

Thurrock: A place of opportunity, enterprise and excellence, where individuals, communities and businesses flourish

## Planning Committee

The meeting will be held at **6.00 pm** on **16 March 2017**

**Council Chamber, Civic Offices, New Road, Grays, Essex, RM17 6SL.**

### Membership:

Councillors Tom Kelly (Chair), Kevin Wheeler (Vice-Chair), Chris Baker, Colin Churchman, Steve Liddiard, Tunde Ojetola, Terry Piccolo, David Potter and Gerard Rice

Richard Bowyer, Thurrock Business Association Representative  
Steve Taylor, Campaign to Protect Rural England Representative

### Substitutes:

Councillors John Kent, John Allen, Jan Baker, Brian Little and Graham Snell

### Agenda

Open to Public and Press

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<b>1 Apologies for Absence</b>	
<b>2 Minutes</b>	<b>5 - 14</b>
To approve as a correct record the minutes of the Planning Committee meeting held on 23 February 2017.	
<b>3 Item of Urgent Business</b>	
To receive additional items that the Chair is of the opinion should be considered as a matter of urgency, in accordance with Section 100B (4) (b) of the Local Government Act 1972.	
<b>4 Declaration of Interests</b>	
<b>5 Declarations of receipt of correspondence and/or any</b>	

**meetings/discussions held relevant to determination of any planning application or enforcement action to be resolved at this meeting**

**6 Planning Appeals 15 - 22**

**7 Public Address to Planning Committee**

The Planning Committee may allow objectors and applicants/planning agents, and also owners of premises subject to enforcement action, or their agents to address the Committee. The rules for the conduct for addressing the Committee can be found on Thurrock Council's website at <https://www.thurrock.gov.uk/democracy/constitution> Chapter 5, Part 3 (c).

**8 17/00086/CV: St Thomas of Canterbury Catholic Primary School, Ward Avenue, Grays, Essex, RM17 5RW 23 - 30**

**9 17/00099/FUL: Church Hall, Rigby Gardens, Chadwell St Mary, Essex, RM16 4JJ 31 - 42**

**10 16/01649/FUL: Athlone House, Dock Road, Tilbury, RM18 7BL 43 - 74**

**Queries regarding this Agenda or notification of apologies:**

Please contact Charlotte Raper, Senior Democratic Services Officer by sending an email to [Direct.Democracy@thurrock.gov.uk](mailto:Direct.Democracy@thurrock.gov.uk)

Agenda published on: **8 March 2017**

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# DECLARING INTERESTS FLOWCHART – QUESTIONS TO ASK YOURSELF

Breaching those parts identified as a pecuniary interest is potentially a criminal offence

## Helpful Reminders for Members

- *Is your register of interests up to date?*
- *In particular have you declared to the Monitoring Officer all disclosable pecuniary interests?*
- *Have you checked the register to ensure that they have been recorded correctly?*

## When should you declare an interest *at a meeting*?

- **What matters are being discussed at the meeting?** (including Council, Cabinet, Committees, Subs, Joint Committees and Joint Subs); or
- If you are a Cabinet Member making decisions other than in Cabinet **what matter is before you for single member decision?**



Does the business to be transacted at the meeting

- relate to; or
- likely to affect

any of your registered interests and in particular any of your Disclosable Pecuniary Interests?

Disclosable Pecuniary Interests shall include your interests or those of:

- your spouse or civil partner's
- a person you are living with as husband/ wife
- a person you are living with as if you were civil partners

where you are aware that this other person has the interest.

A detailed description of a disclosable pecuniary interest is included in the Members Code of Conduct at Chapter 7 of the Constitution. **Please seek advice from the Monitoring Officer about disclosable pecuniary interests.**

**What is a Non-Pecuniary interest?** – this is an interest which is not pecuniary (as defined) but is nonetheless so significant that a member of the public with knowledge of the relevant facts, would reasonably regard to be so significant that it would materially impact upon your judgement of the public interest.

### Pecuniary

If the interest is not already in the register you must (unless the interest has been agreed by the Monitoring Officer to be sensitive) disclose the existence and nature of the interest to the meeting

If the Interest is not entered in the register and is not the subject of a pending notification you must within 28 days notify the Monitoring Officer of the interest for inclusion in the register

Unless you have received dispensation upon previous application from the Monitoring Officer, you must:

- Not participate or participate further in any discussion of the matter at a meeting;
- Not participate in any vote or further vote taken at the meeting; and
- leave the room while the item is being considered/voted upon

If you are a Cabinet Member you may make arrangements for the matter to be dealt with by a third person but take no further steps

### Non- pecuniary

Declare the nature and extent of your interest including enough detail to allow a member of the public to understand its nature



You may participate and vote in the usual way but you should seek advice on Predetermination and Bias from the Monitoring Officer.

**Vision: Thurrock:** A place of **opportunity**, **enterprise** and **excellence**, where **individuals**, **communities** and **businesses** flourish.

To achieve our vision, we have identified five strategic priorities:

**1. Create** a great place for learning and opportunity

- Ensure that every place of learning is rated “Good” or better
- Raise levels of aspiration and attainment so that residents can take advantage of local job opportunities
- Support families to give children the best possible start in life

**2. Encourage** and promote job creation and economic prosperity

- Promote Thurrock and encourage inward investment to enable and sustain growth
- Support business and develop the local skilled workforce they require
- Work with partners to secure improved infrastructure and built environment

**3. Build** pride, responsibility and respect

- Create welcoming, safe, and resilient communities which value fairness
- Work in partnership with communities to help them take responsibility for shaping their quality of life
- Empower residents through choice and independence to improve their health and well-being

**4. Improve** health and well-being

- Ensure people stay healthy longer, adding years to life and life to years
- Reduce inequalities in health and well-being and safeguard the most vulnerable people with timely intervention and care accessed closer to home
- Enhance quality of life through improved housing, employment and opportunity

**5. Promote** and protect our clean and green environment

- Enhance access to Thurrock's river frontage, cultural assets and leisure opportunities
- Promote Thurrock's natural environment and biodiversity
- Inspire high quality design and standards in our buildings and public space

## Minutes of the Meeting of the Planning Committee held on 23 February 2017 at 6.00 pm

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**Present:** Councillors Tom Kelly (Chair), Kevin Wheeler (Vice-Chair), Chris Baker, Colin Churchman, Steve Liddiard, Tunde Ojetola, Terry Piccolo, David Potter and Gerard Rice

**Apologies:** Steve Taylor, Campaign to Protect Rural England Representative

**In attendance:** Andrew Millard, Head of Planning & Growth  
Matthew Ford, Principal Highways Engineer  
Matthew Gallagher, Principal Planner  
Nadia Houghton, Principal planner  
Leigh Nicholson, Development Management Team Leader  
Janet Clark, Strategic Lead Operational, Resources and Libraries Unit  
Sarah Williams, School Capital and Planning Project Manager  
Vivien Williams, Planning Lawyer  
Charlotte Raper, Senior Democratic Services Officer

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Before the start of the Meeting, all present were advised that the meeting may be filmed and was being recorded, with the audio recording to be made available on the Council's website.

### **85. Minutes**

The minutes of the Planning Committee meeting held on 19 January 2017 were approved as a correct record.

### **86. Item of Urgent Business**

There were no items of urgent business.

### **87. Declaration of Interests**

Councillor Ojetola declared a Non-Pecuniary Interest regarding Item 9: 16/00307/FUL – Land to rear & north of Bannatynes Sports Centre, Howard Road, Chafford Hundred, Grays in that he had attended various meeting with the developers, at which officers had been present.

### **88. Declarations of receipt of correspondence and/or any meetings/discussions held relevant to determination of any planning application or enforcement action to be resolved at this meeting**

Councillor Ojetola declared that, regarding Item 9: 16/00307/FUL – Land to rear & north of Bannatynes Sports Centre, Howard Road, Chafford Hundred,

Grays, he had received various correspondence as Ward Councillor. He assured the Committee that he was nevertheless of an open mind.

**89. Planning Appeals**

The report provided information regarding planning appeals performance.

**RESOLVED:**

**The report was noted.**

**90. 16/01115/DVOB: Former St Chad's School Site, St Chads Road, Tilbury**

Members were advised that the application sought a deed of variation to the s106 legal agreement for planning permission ref. 14/01274/FUL in respect of affordable housing provision and that a decision had been deferred from the Planning Committee meeting held on 15 December 2016. The original proposal sought to delete the requirement to provide any affordable housing and the item had been deferred to consider an increased provision. Members heard that there had been two options presented by the applicant: 20% (26 units) of affordable housing and £640,000 financial contribution; or 22% (28 units) of affordable housing and £300,000 financial contribution. On balance Officers favoured the first option, which offered a better balance between affordable housing provision and financial contributions to mitigate the impact of development.

Councillor Ojetola sought clarity as to why a lower percentage than the 35% required by Council planning policy was being proposed. Members were directed to Appendix 1, the original report presented at the December meeting, which outlined the additional cost of removing unforeseen contamination on the site, namely asbestos and the revised financial viability report which had been independently assessed. Members were reminded that the viability of developing brown field sites was a legitimate material consideration. Following the Members previous comments, the applicant had reviewed the viability report and offered an improvement to the 0% affordable housing proposed in December.

Cllr Ojetola queried how the original application outlined that removing any requirement to provide affordable housing would only just put the project in profit, yet now it was possible to provide 20% of units as affordable housing. The Committee heard that there would now be less than 5% profit from this project, but the applicant had stretched to deliver as requested by the Committee.



A breakdown of the £640,000 financial contributions was requested. £473,600 would go towards education and the remaining £166,400 would contribute to recreation in the immediate vicinity of the site. A potential scheme for expenditure on recreation facilities had been identified on King George's Playing field, sometimes referred to as the Daisy Field, opposite. Councillor Liddiard requested to be consulted moving forward on how the recreational contributions would be spent.

Members praised Officers for their work, increasing the affordable housing provision from 0 to 20%. Whilst the originally proposed 35% would always be preferable there had been unforeseen costs around asbestos removal and therefore the Committee was satisfied with this new proposal.

Councillor Ojetola stated that it was important to ensure developers showed due diligence from the outset to prevent further applications to remove any requirement to provide affordable housing. Alongside congratulating Officers for their work he highlighted the achievement of the Committee for taking a stand for the provision of affordable housing.

The Chair echoed Members comments that Officers did well but agreed it had been Members pushing for some provision and the Committee should be proud. The development was of high quality and designed to redevelop a brown field site. It would be an improvement to the area, especially with the removal of asbestos.

The Chair reminded the Committee that Councillor Piccolo had not been present at the meeting held on 15 December 2016, from which the item had been deferred, and as such was not entitled to participate in the debate or to cast a vote.

It was proposed by Councillor Rice and seconded by Councillor Churchman that the application be approved as per the Officer recommendation.

For: Councillors Tom Kelly (Chair), Kevin Wheeler (Vice-Chair), Chris Baker, Colin Churchman, Steve Liddiard, Tunde Ojetola, David Potter and Gerard Rice

Against: (0)

Abstain: (0)

**91. 16/00307/FUL - Land to rear & north of Bannatynes Sports Centre, Howard Road, Chafford Hundred, Grays**

The Committee heard that the principle of residential use of the site had already been established as planning permission had been granted to another

applicant in 2009 for residential development. Construction works had commenced but had come to a halt when the developer had experienced financial difficulties. The application to be considered proposed a residential-led mixed redevelopment of the site. Given the current condition of the site there would be some merit in granting planning permission for redevelopment. Members were advised that although there was a proposed increase in density, National Planning Policy Guidelines advised that quality of design was a key planning consideration rather than an over-reliance on density as a measure of a scheme. Although, at seven storeys high, parts of the proposal were considered “tall” buildings by Core Strategy policy, the site was located in an urban landscape area, bordered to the north by an arterial road and therefore officers did not deem the design to be harmful to landscape character. The affordable housing provision proposed was 27% but a financial viability report had been included with the application which had been independently assessed as reasonable.

Members were advised that there were two amendments to the application as listed within the agenda:

- Recommendation A (b) - delete and replace with “an appropriate tenure split for the affordable housing referred to by (a) above to be approved in writing by the local planning authority”
- Condition no. 18 - 2<sup>nd</sup> line to insert the word “that” before the word “purpose”.

Following the Officer’s report, Members raised the following queries:

- The disproportionate number of residential units to parking spaces
- The mitigating obligations and restrictions in place elsewhere
- The number of spaces available for the GP surgery and commercial units
- The uncertainty around the financial contribution in the event that the approved accommodation for the doctors surgery were not occupied for its intended purpose, and the agreed timescale
- The height of the proposed development in comparison to other buildings within Chafford Hundred
- The difference in affordable housing provision from the previous approved application on the site.

The Committee heard that, whilst the proposal fell below the maximum draft parking standard, the provision of parking spaces was deemed to be acceptable and officers had sought to get multi-functional spaces such as those used by the medical centre. The Applicant had offered a £10,000 financial contribution to improve controlled parking within that part of Chafford Hundred which would give the Council the ability to put restrictions in place in future to tackle displaced parking. Due to the proximity to the train station, the public transport links in the area and the obligations to be placed on tenants, such as the car club, the requirements for parking were slightly reduced and these measures meant that the potential impact to the highways network was not deemed to be detrimental.

There was a level of uncertainty surrounding the proposed GP Surgery and the timeframe for a fall-back financial contribution; Members were welcomed to offer their suggestions as to what would be considered an acceptable timeframe. The accommodation approved for this use was around 280m<sup>2</sup> which could equate to 4 residential units. While this was not reflected in the £41,000, the sum had been reached based upon an NHS formula for financial contributions. The Head of Planning & Growth suggested further discussions with NHS England and the applicant regarding this condition.

As the design had been portrayed as very futuristic Councillor Ojetola queried whether there would be solar panels or electric car charging points; he asked whether the applicant had been encouraged to be as “green” as possible. An energy and water planning statement had been submitted by the applicant and it was intended that there would be an energy centre in the basement. Although compliance with the former Code for Sustainable Homes was no longer relevant, the proposals would comply with Core Strategy policy PMD13

At 7 storeys high the application qualified as a “tall” building, however height and density were not to be considered as standalone factors. Judged against the quality of design and of place making, and having been considered to be “design led” the development had been assessed as a high quality design. The modern design was acceptable and would fit into the commercial surroundings. The judgement however fell to Members. Officers advised the Committee that Sainsbury’s was roughly 4.5 storeys high and the tallest residential buildings within Chafford Hundred were between 3-4 storeys high.

Given the concerns regarding parking provision, Councillor Rice queried whether it could be possible to encourage discussions between the applicant and the 3<sup>rd</sup> parties with adjacent sites, such as Sainsbury’s, to obtain additional parking spaces in order to relieve some pressure on the local area. No planning condition could be imposed which relied on input from a 3<sup>rd</sup> party, however Members were advised that the applicant’s agent was present and could take suggestions on board.

Councillor Piccolo asked whether there were any restrictions upon the 5 small commercial units proposed in the application to prevent all 5 becoming, for example, takeaways. In theory all 5 units could go to the same type of outlet. The commercial units had been introduced following a CABE (Commission for Architecture and the Built Environment) design review which promoted mixed uses to ensure that the development was not solely a residential enclave. There was concern that these may have been suggested by CABE with no real benefit to the local community.

*The Chair adjourned the meeting at 19:51 and resumed at 19:53.*

It was clarified that although the affordable housing provision was a lower percentage than the previous application on the site, the actual number of units was higher and Members were reminded that there were viability factors given the high cost to remove the previous construction works.

Councillor Ojetola queried Council policy regarding parking requirements for 3 bed properties and asked how many of the 8 units would be included within the affordable housing provision. Members were advised that Council Policy made no differentiation for the size of a property, and that Blocks B and F were to be affordable housing, with 1-2 bedroom units.

Councillor Ojetola asked whether the financial contribution for education was considered sufficient to mitigate the inadequate number of secondary school placements; it was deemed sufficient.

A Ward Councillor, Councillor Sue MacPherson, was invited to the Committee to give her statement of objection.

The Agent, Bob Robinson, was also invited to the Committee to give his statement of support.

Councillor Liddiard expressed that he had no problem with the height. He thought parking would be a major concern and was glad to hear that it would be controlled. His real concern was site traffic during construction.

Councillor Ojetola queried how access to the ground level parking spaces, intended for business use at the doctors surgery and shops, would be controlled and asked what powers the applicant would have regarding Car Parking Zones and the Car Club. Members heard that a planning condition was suggested to control access to the basement car park and whilst this would not be the case for the ground level spaces parking would still be managed. Any powers regarding local permit zones and the car club would depend upon the agreement between them and their tenants.

The Vice-Chair expressed his concern at the height of the proposed buildings but accepted that the Government was encouraging developers to build upwards not outwards. He queried whether there would be grounds for appeal if the Committee rejected the proposal based upon the height. The Head of Planning and Growth advised that it would be difficult to defend against an appeal on the basis of height, as the CABE view was that it was not harmful.

The Chair queried whether there would be anything in place to ensure any private enforcement companies contracted to manage the parking would return any percentage of the profits to the residents, as it would be their land. The Committee heard that the conditions and parking management plans were to be reviewed but the applicant would not be subletting the parking management and envisaged an holistic approach.

The Chair expressed his opinion that the application looked nice and he had no concerns regarding the height. It was positive to have a developer looking to restore the site. He felt it was a high density application with insufficient parking, placing restrictions on residents would lead to illegal parking and it would be unfair to penalise residents who need cars for work. The issue of

parking was a huge concern and although minimum requirements had been met it worried him that there was no real thought to the matter. There was also more work to be done on conditions around the medical centre. Unless Members could sway him the application was unlikely to get his approval.

*The Committee agreed to suspend standing orders and extend the meeting so that all applications could be heard.*

Councillor Rice stated that, on balance, he would support the application. The site had lain dormant for many years and although the buildings were tall, Thurrock was running out of brownfield sites to develop. In order to preserve the Green Belt the only option was to build higher. Although parking was an issue it would be good if some voluntary agreement could be made with Sainsbury's. He would support approval of the application, especially since development of the site had already been approved and it was likely that a refusal would go to appeal. He also reminded the Committee that there were currently 7000 people on the housing waitlist and there was a need for homes to be built in Thurrock. It would also be very welcome to have the current site, which was an eyesore, restored.

Councillor Ojetola felt, although it was a good application, there were a number of areas which needed fine-tuning. He agreed that Thurrock was in need of more homes. He expressed real concern regarding parking and felt that the more it was raised, the more obvious it was that a problem could be foreseen and it was crucial to manage that now. The issue of the NHS funding and conditions around the GP surgery, the commercial units and other areas all needed to be tidied up. He proposed the Committee defer the application so officers could look at the issues raised with the Applicant. He was cautious to avoid rushing the application and creating more permanent problems.

It was proposed by the Councillor Ojetola and seconded by the Chair that the application be deferred..

For: Councillors Tom Kelly (Chair), Kevin Wheeler (Vice-Chair), Chris Baker, Colin Churchman, Tunde Ojetola, Terry Piccolo and David Potter.

Against: Councillors Steve Liddiard and Gerard Rice

Abstain: (0)

Members were given the opportunity to highlight the issues they wished to be addressed.

Councillor Piccolo raised concern that these types of premises were predominantly found in London and it was likely that the units would not house residents from the Council's waitlist but young professionals moving out of central London to Thurrock for the lower rent. The parking was a very big issue; if people were to be encouraged to use public transport more then they

needed somewhere to park their cars. He was also concerned about ease of access for delivery vans and similar vehicles to the site. There was currently no Parking Permit Scheme in place in the surrounding area, so residents without access to the basement car park would be forced to park in the roads nearby and cause problems for the Council. It was his opinion that the ratio of parking spaces to units was ludicrous.

Councillor Churchman echoed the previous concerns around housing and also wanted restrictions on the use of the 280m<sup>2</sup> area if the GP Surgery fell through for residential use over commercial.

Councillor Rice urged Officers to conclude negotiations quickly as there was a real need for the additional homes.

Members reiterated the idea of liaising with Sainsbury's regarding additional parking and also suggested Bannatyne's. The Chair also asked if Officers could look into possibility of private enforcement company profits being fed back to residents as it was their land.

**92. 16/01446/FUL - Former Harrow Inn, Harrow Lane, Bulphan, Essex, RM14 3RL**

Members were informed that the application sought planning permission for the demolition of the existing, derelict, buildings and removal of hardstanding and the erection of a health and wellness centre. Although the site was previously developed, the proposed increase in floor area and volume constituted inappropriate development in the Green Belt. It was therefore necessary to assess whether the applicant had provided any very special circumstances in favour of the development to mitigate the harm to the Green Belt as well as other harm. Officers had assessed the special circumstances as outweighing the potential harm, but Members were asked to consider the balance.

Members were cautious regarding inappropriate development of the Green Belt and sought confirmation that approval of the application would not set a dangerous precedent. The Committee was assured that, as each planning application was to be assessed on its own merit, the very special circumstances, particularly the uniqueness of the proposal and the location and the opportunity to improve the appearance and conditions of the site, would, in combination, warrant an exception and therefore would not set a precedent for future inappropriate development in the Green Belt.

The Chair asked if there were any similar centres in Essex, or the UK and whether they were successful. Members were advised the proposed wellness centre would be the first of its kind in the UK.

The Applicant, Joy Jarvis, was invited to the Committee to give her statement of support.

Councillor Rice recalled the idyllic setting of the pub around 40 years ago and the fact that since it had fallen into disrepair and become an eyesore. He expressed enthusiasm that CABE had been involved in designing the proposal. He welcomed the proposed centre as providing both a service and employment opportunities within Thurrock. He commended the applicant as the site currently stuck out like a sore thumb and it was time it was cleaned up. He supported the recommendations of CABE and the planning officers.

Councillor Ojetola agreed it was a good application, and welcomed developments that were to be the first of their kind in Thurrock. He was concerned about balancing the harm to the Green Belt. He advised the Committee that he was still unsure about the application.

Councillor Baker echoed the concern regarding inappropriate development in the Green Belt. He agreed the site was an eyesore in an otherwise lovely part of Thurrock and would welcome the development, provided it did not set a precedent for future developers.

The Head of Planning & Growth assured the Committee that, collectively, the special circumstances would not set a precedent.

Councillor Piccolo welcomed the reassurance regarding the risk of setting a precedent. Whilst he did not doubt the unique opportunity he was doubtful how much the service would benefit Thurrock residents as it was likely to be targeted towards people who could afford it more than the local residents who might need it. He expressed surprise that there were not more special circumstances to mitigate a development that he believed to be 2.5 times the size of the previous building.

The Chair recognised the concerns of members but added that there had been no negative comments from residents and they were often the first to voice their concerns. He expressed his view that it was a fantastic opportunity.

It was proposed by Councillor Liddiard and seconded by Councillor Baker that the application be approved as per the Officer recommendation, subject to referral to the National Planning Casework Unit as the proposed floorarea would exceed the 1,000 sqm threshold.

For: Councillors Tom Kelly (Chair), Kevin Wheeler (Vice-Chair), Chris Baker, Colin Churchman, Steve Liddiard, Terry Piccolo, David Potter and Gerard Rice.

Against: (0)

Abstain: Councillor Tunde Ojetola.

**The meeting finished at 9.08 pm**

Approved as a true and correct record

**CHAIR**

**DATE**

**Any queries regarding these Minutes, please contact  
Democratic Services at [Direct.Democracy@thurrock.gov.uk](mailto:Direct.Democracy@thurrock.gov.uk)**



<b>16 March 2017</b>		<b>ITEM: 6</b>
<b>Planning Committee</b>		
<b>Planning Appeals</b>		
<b>Wards and communities affected:</b> All	<b>Key Decision:</b> Not Applicable	
<b>Report of:</b> Leigh Nicholson, Development Management Team Leader		
<b>Accountable Head of Service:</b> Andy Millard, Head of Planning and Growth		
<b>Accountable Director:</b> Steve Cox, Director of Environment and Place		

## Executive Summary

This report provides Members with information with regard to planning appeal performance.

### 1 Recommendation(s)

#### 1.1 To note the report

### 2 Introduction and Background

2.1 This report advises the Committee of the number of appeals that have been lodged and the number of decisions that have been received in respect of planning appeals, together with dates of forthcoming inquiries and hearings.

### 3 Appeals Lodged:

#### 3.1 Application No: 16/01180/HHA

Location: 27 Cecil Avenue, Chafford Hundred

Proposal: Loft conversion with front dormer, two rear dormers and extension of gable roof and chimney.

**3.2 Application No: 16/00023/CUSE**

Location: Storage Yard, Blockhouse Road, Grays

Proposal: Retention of mobile home

**4 Appeals Decisions:**

The following appeal decisions have been received:

**4.1 Application No: 16/01098/HHA**

Location: Monchique, Rainbow Road, Chafford Hundred

Proposal: Loft conversion with dormer

**Decision: Appeal Dismissed**

Summary of decision:

4.1.1 The Inspector considered the main issues to be:

- I. Whether the proposal would be inappropriate development in the Green Belt;
- II. The effect of the development on the openness of the Green Belt; and
- III. If the development would be inappropriate, whether the harm by reason of inappropriateness, and any other harm, would be clearly outweighed by other considerations, so as to amount to the very special circumstances necessary to justify it.

4.1.2 In relation to (I), all parties agreed that the siting of the mobile home would be inappropriate development. The Inspector stated that 'great weight should be given to that harm'.

4.1.3 In relation to (II), the Inspector took the view that the development would give rise to conflict with paragraphs 79 of the NPPF and LDF CS Policy PMD6.

4.1.4 In relation to (III), the Inspector considered the appellant's case for the development but did not find there to be sufficient functional need to warrant the mobile home. The Inspector concluded that the matters raised by the appellant in support of the development did not outweigh the substantial harm to the Green Belt by reason of the inappropriateness of the development and the harm that would be caused to the Green Belt's openness. The Inspector accordingly dismissed the appeal.

4.1.5 The full appeal decision can be found [here](#)

**4.2 Application No: 16/01118/HHA**

Location: 22 Alderton Road, Orsett, Essex, RM16 3DZ

Proposal: Proposed two storey side extension.

**Decision: Appeal Approved**

Summary of decision:

4.2.1

4.2.2

4.2.3

4.2.4

4.2.5 The full appeal decision can be found [here](#)

**4.3 Application No: 16/00881/HHA**

Location: 19 Field Road, Aveley, Essex, RM15 4AL

Proposal: Part single storey and part two storey rear extension with two storey side extension.

**Decision: Appeal Dismissed**

Summary of decision:

4.3.1

4.3.2

4.3.3

4.3.4

4.3.5 The full appeal decision can be found [here](#)

**4.4 Application No: 16/01094/HHA**

Location: 50 King Edward Drive, Grays, Essex, RM16 4AQ

Proposal: Conversion and extension of existing garage to form ancillary granny annexe

**Decision: Appeal Allowed**

Summary of decision:

4.4.1

4.4.2

4.4.3

4.4.4

4.4.5 The full appeal decision can be found [here](#)

**4.5 Application No: 16/00926/HHA**

Location: Silverside, Vange Park Road, Vange, SS16 5LA

Proposal: Proposed side/rear extension and two dormer roof extensions.

**Decision: Appeal Dismissed**

Summary of decision:

4.4.1

4.4.2

4.4.3

4.4.4

4.4.5 The full appeal decision can be found [here](#)

**4.6 Application No: 16/00247/HHA**

Location: 2 Marie Close, Corringham, Essex, SS17 9EX

Proposal: Removal of existing conservatory and retention of extended games room.

**Decision: Appeal Dismissed**

Summary of decision:

4.6.1

4.6.2

4.6.3

4.6.4

4.6.5 The full appeal decision can be found [here](#)

**4.7 Application No: 16/01311/HHA**

Location: The Gables, Brentwood Road, Bulphan, Essex

Proposal: Detached garage

**Decision: Appeal Dismissed**

Summary of decision:

4.7.1

4.7.2

4.7.3

4.7.4

4.7.5 The full appeal decision can be found [here](#)

**4.8 Application No: 16/00992/FUL**

Location: 3 Longley Mews, Grays, Essex, RM16 3AG

Proposal: Proposed front extension and dormer to garage and subsequent conversion to self contained annexe.

**Decision: Appeal Dismissed**

Summary of decision:

4.8.1

4.8.2

4.8.3

4.8.4

4.8.5 The full appeal decision can be found [here](#)

**4.9 Application No: 15/01342/FUL**

Location: Bulimba, Butts Road, Stanford Le Hope, SS17 0JH

Proposal: Proposed front extension and dormer to garage and subsequent conversion to self contained annexe.

**Decision: Appeal Dismissed**

Summary of decision:

4.9.1

4.9.2

4.9.3

4.9.4

4.9.5 The full appeal decision can be found [here](#)

**4.10 Application No: 14/00321/CUSE**

Location: Bulimba, Butts Road, Stanford Le Hope, SS17 0JH

Proposal: Appeal against Enforcement Notice

**Decision: Appeal Allowed**

Summary of decision:

4.10.1

4.10.2

4.10.3

4.10.4

4.10.5 The full appeal decision can be found [here](#)

## 5 Forthcoming public inquiry and hearing dates:

5.1 The following inquiry and hearing dates have been arranged:

5.2 None.

## 6 APPEAL PERFORMANCE:

6.1 The following table shows appeal performance in relation to decisions on planning applications and enforcement appeals.

	APR	MAY	JUN	JUL	AUG	SEP	OCT	NOV	DEC	JAN	FEB	MAR	
Total No of Appeals	5	2	4	0	0	4	1	3	1	0	9	0	29
No Allowed	2	0	0	0	0	4	1	1	1	0	0	0	12
% Allowed													41%

## 7 Consultation (including overview and scrutiny, if applicable)

7.1 N/A

## 8 Impact on corporate policies, priorities, performance and community impact

8.1 This report is for information only.

## 9 Implications

### 9.1 Financial

Implications verified by: **Sean Clark**  
**Head of Corporate Finance**

There are no direct financial implications to this report.

### 9.2 Legal

Implications verified by: **Vivien Williams**  
**Principal Regeneration Solicitor**

The Appeals lodged will either have to be dealt with by written representation procedure or (an informal) hearing or a local inquiry.

Most often, particularly following an inquiry, the parties involved will seek to recover from the other side their costs incurred in pursuing the appeal (known as 'an order as to costs' or 'award of costs').

### 9.3 **Diversity and Equality**

Implications verified by: **Rebecca Price**  
**Community Development Officer**

There are no direct diversity implications to this report.

### 9.4 **Other implications** (where significant) – i.e. Staff, Health, Sustainability, Crime and Disorder)

None.

### 10 **Background papers used in preparing the report** (including their location on the Council's website or identification whether any are exempt or protected by copyright):

- All background documents including application forms, drawings and other supporting documentation can be viewed online: [www.thurrock.gov.uk/planning](http://www.thurrock.gov.uk/planning). The planning enforcement files are not public documents and should not be disclosed to the public.

### 11 **Appendices to the report**

- None

#### **Report Author:**

Leigh Nicholson  
Development Management Team Leader



<b>Reference:</b> 17/00086/CV	<b>Site:</b> St Thomas Of Canterbury Catholic Primary School Ward Avenue Grays Essex RM17 5RW
<b>Ward:</b> Grays Thurrock	<b>Proposal:</b> Application for the removal of condition no. 7 (Traffic Management Scheme) of planning permission ref. 97/00758/FUL (Internal alterations and extensions to existing school building to replace temporary buildings and increase school capacity. Improved provision for car access and parking.)

<b>Plan Number(s):</b>		
Reference	Name	Received
7431-8833603-ESL	Location Plan	25th January 2017

The application is also accompanied by:	
- N/A	
<b>Applicant:</b> Mr Chris Birtles	<b>Validated:</b> 24 January 2017 <b>Date of expiry:</b> 21 March 2017
<b>Recommendation:</b> To Refuse	

This application is scheduled for determination by the Council's Planning Committee because the application has attracted significant local interest.

## 1.0 DESCRIPTION OF PROPOSAL

- 1.1 The application seeks the removal of condition 7 (Traffic Management Scheme) of planning permission reference 97/00758/FUL.

**2.0 SITE DESCRIPTION**

2.1 St Thomas of Canterbury Catholic Primary School is located in Ward Avenue, Grays, surrounded by residential streets.

**3.0 RELEVANT HISTORY**

Application Reference	Description of Proposal	Decision
97/00758/FUL	Internal alterations and extensions to existing school building to replace temporary buildings and increase school capacity. Improved provision for car access and parking.	Approved, subject to conditions

**4.0 CONSULTATIONS AND REPRESENTATIONS**

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

PUBLICITY:

4.2 This application has been advertised by way of individual neighbour notification letters. There have been 8 letters of objection and one letter of support. The letters of objection raise the following concerns:

- Access to site
- Additional traffic
- Noise
- Pollution
- Health and safety problems
- Traffic problems

The letter of support makes the following comments:

- Safety grounds

**4.3 HIGHWAYS**

Recommend refusal.

## 5.0 POLICY CONTEXT

National Planning Guidance

### National Planning Policy Framework (NPPF)

- 5.1 The NPPF was published on 27th March 2012. Paragraph 13 of the Framework sets out a presumption in favour of sustainable development. Paragraph 196 of the Framework confirms the tests in s.38 (6) of the Planning and Compulsory Purchase Act 2004 and s.70 of the Town and Country Planning Act 1990 and that the Framework is a material consideration in planning decisions. Paragraph 197 states that in assessing and determining development proposals, local planning authorities should apply the presumption in favour of sustainable development.

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

- Promoting sustainable transport

### Planning Practice Guidance

- 5.2 In March 2014 the Department for Communities and Local Government (DCLG) launched its planning practice guidance web-based resource. This was accompanied by a Written Ministerial Statement which includes a list of the previous planning policy guidance documents cancelled when the NPPF was launched. PPG contains 42 subject areas, with each area containing several subtopics. Those of particular relevance to the determination of this planning application comprise:

- Determining a planning application
- Use of Planning Conditions

### **Local Planning Policy**

#### Thurrock Local Development Framework (2015)

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

Thematic Policies:

- CSTP12 (Education and Learning)

Policies for the Management of Development:

- PMD1 (Minimising Pollution and Impacts on Amenity)<sup>2</sup>
- PMD9 (Road Network Hierarchy)

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

#### Focused Review of the LDF Core Strategy (2014)

- 5.4 This Review was commenced in late 2012 with the purpose to ensure that the Core Strategy and the process by which it was arrived at are not fundamentally at odds with the NPPF. There are instances where policies and supporting text are recommended for revision to ensure consistency with the NPPF. The Review was submitted to the Planning Inspectorate for independent examination in August 2013. An Examination in Public took place in April 2014. The Inspector concluded that the amendments were sound subject to recommended changes. The Core Strategy and Policies for Management of Development Focused Review: Consistency with National Planning Policy Framework Focused Review was adopted by Council on the 28th February 2015.

#### Draft Site Specific Allocations and Policies DPD

- 5.5 This Consultation Draft “Issues and Options” DPD was subject to consultation commencing during 2012. The Draft Site Specific Allocations DPD ‘Further Issues and Options’ was the subject of a further round of consultation during 2013. The Planning Inspectorate is advising local authorities not to continue to progress their Site Allocation Plans towards examination whether their previously adopted Core Strategy is no longer in compliance with the NPPF. This is the situation for the Borough.

#### Thurrock Core Strategy Position Statement and Approval for the Preparation of a New Local Plan for Thurrock

- 5.6 The above report was considered at the February meeting 2014 of the Cabinet. The report highlighted issues arising from growth targets, contextual changes, impacts of recent economic change on the delivery of new housing to meet the Borough’s Housing Needs and ensuring consistency with Government Policy. The report questioned the ability of the Core Strategy Focused Review and the Core Strategy ‘Broad Locations & Strategic Sites’ to ensure that the Core

Strategy is up-to-date and consistent with Government Policy and recommended the 'parking' of these processes in favour of a more wholesale review. Members resolved that the Council undertake a full review of Core Strategy and prepare a new Local Plan

## **6.0 ASSESSMENT**

- 6.1 By way of background, planning permission was granted for extensions and alterations to the school in 1997 under planning reference 97/00758/FUL. At that time, it was considered an increase in capacity at the school would impact on road safety on Ward Avenue and wider residential environment. Thus as a mitigation measure a condition was applied for the school to implement a traffic management scheme to ensure that the effect of the proposal was minimised and that improvements to road safety and the general street environment were made.
- 6.2 The agreed mitigation strategy was a traffic management system for parents to drop-off children within the school boundary rather than on the public highway. The aim of this was to reduce the number of cars stopping on the highway to prevent traffic being unnecessarily obstructed during morning and afternoon school drop off and pick up times.
- 6.3 The school has successfully operated the traffic management system since 1997 but ceased operating the system in September 2016. The applicant has advised that the school has sought to remove the condition because it considers that the operation of a pickup and drop off within the site poses a risk to pupils, staff and other pedestrians when vehicles enter the school site, at a time when there are high levels of vehicle movement.
- 6.4 There is no evidence put forward to substantiate this, and nothing to indicate why a system that has previously operated successfully is no longer viable and needs to be changed. It is not considered that the matters put forward justify the removal of the condition which would have wider impacts beyond the application site. In addition, it is within the school's gift to manage vehicle movements within his site where he can exercise control. Displacing vehicles onto the public highway creates more harm.
- 6.5 The Council's Highway Officer indicates that since the school has ceased to operate the management scheme complaints have been received from local residents and there have been reports of unsafe parking, congestion and concerns over children's and parents road safety in and around the entrance to school on Ward Avenue. The officer considers that the current issues on site indicate that the previous concerns regarding the impact of the increase in capacity on site were justified and that the condition to impose a traffic management needs to remain.
- 6.6 The Highway Officer considers the removal of Condition 7 would be contrary to PMD9 Road Network Hierarchy and therefore recommends refusal.

## **7.0 CONCLUSIONS AND REASON(S) FOR REFUSAL**

- 7.1 The removal of condition 7 of planning permission 97/00758/FUL would be contrary to policy PMD9 of the Core Strategy as it would lead to significant impacts on highways safety, efficiency and amenity on Ward Avenue.

## **8.0 RECOMMENDATION**

To Refuse for the following reason:

### **Reason(s):**

- 1 Policy PMD9 (Road Network Hierarchy) of the Core Strategy (as amended 2015) indicates that proposals for development affecting the highway will be considered in relation to the road network hierarchy and the function of each level of that hierarchy. The aim is to enhance the street scene and to mitigate adverse impacts on the transport system, which includes impacts on capacity, safety, air quality, and noise

The removal of condition 7 of planning permission 97/00758/FUL would be contrary to Policy PMD9 of the Core Strategy as it would lead to significant impacts on highways safety, efficient and amenity on Ward Avenue, to the detriment of pedestrians and motorists using the highway.

### **INFORMATIVE:**

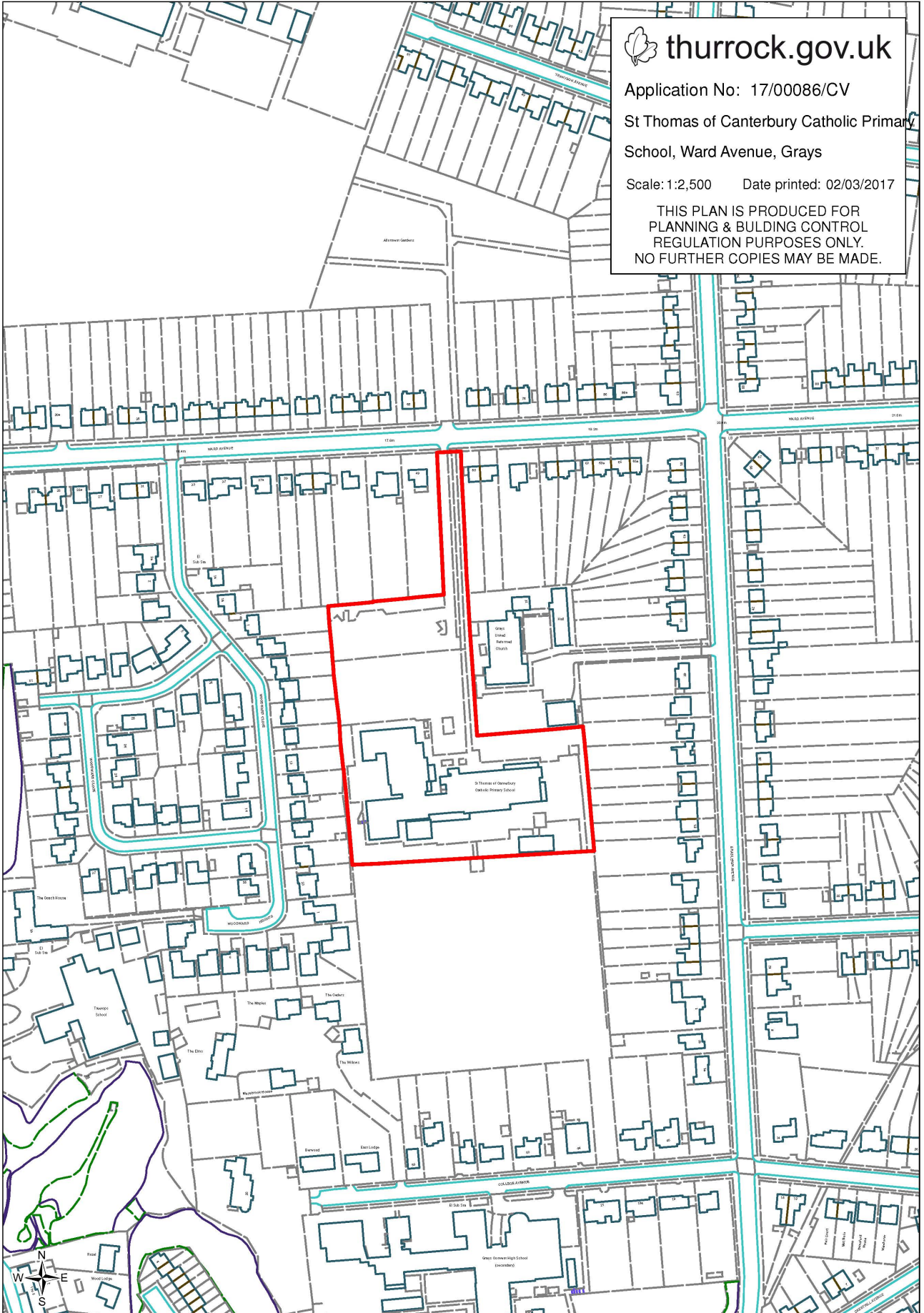
Town and Country Planning (Development Management Procedure) (England) Order 2015 (as amended) - Positive and Proactive Statement


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

### **Documents:**

All background documents including application forms, drawings and other supporting documentation relating to this application can be viewed online:

[www.thurrock.gov.uk/planning](http://www.thurrock.gov.uk/planning)



 **thurrock.gov.uk**  
Application No: 17/00086/CV  
St Thomas of Canterbury Catholic Primary School, Ward Avenue, Grays  
Scale: 1:2,500    Date printed: 02/03/2017  
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<b>Reference:</b> 17/00099/FUL	<b>Site:</b> Church Hall Rigby Gardens Chadwell St Mary Essex RM16 4JJ
<b>Ward:</b> Chadwell St Mary	<b>Proposal:</b> Demolition of the existing pre fabricated concrete church hall and the construction of 2x four bedroom and 2x three bedroom houses with associated parking and landscaping

Plan Number(s):		
Reference	Name	Received
1209.01P2	Site Layout	25th January 2017
1209.02P2	Proposed Plans	25th January 2017
1209.03P2	Proposed Plans	25th January 2017

The application is also accompanied by: <ul style="list-style-type: none"> <li>- Design and Access Statement</li> <li>- Reptile Survey</li> <li>- Asbestos Review</li> </ul>	
<b>Applicant:</b> Mr Joe Shack	<b>Validated:</b> 30 January 2017  <b>Date of expiry:</b> 27 March 2017
<b>Recommendation:</b> To Refuse	

This application is scheduled for determination by the Council's Planning Committee because the previous application [16/00593/FUL] was considered at Committee.

## 1.0 DESCRIPTION OF PROPOSAL

- 1.1 The application seeks planning permission for the redevelopment of the former church hall site to provide 2 x four bedroom and 2 x three bedroom houses with associated parking and landscaping.

1.2 The proposal principally differs from the previous submission in the following main aspects:

- Reduction in units proposed from six to four
- Finer details of design improved
- Bin stores to the rear of the properties
- Permeable blockwork for the parking area

## 2.0 SITE DESCRIPTION

2.1 The application site is presently occupied by a single storey pre-fabricated concrete church hall building and hardstanding previously used as a parking area for the hall. The remainder of the site is grassed with some overgrown vegetation on the boundaries. There is an existing vehicular access to the site off Rigby Gardens.

2.2 The site is situated within a cul-de-sac at the southern end of Rigby Gardens. The site is bordered to the east by residential properties in Rigby Gardens, including The Rectory to the immediate north. Properties on Cambridge Gardens lie to the immediate south of the site and land associated with Chadwell St Mary Cemetery lies to the immediate west.

## 3.0 RELEVANT HISTORY

Application Reference	Description of Proposal	Decision
16/00593/FUL	Demolition of the existing pre-fabricated concrete church hall and the construction of 4 three bedroom and 2 two bedroom houses with associated parking and landscaping	Refused on the basis of: 1) Loss of community facility and 2) Excessive areas of hardstanding, limited landscaping, car dominated environment, poorly placed bin stores which undermine the quality of the area and result in a cramped overdevelopment of the site.

## 4.0 CONSULTATIONS AND REPRESENTATIONS

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

PUBLICITY:

4.1 This application has been advertised by way of individual neighbour notification letters and public site notice which has been displayed nearby. There have been no comments received.

4.2 EMERGENCY PLANNING:

No objection.

4.3 ENVIRONMENTAL HEALTH:

No objections, subject to conditions.

4.4 HIGHWAYS:

No objections, subject to conditions.

4.5 LANDSCAPE AND ECOLOGY:

No objections, subject to conditions.

**5.0 POLICY CONTEXT**

National Planning Guidance

National Planning Policy Framework (NPPF)

5.1 The NPPF was published on 27th March 2012. Paragraph 13 of the Framework sets out a presumption in favour of sustainable development. Paragraph 196 of the Framework confirms the tests in s.38 (6) of the Planning and Compulsory Purchase Act 2004 and s.70 of the Town and Country Planning Act 1990 and that the Framework is a material consideration in planning decisions. Paragraph 197 states that in assessing and determining development proposals, local planning authorities should apply the presumption in favour of sustainable development.

5.2 The following headings and content of the NPPF are relevant to the consideration of the current proposals:

6. Delivering a wide choice of high quality homes

7. Requiring good design

Planning Practice Guidance

5.3 In March 2014 the Department for Communities and Local Government (DCLG) launched its planning practice guidance web-based resource. This was

accompanied by a Written Ministerial Statement which includes a list of the previous planning policy guidance documents cancelled when the NPPF was launched. PPG contains 42 subject areas, with each area containing several subtopics. Those of particular relevance to the determination of this planning application comprise:

- Design;
- Delivering a wide choice of high quality homes;
- Planning Obligations, and;
- The use of planning conditions.

### **Local Planning Policy**

#### Thurrock Local Development Framework (2011)

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

Spatial Policies:

- CSSP1 (Sustainable Housing and Locations);

Thematic Policies:

- CSTP10 (Community Facilities)
- CSTP22 (Thurrock Design)
- CSTP23 (Thurrock Character and Distinctiveness)<sup>2</sup>

Policies for the Management of Development:

- PMD1 (Minimising Pollution and Impacts on Amenity)<sup>2</sup>
- PMD2 (Design and Layout)<sup>2</sup>
- PMD8 (Parking Standards)<sup>3</sup>
- PMD16 (Developer Contributions)<sup>2</sup>

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

### Focused Review of the LDF Core Strategy (2014)

- 5.5 This Review was commenced in late 2012 with the purpose to ensure that the Core Strategy and the process by which it was arrived at are not fundamentally at odds with the NPPF. There are instances where policies and supporting text are recommended for revision to ensure consistency with the NPPF. The Review was submitted to the Planning Inspectorate for independent examination in August 2013. An Examination in Public took place in April 2014. The Inspector concluded that the amendments were sound subject to recommended changes. The Core Strategy and Policies for Management of Development Focused Review: Consistency with National Planning Policy Framework Focused Review was adopted by Council on the 28th February 2015.

### Draft Site Specific Allocations and Policies DPD

- 5.6 This Consultation Draft “Issues and Options” DPD was subject to consultation commencing during 2012. The Draft Site Specific Allocations DPD ‘Further Issues and Options’ was the subject of a further round of consultation during 2013. The Planning Inspectorate is advising local authorities not to continue to progress their Site Allocation Plans towards examination whether their previously adopted Core Strategy is no longer in compliance with the NPPF. This is the situation for the Borough.

### Thurrock Core Strategy Position Statement and Approval for the Preparation of a New Local Plan for Thurrock

- 5.7 The above report was considered at the February meeting 2014 of the Cabinet. The report highlighted issues arising from growth targets, contextual changes, impacts of recent economic change on the delivery of new housing to meet the Borough’s Housing Needs and ensuring consistency with Government Policy. The report questioned the ability of the Core Strategy Focused Review and the Core Strategy ‘Broad Locations & Strategic Sites’ to ensure that the Core Strategy is up-to-date and consistent with Government Policy and recommended the ‘parking’ of these processes in favour of a more wholesale review. Members resolved that the Council undertake a full review of Core Strategy and prepare a new Local Plan

## **6.0 ASSESSMENT**

- 6.1 The assessment below covers the following areas:

- I. Plan designation and principle of the development (including the loss of the community facility)
- II. Design and relationship of the development with its surroundings
- III. Landscaping and Ecology

- IV. Impacts on amenity
- V. Amenity space
- VI. Parking and refuse collection
- VII. Infrastructure

I. PLAN DESIGNATION AND PRINCIPLE OF THE DEVELOPMENT  
(INCLUDING THE LOSS OF THE COMMUNITY FACILITY)

- 6.2 Core Strategy Policy CSTP10 (Community Facilities), seeks ‘to provide and maintain existing provision for community facilities to contribute towards meeting the varied needs of local people.’
- 6.3 In this case the Local Planning Authority must be provided with satisfactory evidence to be able to reasonably conclude whether there is a real demand for the community facility and, if there is not, whether the proposed development is appropriate in the context of the Council’s Development Plan. The onus is on the applicant to provide evidence to demonstrate the demand, or lack thereof, for the site to be retained in community use.
- 6.4 It is a matter of fact that the children’s activity centre ceased operating in May 2016 and was purchased by the applicant in March 2016. However, it is unclear to what extent the property has been marketed, notably in relation to D1 use.
- 6.5 The church hall has not been used as a meeting place for the church since the 1980s. The building was most used through the 1990s as Jungle Gym, a children’s activity centre. Whilst the facility was in use into 2016, the applicant believes Jungle Gym was fairly under used in recent years. The applicant purchased the site in March 2016 and the tenants moved out in May 2016. The tenants were offered an option to extend the lease whilst development proposals were prepared and submitted, but they chose to close the business. The applicant has been unable to provide any evidence in relation to marketing which may have been carried out for the premises. The applicant has commented that the building has exceeded its life span and there is structural movement within the building. It was not financially viable for the users of the former church hall to build a replacement building.
- 6.6 The information provided by the applicant is limited and it is not considered sufficient to demonstrate that the hall has been properly advertised and marketed for alternative community uses since it became vacant. In the absence of any compelling evidence to justify the loss of the community facility, the proposal is considered to be contrary to Core Strategy Policy CSTP10.

## II. DESIGN AND RELATIONSHIP OF THE DEVELOPMENT WITH ITS SURROUNDINGS

- 6.7 The proposal would provide four dwellings arranged in two areas; a pair of semi-detached houses would be located in the eastern half of the site with the principal elevations facing the highway in Rigby Gardens and two detached dwellings to the west of the site. The detached dwellings would be orientated at a 90 degree angle to the highway in Rigby Gardens with their principal elevations facing eastwards.
- 6.8 The new vehicular access to the site would be provided centrally within the site between both sets of buildings.
- 6.9 The dwellings would be two storeys in height and would be built with brick and tiled gable pitched roofs. The layout would make the best use of the site following the pattern of development in Rigby Gardens and with consideration to neighbour amenity. Plots 1 and 2, the pair of semi-detached dwellings, would be sited approximately 1.8m forward of the main front wall of no. 9 Rigby Gardens to the east. There would be a separation of approximately 1m between the garage of no. 9 and the flank of Plot 1. The flank wall of Plot 1 would be located approximately 3.5m away from the flank wall of the main dwelling at no. 9. There is an existing stagger in the notional building lines of the semi-detached properties in Rigby Gardens and the proposed position of Plots 1 and 2 would reflect the character of the street scene.
- 6.10 The two proposed detached dwellings would be sited approximately 3.5m set back from the front wall of the garage at the Rectory, the adjacent detached property. The proposed terrace would be located approximately 7.5m away from the flank wall of the garage of the Rectory, and approximately 3m off the boundary.
- 6.11 The plan form and proportions of the proposed dwellings would be appropriate for the location. Similarly the proposed scale of the development would be unlikely to lead to any detriment to the visual amenities of the street scene in Rigby Gardens. The proposal is, on the whole, an improvement to the previous scheme. Members are reminded that the previous reasons for refusal related to the extensive areas of hardstanding which could lead to a car dominated streetscape and lack of opportunity for meaningful landscaping. The other reasons related to the positioning of the refuse containers to the front of the properties and overdevelopment of the site. It is considered that the above matters have been addressed and there are less properties being proposed with less parking and opportunity for landscaping on the site (which could be secured by condition).
- 6.12 In respect of layout, appearance and design, the proposal is considered to be in accordance with the relevant criteria of Policies PMD1 and PMD2 of the Core Strategy and the NPPF.

### III. LANDSCAPING AND ECOLOGY

- 6.13 The Council's Landscape and Ecology Advisor considers that the development would not have significant adverse effects on the landscape setting or visual amenity.
- 6.14 The site does not contain any trees or other vegetation of any significance however there are trees in third party gardens which will need to be adequately protected during construction. Of particular significance are the Copper Beech and the Cherry tree in the rear garden of the Rectory which are covered by TPO 35/2010. A condition has been included requiring details of how the trees in the neighbouring properties are to be protected during construction.
- 6.15 There would be scope to provide additional landscaped planting. Where some planting is shown next to the Copper Beech, careful consideration will need to be given to the choice of species due to the heavy shade that the tree casts. The detail of the landscape scheme can be dealt with by condition.
- 6.16 A reptile survey has been carried out which identified that the site contains a population of slowworms. It is considered unlikely that there will be sufficient suitable habitat retained on site to enable the population to remain. A suitable off-site receptor should therefore be identified. Details of this could be provided by planning condition imposed on any consent granted. Subject to condition, the proposed site clearance and translocation methodologies are considered appropriate.
- 6.17 In respect of matters associated with landscaping and ecology, the proposal is considered to be in accordance with the relevant criteria of Policies PMD1 and PMD2 of the Core Strategy and the NPPF.

### IV. IMPACTS ON AMENITY

- 6.18 Due to the orientation of the fenestration and distance between windows of the proposed houses and the existing surrounding properties, the proposed houses would not overlook any nearby properties.
- 6.19 In respect of neighbour amenity impacts, the proposal is considered to be in accordance with the relevant criteria of Policies PMD1 and PMD2 of the Core Strategy and the NPPF.

### V. AMENITY SPACE



- 6.20 The proposal includes approximately 515 sqm of private amenity area in total. This provision is in excess of the amenity space requirements stipulated within Annexe 1 of the Local Plan 1997 (450 sqm in this instance). Policy PMD2 of the Core Strategy is met.

## VI. PARKING AND REFUSE COLLECTION

- 6.21 The Council's Highway Officer raises no objections to the level of parking provision for the development or the access arrangements. The proposal shows the existing vehicular access being repositioned slightly to the west to allow for the development, and open parking in a central parking area. A total of 11 car parking spaces are proposed for the development, equating to 2 spaces per dwelling plus 2 visitor spaces. The Highway Officer has recommended standard conditions relating to the access, car parking area and cycle storage all of which have been included in the recommendation. The proposal satisfies the relevant criteria of Policy PMD8 of the Core Strategy in relation to parking provision.
- 6.22 Refuse and recycling storage would be provided within the rear gardens of each dwelling. Refuse collection vehicles would not enter the site, but refused would be collected from Rigby Gardens; the carrying distances for refuse would comply with Council standards.

## VII. INFRASTRUCTURE

- 6.23 Policy PMD16 of the Core Strategy indicates that where needs would arise as a result of development; the Council will seek to secure planning obligations under Section 106 of the Town and Country Planning Act 1990 and any other relevant guidance. The Policy states that the Council will seek to ensure that development proposals contribute to the delivery of strategic infrastructure to enable the cumulative impact of development to be managed and to meet the reasonable cost of new infrastructure made necessary by the proposal.
- 6.24 National Planning Practice Guidance states that local planning authorities must ensure that the obligation meets the relevant tests for planning obligations in that they are necessary to make the development acceptable in planning terms, directly related to the development, and fairly and reasonably related in scale and kind. Planning obligations should not be sought where they are clearly not necessary to make the development acceptable in planning terms. Planning obligations must be fully justified and evidenced.
- 6.25 The proposal is for a small scale development and no infrastructure requirements have been identified arising from this development. The site is also below the size

that would trigger the requirement for offsite affordable housing provision. Accordingly is not considered necessary for an s.106 contribution in this instance.

## **7.0 CONCLUSIONS AND REASON(S) FOR REFUSAL**

- 7.1 The loss of the church hall which is seen as a community facility renders the application objectionable and contrary to adopted policy. Community facilities, such as church halls, contribute towards meeting the varied needs of local people to interact with other members of the community. In this instance, the applicant has not provided satisfactory justification to demonstrate that the church hall has been properly advertised and marketed. As such, despite other matters of detail being found to be acceptable, the application attracts a recommendation of refusal.

## **8.0 RECOMMENDATION**

To Refuse for the following reason:

### **Reason(s):**

1. Community facilities, such as church halls, contribute towards meeting the varied needs of local people to interact with other members of the community. Core Strategy Policy CSTP10, Community Facilities, seeks to ensure the delivery of community facilities within the Borough in order to address needs and to maintain existing provision.

The applicant has not provided sufficient evidence to demonstrate that the church hall was reasonably and robustly advertised and marketed since it became vacant in May 2016. The loss of this local amenity would be contrary to Policy CSTP10.

### **Informative:**

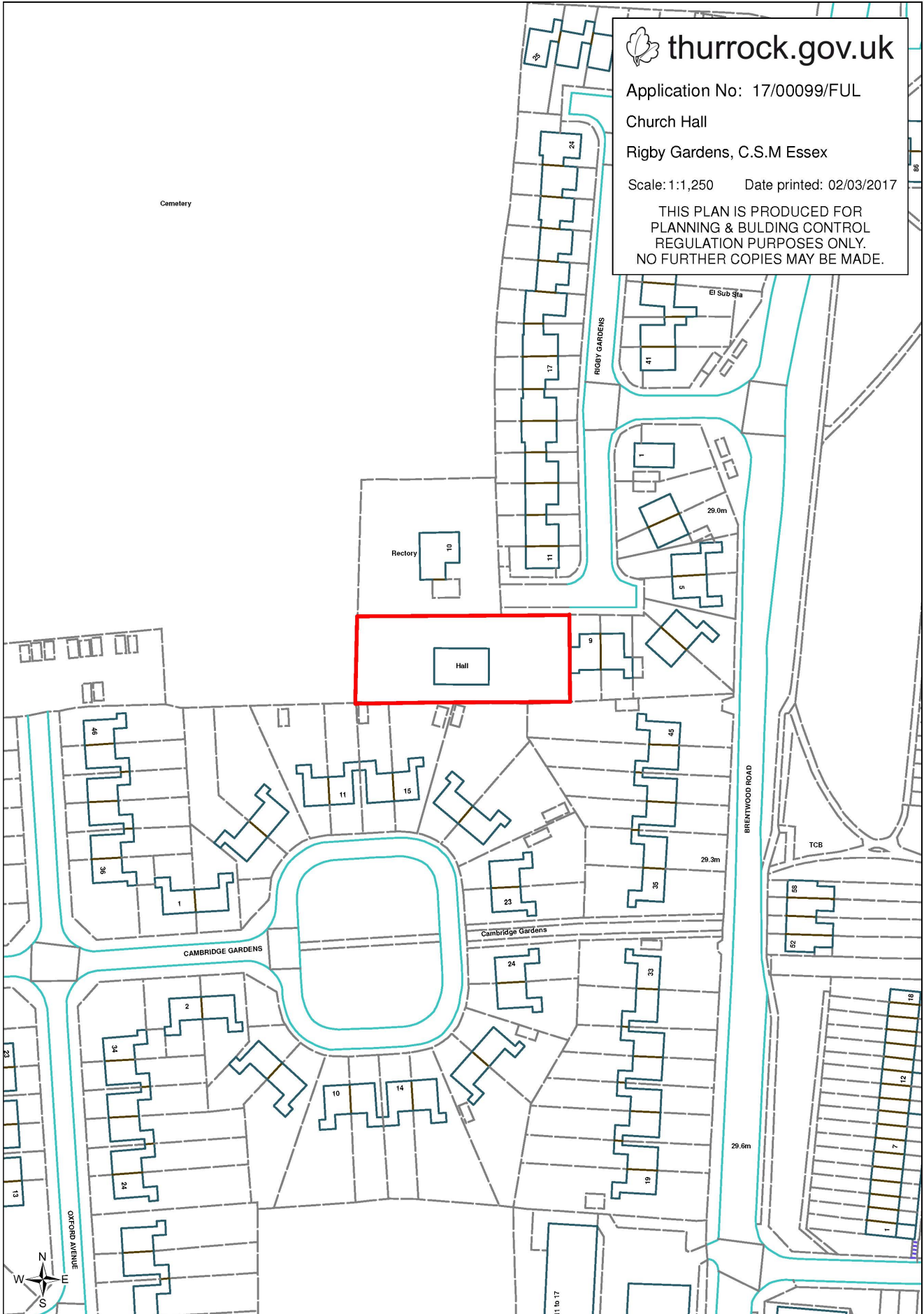
Town and Country Planning (Development Management Procedure) (England) Order 2015 (as amended) - Positive and Proactive Statement:

The Local Planning Authority has acted positively and proactively in determining this application by identifying matters of concern with the proposal and discussing those with the Applicant/Agent. Unfortunately, it has not been possible to resolve those matters within the timescale allocated for the determination of this planning application. However, the Local Planning Authority has clearly set out, within its report, the steps necessary to remedy the harm identified within the reasons for refusal - which may lead to the submission of a more acceptable proposal in the future. The Local Planning Authority is willing to provide pre-application advice in respect of any future application for a revised development.

### **Documents:**

All background documents including application forms, drawings and other supporting documentation relating to this application can be viewed online:

[www.thurrock.gov.uk/planning](http://www.thurrock.gov.uk/planning)



<b>Reference:</b> 16/01649/FUL	<b>Site:</b> Athlone House Dock Road Tilbury RM18 7BL
<b>Ward:</b> Tilbury Riverside And Thurrock Park	<b>Proposal:</b> Residential redevelopment of former sports and social club site. Erection of 2 blocks comprising 96 apartments (87 x 1 bed and 9 x 2 bed) with associated amenity areas, bicycle and refuse storage and 88 parking spaces. Conversion / adaptation of existing ancillary building to a 1 bedroom bungalow with 1 parking space

<b>Plan Number(s):</b>		
Reference	Name	Received
675_109E	Proposed Elevations	8th December 2016
675_111A	Proposed Plans	8th December 2016
675_112	Drawing	8th December 2016
675_107E	Proposed Floor Plans	8th December 2016
LGD.020.MH.01A	Landscaping	9th February 2017
16011	Drawing	8th December 2016
LGD.020.MH.02	Landscaping	9th February 2017
LGD.020.MH.03	Landscaping	9th February 2017
1	Location Plan	9th February 2017
2	Site Layout	9th February 2017
101A	Proposed Site Layout	9th February 2017
501A	Drawing	9th February 2017
801A	Drawing	9th February 2017
802A	Drawing	9th February 2017
701E	Drawing	9th February 2017
675_100I	Proposed Site Layout	14th February 2017
675_105G	Proposed Floor Plans	14th February 2017
675_106	Proposed Floor Plans	14th February 2017
675_108	Proposed Site Layout	14th February 2017
675_110F	Drawing	14th February 2017

<p>The application is also accompanied by:</p> <ul style="list-style-type: none"> <li>• Acoustic Assessment</li> <li>• Daylight and Sunlight report</li> <li>• Drainage Strategy</li> <li>• Flood Risk Assessment</li> <li>• Flood Warning and Evacuation Plan</li> <li>• Planning and Design and Access Statement (PDAS)</li> <li>• Transport Statement</li> </ul>	
<p><b>Applicant:</b> Montana Homes LLP</p>	<p><b>Validated:</b> 20 December 2016</p> <p><b>Date of expiry:</b> 21 March 2017</p>
<p><b>Recommendation:</b> Approve subject to conditions and s.106 agreement.</p>	

**1.0 DESCRIPTION OF PROPOSAL**

1.1 Full planning permission is sought for the redevelopment of the former sports and social club site for a residential development of 2 blocks comprising 96 apartments (87 x 1 bed and 9 x 2 bed) with associated amenity areas, bicycle and refuse storage and 88 parking spaces. In addition an existing ancillary building fronting onto Melbourne Road would be converted into a 1 bedroom chalet bungalow with 2 parking spaces.

1.2 Access to the site would use the existing bellmouth junction onto Dock Road. This access would remain as a shared access with Globe House, which is directly to the east of the site although currently vacant, has planning permission to be used as a children’s nursery facility (15/01066/FUL).

1.3 The principal elements of the proposals are summarised in the table below:

Site Area:	0.55 hectares		
No. of Dwellings:	1 bedroom flats	87	
	2 bedroom flats	9	
	1 bedroom bungalow	1	
	<b>Total</b>	<b>97</b>	
Layout	Two blocks of flats		
		Block A (63 flats)	Block B (33 flats)
	Ground Floor	62 parking spaces Bin store Entrances and 3	26 parking spaces 20 space cycle store Bin store

		stairwells	Entrances and 2 stairwells
	First Floor	21 flats (2 x 2 bedroom and 19 x 1 bedroom)	11 flats (1 x 2 bedroom and 10 x 1 bedroom)
	Second Floor	21 flats (2 x 2 bedroom and 19 x 1 bedroom)	11 flats (1 x 2 bedroom and 10 x 1 bedroom)
	Third Floor	21 flats (2 x 2 bedroom and 19 x 1 bedroom)	11 flats (1 x 2 bedroom and 10 x 1 bedroom)
	Roof Level	Roof Garden 350 sqm	Roof Garden 255 sqm
1 x bedroom Bungalow to adjoin existing bungalows in Melbourne Road			
Amenity Space:	Balconies	11 (Block A) 5 (Block B) All other flats would have Juliet balconies	
	Communal Amenity Space	Roof Garden 350 sqm Roof Garden 255 sqm Rear of Block A and B a garden area of 2050 sqm	
	Private Amenity Space (for chalet bungalow)	70 sqm	
Building Height:	Block A	4 storeys - 12m - 15m	
	Block B	4 storeys - 12m - 15m	
	Bungalow	Single storey – 6.5m high	
Parking:		Car parking	Cycle Parking
	Block A	62	100 spaces
	Block B	26	
	Chalet Bungalow	1	In garden
	Total	89	100

**2.0 SITE DESCRIPTION**

2.1 The site measures 0.55 hectares and formerly comprised of the Tilbury Docks Sports and Social Club premise, a car park and a bungalow, which was all demolished in the summer of 2016 following a fire. The site has since been cleared and secured through temporary timber construction fencing along its boundaries.

2.2 The site is located on the eastern side of Dock Road and is the first site seen when entering Tilbury Town from the roundabout junction to the north. Directly to the

north is an area of parkland with the new Amazon warehouse beyond. Immediately to the east is Globe House which shares an access with the application site and beyond is Melbourne Road. To the south is Russell Road which are both residential streets. An office building is located on the street corner of the mini roundabout junction of Russell Road and Dock Road. To the western side of Dock Road is a vacant parcel adjacent to the railway line. Two bus stops are located on either side of Dock Road immediately to the western site boundary. The site is 300m from Tilbury Town railway station.

**3.0 RELEVANT HISTORY**

3.1

<b>Application Reference</b>	<b>Description of Proposal</b>	<b>Decision</b>
53/00006/FUL	Proposed hostel	Approved 26.02.1953
67/00142/FUL	Extensions to Seamans Missions, comprising of new entrance hall, staff flat, married quarters, seamans bedrooms, dining hall and kitchen, chaplins house and swimming pool.	Approved 05.06.1967
77/01150/FUL	Change of use from Missions to seamen to social club for dock workers.	Approved 01.06.1978
08/00090/FUL	New porch to side entrance of main building and galvanised steel palisade fencing to side.	Approved 17.03.2008
14/00768/FUL	Change of use from A1 to D1 (Day Nursery) and associated external works.	Refused 04.09.2014

3.2 Neighbouring site to the east which share access into the site.

<b>Application Reference</b>	<b>Description of Proposal</b>	<b>Decision</b>
15/01066/FUL	Change of use from A1 to D1 (Day Nursery) and associated external works.	Approved 28.10.2015

**4.0 CONSULTATIONS AND REPRESENTATIONS**

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



#### 4.2 PUBLICITY:

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

Three objections have been received raising the following concerns:

- Obstruction to access to parking from Melbourne Court
- Storage containers on the land
- Vibrations from demolition
- Impact of development upon natural light and privacy
- Overlooking property
- Loss of view
- Loss of trees and replacements should be planted
- Access to the site
- Environmental Pollution
- Litter/smells
- Excessive noise

#### 4.3 ANGLIAN WATER:

No objection subject to a condition regarding the surface water strategy.

#### 4.4 EDUCATION:

No requirements for planning obligations.

#### 4.5 EMERGENCY PLANNER:

No objection subject to the flood warning and evacuation plan being conditioned.

#### 4.6 ENVIRONMENT AGENCY:

No objection.

#### 4.7 ENVIRONMENTAL HEALTH:

No objections subject to conditions requiring ventilation system installed for air quality and the glazing installed for noise quality reasons.

#### 4.8 ESSEX AND SUFFOLK WATER:

No objection.

#### 4.9 FLOOD RISK MANAGER:

No objection subject to conditions

#### 4.10 HEALTH & WELL BEING ADVISORY GROUP::

Concerns raised over the high number of 1 bedroom units, difficulties for access for vulnerable people as no lifts proposed, noise and air quality. The development would give rise to increase demand upon primary health care services

#### 4.11 HIGHWAYS:

No objection subject to conditions

#### 4.12 HOUSING:

Redevelopment of the site is positively welcomed. However there is no affordable housing offered and the unit mix likely to be delivered under this proposal is too high in terms of 1 bed accommodation. The Strategic Housing Marketing Assessment identifies the need for a more mixed level of 1 and 2 bedroom flats.

#### 4.13 LANDSCAPE AND ECOLOGY ADVISOR

No objection subject to conditions for tree protection during construction and for landscaping

#### 4.14 NHS:

No objection subject to a planning obligation requiring a contribution of £38,318 towards additional primary healthcare

### 5.0 POLICY CONTEXT

#### 5.1 National Planning Policy Framework (NPPF)

The NPPF was published on 27th March 2012. Paragraph 13 of the Framework sets out a presumption in favour of sustainable development. Paragraph 196 of the Framework confirms the tests in s.38 (6) of the Planning and Compulsory Purchase Act 2004 and s.70 of the Town and Country Planning Act 1990 and that the Framework is a material consideration in planning decisions. Paragraph 197 states that in assessing and determining development proposals, local planning authorities should apply the presumption in favour of sustainable development.

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

- Core Planning Principles
- 4. Promoting sustainable transport
- 6. Delivering a wide choice of high quality homes
- 7. Requiring good design
- 8. Promoting healthy communities
- 10. Meeting the challenge of climate change, flooding and coastal change
- 11. Conserving and enhancing the natural environment

## 5.2 Planning Practice Guidance

In March 2014 the Department for Communities and Local Government (DCLG) launched its planning practice guidance web-based resource. This was accompanied by a Written Ministerial Statement which includes a list of the previous planning policy guidance documents cancelled when the NPPF was launched. PPG contains 48 subject areas, with each area containing several subtopics. Those of particular relevance to the determination of this planning application comprise:

- Air Quality
- Before submitting an application
- Climate Change
- Design
- Fees for planning applications
- Flood risk and coastal change
- Health and wellbeing
- Light pollution
- Natural environment
- Noise
- Open space, sports and recreation facilities, public rights of way and local green space
- Planning obligations
- Renewable and low carbon energy
- Transport evidence bases in plan marking and decision taking
- Travel plans, transport assessment and statements in decision making
- The use of planning conditions
- Waste
- Water supply, wastewater and water quality

## 5.3 Local Planning Policy Thurrock Local Development Framework (2011)

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

Spatial Policies:

- CSSP1 (Sustainable Housing and Locations)
- CSSP3 (Infrastructure)
- OSDP1 (Promotion of Sustainable Growth and Regeneration in Thurrock)<sup>1</sup>

Thematic Policies:

- CSTP1 (Strategic Housing Provision)
- CSTP2 (The Provision Of Affordable Housing)
- CSTP5 (Neighbourhood Renewal)
- CSTP10 (Community Facilities)
- CSTP11 (Health Provision)
- CSTP12 (Education and Learning)
- CSTP13 (Emergency Services and Utilities)
- CSTP14 (Transport in the Thurrock Urban Area)<sup>3</sup>
- CSTP18 (Green Infrastructure)
- CSTP20 (Open Space)
- CSTP22 (Thurrock Design)
- CSTP23 (Thurrock Character and Distinctiveness)<sup>2</sup>
- CSTP25 (Addressing Climate Change)<sup>2</sup>
- CSTP26 (Renewable or Low-Carbon Energy Generation)<sup>2</sup>
- CSTP27 (Management and Reduction of Flood Risk)<sup>2</sup>
- CSTP29 (Waste Strategy)

Policies for the Management of Development:

- PMD1 (Minimising Pollution and Impacts on Amenity)<sup>2</sup>
- PMD2 (Design and Layout)<sup>2</sup>
- PMD3 (Tall Buildings)<sup>3</sup>
- PMD5 (Open Spaces, Outdoor Sports and Recreational Facilities)<sup>3</sup>
- PMD8 (Parking Standards)<sup>3</sup>
- PMD9 (Road Network Hierarchy)
- PMD10 (Transport Assessments and Travel Plans)<sup>2</sup>
- PMD12 (Sustainable Buildings)<sup>2</sup>
- PMD13 (Decentralised, Renewable and Low Carbon Energy Generation)
- PMD15 (Flood Risk Assessment)<sup>2</sup>
- PMD16 (Developer Contributions)<sup>2</sup>

[Footnote: <sup>1</sup>New Policy inserted by the Focused Review of the LDF Core Strategy.

<sup>2</sup>Wording of LDF-CS Policy and forward amended either in part or in full by the Focused Review of the LDF Core Strategy. <sup>3</sup>Wording of forward to LDF-CS Policy amended either in part or in full by the Focused Review of the LDF Core Strategy].

#### 5.4 Focused Review of the LDF Core Strategy (2014)

This Review was commenced in late 2012 with the purpose to ensure that the Core Strategy and the process by which it was arrived at are not fundamentally at odds with the NPPF. There are instances where policies and supporting text are recommended for revision to ensure consistency with the NPPF. The Review was submitted to the Planning Inspectorate for independent examination in August 2013. An Examination in Public took place in April 2014. The Inspector concluded that the amendments were sound subject to recommended changes. The Core Strategy and Policies for Management of Development Focused Review: Consistency with National Planning Policy Framework Focused Review was adopted by Council on the 28th February 2015.

#### 5.5 Draft Site Specific Allocations and Policies DPD

This Consultation Draft “Issues and Options” DPD was subject to consultation commencing during 2012. The Draft Site Specific Allocations DPD ‘Further Issues and Options’ was the subject of a further round of consultation during 2013. The Planning Inspectorate is advising local authorities not to continue to progress their Site Allocation Plans towards examination whether their previously adopted Core Strategy is no longer in compliance with the NPPF. This is the situation for the Borough.

#### 5.6 Thurrock Core Strategy Position Statement and Approval for the Preparation of a New Local Plan for Thurrock

The above report was considered at the February meeting 2014 of the Cabinet. The report highlighted issues arising from growth targets, contextual changes, impacts of recent economic change on the delivery of new housing to meet the Borough’s Housing Needs and ensuring consistency with Government Policy. The report questioned the ability of the Core Strategy Focused Review and the Core Strategy ‘Broad Locations & Strategic Sites’ to ensure that the Core Strategy is up-to-date and consistent with Government Policy and recommended the ‘parking’ of these processes in favour of a more wholesale review. Members resolved that the Council undertake a full review of Core Strategy and prepare a new Local Plan

## 5.7 Thurrock Local Plan

In February 2014 the Council embarked on the preparation of a new Local Plan for the Borough. Between February and April 2016 the Council consulted formally on an Issues and Options (Stage 1) document and simultaneously undertook a 'Call for Sites' exercise. It is currently anticipated that consultation on an Issues and Options (Stage 2 Spatial Options and Sites) document will be undertaken in the spring of 2017.

## 6.0 ASSESSMENT

6.1 The planning issues to be considered in this case are:

- I. Principle of the Development
- II. Housing Land Supply, Need, Mix and Affordable Housing
- III. Design and Layout and Impact upon the Area
- IV. Landscaping and Amenity Space
- V. Effect on Neighbouring Properties
- VI. Traffic Impact, Access and Car Parking
- VII. Flood Risk and Drainage
- VIII. Air Quality and Noise
- IX. Energy and Sustainable Buildings
- X. Viability and Planning Obligations
- XI. Sustainability
- XII. Other Matters

### I. PRINCIPLE OF THE DEVELOPMENT

6.2 The site lies towards the north western edge of Tilbury and is not allocated within the LDF Proposal's Map for any specific land use. The site was previously used as the Tilbury Docks Sports and Social Club but the buildings on site were demolished in September 2016. The loss of this use needs to be considered first.

6.3 The Planning and Design and Access Statement (PDAS) explains the history of the Tilbury Docks Sports and Social Club from its formation in 1980 to its decline by 2016 and the reduction in members from 900 in 1982 to 195 members by 2015. The club was run as a private members club for dock workers only and therefore was not a community facility open to the wider general public or local community.

6.4 Core Strategy policy CSTP10 (Community Facilities) states that *'the Council will safeguard existing community facilities and will only allow their loss in circumstances where appropriate facilities of equal or better quality will be provided as part of the development'*. The written introduction to this policy gives an indication of the type of community facility to which the policy applies, a list which

includes libraries, museums, village halls, places of worship and other public halls, community centres, organised attractions and festivals. Although this list of facilities referred to by CSTP10 is not definitive and could include other types of community uses, it is considered that the nature of a private social club is materially different from the types of facilities referred to by the policy. Libraries, museums, public halls, community centres and places of worship are generally available for all members of the community to access, whereas as private social club is available to limited members of the community and is used for limited social purposes (compared with the range of activities which could take place at a public hall or community centre for example). For these reasons, it is considered that policy CSTP10 is not applicable in this case and that the loss of the social club would not be prejudicial to the purposes of this Development Plan policy.

- 6.5 The Localism Act 2011 introduced the Community Right to Bid, which gives eligible organisations such as Town and Parish Councils, and defined community groups the opportunity to nominate assets (building or land) important to their community wellbeing to be listed by the Local Authority as an Asset of Community Value. This site does not appear on the Borough's list of assets of community value nor is it subject to an application seeking inclusion on the list.
- 6.6 This proposed residential development needs to be assessed against LDF policies CSSP1 (Sustainable Housing and Locations) and CSTP1 (Strategic Housing Provision). Policy CSSP1 (Sustainable Housing and Locations) refers to the target for the delivery of new housing in the Borough over the period of the Development Plan. This policy notes that new residential development will be directed to previously developed land in the Thurrock urban area, as well as other specified locations. Policy CSTP1 (Strategic Housing Provision) identifies the requirement for the delivery of 18,500 dwellings between 2001 and 2021 and to ensure the density approach, dwelling mix and accessibility of dwellings meets the current and future population needs of the Borough.
- 6.7 The site is located along Dock Road on the main vehicle entrance to Tilbury town from the north and comprises previously developed land, and therefore accords with the requirement of policy CSSP1. Although the site was not identified as a potential location for residential development in the 2012 and 2013 Site Specific Allocations and Policies DPD consultations, the principle of housing would be compatible with the character of surrounding development to the east and south of the site. Accordingly, the site could be considered as a 'windfall' location for housing and would contribute to the housing delivery needs set out in policy CSTP1.
- 6.8 Based on the above information no objections are raised to the principle of residential development on this site in this location.

## II. HOUSING LAND SUPPLY, NEED, MIX AND AFFORDABLE HOUSING

- 6.9 The proposed development would contribute to the five year housing land supply through the provision of 97 dwellings (which on this 0.55 hectare site equates to 92 dwellings per hectare). The latest (May 2016) Strategic Housing Marketing Assessment (SHMA) sets out the housing need and mix requirements with 1 and 2 bedroom flats being need over the period of 2014-2037. The proposal comprises a high number of 1 bedroom flats and the contribution of 2 bedroom flats would cumulatively contribute to the SHMA requirements.
- 6.10 In terms of affordable housing, policy CSTP2 and the Housing Team identify the requirement for 35% of the total number of residential units to be provided as affordable housing. Policy CSTP2 states that on previously developed land there can be a variety of physical constraints that can impact upon the capacity of a site to delivery affordable housing but this must be supported by a financial viability assessment. It is also recognised through this policy that, subject to viability considerations, affordable housing may be less than 35%.
- 6.11 The application has been accompanied by a financial viability assessment which demonstrates that no affordable housing can be secured through the development. The applicant's financial viability report has been independently assessed and concludes that the no affordable housing or any other planning obligations can be provided for this development. Therefore, this factor needs to be considered in the planning balance in the conclusion to this report.

## III. DESIGN AND LAYOUT AND IMPACT UPON THE AREA

- 6.12 The site's prominent location provides an opportunity for improving the visual appearance of this area as the northern gateway entrance to Tilbury. The immediate area to the north is currently subject to a new large scale warehouse development (Amazon) that shows the changing appearance of this location. The proposed orientation of the development allows for a frontage onto all existing open areas. Therefore the flats would face North West towards the roundabout junction as well as providing a frontage onto Dock Road, Russell Road and part of Melbourne Road, illustrative of good design principles.
- 6.13 The development would be split in to two blocks of flats (Blocks A and B) with the existing access into the site being re-used for this development and to maintain access to the neighbouring Globe House building to the east of the site. The flats would be set back from the footway along Dock Road to allow for landscaping to be provided and reduce impact upon the streetscene. Further landscaping would be provided to the rear of both blocks of flats as part of a communal garden area.



Additionally communal roof gardens would be provided to each block and each flat would either have a balcony or a Juliet style balcony. Due to the site falling within a high risk flood zone no ground floor accommodation can be provided and instead parking areas are proposed within the confines of the two blocks of flats.

- 6.14 At four storeys high, and ranging between 12-15m, the development would be taller than the neighbouring development which includes 3 storey townhouses and a 3 storey commercial building. There are also two storey and single storey buildings within the surroundings.
- 6.15 In design terms the approach is for a contemporary modern development with flat roof elements, modern framed windows with good sized openings. On the whole, it is considered that the proposed development is well articulated in its individual appearance. The materials for the external elevations of the building are mainly face brick with white coloured render to the projecting elements. In the interests of avoiding a visually unattractive car park below the flats the design of the building continues its appearance to ground floor level providing openings on the ground floor level which would be finished with railings.
- 6.16 Aside from the primary blocks described above, the application also seeks planning permission to convert an existing building on site to residential use. The building already adjoins a row of residential bungalows and in design terms, the development would result in an additional residential property at the end of an existing terrace. There are no objections in design terms to this part of the proposal.
- 6.17 In conclusion under this heading, the proposed development is acceptable in design terms in regard to policies PMD2 and CSTP22. The proposal would form an improved gateway entrance to this part of Tilbury giving identification to the arrival point of the urban area. This would help create character and its own distinctiveness to this location in regard to the aims of policy CSTP23.

#### IV. LANDSCAPING AND AMENITY SPACE

- 6.18 Following the demolition works there are no remaining landscape features of any note within the site but new landscaping is proposed to be provided as part of the development. The application indicates that the amenity areas would be laid to lawn with ornamental and native planting forming landscaping around the perimeter of the garden areas and to the front of the development. The development would also include a play area and community garden terrace. No objections have been raised by the Landscape and Ecology Advisor.
- 6.19 The cumulative amount of amenity space would be approximately 2655 sqm which accords with the requirements of the saved Annex 1 of the Borough Local Plan.

- 6.20 The bungalow would have a private garden measuring approximately 70 sqm which is acceptable for a 1 bedroom unit but would require the removal of permitted development rights through a planning condition, other than shed sized building in the rear garden. This will ensure the private garden remains at an acceptable level for future occupiers.

#### V. EFFECT ON NEIGHBOURING PROPERTIES

- 6.21 The nearest residential properties are directly to the east of the site in Melbourne Road and comprise of a mix of 3 storey townhouses, a 3 storey block of flats and a row of bungalows. All have gardens backing onto the site, apart from the bungalows. Block A would be closest to these dwellings. The distance from the stairwell projection to the rear elevation of the nearest property in Melbourne Road would be 17m and a further 20m to the main side elevation of this block. These side elevations would contain no windows but there is a side window shown on each level of the stairwell which is shown to have obscure glazing to ensure there are no overlooking issues or loss of privacy issues for the neighbouring occupiers. The distance from other windows within both blocks of flats is considered significant and would therefore not lead to any harm upon neighbouring residential amenity.
- 6.22 Due to the scale of the blocks of flats a daylight and sunlight report was submitted with the application to assess the impact upon the neighbouring properties using the industry recognised Building Research Establishment's 'Site Layout Planning for Daylight and Sunlight – A Guide to Good Practice'. The report concludes that *'the development would not result in a notable reduction in the amount of either daylight or sunlight enjoyed by the neighbouring buildings'*. On this basis whilst some reduction in daylight and sunlight may be experienced the neighbouring properties would not be subject to any significant loss of light and overshadowing impacts.
- 6.23 For the neighbouring bungalows in Melbourne Road the existing Globe House building was built in close proximity to the rear elevation of these buildings so their amenity and outlook has already been affected and would not be worsened by this development through either the blocks of flats or the conversion of the existing adjoining building.

#### VI. TRAFFIC IMPACT, ACCESS AND CAR PARKING

- 6.24 The site is located in a sustainable location with two bus stops immediately to the western site boundary and Tilbury Town railway station located within 300m. Both these run regular services to the surrounding area. The nearest shops and facilities

are approximately 500m away. There are existing employment locations within easy walking distance of the site.

- 6.25 The existing access into the site from Dock Road would be re-used but would be widened to allow for an improved access. The re-use of the access would be more intensive than its current use as a result of the development but also because the access is used for the neighbouring Globe House to the east of the site, which although currently vacant is subject to an extant planning permission for a day nursery use. However, the Council's Highway Officer has raised no objection and the development is considered acceptable with regard to policy PMD9 (Road Network Hierarchy).
- 6.26 With the site being within a 'medium accessible' location as defined the Council's draft Parking Standards, a range of between 1 – 1.25 parking spaces per dwelling should be provided to meet the Parking Standards. 89 car parking spaces and 100 cycle parking spaces are proposed which is considered acceptable.

## VII. FLOOD RISK AND DRAINAGE

- 6.27 The site is located within the highest risk flood zone (flood zone 3) as identified on the Environment Agency flood maps and as set out in the PPG's 'Table 1 - Flood Zones'. This means that the site is subject to a high probability of flooding and the PPG provides guidance on flood risk and vulnerability. The proposal would fall within the 'more vulnerable' use based on the PPG's 'Table 2 - Flood Risk Vulnerability Classification' where development requires application of the 'Exception Test' as identified in the PPG's 'Table 3 – Flood Risk Vulnerability and Flood Zone Compatibility' table.
- 6.28 Before applying the 'Exception Test' consideration needs to be given to the 'Sequential Test', which aims to steer new development to areas with the lowest probability of flooding. The site is not allocated in the LDF for any specific land use but the LDF identifies Tilbury as an area for regeneration and growth.
- 6.29 The Thurrock Strategic Flood Risk Assessment (SFRA) has applied the 'Sequential' and 'Exception' tests to these regeneration and growth areas. However, this is a windfall site and the PPG advises for individual planning applications that *'the area to apply the Sequential Test across will be defined by local circumstances relating to the catchment area for the type of development proposed'*. For individual applications like this a pragmatic approach needs to be taken to 'Sequential' testing as all of Tilbury town, as the catchment area, is located within a high risk flood zone.

- 6.30 Whilst this site is not within the town centre it would lead to re-development of existing previously developed land. The site, as identified above, is an important gateway entrance to the town and therefore currently provides an opportunity for new development. This site is preferable to new development upon nearby Green Belt land and the development would provide new homes in the urban area. There are no alternative available sites identified in the LDP within this catchment area [Tilbury] that could provide this amount of development in a lower flood zone. For these reasons the proposal is considered to pass the 'Sequential Test'.
- 6.31 For the 'Exception Test' to be passed the proposed development needs to provide '*wider sustainability benefits to the community that outweigh flood risk*', and demonstrate that the development will be '*safe for its lifetime*'. In addition to reasons stated in the 'Sequential Test' assessment, which also apply here and based on the site's location, the development provides '*wider sustainability benefits to the community that outweigh flood risk*'. The Flood Risk Assessment (FRA) demonstrates that the development will be '*safe for its lifetime*' as it will be designed to be flood resilient up to a level of 3.5m above ground level with all accommodation located at first floor level and above. In addition a Flood Warning and Evacuation Plan (FWEP) has been submitted, is acceptable to the Emergency Planner and is conditioned for implementation for the safety of future occupiers.
- 6.32 The FRA identifies that tidal flooding from the River Thames is the main source of flood risk to the site but Tilbury is protected from flooding by existing sea defences that have a crest level of 6.5m AOD and this would withstand a 1 in 1000 year flood event, taking into account climate change. Other sources would not present the same level of risk to the site to a tidal flood event.
- 6.33 The proposal identifies that surface water be managed on site through a Sustainable Urban Drainage System (SUDS) and this would involve the installation of an attenuation tank as well as increasing permeable surfaces through the communal amenity areas. This would result in betterment reducing the amount of hard paved surfaces which existed with the site's previous use. It is identified that the management of the SUDS will be undertaken by a management company. Such details shall need to be agreed through planning condition to accord with policy PMD15 (Flood Risk Assessment). The Council's Flood Risk Advisor has raised no objections subject to conditions requiring details of the surface water management system, methods to minimize off site flooding and future maintenance and management of the surface water system.
- 6.34 For foul drainage a connection would be made to the existing sewer systems and Anglian Water raise no objections as there is capacity within the existing systems to accommodate the additional flows. There are no objections raised from Essex and

Suffolk water for water supply to the proposed development. Both these considerations meet with policy CSTP13.).

#### VIII. AIR QUALITY AND NOISE

- 6.35 Part of the front of the site lies within an Air Quality Management Area (AQMA) along Dock Road. . The front elevation of Block B and part of the front elevation of Block A would fall within the AQMA and as a result flats within these locations would need mechanical ventilation installed to draw air from the rear of the development, as the rear of the development lies outside of the AQMA. The Council's Environmental Health Officer (EHO) raises no objection to this approach subject to a planning condition being imposed to ensure the ventilation system is installed, retained and maintained. The balconies, Juliet balconies and windows on these elevations of the buildings would remain openable and usable for future occupiers.
- 6.36 The applicant's noise assessment identifies that this location is subject to background noise from nearby industrial uses but the main noise source is from road traffic noise from Dock Road and some railway noise. This noise assessment identifies that flats in the front elevation of the building would need to have suitable glazing installed to ensure internal noise levels meet industry standards for amenities of future occupiers. The Council's EHO has no objections but requires a planning condition to ensure the installed glazing meets the requirements of the applicant's noise assessment.
- 6.37 The applicant has provided an Environmental and Highway Management Plan (similar to a Construction Environmental Management Plan) which could be conditioned to any approval to safeguard neighbouring amenity and for environmental reasons.

#### IX. ENERGY AND SUSTAINABLE BUILDINGS

- 6.38 The Planning and Design and Access Statement (PDAS) identifies that due to the financial viability issues this development cannot meet the requirements of achieving the requirements of policies PMD12 (Sustainable Buildings) and PMD13 (Decentralised, Renewable and Low Carbon Energy Generation).

#### X. PLANNING OBLIGATIONS AND VIABILITY

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

contribute to proposals to deliver strategic infrastructure to enable the cumulative impact of development to be managed and to meet the reasonable cost of new infrastructure made necessary by the proposal.

- 6.40 Certain LDF policies identify requirements for planning obligations and this depends upon the type of development proposed and consultation responses from the application process.
- 6.41 As set out in section II, the application has been accompanied by a financial viability assessment. The assessment demonstrates that this site and the immediate surrounding area are subject to low land values, and that the construction costs include the need for piling due to issues with the underlying geology (former marshland), a large surface water attenuation tank and the costs of providing an undercroft parking arrangement.
- 6.42 The applicant's financial viability assessment has been independently assessed and the development has been found to be economically unviable. If planning permission is approved it is a risk to the developer to build out. As per normal process, it is recommended that a viability review mechanism is included in a s106 agreement requiring review within 2 years if the development has not reached slab level to identify whether the market conditions have changed to allow for re-consideration of whether the development could provide any planning obligations. The applicant is offering £31,000 towards healthcare provision which is slightly below the £38,318 required by the NHS but this contribution is the maximum amount the applicant can offer due to the financial viability issues with this development. Had the development being more financially viable, planning obligations would have been sought for affordable housing. There is no requirement for an education contribution due to the high number of 1 bedroom units and no other consultee has identified any requirements from the Infrastructure Requirements List (IRL).

## XI. SUSTAINABILITY

- 6.43 Policy OSDP1 derives from the Focus Review of the LDF Core Strategy and sets out the overarching sustainable development policy for promoting sustainable growth in Thurrock reflecting the NPPF paragraph 14 requirement of applying 'the presumption in favour of sustainable development'. It is necessary to assess whether the proposed development is 'sustainable development' with regards to the three dimensions to sustainable development as defined in the NPPF, which are the economic, social and environmental roles.
- 6.44 Economically the proposal would provide employment for the construction phase of the development and once built the future occupiers of the units would contribute to

the local economy. The development offers the opportunity for future occupiers to work at local employers in this location including new employment opportunities being created with new development in this area. Socially the proposal would allow for a community to be created at this development with social engagement opportunities through the shared communal amenity spaces. Environmentally the proposal would visually improve this location through a high quality design at this gateway entrance to Tilbury. It would also offer an acceptable development solution for a site in a high risk flood zone. For all these reasons and those stated in the above paragraphs the location of the site is considered sustainable, the development complies with the adopted Development Plan for the Borough and for these reasons the 'presumption in favour of sustainable development' to apply.

## XII. OTHER MATTERS

- 6.45 Refuse and recycling arrangements would be provided within the ground floor of both blocks of flats and would be located close to the access into the site to allow refuse vehicles to access.

### **7.0 CONCLUSIONS AND REASON(S) FOR APPROVAL**

- 7.1 In summary, whilst the financial viability assessment has demonstrated that no affordable housing and healthcare contributions can be provided for this development there are a number of benefits from the development. The proposal would provide a high quality development for this gateway entrance into Tilbury in a sustainable location with good access to public transport services. The development would contribute to the 5 year housing land supply and provide a high number of flats, which is a recognised requirement of the Strategic Housing Marketing Assessment for the Borough. The development is considered acceptable with regard to all other material planning considerations and mitigation measures will be provided where necessary due to the site's location in a high risk flood zone and where part of the site is subject to air quality and noise issues. The mitigation measures are stated within the application and are also conditioned in the recommendation below.
- 7.2 Therefore in weighing up the planning balance, the benefits of the development are considered to outweigh any harm and this application is therefore recommended for approval.

### **8.0 RECOMMENDATION**

Approve subject to the applicant and those with an interest in the land entering into an obligation under section 106 of the Town and Country Planning Act 1990 with the following heads of terms:

- in the event that development has not been commenced and completed above slab level within 2 years of the grant of planning permission, a financial viability review shall be undertaken by the applicant / developer / owner to assess whether the development can generate a commuted sum towards affordable housing and / or relevant infrastructure.
- A financial contribution towards primary healthcare for additional floorspace at the Sai Medical Centre in Tilbury to meet the additional healthcare needs arising from future occupiers of this development

And subject to the following conditions:

**Standard Time**

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

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

**Approved Plans**

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

<b>Plan Number(s):</b>		
Reference	Name	Received
675_109E	Proposed Elevations	8th December 2016
675_111A	Proposed Plans	8th December 2016
675_112	Drawing	8th December 2016
675_107E	Proposed Floor Plans	8th December 2016
LGD.020.MH.01A	Landscaping	9th February 2017
16011	Drawing	8th December 2016
LGD.020.MH.02	Landscaping	9th February 2017
LGD.020.MH.03	Landscaping	9th February 2017
1	Location Plan	9th February 2017
2	Site Layout	9th February 2017
101A	Proposed Site Layout	9th February 2017
501A	Drawing	9th February 2017
801A	Drawing	9th February 2017
802A	Drawing	9th February 2017



701E	Drawing	9th February 2017
675_100I	Proposed Site Layout	14th February 2017
675_105G	Proposed Floor Plans	14th February 2017
675_106	Proposed Floor Plans	14th February 2017
675_108	Proposed Site Layout	14th February 2017
675_110F	Drawing	14th February 2017

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

### Materials

3. The external surfaces of the development hereby approved shall be constructed of materials and finish as detailed within the application.

**Reason:** In the interests of visual amenity and to ensure that the proposed development is satisfactorily integrated with its surroundings in accordance with Policy PMD2 of the adopted Thurrock LDF Core Strategy and Policies for the Management of Development DPD.

### Boundary treatment

4. Prior to first occupation of the development hereby permitted details of the locations, heights, designs, materials and types of all boundary treatments to be erected on site have been submitted to and approved by the Local Planning Authority. The boundary treatments shall be erected/installed in accordance with the approved details and retained as such thereafter.

**Reason:** In the interests of visual amenity, privacy and to ensure that the proposed development is satisfactorily integrated with its immediate surroundings in accordance with policy PMD2 of the adopted Thurrock LDF Core Strategy and Policies for the Management of Development DPD.

### Landscaping Scheme

5. The landscaping details shall be implemented in accordance with the 'Landscape External Works Soft Landscape Management Plan dated March 2012' and the 'Soft Landscape Plan' drawing reference LGD/020/MH/03 with all planting, seeding or turfing comprised in the approved scheme to be carried out in the first available planting and seeding season following commencement of the development and any trees or plants which within a period of 5 years from the completion of the development die, are removed or become seriously damaged or diseased shall be replaced in the next planting season with others

of similar size and species, unless the Local Planning Authority gives written consent to any variation.

**Reason:** To ensure that the proposed development is satisfactorily integrated with its immediate surroundings and provides for landscaping in accordance with policy PMD2 of the adopted Thurrock LDF Core Strategy and Policies for the Management of Development DPD.

### **Tree Protection**

6. All trees, shrubs and hedgerows to be retained on the site shall be protected by chestnut paling fencing for the duration of the construction period at a distance equivalent to not less than the spread from the trunk. Such fencing shall be erected prior to the commencement of any works on the site. No materials, vehicles, fuel or any other ancillary items shall be stored or buildings erected inside this fencing; no changes in ground level may be made or underground services installed within the spread of any tree or shrub [including hedges] without the written consent of the local planning authority.

**Reason:** To ensure that all existing trees are properly protected, in the interests of visual amenity and in accordance with policy PMD2 of the adopted Thurrock LDF Core Strategy and Policies for the Management of Development DPD.

### **Details of the Communal Roof Gardens**

7. Prior to first occupation of the development hereby permitted details of the proposed layout of the communal roof gardens including boundary treatment and any hard and soft landscaping have been submitted to and approved by the local planning authority. The details shall be implemented as approved.

**Reason:** In the interests of providing amenity space for the future occupiers of the dwellings in accordance with policy PMD2 of the adopted Thurrock LDF Core Strategy and Policies for the Management of Development DPD.

### **Implementation of the Communal Amenity Space**

8. Prior to first occupation of the development hereby permitted the communal amenity space and associated play equipment and pergolas and shall be laid out, constructed and surfaced in accordance with the details as shown on the 'Concept Masterplan' drawing reference LGD/020/MH/02.

**Reason:** In the interests of providing amenity space for the future occupiers of the dwellings in accordance with policy PMD2 of the adopted Thurrock LDF

Core Strategy and Policies for the Management of Development DPD.

### **Removal of permitted development for outbuildings and extensions to bungalow conversion**

9. Notwithstanding the provisions of Article 3 of the Town & Country Planning (General Permitted Development) Order 2015 (or any Order amending, revoking or re-enacting that Order) no garages, extensions or separate buildings (other than ancillary outbuildings not exceeding 10 cubic metres in volume) shall be erected within the site of the bungalow development without planning permission having been obtained from the local planning authority.

**Reason:** In the interests of ensuring a satisfactory level of private amenity space for the occupiers of the dwelling in accordance with policy PMD2 of the adopted Thurrock LDF Core Strategy and Policies for the Management of Development DPD and 'saved' Annex 1 of the Borough Local Plan.

### **Obscure glazing to window in east elevation of Block A**

10. Prior to the first occupation of the building identified as 'Block A' on the approved plans the window in the stairwell to the east elevation of the building shall be glazed with opaque glass and of a non-openable design with the exception of a top hung fanlight (which shall be at least 1.7m above internal floor level) and shall be retained as such thereafter.

**Reason:** To ensure that adjoining residential amenity is protected in accordance with policy PMD1 of the adopted Thurrock LDF Core Strategy and Policies for the Management of Development DPD.

### **Access Details**

11. Prior to first occupation of the development hereby permitted details showing the layout, dimensions and construction specification of the proposed access to the highway shall be submitted to and approved in writing by the local planning authority. The layout dimensions and construction specification of the proposed access shall be implemented as approved and retained at all times thereafter.

**Reason:** In the interests of highway safety and efficiency in accordance with policy PMD9 of the adopted Thurrock LDF Core Strategy and Policies for the Management of Development DPD.

### **Visibility Splays**

12. The visibility splays as shown on drawing reference 701 Rev E shall be maintained free from obstruction at all times

**Reason:** In the interests of highway safety and good design in accordance with policies PMD2 and PMD9 of the adopted Thurrock LDF Core Strategy and Policies for the Management of Development DPD.

### **No Gates**

13. No gates or other form of enclosure shall be erected or placed across the access.

**Reason:** In the interests of highway safety and good design in accordance with policies PMD2 and PMD9 of the adopted Thurrock LDF Core Strategy and Policies for the Management of Development DPD.

### **Parking Provision**

14. The development hereby permitted shall not be first occupied/provided with connection to utility services until the vehicle parking area shown on the approved plans has been hard surfaced, sealed, marked out in parking bays and made available for use. The vehicle parking area(s) shall be retained in this form at all times. The vehicle parking area(s) shall be retained in this form at all times. The vehicle parking area(s) shall not be used for any purpose other than the parking of vehicles that are related to the use of the development.

**Reason:** To ensure that on street parking of vehicles in the adjoining streets does not occur in the interests of highway safety and that appropriate parking is provided in accordance with policy PMD8 of the adopted Thurrock LDF Core Strategy and Policies for the Management of Development DPD.

### **Cycle and Powered Two Wheel Storage**

15. Prior to first occupation of the development hereby approved details of the number, size, location, design and materials of secure and weather protected cycle/powered two wheel parking facilities to serve development shall be submitted to and agreed in writing with the local planning authority. The agreed facilities shall be installed prior to the first occupation of the dwellings and shall thereafter be permanently retained for cycle/powered two wheel parking for the users and visitors of the development.

**Reason:** To reduce reliance on the use of private cars, in the interests of

sustainability, highway safety and amenity in accordance with Policies PMD2 and PMD8 of the Adopted Thurrock Local Development Framework Core Strategy and Policies for the Management of Development DPD.

### **Surface Water Drainage Scheme**

16. No development shall take place, with the exception of ground works for the foundations of the development, until a detailed surface water drainage scheme for the site, based on sustainable drainage principles and an assessment of the hydrological and hydro geological context of the development, has been submitted to and approved in writing by the local planning authority. The scheme should include but not be limited to:
- Limit discharge rates to 1l/s for all storm events up to and including the 1 in 100 year rate inclusive of climate change. If 20% climate change allowance is proposed in calculations, a sensitivity analysis for the effects of the upper allowance (40%) should be conducted.
  - Discharge from the site should follow the discharge hierarchy and first preference should be to discharge to the open channel. If this is demonstrated to be unfeasible surface water should discharge to the Anglian water sewer.
  - Provide sufficient storage to ensure no off site flooding as a result of the development during all storm events up to and including the 1 in 100 inclusive of climate change event.
  - Demonstration that any property on site will be safe from flooding in 1 in 100 inclusive of climate change storm event.
  - Final modelling and calculations for all areas of the drainage system. If the site is discharging to the open channel, details should be provided in regards to the level of the outfall from the site so that the outfall are not submerged in all storm events up to the 1 in 100 plus climate change storm event or alternatively any surcharging at the outfall should be modelled and managed appropriately.
  - The appropriate level of treatment for all runoff leaving the site, in line with the CIRIA SuDS Manual C753.
  - Detailed engineering drawings of each component of the drainage scheme.
  - A final drainage plan which details exceedance and conveyance routes, FFL and ground levels, and location and sizing of any drainage features.
  - A written report summarising the final strategy and highlighting any minor changes to the approved strategy.

The scheme shall subsequently be implemented prior to occupation.

#### **Reason:**

- To prevent flooding by ensuring the satisfactory storage of/disposal of surface water from the site.
- To ensure the effective operation of SuDS features over the lifetime of the

development.

- To provide mitigation of any environmental harm which may be caused to the local water environment.
- Failure to provide the above required information before commencement of works may result in a system being installed that is not sufficient to deal with surface water occurring during rainfall events and may lead to increased flood risk and pollution hazard from the site.

All in accordance with policies CSTP27 and PMD15 of the adopted Thurrock LDF Core Strategy and Policies for the Management of Development DPD.

### **Measures to Minimise Offsite Flood Risk**

17. No development shall take place, with the exception of ground works for the foundations of the development, until a scheme to minimise the risk of offsite flooding caused by surface water run-off and groundwater during construction works and prevent pollution has been submitted to, and approved in writing by, the local planning authority. The scheme shall be implemented as approved.

**Reason:** The National Planning Policy Framework paragraph 103 and paragraph 109 states that local planning authorities should ensure development does not increase flood risk elsewhere and does not contribute to water pollution. Also to comply with policy PMD15 of the adopted Thurrock LDF Core Strategy and Policies for the Management of Development DPD.

### **Maintenance Plan**

18. Prior to first occupation of the development hereby permitted a Maintenance Plan detailing who is responsible for the management of different elements of the surface water drainage system and the maintenance activities/frequencies shall be submitted to and agreed in writing by the Local Planning Authority. The Maintenance Plan shall be implemented as approved for the lifetime of the development, unless otherwise amended in writing with the agreement of the local planning authority.

**Reason** To ensure appropriate maintenance arrangements are put in place to enable the surface water drainage system to function as intended to ensure mitigation against flood risk. Failure to provide the above required information before commencement of works may result in the installation of a system that is not properly maintained and may increase flood risk or pollution hazard from the site. To comply with policies CSTP27 and PMD15 of the adopted Thurrock LDF Core Strategy and Policies for the Management of Development DPD

### **Maintenance Logs**

19. The applicant or any successor (management and maintenance company) in title shall maintain yearly logs of maintenance works carried out in accordance with the approved Maintenance Plan. This information shall be submitted to the Local Planning Authority within 2 weeks of following any request in writing from the Local Planning Authority.

**Reason** To ensure the SuDS are maintained for the lifetime of the development as outlined in any approved Maintenance Plan so that they continue to function as intended to ensure mitigation against flood risk. To comply with policies CSTP27 and PMD15 of the adopted Thurrock LDF Core Strategy and Policies for the Management of Development DPD

### **Flood Warning and Evacuation Plan**

20. The Flood Warning and Evacuation Plan reference 'S16-280/FWEP Revision 3' dated January 2017 hereby approved with this permission shall be made available for inspection by all occupiers of the dwellings and shall be displayed in a visible location in both blocks of flats at all times following first occupation of the development.

**Reason:** In the interests of safety and to ensure the necessary evacuation processes are followed in a flood event in regard to Policy PMD15 of the adopted Thurrock LDF Core Strategy and Policies for the Management of Development DPD.

### **Sustainability and Energy Efficiency**

21. Prior to first occupation of the development hereby permitted the details of any photovoltaic panels to be installed with this development as stated in the 'Sustainability Statement' dated February 2017 shall be submitted to and approved in writing by the local planning authority. All other measures stated in the 'Sustainability Statement' dated February 2017 along with the approved photovoltaic panels shall be implemented in accordance with the details as stated and retained thereafter.

**Reason:** In the interest of sustainability and energy efficiency with regard to guidance contained within the National Planning Policy Framework and policy PMD13 of the adopted Thurrock LDF Core Strategy and Policies for the Management of Development DPD.

## Levels

22. There shall be no raising of ground levels within the site.

**Reason:** In order to protect the visual amenity of the area and in the interests of protecting neighbouring residential amenity in accordance with policies PMD1 and PMD2 of the adopted Thurrock LDF Core Strategy and Policies for the Management of Development DPD.

## Internal Air Quality Mitigation Measures

23. Prior to first occupation of the development hereby permitted the 'MVHR Heat Recovery Ventilation' as detailed in a letter dated 5 October 2012 from Vortice Limited shall be installed and shall be made operational in the flats in Blocks A and B as highlighted in blue on the approved plans which are located within the Air Quality Management Area. Following installation and first operation the systems shall be retained and maintained thereafter. No alternative system shall be installed unless otherwise agreed in writing with the local planning authority.

**Reason:** To ensure adequate internal living conditions are provided for the residents of the flats within within the Air Quality Management Area and in accordance with policy PMD1 of the adopted Thurrock LDF Core Strategy and Policies for the Management of Development DPD.

## Air Quality Mitigation Measures

24. No development shall commence, with the exception of ground works for the foundations of the development, until details of measures aimed at mitigating or offsetting the impacts on local air quality resulting from increased road traffic generated by the development shall be submitted to and approved in writing by the local planning authority. The agreed measures shall be implanted prior to final completion of the development.

**Reason:** As part of the site falls within within the Air Quality Management Area and the mitigation measures are required to offset any increases in air pollution to accord with policy PMD1 of the adopted Thurrock LDF Core Strategy and Policies for the Management of Development DPD.

## Noise Mitigation Measures

25. Prior to first occupation of the development hereby the glazing specification as identified on the 'Pilkington Optiphon' document received on 14 February 2016 shall be installed and retained thereafter, unless otherwise agreed in writing with



the local planning authority

**Reason:** To ensure adequate internal living conditions are provided for the residents of the flats, in particular those flats on the front elevation of the building that would otherwise experience road traffic noise from Dock Road. The noise mitigation measures are necessary to comply with policy PMD1 of the adopted Thurrock LDF Core Strategy and Policies for the Management of Development DPD.

### **External lighting**

26. No development shall commence, with the exception of ground works for the foundations of the development, until details of the external lighting for the site including the luminance and spread of light and the design and specification of the light fittings have been submitted to and approved in writing by the Local Planning Authority. All illumination shall be implemented and retained as such in accordance with the details as approved.

**Reason:** To minimise light pollution upon nearby property including residential properties in accordance with policies PMD1 and PMD2 of the adopted Thurrock LDF Core Strategy and Policies for the Management of Development DPD.

### **Communal TV/Satellite**

27. Notwithstanding the provisions of the Town & Country Planning [General Permitted Development] Order 2015 [or any order revoking or re-enacting that Order with or without modification] the flats hereby permitted shall be equipped with a communal satellite dish(es). Details of the number, size, external appearance and the positions of the satellite dish(es) shall be submitted to and agreed in writing by the local planning authority prior to the installation of such systems. The agreed communal satellite dish systems shall be installed prior to the first occupation of the flats and thereafter retained. Notwithstanding the provisions of the Town and Country Planning [General Permitted Development] Order 2015 [or any Order revoking or re-enacting that Order with or without modification] other than those agreed by way of the above scheme, no additional satellite dish(es) or aerials shall be fixed to the building without the prior written approval of the local planning authority.

**Reason:** In the interests of visual amenity and to ensure that the development can be integrated within its immediate surroundings in accordance with policies PMD1 and PMD2 of the adopted Thurrock LDF Core Strategy and Policies for the Management of Development DPD.

## **Construction Environmental Management Plan**

28. The construction phase of the development shall be implemented in accordance with the details stated in the 'Environmental and Highways Management Plan' 'Rev A' which accompanies and forms part of this planning permission.

**Reason:** In the interests of protecting neighbouring residential amenity in accordance with policy PMD1 of the adopted Thurrock LDF Core Strategy and Policies for the Management of Development DPD.

### **INFORMATIVE**

The Local Planning Authority has acted positively and proactively in determining this application by assessing the proposal against all material considerations, including planning policies and any representations that may have been received and subsequently determining to grant planning permission in accordance with the presumption in favour of sustainable development, as set out within the National Planning Policy Framework.

#### **Documents:**

All background documents including application forms, drawings and other supporting documentation relating to this application can be viewed online:

[www.thurrock.gov.uk/planning](http://www.thurrock.gov.uk/planning)



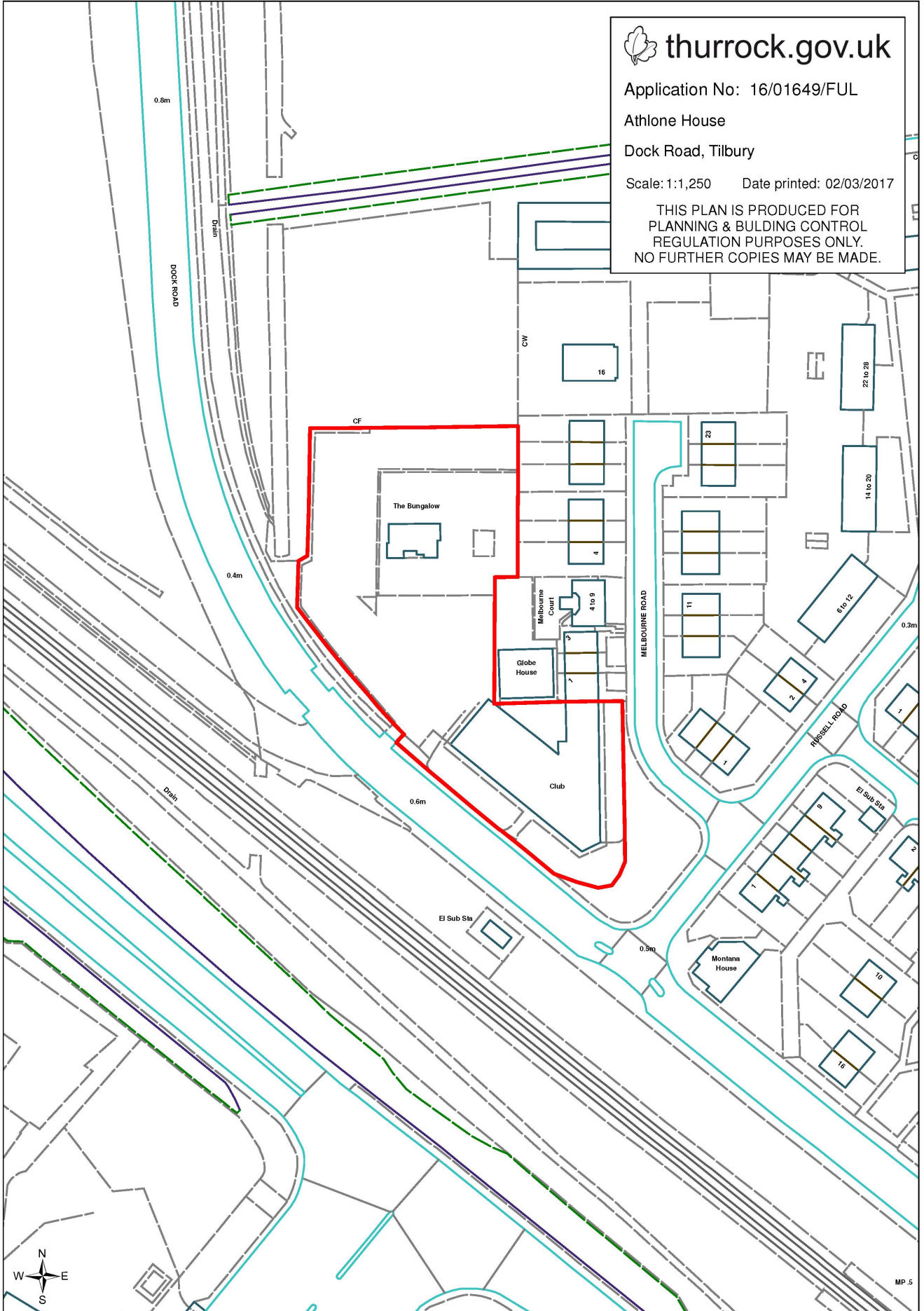
Application No: 16/01649/FUL

Athlone House

Dock Road, Tilbury

Scale: 1:1,250 Date printed: 02/03/2017

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