make provision for:
- 1 x 180 litre container for refuse, 1 x 240 litre container for recycling and 1 x 240 litre container for kitchen and garden waste per residential dwelling.
 - Flats containing more than 4 units shall be provided with communal bins. The calculation used for refuse and recycling provision shall be as follows:
 - o Number of households x 180-litre capacity (residual waste)
 - o Number of households x 240-litre capacity (dry recycling)

The bin and recycling stores as approved shall be provided prior to the first occupation of any of the residential or commercial units they serve and shall be constructed and permanently retained in the form agreed.

Reason: To ensure that adequate and satisfactory provision is made for the storage and collection of refuse and recycling, in the interests of amenity and sustainability and to accord with PPS10, Local Plan Policy BE1 and Thurrock Council's Guidance 'Design and construction of dwelling houses and residential areas for waste collection services and refuse vehicle access - Policy and Guidance Notes (Nov 2008). To accord with emerging LDF Policy CSTP25.

29. No phase of development shall take place until detailed drawings and sections of the existing and proposed levels of that phase, the levels of the surrounding area and adjoining buildings (where applicable) and the finished floor level of the building(s) hereby permitted have been submitted to, and approved in writing by, the Local Planning Authority. Development shall be in strict accordance with the details agreed.

Reason: The plan submitted with the application is indicative and does not give sufficient details of final levels. Such details are required in the interests of ensuring a satisfactory relationship both within the development and the surrounding areas. To accord with emerging LDF Policy PMD1 and PMD2.

30. Development shall not commence until a detailed Surface Water Drainage Scheme for the site, based on sustainable drainage principles and an assessment of the hydrological and hydrogeological context of the development, has been submitted to, and approved in writing by, the Local Planning Authority. The Surface Water Drainage Scheme shall have regard to the 'Flood Risk and Drainage Assessment' (ref: H160-03, Oct 2010) accompanying the application and shall:

- a) Assess whether there is an unacceptable risk to controlled waters from infiltration of surface water drainage into the ground post the approved works of remediation to the site pursuant to condition 22 of this permission;
- b) Detail all surface water from parking, servicing and manoeuvring areas being passed through a Class 1 oil interceptor prior to disposal to groundwater, watercourse or surface water sewer;
- c) Include infiltration drainage as a priority wherever this can be shown to be a practicable means for achieving surface water drainage for areas within the site;
- d) Include the means for all volumes of surface water generated on site in excess of the soakage capacity of the site's infiltration devices to be attenuated on site for all storms up to and including the 1 in 100 year storm event (including agreed PPS25 allowances for climate change over the development lifetime).
- e) Include a timescale for undertaking the works;
- f) Detail how the scheme shall be maintained and managed after completion.

In addition, the Surface Water Drainage Scheme shall include;

- g) Means of ensuring that peak discharges leaving the site to Anglian Water Services Limited's surface water sewer are within acceptable levels required by Anglian Water Services Limited and in any event not greater than 20 litres per second.
- h) All volumes of surface water generated on site in exceedance of the peak discharge rate limitations shall be attenuated on site for all storms up to and including the 1 in 100 year event (including agreed PPS25 allowances for climate change over the development lifetime)
- i) Details of how the scheme shall be maintained and managed after completion.

The approved Surface Water Drainage Scheme shall be implemented in strict accordance with the approved details and timescale. Notwithstanding this, there shall be no residential development until such time as it has been demonstrated that the quantity and flow rate of surface water discharge from the site is within the capacity of the off-site receptor, and this has been evidenced to, and agreed in writing by, the Local Planning Authority. The measures to maintain and manage the Surface Water Drainage Scheme shall be put in place and thereafter retained.

For the purposes of this condition 'Development' shall exclude; site clearance, demolition, archaeological investigations, investigations for the purpose of assessing ground conditions, remedial work in respect of any contamination or other adverse ground conditions.

Reason: To assess and prevent the pollution of groundwater and flooding through development, to protect water quality, to improve habitat and amenity, and to ensure that there are adequate arrangements determined for the future maintenance of the surface water drainage system, in accordance with Planning Policy Statement 25 – Development and Flood Risk (PPS 25) and in accordance with emerging LDF Policy PMD1, PMD2 and PMD15.

31. The Reserved Matters details to be submitted in accordance with Condition 5 ((c) Appearance) containing details of residential units within a phase of development, shall include a scheme for the provision and implementation of water efficiency for the residential units within that Phase. Such a scheme shall be agreed in writing with the Local Planning Authority prior to the commencement of development of residential units on that phase. The works / scheme for each unit shall be constructed and completed in accordance with the approved plans/specification before occupancy of that unit and thereafter retained.

Reason: To ensure the sustainability of the potable water supply to the development and wider area through efficient use of water resources, to accord with emerging LDF Policy PM12 and the ES (Part 12).

32. Development shall not commence until a Foul Water Drainage Strategy to serve the totality of the development hereby permitted has been submitted to, and approved in writing by, the Local Planning Authority. The strategy shall include details of the means of connection, phasing of provision and capacity of the receptor system.

The foul water drainage systems shall be constructed in accordance with the approved strategy and maintained thereafter in accordance with it. There shall be no occupation of any building in the relevant phase of development until the approved foul water drainage system is in place.

For the purposes of this condition 'Development' shall exclude: site clearance, demolition, archaeological investigations, investigations for the purpose of assessing ground conditions, remedial work in respect of any contamination or other adverse ground conditions.

Reason: To prevent the increase in flood risk, pollution and detriment to public amenity through provision of suitable water infrastructure, in accordance with PPS25, emerging LDF Policies PMD1, PMD2 and PMD15.

33. Demolition and clearance of vegetation or other potential bird nesting sites shall not be undertaken within the breeding season of birds (i.e. within 1st March to the end to 30th September) except where a suitably qualified ecological consultant has confirmed in writing that such clearance works would not affect any nesting birds.

Reason: To comply with the requirements of the 'Extended Phase 1 Habitat Survey' and ensure effects of the development upon the natural environment are adequately mitigated and in order to comply with PPS9, Local Plan Policy LN12 and emerging LDF policy PMD7.

34. PART A - Prior to the commencement of development or site clearance, a 'Biodiversity Management Plan' shall be submitted to, and approved in writing by, the Local Planning Authority. The Biodiversity Management Plan shall be based upon the details proposed within the Environmental Statement accompanying the planning application and shall include details of:

- (a) phasing of operations,
- (b) the further survey work undertaking (including a further bat, great crested newt, reptile, invertebrate and botanical surveys), the methodology, timing and findings of these surveys and how they have informed the measures outlined in the Biodiversity Management Plan,
- (c) the mitigation and measures outlined within the Biodiversity Management Plan will be implemented;
- (d) methodologies for translocation of protected species (where relevant);
- (e) suitable receptor areas together with evidence produced by an ecologist that the receptor areas are capable of supporting the population displaced;
- (f) the methods for the protection of existing species in situ (where relevant);

- (g) any seeding, planting and methods to promote habitat creation and establishment or habitat enhancement;
 - (h) general ecological mitigation applying to the program of construction works;
 - (i) an assessment of the works required for management and who will undertake such works,
- G) a monitoring programme in accordance with the Environmental Statement.

The Biodiversity Management Plan shall be implemented in accordance with the approved plan and timescale. Any translocation undertaken shall be verified in writing to the Local Planning Authority by an independent qualified ecologist within 28 days of undertaking the translocation.

Reason: To safeguard and improve natural habitats and features within the site and to mitigate against the loss of natural habitats, with particular reference to those species protected under the Wildlife and Countryside Act 1981, in the interest of protecting and promoting biodiversity. In accordance with PPS9, Thurrock Local Plan Policy LM12 and emerging LDF Policy PMD7.

35. An 'Ecological Monitoring Programme' shall be submitted to, and approved in writing by, the Local Planning Authority prior to the commencement of development. The Ecological Monitoring Programme shall include details of ecological surveys and botanical and invertebrate recording to assess seeding success, plant colonisation and the use of the site by UK BAP species and to identify remedial action, if required, at years 1 and 2 post completion of the final phase.

Reason: In the interest of protecting and promoting biodiversity. In accordance with PPS9, Thurrock Local Plan Policy LM12 and emerging LDF Policy PMD7

36. All electrical and telephone services to the development shall be run underground.

Reason: In the interests of visual amenity and the integrity of the design.

37. There shall be no residential occupation on site until the existing golf-pro shop illustrated to the east of the 'Car Park for Strategic Open Space' on figure 7.11 Revision D submitted with the planning application is demolished and all the resultant material removed from the site. Following its demolition, the site of the golf-pro shop shall be used solely as part of the Strategic Open Space and associated car parking.

Reason: To accord with the details submitted with the application. To enhance the character and openness of this part of the Metropolitan Green Belt.

38. Part A - An archaeological evaluation by trial trenching shall be undertaken on the

residential element of the proposed site prior to the submission of reserved matters, with the Evaluation Report submitted with the first reserved matters application. This work shall be undertaken in accordance with an Archaeological Brief first approved in writing by the Local Planning Authority.

Part B - An Archaeological Mitigation Strategy shall be submitted with the first reserved matters application and approved by the Local Planning Authority prior to the commencement of development.

Part C - No development or preliminary groundworks shall commence until the satisfactory completion of fieldwork, as detailed in the agreed Archaeological Mitigation Strategy, and the Local Planning Authority has given its written agreement that the works have been undertaken in the manner agreed.

Part D - The applicant will submit to the local planning authority a post-excavation assessment (to be submitted within six months of the completion of fieldwork, unless otherwise agreed in advance with the Planning Authority). This will result in the completion of post-excavation analysis, preparation of a full site archive and report ready for deposition at a registered museum, and submission of a publication report to be completed within one year of the completion of fieldwork.

Reason: To ensure appropriate assessment of the archaeological implications of any development and the subsequent mitigation of adverse impacts, having regard to the requirements of policy BE25 of the Thurrock Borough Local Plan 1997, PPS5 and emerging LDF Policy PMD4.

39. Prior to the commencement of development, the site shall be surveyed for the presence of Japanese Knotweed and a copy of this survey sent to the Local Planning Authority. This survey must also note any knotweed adjoining the site. If Japanese Knotweed is confirmed, full details of a scheme for its eradication and/or control shall be submitted to, and approved in writing, by the Local Planning Authority prior to the commencement of development on site, including any clearance works. Eradication and control of the Knotweed shall be in accordance with the approved scheme.

Reason: To ensure the safe destruction and prevention of spread of Japanese Knotweed in the interest of biodiversity.

40. Notwithstanding the Town & Country Planning (General Permitted Development) Order 1995 (or any Order revoking or re-enacting that Order with or without modification), no electrical substations and gas governors shall be erected on the site without the prior written approval of the Local Planning Authority (through the submission of Reserved Matters). Notwithstanding the illustrative details accompanying the outline application, such structures shall be located within the area detailed for 'residential, roads and local open

space' on drawing D1291-GA-102.

Reason: In the interests of visual amenity, the integrity of the design and to prevent encroachment of built development. To accord with emerging LDF Policy PMD2.

41. The Community Building hereby permitted shall be used as a Community Centre (i.e. where members of a community gather for group activities, social support, public information and other purposes) and for no other purpose (including any purpose in Class D2 'Assembly and Leisure' of the Schedule to the Town and Country Planning (Use Classes) Order 1987, or in any provision equivalent to that Class in any statutory instrument revoking and re-enacting that Order with or without modification).

Reason: In the interests of amenity and to ensure that the development remains integrated with its immediate surroundings as required by policy BE1 of the Thurrock Borough Local Plan 1997 and emerging LDF Policy PMD1.

42. Notwithstanding the terms of any licence issued for the premises, the Community Building shall be cleared of all occupiers by 22:00 hours Monday to Sunday. The premises shall not open before 07:30 hours Mondays to Saturdays or before 08:30 hours on Sundays.

Reason: In the interest of amenity. To accord with emerging LDF Policy PMD1.

43. Prior to the first residential occupation, apartments if any shall be equipped with a communal TV and radio aerial and satellite dish. Details of the size, external appearance and the positions of the communal TV and radio aerial and satellite dishes shall be submitted to, and agreed in writing with, the Local Planning Authority prior to the installation of such systems. Development shall be in strict accordance with the agreed details. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995 (or any Order revoking or re-enacting that Order with or without modification) no satellite dishes or aerials shall be fixed to the buildings hereby permitted without the prior written approval of the Local Planning Authority.

Reason: In the interest of visual amenity

44. The car park detailed as 'Car Park for Strategic Open Space' on figure 7.11 Revision D submitted with the planning application shall be made available for car parking in association with the use of the Strategic Open Space hereby permitted in accordance with the details submitted pursuant to Condition 4 (the Phasing Plan). Prior to the use of the car park in association with the open space, a parking management plan shall be submitted specifying the restrictions on car parking, what constitutes an enforceable parking offence, how and by whom this will be administered and enforced.

Reason: To ensure that satisfactory provision is made and retained for car parking and to

prevent conflicts with adjacent land uses.

RIGHT TO CHALLENGE THE DECISION IN THE HIGH COURT

These notes are provided for guidance only and apply only to challenges under the legislation specified. If you require further advice on making any High Court challenge, or making an application for Judicial review, you should consult a solicitor or other advisor or contact the Crown Office at the Royal Courts of Justice, Queens Bench Division, Strand, London, WC2 2LL (0207 947 6000).

The attached decision is final unless it is successfully challenged in the Courts. The Secretary of State cannot amend or interpret the decision. It may be redetermined by the Secretary of State only if the decision is quashed by the Courts. However, if it is redetermined, it does not necessarily follow that the original decision will be reversed.

SECTION 1: PLANNING APPEALS AND CALLED-IN PLANNING APPLICATIONS;

The decision may be challenged by making an application to the High Court under Section 288 of the Town and Country Planning Act 1990 (the TCP Act).

Challenges under Section 288 of the TCP Act

Decisions on called-in applications under section 77 of the TCP Act (planning), appeals under section 78 (planning) may be challenged under this section. Any person aggrieved by the decision may question the validity of the decision on the grounds that it is not within the powers of the Act or that any of the relevant requirements have not been complied with in relation to the decision. An application under this section must be made within six weeks from the date of the decision.

SECTION 2: AWARDS OF COSTS

There is no statutory provision for challenging the decision on an application for an award of costs. The procedure is to make an application for Judicial Review.

SECTION 3: INSPECTION OF DOCUMENTS

Where an inquiry or hearing has been held any person who is entitled to be notified of the decision has a statutory right to view the documents, photographs and plans listed in the appendix to the report of the Inspector's report of the inquiry or hearing within 6 weeks of the date of the decision. If you are such a person and you wish to view the documents you should get in touch with the office at the address from which the decision was issued, as shown on the letterhead on the decision letter, quoting the reference number and stating the day and time you wish to visit. At least 3 days notice should be given, if possible.