

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 **22 September 2016**

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

Membership:

Councillors Tom Kelly (Chair), Kevin Wheeler (Vice-Chair), Chris Baker, John Kent, 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 Allen, Jan Baker, Brian Little and Graham Snell

Agenda

Open to Public and Press

	Page
1 Apologies for Absence	
2 Minutes	5 - 10
To approve as a correct record the minutes of the Planning Committee meeting held on 25 August 2016.	
3 Item of Urgent Business	
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.	
4 Declaration of Interests	
5 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

6 Planning Appeals 11 - 18

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 16/00729/OUT - Land Adjacent Martins Farmhouse, Church Lane, Bulphan, Essex 19 - 38

9 16/00275/FUL - International Timber, London Road, Purfleet, Essex, RM19 1RE 39 - 70

10 16/00593/FUL- Church Hall, Rigby Gardens, Chadwell St Mary, Essex, RM16 4JJ 71 - 82

Queries regarding this Agenda or notification of apologies:

Please contact Jessica Feeney, Senior Democratic Services Officer by sending an email to Direct.Democracy@thurrock.gov.uk

Agenda published on: **14 September 2016**

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The council welcomes the filming, photography, recording and use of social media at council and committee meetings as a means of reporting on its proceedings because it helps to make the council more transparent and accountable to its local communities.

If you wish to film or photograph the proceedings of a meeting and have any special requirements or are intending to bring in large equipment please contact the Communications Team at CommunicationsTeam@thurrock.gov.uk before the meeting. The Chair of the meeting will then be consulted and their agreement sought to any specific request made.

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- Enter the password **Thurrock** to connect to/join the Wi-Fi network.
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- Access the modern.gov app
- Enter your username and password

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 25 August 2016 at 6.00 pm

Present: Councillors Tom Kelly (Chair), Kevin Wheeler (Vice-Chair), Chris Baker, John Kent, Steve Liddiard, Brian Little, David Potter, Terry Piccolo and Gerard Rice

Steve Taylor, Campaign to Protect Rural England Representative

Apologies: Councillors

In attendance:

Andrew Millard, Head of Planning & Growth
Matthew Ford, Principal Highways Engineer
Matthew Gallagher, Principal Planner
Leigh Nicholson, Development Management Team Leader
Chris Purvis, Principal Planner (Major Applications)
Curtis Smith, Highways Engineer
Vivien Williams, Planning Lawyer
Jessica Feeney, Senior Democratic Services Officer

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.

32. Minutes

The minutes of the meeting held on the 28 July were approved as a correct record.

33. Item of Urgent Business

There were no items of urgent business.

34. Declaration of Interests

Councillor Piccolo declared a non-pecuniary interest regarding application 16/00271/FUL - Barn to north east of St Cleres Hall, Stanford Road, Stanford Le Hope, Essex, SS17 0LX, as he made an objection to the application prior to becoming a councillor. Councillor Piccolo declared that he would be leaving the committee area to make representations in the public gallery once the representation is made he would then leave the chamber entirely.

35. 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 Brian Little received correspondence related to 16/00630/REM Pieris Place, Brentwood Road, Bulphan, Essex, RM14 3TL.

36. Planning Appeals

The report before Members provided information with regard to appeals performance.

RESOLVED:

The report was noted.

37. 16/00729/OUT - Land Adjacent Martins Farmhouse, Church Lane, Bulphan, Essex

Members were informed that the applicant had requested that this item be deferred for consideration at the 22 September Planning Committee. This request had been agreed by the Chair.

38. 16/00271/FUL - Barn To North East Of St Cleres Hall, Stanford Road, Stanford Le Hope, Essex, SS17 0LX

Members of the Committee were informed that the proposed development would involve the erection of a terrace of five, three- bedroom dwellings in place of the existing car storage building. Planning approval for the erection of 14 dwellings was approved under planning application ref. 11/50268/TTGFUL and the build is well underway. The applicant had already constructed 12 of the 14 dwellings consented; the siting of the final pair of approved semi-detached dwellings is occupied by the existing car storage building, and remains undeveloped. The current application sought permission to erect a terrace of five, three-bedroom dwellings in place of the existing car storage building, making a total of 17 dwellings on site.

Members were informed of suggested amendments to the planning conditions which comprised, condition 9 being removed as it was repeated in Condition 7 and Condition 12 wording to be changed to read: "Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 2015, or any order revoking or re-enacting those provisions, no additional windows or other openings shall be formed in the east-facing elevations of Plots A-E (as identified on drawing number 12210-P001-C) without the express written consent of the local planning authority."

Councillor B Little queried why there was not an affordable housing element to the scheme. The Head of Planning and Growth informed the committee that this application was a net increase from the previous application which was

below the threshold where planning policy requires the provision of affordable housing.

The Chair of the Committee questioned why the sizes of the gardens were below the standard set out by the Local Plan annex, but was deemed acceptable in 2011. The Principal Planner explained that the 2011 planning permission was determined by the former Development Corporation who would have considered all material planning considerations in making their decision.

The Chair of the Committee highlighted that there was an increased number of windows on the proposed dwellings in comparison to the previously approved application.

The Committee invited Councillor Piccolo to make his statement of objection, during the statement it was suggested that the Committee defer consideration in order to arrange a site visit. Councillor Piccolo left the Council Chamber having made his representation. The site visit was proposed by Councillor Wheeler and seconded by Councillor Potter. The vote resulted in refusal of a site visit.

Councillor Wheeler highlighted to the committee that if this application was approved similar applications would also be approved on this basis.

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

For: Councillors John Kent, Steve Liddiard, and Gerrard Rice

Against: Councillors Chris Baker, Tom Kelly, Brian Little, David Potter and Kevin Wheeler

Abstain: (0)

The Chair of the Committee proposed that the reason for refusal was due to the garden sizes of the properties not being in line with the current planning policy, this was seconded by Councillor Wheeler.

For: Councillors Chris Baker, Tom Kelly, Brian Little, David Potter and Kevin Wheeler

Against: Councillors John Kent, Steve Liddiard, and Gerrard Rice

Abstain: (0)

RESOLVED:

That planning permission be refused; the wording of the refusal to be agreed by the Chair of the Committee in conjunction with the Head of Planning and Growth

Councillor Piccolo returned to the Council Chamber.

39. 16/00630/REM - Pieris Place, Brentwood Road, Bulphan, Essex, RM14 3TL

Members were informed that the application sought the approval of reserved matters, following the grant of outline planning permission for the residential development of land for 19 units (with all matters reserved) including strategic landscape/noise attenuation buffer. The application sought approval for the reserved matters of access, appearance, landscaping, layout and scale.

Councillor B Little asked for clarification on the positioning of the trees on the site. The Principal Planner confirmed that the positioning of the trees was reflected in the plans which were displayed at the committee. Members were informed that the visibility splays at the development's junction onto Brentwood Road would need to be kept clear to comply with a planning condition on the outline permission in the interests of highway safety.

Members discussed the buffer zone and the green space situated within the development, Councillor Piccolo was concerned that the green space was very near to the A128.

Planning Officers explained that the road going through the development was wide enough for two cars to pass one another.

Councillor S Little was invited by the committee to make her statement of objection.

Members discussed the need for a footpath on the site leading onto Church Road. Councillor Rice highlighted that there was not many facilities in the surrounding areas which were available to walk to and from.

Councillor Baker queried if it was possible to add a condition which would ensure that a footpath for residents was created. The Development Management Team Leader informed the committee that it could be possible, using a Grampian style condition however the footpath could only be created up to the A128 junction and the Committee would have to be certain that the land was owned by the Council before imposing such a condition. Members were informed that the meeting would need to be deferred to confirm this.

Councillor B Little proposed that the meeting would be deferred to liaise with Highways England, this was seconded by Councillor Baker.

For: Councillors Chris Baker, Brian Little, Terry Piccolo

Against: Councillor Tom Kelly, David Potter, Gerrard Rice and Kevin Wheeler

Abstain: Councillor John Kent, Steve Liddiard

The request for a deferral was refused.

Councillor B Little highlighted that a road with no footpath would be dangerous for residents.

Councillor Rice stated that there was a demand for five bedroom houses in the borough to home the executives working for Thurrock businesses.

Councillor Piccolo queried if there was a possibility of a pedestrian access on the A128. The Principal Highways Engineer informed members that this would cause congestion on the A128 and pedestrian accesses may only be installed if it is viable for its use.

It was proposed by Councillor Kelly and seconded by Councillor Liddiard that the application to be approved.

For: Councillors Tom Kelly, Kevin Wheeler, and David Potter, Chris Baker. John Kent, Gerrard Rice, Steve Liddiard

Against: Councillor Brian Little

Abstain: Councillor Terry Piccolo

RESOLVED:

That the application be Approved

40. 16/00434/CV - Bruyns Court, Derry Avenue, South Ockendon, Essex

Members were informed by the Chair of the Committee that this application was withdrawn prior to the committee.

The meeting finished at 7.30 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**

22nd September 2016		ITEM: 6
Planning Committee		
Planning Appeals		
Wards and communities affected: All	Key Decision: Not Applicable	
Report of: Leigh Nicholson, Development Management Team Leader		
Accountable Head of Service: Andy Millard, Head of Planning and Growth		
Accountable Director: Steve Cox, Director of Environment and Place		

Executive Summary

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

1.0 Recommendation(s)

1.1 To note the report

2.0 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:** 15/01342/FUL

Location: Bulimba, Butts Road, Stanford Le Hope

Proposal: Retrospective application for a 2.7 metre high fence and change of use of existing part of residential garden to commercial open storage.

3.2 **Application No:** 16/00197/HHA

Location: 56 Scratton Road, Stanford Le Hope

Proposal: Two storey side and rear extension, loft conversion and removal of the chimney stack.

3.3 Application No: 16/00247/HHA

Location: 2 Marie Close, Corringham

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

3.4 Application No: 16/00462/FUL

Location: 14 Cardinal Road, Chafford Hundred

Proposal: Convert existing garage into premises for a small 'by appointment' business (dog grooming salon)

3.4 Application No: 16/00232/FUL

Location: Malgraves Meadow Lower Dunton Road
Horndon On The Hill Essex SS17 8QD

Proposal: Convert existing garage into premises for a small 'by appointment' business (dog grooming salon)

3.4 Application No: 16/00405/FUL

Location: Wharf Shipping Services The Warren Wharf Road
Stanford Le Hope Essex

Proposal: Replacement and extension of existing timber storage building and improved maintenance facility.

4.0 Appeals Decisions:

The following appeal decisions have been received:

4.1 Application No: 16/00058/HHA

Location: The Old Kennels, Kirkham Shaw, Horndon On The Hill

Proposal: Erection of cart lodge for 2 vehicles

Decision: Allowed

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, having regard to national and local planning policy; and
- II. The effect of the proposal on the character and appearance of the area.

4.1.2 With regards to (i), the Inspector agreed that given the proximity and ancillary use of the building the development should be treated as an extension to the dwellinghouse. The Inspector however took the view that because the property had been re-built since 1948 and not extended [since being re-built], the development, which amounted to some 30 sqm, would accord with LDF CS Policy PMD6.

4.1.3 With regards to (ii), the Inspector took the view that due to the unobtrusiveness position of the cart lodge and prevalence of other similar structures nearby the cart lodge would not be an incongruous or overly prominent feature in the locality.

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

4.2 **Application No: 16/00460/HHA**

Location: 65 Parkside, Grays

Proposal: Single storey rear conservatory extension

Decision: Allowed

Summary of decision:

4.2.1 The Inspector considered the main issue to be:

- i. The effect of the proposed development on the living conditions of occupiers of 67 Parkside with regards to outlook and light.

4.2.2 The Inspector took the view that whilst the extension would protect beyond the Council's standards, the design and restricted height of the conservatory would negate any adverse effects on views from No.67. As a consequence the Inspector took the view that the conservatory would not appear overbearing. The Inspector also took the view that any effects on sunlight and daylight would be limited.

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

4.3 **Application No: 15/00510/FUL**

Location: Land Part of Fiddlers Reach (Eastern Side), Wouldham Road, Grays

Proposal: The development of a waste-wood fuelled combined heat and power station to generate heat and energy from biomass, comprising: a main building that contains the fuel reception and storage area, gasification and oxidation area, the boiler, flue gas treatment facility, stack; a building containing steam turbine and water treatment facilities, control room, and staff facilities; an auxiliary boiler house and associated stack; air cooled condenser; steam offtake pipe; and associated ancillary buildings and infrastructure including external hardstanding for vehicle manoeuvring / parking, weighbridges, an electricity substation and transformers, generators and associated diesel tank, air blast coolers, fire break water tanks and associated pumping building, cycle / motorbike store, surface water and foul drainage infrastructure, landscaping, fencing and security gates.

Decision: Allowed

Summary of decision:

- 4.3.1 The Inspector considered the main issue to be:
- i. The effect of the proposed development on the character and appearance of the area.
- 4.3.2 The Inspector acknowledged the building would be bulky and in close proximity to nearby residential properties but also took the view the relationship of the new building and its surroundings would not be dissimilar to other new development in the vicinity in relation to the Proctor and Gamble complex. The Inspector was satisfied that the overall height of the building would not be excessive.
- 4.3.3 The Inspector considered the impact of the development from the viewpoints assessed in the ES submitted with the application and found the harm arising from the development to be acceptable, particularly because of the industrial context of the site.
- 4.3.4 Whilst not specifically raised in the Council's refusal, the Inspector also considered other matters raised by interested parties but found no grounds to dismiss the appeal. The Inspector concluded that there would be no unacceptable harm in terms of the effect of the proposal on the character and appearance of the area. The Inspector also considered there to be significant benefits arising both from the generation of renewable energy and from the sustainable management of waste. There would also be benefits arising from the employment that would be generated.

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

4.4 Application No: 14/00291/CWKS

Location: Mills Oak Lower Dunton Road Laindon Essex RM14 3TD

Proposal: Two storey building built to front of the property without the benefit of planning permission, also using it as living quarters.

Decision: Part allowed / Part Dismissed

Summary of decision:

4.4.1 This appeal relates to an Enforcement Notice served on the owners of the above property which required, amongst other things, the removal of domestic paraphernalia and the demolition of aspects of the outbuilding which did not benefit from planning permission.

4.4.2 The Inspector acknowledged that the case was finely balanced, but considering evidence provided by the appellant during the appeal process in relation to the length of time the building had been in use, the Inspector found the alterations to not represent inappropriate development in the Green Belt.

4.4.3 The Inspector dismissed the ground 'C' appeal [that there has been no breach of planning control] but went on to allow the ground 'A' appeal and granted planning permission for the development. In granting planning permission, the Inspector imposed conditions to ensure that the development remained incidental to the property and to prevent additional windows from being inserted into the building.

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

5.0 Forthcoming public inquiry and hearing dates:

5.1 The following inquiry and hearing dates have been arranged:

5.2 None.

6.0 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	0	0	0	0	0	0	16
No Allowed	2	0	0	0	0	4	0	0	0	0	0	0	6
% Allowed													37%

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

7.1 N/A

8.0 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. 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 manager

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Reference: 16/00729/OUT	Site: Land Adjacent Martins Farmhouse Church Lane Bulphan Essex
Ward: Orsett	Proposal: Development of 52 assisted living apartments (in 4 blocks) with cafe/restaurant facilities, separate building housing convenience store and doctors surgery with living accommodation above, separate dwelling for doctor, separate building for changing rooms/ club room with outdoor sports pitch and ancillary parking and landscaping with two access points to Church Lane (Outline application with all matters reserved)

Plan Number(s):		
Reference	Name	Received
112	Location Plan	23rd May 2016
113	Block Plan	23rd May 2016
114	Floor Layout	23rd May 2016
115	Elevations	23rd May 2016
116	Elevations	23rd May 2016

The application is also accompanied by: <ul style="list-style-type: none"> - Design and Access Statement - Flood Risk Assessment - Planning Statement 	
Applicant: Mr D. MacDonald	Validated: 30 June 2016 Date of expiry: 29 September 2016
Recommendation: To Refuse	

Consideration of this application was deferred at the 25th August 2016 Planning Committee meeting at the request of the applicant as neither he or his Agent were able to attend the meeting and speak on the application.

UPDATES SINCE LAST MEETING

September. Primarily this involves an In – Out access to the centre of the site where previously a single access point was proposed. The Council's Highway Officer has considered the alternative access but advises that this change does not overcome the concerns previously raised.

A copy of the report presented to 25thAugust 2016 meeting is attached. The recommendation of refusal remains unaltered.

<p>Reference: 16/00729/OUT</p>	<p>Site: Land Adjacent Martins Farmhouse Church Lane Bulphan Essex</p>
<p>Ward: Orsett</p>	<p>Proposal: Development of 52 assisted living apartments (in 4 blocks) with cafe/restaurant facilities, separate building housing convenience store and doctors surgery with living accommodation above, separate dwelling for doctor, separate building for changing rooms/ club room with outdoor sports pitch and ancillary parking and landscaping with two access points to Church Lane (Outline application with all matters reserved)</p>

Plan Number(s):		
Reference	Name	Received
112	Location Plan	23rd May 2016
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<p>Applicant: Mr D. MacDonald</p>	<p>Validated: 30 June 2016 Date of expiry: 29 September 2016</p>
<p>Recommendation: To Refuse</p>	

The application has been scheduled for determination by the Council's Planning Committee because a recent proposal for a similar development on the same site was considered by Members.

1.0 DESCRIPTION OF PROPOSAL

1.1 This application seeks planning permission for the development of the site for a 52 assisted living units and associated development. The application has been submitted on the outline form, with all matters reserved.

1.2 The indicative plans submitted with the application illustrate the following parameters:

- Two access from Church Lane [one to the northern end of the site and one in the centre of the site];
- Assisted living units within four blocks; two separate from one another and two linked by a single storey building;
- A detached building providing a convenience store ground floor level and a doctors surgery with a separate flat at first floor level;
- A detached dwellinghouse to provide accommodation for a doctor;
- A detached building providing changing facilities and clubroom for outdoor sports;
- A sports pitch to provide an all-weather surface for hockey, football and tennis;
- 44 dedicated car parking for the clubhouse building, 10 spaces for the shop / doctors surgery and 50 spaces for the residential element of the development.

2.0 SITE DESCRIPTION

2.1 The application site is an approximately L -shaped area of land on the eastern side of Church Lane, close to where it joins Parkers Farm Road.

2.2 The site lies to the south of Martin’s Farm. The site lies outside of the village of Bulphan on an agricultural field. The site is in the Green Belt.

3.0 RELEVANT HISTORY

Reference	Description	Decision
60/00297/FUL	Residential	Refused
68/00042/FUL	House, Garages	Refused
14/01063/FUL	Erection of 5 dwellings	Refused
15/00092/OUT	Erection of 50 bed care home (Outline application with matters of Access, Appearance, Layout and Scale being sought)	Refused

4.0 CONSULTATIONS AND REPRESENTATIONS

4.1 Detailed below is a summary of the consultation responses received. The full version of each consultation response can be viewed on the Council’s website via public access at the following link:

www.thurrock.gov.uk/planning

4.2 This application has been advertised by way of individual notification letters and the display of public site notices. A press notice has also been publicised. At the time of drafting this report, ten responses had been received objecting to the proposals on the following grounds:

- MUGA facilities already exist in the village;
- A new shop is already to be provided in the village;
- Principle of development in the Green Belt;
- Not a suitable road for development;
- Not an appropriate location for such a development;
- Noise pollution and access during construction;
- Increased noise activity when constructed;
- Development is outside the village envelope;
- Impact of vehicle movements on the village;
- Lack of suitable public transport;
- The site is in close proximity to Thurrock Airfield;
- The application is for outline consent only and the eventual type and density if therefore unknown;
- Parkers Farm Road is very narrow and is used, especially by cyclists;
- Site is on a flood plain.

A letter from the local Ward Councillor has also been received making the following comments:

- Site is Green Belt;
- Development will be visible across the fields to Orsett;
- There is already an approved scheme for village shop;
- The site is down a narrow country road;
- Access for emergency services would be difficult;
- An isolated location for assisted living units;
- Extra traffic movements associated;
- Will destroy the street scene and the ambience of Bulphan;
- Height of the buildings is too great.

One letter of support has been received raising no objections provided that the Council are satisfied the road is adequate to handle the extra volumes of traffic.

ENVIRONMENT AGENCY:

4.3 No objections.

ENVIRONMENTAL HEALTH:

4.4 No objections (conditions recommended).

FLOOD RISK MANAGER:

4.5 Objection (lack of detailed information).

HIGHWAYS:

4.6 Objection (principle and detailed reasons for refusal).

LANDSCAPE AND ECOLOGY OFFICER:

4.7 Objection (landscape impact).

HEALTH AND WELLBEING GROUP:

4.8 No reason to support the proposals.

NHS ENGLAND:

4.9 No objections (subject to developer contributions)

5.0 POLICY CONTEXT

5.1 National Planning Policy Framework

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

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

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

4. Promoting sustainable transport

7. Requiring good design

8. Promoting healthy communities

9. Protecting Green Belt land

10. Meeting the challenge of climate change, flooding and coastal change

11. Conserving and enhancing the natural environment

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

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

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

The Framework is clear that local planning authorities should, through their Local Plans, meet objectively assessed needs unless any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when

assessed against the policies in the Framework taken as a whole, or specific policies in the Framework indicate development should be restricted. Such policies include those relating to sites protected under the Birds and Habitats Directives, and/or designated as Sites of Special Scientific Interest; land designated as Green Belt, Local Green Space, an Area of Outstanding Natural Beauty, Heritage Coast or within a National Park or the Broads; designated heritage assets; and locations at risk of flooding or coastal erosion.

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

5.6 Planning Practice Guidance (PPG)

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

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

5.7 Local Planning Policy

Thurrock Local Development Framework

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

SPATIAL POLICIES

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

THEMATIC POLICIES

- CSTP1: Strategic Housing Provision
- CSTP22: Thurrock Design

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

POLICIES FOR MANAGEMENT OF DEVELOPMENT

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

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

5.8 Focused Review of the LDF Core Strategy

This Review was commenced in late 2012 with the purpose to ensure that the Core Strategy and the process by which it was arrived at are not fundamentally at odds with the NPPF. There are instances where policies and supporting text are recommended for revision to ensure consistency with the NPPF. The Review was submitted to the Planning Inspectorate for independent examination in August 2013. An Examination in Public took place in April 2014. The Inspector concluded that the amendments were sound subject to recommended changes.

5.9 Draft Site Specific Allocations and Policies DPD

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

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

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

6. ASSESSMENT

PROCEDURAL MATTERS

With reference to process, this application has been advertised as being a major development and as a departure from the Development Plan. Any resolution to grant planning permission would need to be referred to the Secretary of State under the terms of the Town and Country Planning (Consultation) (England) Direction 2009 with regard to the proposed quantum of development within the Green Belt. The Direction allows the Secretary of State a period of 21 days (unless extended by direction) within which to 'call-in' the application for determination via a public inquiry. In reaching a decision as to whether to call-in an application, the Secretary of State will be guided by the published policy for calling-in planning applications and relevant planning policies.

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

- I. Plan designation and principle of development
- II. Harm to Green Belt and other harm
- III. Whether the harm to the Green Belt, and any other harm is clearly outweighed by other considerations, so as to amount to very special circumstances
- IV. Highways and access
- V. Design and layout, relationship of development with surroundings and amenity impacts
- VI. Flood and drainage

I. PLAN DESIGNATION AND PRINCIPLE OF DEVELOPMENT

6.2 The application site is located within the Green Belt. Policy PMD6 applies and states that permission will not be given, except in very special circumstances, for the construction of new buildings, or for the change of use

of land or the re-use of buildings unless it meets the requirements and objectives of National Government Guidance. Paragraph 89 of the NPPF states that *'a local planning authority should regard the construction of new buildings as inappropriate in Green Belt'*. The NPPF sets out a limited number of exceptions however the construction of an assisted living scheme and associated development does not fall into any of the exceptions. Consequently it is a straightforward matter to conclude that the proposal constitute inappropriate development in the Green Belt.

- 6.3 Paragraph 87 of the NPPF states that *'inappropriate development is, by definition, harmful to the Green Belt and should not be approved except in very special circumstances'*. Paragraph 88 goes on to state *'when considering any planning application, local planning authorities should ensure that substantial weight is given to any harm to the Green Belt. 'Very special circumstances' will not exist unless the potential harm to the Green Belt by reason of inappropriateness, and any other harm, is clearly outweighed by other considerations'*.

II. HARM TO GREEN BELT AND 'OTHER' HARM

- 6.4 Having established that the proposal constitutes inappropriate development in the Green Belt, it is necessary to consider the matter of harm. Inappropriate development is, by definition, harmful to the Green Belt, but it is also necessary to consider whether there is any other harm to the Green Belt and the purposes of including land therein.
- 6.5 At paragraph 79, the NPPF states that the fundamental aim of Green Belt policy is to prevent urban sprawl by keeping land permanently open; the essential characteristics of Green Belts are their openness and their permanence.
- 6.6 With regards the impact on openness, the proposals would comprise a substantial amount of new building in an area which is entirely free from built development. It is considered that the amount and scale of development proposed would considerably reduce the openness of the site. It is considered that the loss of openness, which is contrary to the NPPF, should be accorded significant weight in consideration of this application.
- 6.7 Paragraph 80 of the NPPF sets out five purposes which the Green Belt serves:
- i. to check the unrestricted sprawl of large built-up areas;
 - ii. to prevent neighbouring towns from merging into one another;
 - iii. to assist in safeguarding the countryside from encroachment;
 - iv. to preserve the setting and special character of historic towns; and
 - v. to assist in urban regeneration, by encouraging the recycling of derelict and other urban land.
- 6.8 It is considered that the development proposed would be contrary to purposes (iii), and (v) detailed at paragraph 80 of the NPPF. In addition, there would be substantial harm by reason of loss of openness.

III. WHETHER THE HARM TO THE GREEN BELT, AND ANY OTHER HARM IS CLEARLY OUTWEIGHED BY OTHER CONSIDERATIONS, SO AS TO AMOUNT TO VERY SPECIAL CIRCUMSTANCES

6.9 The Planning Statement submitted with the application contains the applicant's case in favour of the proposed development. The applicant sets out the following in support of the proposals:

- (i) The significant need for older persons housing which is not provided for elsewhere in the Borough;
- (ii) The design is simple and with a simple pallet of materials and large areas of landscaping.

6.10 The matters are analysed below:

(i) The significant need for older persons housing which is not provided for elsewhere in the Borough;

6.11 The Council's Health and Wellbeing Housing and Planning Advisory Group (HWBHPAG) advise that the site is relatively isolated and given the availability of land to meet the housing needs of older adults elsewhere in the Borough there is no reason to support the development of the site for this purpose. Accordingly, in the absence a demonstrable need for this type of development in this location, this factor can be attributed very little weight in favour of the development.

(ii) The design is simple and with a simple pallet of materials and large areas of landscaping

6.12 The buildings housing the assisted living units are bulky and dominate the centre of the site. The design of the buildings is monotonous and unduly 'urban' in design terms, failing to reflect the rural character of the wider location. In addition, large areas of the site are shown to be laid out for parking and hard surfacing. This provides no weight in favour of the development.

6.13 In conclusion under this heading, the development of the site constitutes inappropriate Green Belt development. The development is therefore harmful by definition and substantial weight should be attributed in this regard. The matters put forward by the applicant do not clearly outweigh the harm that would be caused and as such do not represent very special circumstances. As such, it is considered that the proposal is contrary to PMD6 of the Core Strategy and guidance contained in the NPPF and PPG.

IV. HIGHWAYS AND ACCESS

6.14 Parkers Farm Road is categorised as a Level 2 Rural Road where an intensification of use would normally only be accepted for small scale uses, permissible within the Green Belt. In addition, the road is a typical country lane, with no designated footpaths on either side of the road. The road edge is defined by the highway verge or hedgerow on both sides of the road. The road

is primarily used by agricultural vehicles.

- 6.15 The Council's Highway officer objects to the principle of intensifying the use of the central access of the site and the provision of a new access to the northern side of the site. The proposal is considered to be contrary to LDF CS Policy PMD9 in this regard.
- 6.16 The proposed northern access is adjacent to Martins Farm and visibility to the north is limited. This land lies outside of the control of the applicant and the Council's Highway Officer is not satisfied that appropriate visibility splays could be achieved. The applicant has failed to demonstrate how access could be safely achieved, contrary to LDF CS Policy PMD2. In addition the HWBHPAG have raised concern that residents would be reliant upon the private motor car, there being no footpaths to support or encourage pedestrian trips.
- 6.17 Finally, the application proposes facilities [such as a doctor's surgery, shop and clubhouse] which would attract visitors from the wider area, potentially resulting in high volumes of traffic. The applicant has not detailed the number of employees expected on the site or taken into account the potential for the increased trips associated with visitors. As the application does not detail the number of staff members it is not possible to indicate whether adequate parking provision is being made on site. Accordingly the proposal also fails to comply with highways requirements on the basis of a lack of information relating to staff numbers, contrary to LDF CS Policy PMD8.

V. DESIGN, LAYOUT, RELATIONSHIP OF DEVELOPMENT WITH SURROUNDINGS AND AMENITY IMPACTS

- 6.18 LDF CS Policy PMD2 requires that all design proposals should respond to the sensitivity of the site and its surroundings and must contribute positively to the character of the area in which it is proposed and should seek to contribute positively to local views, townscape, heritage assets and natural features and contribute to the creation of a positive sense of place.
- 6.19 LDF CS Policy CSTP22 of the Core Strategy indicates that development proposals must demonstrate high quality design founded on a thorough understanding of, and positive response to, the local context.
- 6.20 Section 7 of the NPPF sets out the need for new development to deliver good design. Paragraph 57 specifies that it is important to plan positively for the achievement of high quality and inclusive design for all development, including individual buildings, public and private spaces and wider area development schemes. Paragraph 61 states that although visual appearance and the architecture of individual buildings are very important factors, securing high quality and inclusive design goes beyond aesthetic consideration.
- 6.21 The application has been submitted in outline form with all matters reserved; however it is important nonetheless to consider the design and layout parameter plans accompanying the application. The 4 main buildings proposed for the assisted living apartments are two storey blocks. These are proposed to be located more to less within the centre of the site, two running north to south and two running east to west. The illustrative plans suggest a design that is of a style more normally associated with regimented design forms found in urban

areas. The design and appearance of these buildings is therefore considered to be wholly unacceptable for the proposed location. In addition the single storey link between two of the main buildings is poorly articulated.

- 6.22 Illustrative design details for the other buildings have not been provided, other than indications of the storey heights of these buildings. No specific comments are therefore raised on the design of these buildings.
- 6.23 The Council's Landscape Advisor has been consulted on the proposal. He notes that the whole field is bounded by hedges but that they are not in a good condition and provide little screening across the site. He further advises that the site lies within the Bulphan Fenlands landscape character area which is defined in the Thurrock Landscape Capacity Study as an open and exposed rural landscape. The Advisor warns that there would be little opportunity to mitigate the visual impacts of the scheme due to the location of the buildings and their extent, orientation, layout and location within the site. The Bulphan Fenlands would be significantly adversely impacted upon by development of this size and design.
- 6.24 Accordingly, it is considered that the development would have a significant adverse impact on the local landscape character.

VI. FLOOD AND DRAINAGE

- 6.25 LDF CS Policy PMD15 relates to flood risk and indicates that the management of flood risk should be considered at all stages of the planning process. The policy also states that in accordance with the Water Resources Act 1991 the prior written consent of the Environment Agency will be required for proposed works or structures, in, under, over or within 9 metres of the top of the bank of a designated main river.
- 6.26 The site lies within Flood Risk Zone 2. In addition the site lies adjacent to a watercourse. The Council's Flood Risk Manager indicates that the applicant has failed to provide adequate details of a surface water strategy in their submitted Flood Risk Assessment as required by the NPPF. Accordingly, at this time the Council cannot be satisfied that a suitable solution drainage solution exists and that the proposal would be able to mitigate its impact on the local area or that existing surface water issues have been fully considered.
- 6.27 The proposal is therefore contrary to Policy PMD15 as the Council cannot be satisfied at this time that the proposal would not lead to increased flooding of the area.

7.0 CONCLUSIONS AND REASON(S) FOR REFUSAL

- 7.1 The proposals would comprise a substantial amount of new building on a rural site which is entirely free from built development. The development proposed does not fall within any of the exceptions set out in Policy PMD6 or the NPPF and as a consequence, the proposal constitutes inappropriate development in the Green Belt, which is harmful by definition. The loss of openness, which is contrary to the NPPF, should be afforded significant weight in consideration of this application.

- 7.2 Having established the nature and extent of the harm to the Green Belt the key consideration is whether this harm is clearly outweighed by other considerations so as to amount to the very special circumstances necessary to justify the inappropriate development. In this case, the applicant has promoted a number of considerations which have been considered in detail above. In light of the analysis contained within this report it is concluded that the benefits of the scheme do not clearly outweigh the harm that would be caused.
- 7.3 Furthermore, the proposal raises concern in relation to highways safety due to the formation of a number of new accesses, contrary to Policy PMD9 of the Core Strategy. Furthermore, the site lies within Flood Risk Zone 2 and the site is at high risk of flooding due to the adjacent watercourse. The applicant has failed to address how the risk of flooding from this source would be mitigated or how site drainage and run off would be managed. The proposal is contrary to Policy PMD15 in this regard.
- 7.4 Additionally, the development would have a significant adverse impact upon the Bulphan Fenlands, contrary to Policy PMD2 and CSTP22.
- 7.5 There is also concern in relation to scale, design and overall appearance of the development which fails to meet the high standards of design that would be required and the impact of the large structures on the character and appearance of the area.

8.0 RECOMMENDATION

To Refuse for the following reasons:

Reason(s):

- 1 The application site is located within the Green Belt as defined within the Thurrock Local Development Framework, Core Strategy. Policy PMD6 applies and states that permission will not be given, except in very special circumstances, for the construction of new buildings, or for the change of use of land or the re-use of buildings unless it meets the requirements and objectives of National Government Guidance.

The NPPF (at paragraph 89) sets out the forms of development which may be acceptable in the Green Belt. The proposed development does not fall within any of the appropriate uses for new buildings set out by the NPPF and Policy PMD6. Consequently, the proposals represent “inappropriate development” in the Green Belt and are a departure from development plan policy. Paragraph 87 of the NPPF sets out a general presumption against inappropriate development within the Green Belt and states that such development should not be approved, except in very special circumstances. Paragraph 87 also states that inappropriate development is, by definition, harmful to the Green Belt. It is for the applicant to show why permission should be granted. Very special circumstances to justify inappropriate development will not exist unless the harm, by reason of inappropriateness, and any other harm, is clearly outweighed by other considerations.

The information put forward by the applicant has been considered. However, these matters, neither individually nor taken together, are considered to constitute the very special circumstances necessary to allow a departure from policy being made in this instance. The proposals are therefore contrary to Policy PMD6 of the Core Strategy and guidance in the NPPF in principle.

Notwithstanding the in-principle harm identified above, by reason of the mass, bulk and serious incursion into open land, the proposals are also harmful to the character and openness of the Green Belt at this point, contrary to Policy PMD6 of the Core Strategy and criteria within the NPPF.

- 2 Policy PMD9 of the Thurrock Local Development Framework Core Strategy states that the Council will only permit the development of new vehicular accesses or increased use of existing accesses onto the road network where, amongst other things, there is no possibility of a safe access being taken from an existing or lower category road, the development minimises the number of accesses required and the development makes a positive contribution to road safety or road safety is not prejudiced. Development onto Level 2 Rural Road will only be permitted where they are small scale developments that are permissible in the Green Belt.

Policy PMD2 of the Thurrock Local Development Framework Core Strategy indicates that all development should allow safe and easy access while meeting appropriate standards.

Policy PMD8 requires off street parking to be provided to meet the Council's standards.

The intensified use of an access onto Parkers Farm Road is objectionable in principle as it does not make a positive contribution to road safety; and the provision of a new access is also considered unacceptable; the proposal is contrary to Policy PMD9 in this regard.

The proposed northern access is adjacent to Martins Farm and visibility to the north is limited. This land lies outside of the control of the applicant and the Council is not satisfied that appropriate visibility splays could be achieved. The applicant has failed to demonstrate how access could be safely achieved via either access and the proposal is contrary to Policy PMD2 in relation to appropriate design and layout.

The applicant has also failed to provide details of disabled spaces, the number of staff that would be working at the premises, or how these staff would travel to the site. Without this information the Council cannot be satisfied that the level of parking provision on the site would be acceptable. The proposal is therefore contrary to Policy PMD8 in this respect.

- 3 Policy PMD15 of the Core Strategy relates to Flood Risk and indicates that the management of flood risk should be considered at all stages of

the planning process.

The site lies within Flood Risk Zone 2 and the site is at high risk of flooding due to the adjacent watercourse. The applicant has failed to address how the risk of flooding from this source would be mitigated or how site drainage and run off would be managed. The proposal is contrary to Policy PMD15 in this regard.

- 4 Policy PMD2 of the Core Strategy requires that all design proposals should respond to the sensitivity of the site and its surroundings and must contribute positively to the character of the area in which it is proposed and should seek to contribute positively to local views, townscape, heritage assets and natural features and contribute to the creation of a positive sense of place.

Policy CSTP22 of the Core Strategy indicates that development proposals must demonstrate high quality design founded on a thorough understanding of, and positive response to, the local context.

Section 7 of the NPPF sets out the need for new development to deliver good design. Paragraph 57 specifies that it is important to plan positively for the achievement of high quality and inclusive design for all development, including individual buildings, public and private spaces and wider area development schemes. Paragraph 61 states that although visual appearance and the architecture of individual buildings are very important factors, securing high quality and inclusive design goes beyond aesthetic consideration.

The application site lies within the Bulphan Fenlands Landscape which is characterised and defined by its open character and exposed agricultural nature.

- i) The proposed development by reason of its location within open Fenland landscape would have a significant impact on the open local landscape character. In addition, by reason of their height, location, mass and layout the proposed buildings would have significant harmful effects that could not be mitigated. Accordingly in principle, and mass and layout terms the proposal would have a harmful impact on local landscape character contrary to the above policies and guidance.
- ii) Furthermore, the indicative elevations submitted illustrate a design approach which would be wholly unacceptable for the rural location in which they would be located. Accordingly the proposal would have a detrimental impact on the character and visual amenities of the area, contrary to the above policies and guidance.

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



thurrock.gov.uk

Application No: 16/00729/OUT

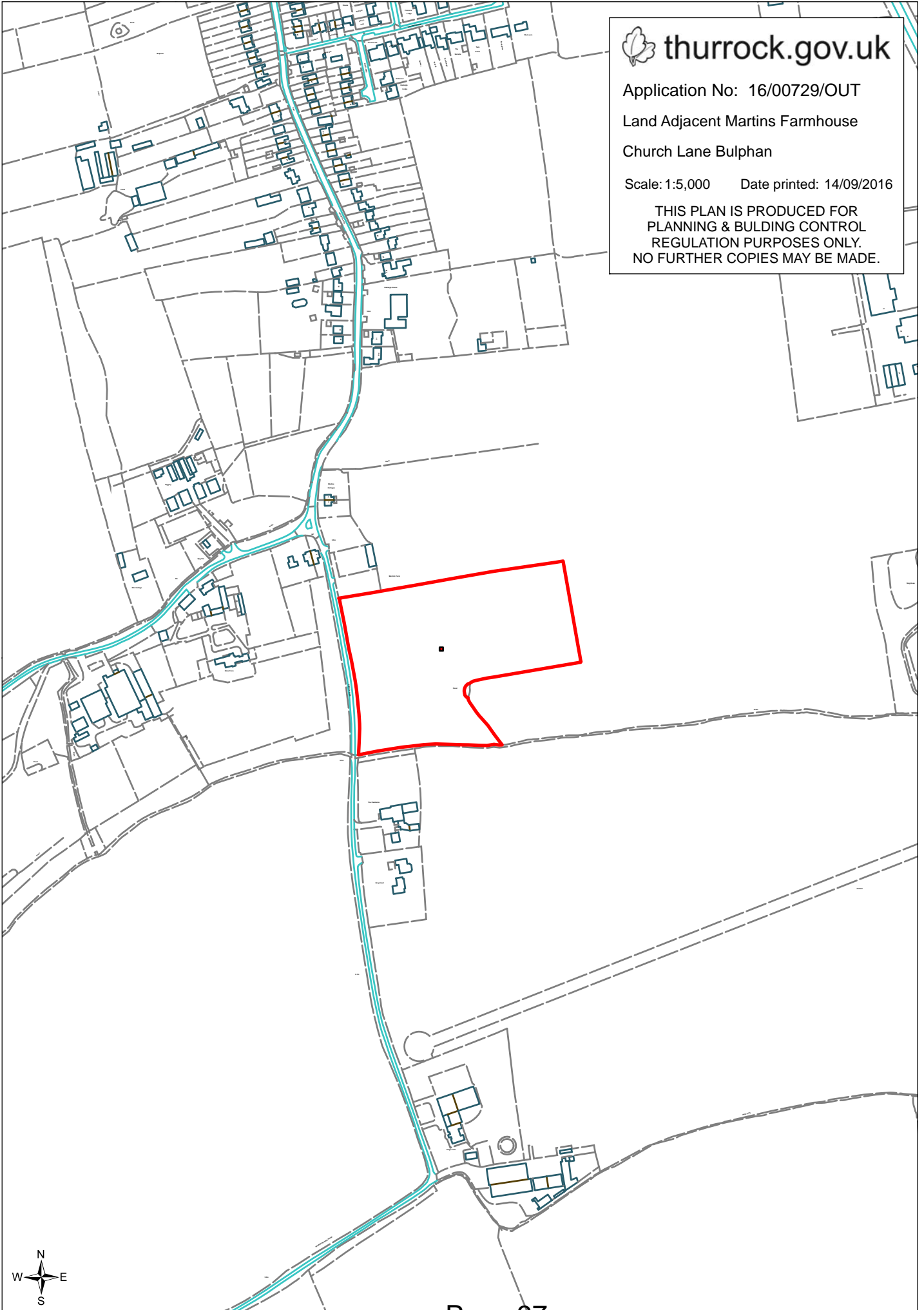
Land Adjacent Martins Farmhouse

Church Lane Bulphan

Scale: 1:5,000

Date printed: 14/09/2016

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Agenda Item 9

Planning Committee 22.09.2016

Application Reference: 16/00275/FUL

<p>Reference: 16/00275/FUL</p>	<p>Site: International Timber London Road Purfleet Essex RM19 1RE</p>
<p>Ward: West Thurrock And South Stifford</p>	<p>Proposal: Construction of warehouse development (B8) with associated access, car parking and servicing areas and installation of new footpath.</p>

Plan Number(s):		
Reference	Name	Received
01 SITE DRAINAGE	Other	29th February 2016
02 SITE DRAINAGE	Other	29th February 2016
01C SITE PLAN AS PROPOSED	Site Layout	29th February 2016
02 GROUND FLOOR PLAN AS PROPOSED	Floor Layout	29th February 2016
03A ELEVATIONS AS PROPOSED	Elevations	29th February 2016
5772 TOPOGRAPHICAL PLAN	Other	29th February 2016
031B LOCATION PLAN	Location Plan	29th February 2016
20227 SITE DRAINAGE PLAN	Existing Plans	29th February 2016

The application is also accompanied by:

- Air Quality Assessment
- Aboticultural Survey and Impact Assessment
- BREEAM Assessment
- Contaminated Land Survey
- Design and Access Statement
- Flood Risk Assessment
- Planning Statement
- Preliminary Ecological Assessment
- Topographical Survey
- Transport Assessment
- Travel Plan

<p>Applicant: Mr Les Foulger</p>	<p>Validated: 1 March 2016 Date of expiry: 31 May 2016 [EoT until 30</p>
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September 2016]

Recommendation: Approve, subject to conditions and s.106 legal agreement.

This application is scheduled for determination by the Council's Planning Committee because the application has strategic implications upon the Purfleet area in light of proposals for regeneration of the area that require careful consideration.

1.0 DESCRIPTION OF PROPOSAL

- 1.1 This application seeks planning permission for the construction of a warehouse development (Class B8) with associated access, car parking and servicing areas and installation of a new footpath.
- 1.2 The warehouse building would provide 10,006 sqm of floorspace. Half of this floorspace would be occupied by a storage and distribution business who are proposing to re-locate their two existing business facilities from Woodford Green in North London and Aylesford in Kent to this site. The business operates a storage and distribution use for surface materials specialising in flooring, worktops, laminates, panel products and solid surfacing.
- 1.3 No end users have been identified for the second half of the building which would also have a storage and distribution use (Class B8).
- 1.4 The proposed warehouse building would measure 123m wide by 103m deep by 12m high and would be sited towards the north east corner of the site. In terms of the internal layout of the building the south west corner of the building would include a reception and staff facilities on the ground floor and offices on the first floor. The remaining floorspace would provide storage. The elevations of the building would be finished in grey cladding with the parapet finished in red. Strips of glazing would break up the cladding with smaller glazing proposed in the reception and office areas of the building.
- 1.5 The existing entrance to the car park area would be closed and a new car park entrance would be formed and an area to the south of the car park would be reserved for future car park expansion. The car park would be located to the west of the building. The car park would accommodate 135 spaces including 7 disabled spaces. A cycle store would also be located in this area.
- 1.6 An existing access would be used for lorries accessing the service area where loading bays would be located on the south side of the building. A sprinkler tank measuring 8m high would be sited towards the south eastern part of the site. A smoking shelter is also proposed in this location.

- 1.7 It is proposed to amend and reduce the size/radius of the bellmouth at Mill Road at the junction with London Road in order to prevent any lorry movements from turning left from the junction and driving into Purfleet. This means that all lorry movements to and from the site would travel east along London Road towards Stonehouse Roundabout.
- 1.8 Around the northern and part of the eastern perimeter of the site an area of landscaping is proposed. Outside of the site a 1.8m wide footpath is proposed alongside the existing southern carriageway. The site already has security fencing around this part of the site.
- 1.20 The key characteristics of the proposals are set out in the table below:

Site Area	3.15 hectares
Floorspace	Class B8 (storage & distribution) - 10,006 sqm Class B1(a) (offices) – 320 sqm TOTAL – 10,3256 sq.m.
Parking	HGV Parking: 11 no. HGV parking bays TOTAL: 11 HGV parking / waiting spaces
	Car Parking: 135 surface level spaces (including 7 no. spaces for disabled users) TOTAL: 135 car parking spaces
	Cycle Parking in purpose built cycle store
Building Height	'Main' warehouse: 12m AOD

2.0 SITE DESCRIPTION

- 1.1 The site measures 3.15 hectares and is located to the south of London Road and east of Mill Road. The application site and part of the wider landholding to the south was once partly occupied by a paper mill building but this was demolished in January 2012. The site is currently used for off street parking purposes for the

timber storage business on the western side of Mill Road. The site is mainly covered in hardstandings with some areas of vegetation.

1.2 To the north of the site there are residential properties. To the east is the Purfleet Fuels Terminal. To the south is vacant land comprising of hard standings with the railway line beyond. To the west is a timber storage and distribution centre.

1.3 The site falls within Flood Zone 3a which is a high risk flood zone.

3.0 RELEVANT HISTORY

1.4 The site and the wider landholding has extensive planning history and the most relevant applications are listed below:

Planning Reference	Description of Application	Decision
05/00001/OUT	Re-development for a mix of uses including residential (C3), community uses (including some or all of uses A1/A2/A3/D1/D2) and employment uses(B1/B2/B8) with public open space, enhanced riverside walkway, bridge over railway, landscaping, associated new highway and pedestrian/cycleway access into and within site and associated works.	Approved 28.09.2005
11/50401/TTGOUT	Demolition of existing buildings; site preparation; redevelopment of the application site for a mix of uses including: Residential (up to 3,000 units); retail floorspace – Use Class A1; financial & Professional Services floorspace – Use Class A2; Food & Drink facilities – Use Classes A3, A4 & A5 (6,900 sq.m.); Employment & Business Uses – Use Classes B1, B2 & B8 (31,000 sq.m.); Hotel – Use Class C1 (3,300 sq.m.); Community, School & Civic Facilities – Use Class D1 and Leisure Uses – Use Class D2 (6,500 sq.m.); Car Parking Spaces; Relocation of Existing Station Ticket Hall; Public & Private Open Space and Landscaping; Highways, Access, Engineering and Associated Works.	Approved 23.05.2013
11/50404/TTGDEM	Demolition of the former British Paper Board Paper mill	Approved 16.01.2012

13/00149/FUL	Construction of a timber storage building incorporating timber treatment plant (mix of B8 and B2 use)	Approved 24.07.2013
13/00746/FUL	Construction of a timber storage building incorporating timber treatment plan - Mix of B8 and B2 use (Revision to approved planning application 13/00149/FUL)	Approved 22.10.2013
13/01127/CV	Removal of Condition 8 (BREAAM) of approved planning application 13/00746/FUL	Approved 05.02.2014
15/01241/SCR	Request for a Screening Opinion on Saint Gobain Building Distribution Ltd	Screening Opinion Issued 06.11.2015

4.0 CONSULTATIONS AND REPRESENTATIONS

1.5 Detailed below is a summary of the consultation responses received. Full text versions are available on the Council's website at: www.thurrock.gov.uk/planning/16/00458/FUL

PUBLICITY:

1.6 The application has been publicised by the display of a site notices, a newspaper advertisement and consultation with relevant consultees and landowners.

Two letters of representation has been received from Purfleet Centre Regeneration Limited (PCRL) objecting for the following reasons:

- The development would prejudice the delivery of the regeneration of Purfleet which has been granted outline permission;
- The development of a warehouse facility of 10,000sqm is contrary to policy CSS2;
- PCRL are currently developing the Masterplan for the area with a view of submitting a planning application in late 2016/early 2017;
- The application site falls within the regeneration area and this proposal would undermine one of the key strategic aims of the Council and conflict with planning policy;
- The proposal would be premature and risks conflicting with the strategic policy aims for the area;

- The proposal would increase traffic on London Road which is heavily trafficked and therefore PCRL object to this;
- The increased traffic flows would have an adverse impact upon air quality along London Road and the application has failed to take into account the cumulative impacts of air quality in regard to compliance with EU limits and national objectives as required by policy PMD1.

ANGLIAN WATER:

No objection.

EMERGENCY PLANNER:

No objection.

ENVIRONMENTAL HEALTH:

No objection subject to conditions.

ENVIRONMENT AGENCY:

No objections.

FLOOD RISK MANAGER:

No objection subject to condition.

HEALTH AND SAFETY EXECUTIVE:

No objection.

HIGHWAYS:

No objections subject to conditions.

HIGHWAYS ENGLAND:

No objection.

LANDSCAPE AND ECOLOGY

No objections subject to conditions.

TRAVEL PLAN CO-ORDINATOR

No objections.

5.0 POLICY CONTEXT

1.7 National Planning Policy Framework

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
- Building a strong, competitive economy
- Promoting sustainable transport
- Requiring good design
- Meeting the challenge of climate change, flooding and coastal change

1.8 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 42 subject areas, with each area containing several subtopics. Those of particular relevance to the determination of this planning application comprise:

- Air Quality
- Climate Change
- Design
- Flood risk and coastal change
- Hazardous substances
- Land affected by contamination
- Light pollution
- Noise
- Planning obligations
- Transport evidence bases in plan making and decision taking
- Travel plans, transport assessment and statements in decision making
- The use of planning conditions

1.9 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 also apply to the proposals:

OVERARCHING SUSTAINABLE DEVELOPMENT POLICY

- OSDP1 Promotion of Sustainable Growth and Regeneration in Thurrock1

SPATIAL POLICIES

- CSSP2 Sustainable Employment Growth
- CSSP3 Infrastructure

THEMATIC POLICIES

- CSTP6 Strategic Employment Provision
- CSTP14 Transport in the Thurrock Urban Area: Purfleet to Tilbury
- CSTP15 Transport in Greater Thurrock
- CSTP16 National and Regional Transport Networks
- CSTP22 Thurrock Design
- CSTP23 Thurrock Character and Distinctiveness²
- CSTP25 Addressing Climate Change²
- CSTP27 Management and Reduction of Flood Risk²

POLICIES FOR MANAGEMENT OF DEVELOPMENT

- PMD1 Minimising Pollution and Impacts on Amenity²
- PMD2 Design and Layout²
- PMD7 Biodiversity, Geological Conservation and Development
- PMD8 Parking Standards³
- PMD9 Road Network Hierarchy
- PMD10 Transport Assessments and Travel Plans²
- PMD11 Freight Movement
- PMD12 Sustainable Buildings²
- PMD13 Decentralised, Renewable and Low Carbon Energy Generation
- PMD15 Flood Risk Assessment²

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

1.1 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.

1.2 Draft Site Specific Allocations and Policies DPD

The 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.

1.3 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 2014 meeting of the Cabinet. 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

1.10 The principles issues to be considered with this case are:

- i. Plan designation and principle of development
- ii. Relevant planning history
- iii. Urban design and relationship of development with surroundings
- iv. Landscaping
- v. Amenity impacts
- vi. Access and parking
- vii. Flood risk and drainage
- viii. Ecology
- ix. Air quality
- x. Noise
- xi. Contamination
- xii. Sustainable Buildings and Energy Consumption

- xiii. Environmental Impact Assessment
- xiv. Infrastructure improvements (s.106 contribution)
- xv. Other material considerations
- xvi. Sustainability

i. PLAN DESIGNATION AND PRINCIPLE OF DEVELOPMENT

- 6.2 The site is allocated within a Primary Industrial and Commercial Area where LDF Core Strategy policies CSSP2 (Sustainable Employment Growth) and CSTP6 (Strategic Employment Provision) apply.
- 6.3 Policy CSSP2 sets out the strategy and promotes and supports economic development in Key Strategic Economic Hubs and one these hubs is Purfleet. The policy defines the Core Sectors of employment use to be storage and warehousing and freight transport with an indicative job growth figure of 2,800 jobs over the plan period.
- 6.4 Policy CSTP6 seeks to maintain high and stable levels of economic and employment growth by creating a network of high quality, mutually reinforcing Key Strategic Economic Hubs as identified in policy CSSP2. This site in Purfleet is allocated as a Primary Industrial and Commercial Area where point 2 of the policy permits Class B8 storage and distribution uses and point 5 of the policy encourages relocation of existing firms into Thurrock, which is applicable to this application as one storage and distribution business operating from two sites outside the Borough would move to the site and occupy half of the warehouse building. This would involve likelihood of existing employees moving with the business to this location but would also provide local employment opportunities which are beneficial to the local economy.
- 6.5 The principle of the development is therefore acceptable in policy terms. The development would also accord with chapter 1 of the NPPF which seeks to build a strong and competitive economy through securing economic growth.

ii. RELATIONSHIP WITH PURFLEET CENTRE

- 6.6 Outline planning permission was granted in May 2013 under planning reference 11/50401/TTGOUT for the large scale redevelopment of Purfleet, totalling some 58 hectares and including the site subject to this application. The permission has not been implemented but remains a live consent [because the planning permission allows a 15 time period for the submission of reserved matters].
- 6.7 The current application is submitted in advance of any future reserved matters applications being made and objection has been received on the basis that the development of this site could prejudice the wider regeneration of Purfleet.

- 6.8 However, the land subject of this application is owned by the applicant to this current application and not the applicant of 11/50401/TTGOUT. Progression of the outline permission through to reserved matters stage will require the Council or a developer to purchase this land to allow for the development subject to the outline permission to take place in the future.
- 6.9 Meanwhile the Council is duty bound to consider and determine the current planning application in accordance with the Council's current Development Plan. On direct consideration the current proposals are consistent with the requirements and objectives of adopted Core Strategy policies CSSP2 and CSTP6. Furthermore, it is not considered that a refusal based upon prematurity could be substantiated as a reason for refusal.
- 6.10 In addition, Members are reminded that planning consent was granted in October 2013 for the construction of a timber storage building incorporating timber treatment plant [Class B8 and B2 uses] on land outside of the current application site but within the wider landholding. This consent was granted after planning application reference 11/50401/TTGOUT was granted permission in May 2013 and has since been implemented. Similar to the current application, it was not considered that planning application 13/00746/FUL could be refused because that application also accorded with the Council's Development Plan policies.

iii. URBAN DESIGN AND RELATIONSHIP OF DEVELOPMENT WITH SURROUNDINGS

- 6.11 The building would be of a typical warehouse design, finished predominately in grey and red metal cladding. The elevations would be broken up by areas of floor to ceiling glazing and white rendered panels. The entrance and office elements of the building would have two rows of horizontal glazing with a canopy over the ground floor and a brise soleil above the first floor windows. An access ramp into the building would provide level threshold access for all future users.
- 6.12 In terms of layout, the warehouse building would be sited towards the north eastern corner of the site to allow vehicle to access the site from the eastern side of Mill Road. Along the northern side of the building a landscaped area would be created to soften the appearance of the northern elevation of the building. The building would be stepped in its layout, providing a buffer between the building and its boundaries. The service road and HGV loading area would be located to the south elevation of the building away from nearby residential areas.
- 6.13 The scale and massing of the building is not considered excessive when compared to other similar warehouse buildings in the area. Indeed, there are taller buildings in the area, some of which are further emphasised through the raising ground levels to the north. This site has a lower ground level than the road and properties to the northern side of the road, which helps and reduces the impact of the building.

- 6.14 The overall access, layout, design, use of materials and scale is acceptable from an urban design perspective and would generally be in keeping with the commercial nature of buildings and uses to the south side of London Road. There are no details regarding boundary details and future lighting for the site however these matters could be addressed by planning conditions imposed on any consent granted.
- 6.15 In conclusion under this heading, the proposal would comply with LDF Core Strategy policies CSTP22, CSTP23 and PMD2 along with Chapter 7 of the NPPF.

iv. LANDSCAPING

- 6.16 A tree constraints plan is included in the Arboricultural Impact Assessment which has been submitted with the application. The tree constraints plan shows there are a number of trees within the site and three group areas of vegetation. The majority of the trees within the site would be removed and these consist of mainly Common Lime trees, two Poplars, an Ash and two small areas of hedging. Some of these trees are in poor health and some are required to be removed or partially removed for the creation of the access road to the car parking area. The trees to be removed have limited value in terms of the local landscape. There are four trees that would be retained and these are located towards the northern boundary in the form of a Poplar, the eastern boundary in the form of a Leyland cypress, and towards the new vehicle access to serve the car park, which are two Common Lime trees. The Council's Landscape and Ecology Advisor has no objections to the scheme of works proposed.
- 6.17 The proposal shows a landscaped area to the north and eastern parts of the site which would help soften the impact of the development when viewed from London Road and the residential properties to the northern side of the road. Details of the future landscaping of this area would need to be agreed through the use of a planning condition.

v. AMENITY IMPACTS

- 6.18 The nearest neighbouring properties that would be affected by the development are located to the northern side of the road. These include blocks of flats fronting London Road but also those accessed via Kendal and Coniston Avenue. These flats are generally either three or four storeys in height. The ground level rises to the north side of London Road. The nearest block is located directly to the northern side of London Road and overlooks the site. This block of flats is four storeys in height and has habitable rooms facing towards the site. The proposed building to building distance is approximately 30m. It is considered that the distance between these buildings and the ground level increases are sufficient to ensure that there would be no adverse impact upon the amenities of the occupiers of these flats in terms of a loss of light or obtrusiveness. The view from the flats would change but it

is not considered that there would be a demonstrable adverse effect on the living conditions of the occupiers.

- 6.19 Other than the residential uses the neighbouring surrounding the east, south and west of the site are commercial. The proposal would not impact upon these neighbouring sites.

vi. ACCESS AND PARKING

- 6.20 As part of the existing highway network London Road is an important route through Purfleet but also linking with the wider transport network. The road is only 6.5m wide and has 30mph speed restriction outside of the site. To the west London Road leads into the town centre area, residential areas, further industrial/employment areas and Purfleet railway station. To the east London Road connects to Stonehouse Lane and the Purfleet Bypass (A1090) at the Stonehouse roundabout junction. The main route to the strategic highway network of the A13 and M25 is via the Purfleet Bypass (A1090) which connects to the Arterial Road (A1306). To the east of Stonehouse Roundabout London Road links with the Lakeside Basin, further employment/industrial areas and eastwards into Grays.
- 6.21 In terms of sustainable transport connections London Road is served by regular bus services and the railway station is only 0.3 miles to the west of the site. The site can be accessed by walking and cycling. Therefore the site is located in a sustainable location.
- 6.22 The proposal shows that the warehouse would be divided into two phases with one end user identified for the phase 1 part of the warehouse with associated offices. Phase 2 would use half of the remaining floorspace within the warehouse building. For phase 1 it is predicted that 36 two trips per day for commercial vehicles (which includes HGVs and lighter commercial vehicles) would result from the use and these vehicles would use the route leaving the site to the eastern direction along London Road via the Stonehouse Roundabout junction.
- 6.23 In addition to commercial vehicle movements, staff and visitors to the site may use a variety of transport modes including private car usage which would also use the existing highway network. The Council's Highway Officer is satisfied that when combined with existing traffic movements, the vehicle movements associated with this development would operate within the highway network capacity for London Road and would not lead to any highway safety issues.
- 6.24 The loading and unloading area would be located to the south of the building away from residential properties and served by its own access separate from the car park to the building to avoid any vehicle conflicts. Taking into account the proposed level of floorspace of 10,006 sqm the proposed development would need to provide 67 parking spaces. The development would provide 135 spaces including 7 disabled spaces but this takes into account the 70 car parking spaces that currently occupy

the site and are used by the users of the neighbouring timber storage and distribution use to the west side of Mill Road. Therefore the proposed car park meets the need of the timber business and proposed development in terms of capacity.

- 6.25 The proposal includes a cycle parking area in the car park that would provide 21 cycle spaces, which is acceptable although details of the secure and covered cycle parking area would need to be agreed through condition
- 6.26 For access, the site would use Mill Road from London Road, which currently serves the existing timber storage and distribution use. From Mill Road one vehicle access would be formed into the new car park area and a further existing access would be provided for accessing the servicing area. A secured gated pedestrian access would be created from London Road where a new wider footpath would be created. In urban design terms there are no objections to this access arrangement.
- 6.27 The Council's Highway Team raise no objections to the application subject to conditions for access arrangements, servicing details, construction environment management plan, delineation of parking spaces, visibility splays and measures to prevent left hand turns for HGVs when leaving the site, and a planning obligation requiring a contribution of £60,000 towards measures to control HGV's on inappropriate routes as identified on the Infrastructure Requirement List (IRL-0145). Following the submission of additional correspondence from Purfleet Centre Regeneration Limited the Highways Team have advised that whilst the increase in traffic is a concern, particularly with regards to HGV traffic travelling along London Road, the impact is not considered severe, as identified in the NPPF, to raise an objection; particularly with regards to agreement to limit traffic to the west of the development site. On this basis, the Highways Team have advised that it would be difficult to substantiate a refusal on traffic grounds.
- 6.28 A Travel Plan accompanies the application explaining the strategy for promoting alternative and sustainable forms of transport for journeys to and from work. The site is close to Purfleet railway station, along a bus route and within easy access of existing residential properties for walking and cycling as well as car sharing. The Travel Plan lists the following targets to:
- Reduce single car occupancy;
 - Maximize the sustainability of trips to / from the site;
 - Increase awareness of the alternative travel options;
 - Educate and raise awareness of current travel issues regarding transport and the environment.
- 6.29 The Council's Travel Plan Coordinator has raised no objection to the submitted details. For the Travel Plan to be successful it will require regular monitoring through a planning condition.

vii. FLOOD RISK AND DRAINAGE

- 6.30 The site is located within a highest risk flood zone (flood zone 3a) as identified on the Environment Agency flood maps. 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 involve a storage and distribution use and some office use, which both fall within the 'less vulnerable' use on the PPG's Flood Risk Vulnerability Classification where development is 'appropriate' for this flood zone as identified in the PPG's Flood Risk Vulnerability and Flood Zone Compatibility' table. The Environment Agency raises no objections as the proposal is a 'less vulnerable' use for Flood Zone 3. Similarly, the Environment Agency raises no objection to the Flood Risk Assessment (FRA) submitted with the application.
- 6.31 The FRA does identify that a Flood Warning and Evacuation Plan (FWEP) will be required. The Council's Emergency Planner raises no objections to the application as the FWEP can be provided through the use of a planning condition.

viii. ECOLOGY

- 6.32 The application is accompanied by a Preliminary Ecological Assessment which identifies that the site falls outside of statutory protection areas. The nearest statutory protection areas are the Purfleet Chalk pits 350m north and designated as a Site of Scientific Interest (SSSI) and a Local Wildlife Site (LoWS). This site and other sites in the area would not be affected by the proposal.
- 6.33 The Council's Landscape and Ecology Advisor raises no objections subject to a planting scheme being proposed for the northern boundary to mitigate the loss of trees and hedging on the site and that the proposed mitigation measures stated in the Preliminary Ecological Assessment are implemented.

ix. AIR QUALITY

- 6.34 The site is within close proximity to an Air Quality Management Area (AQMA). This is known as AQMA 10 and includes 76 properties in London Road Purfleet next to the A1306. LDF CS Policy PMD1 does not permit development that would cause unacceptable effects on the amenities of the area, neighbouring and future occupants of a site. In this case the impact of the development must not worsen an existing situation in terms of poor air quality for those in the area and for the residents which live along London Road. Paragraph 124 of the NPPF requires new development in an AQMA to be consistent with the local air quality action plan.
- 6.35 An Air Quality Survey report accompanies the application and recognises that the most concern to air quality in the location arise from transport emissions. In particular these are from nitrous oxide (NO₂) and Particulate Matter (PM₁₀). The proposed development has no point source of emissions of combustion gases but

will increase traffic movements and contribute to transport related emissions. The development would involve 'peak hour' vehicle movements between 08:00 to 09:00 and 17:00 to 18:00. This would mean a predicted additional 125 vehicle movements on London Road which is an 8.8% increase on baseline 'peak hours' traffic movements each day. The majority of vehicle movements would pass through the existing AQMA as some vehicle movements from cars and light vans would travel west from the site into Purfleet. The report considers that the impact of additional vehicle movements to the east along London Road is unlikely to result in a breach of the hourly objective for nitrous oxide (NO₂) in the AQMA.

6.36 The Council's EHO has considered all the information submitted and has raised no objection subject to planning conditions.

x. NOISE

6.37 The proposed storage and distribution use of the building would give rise to noise from vehicle movements and in particular lorry movements into and out of the site along a road where there are residential properties. However, the increase in traffic movements is not significantly greater than the existing baseline traffic movements along the road. Whilst this increased traffic noise may result in some impact upon neighbouring residential amenities this area is one where there has been a long history of employment and industrial uses so residents of the newer nearby residential development would already be aware of the noise environment in this area. The Council's EHO has no objections to the application in regard to noise and therefore on this basis the proposal, whilst increasing traffic movements in the area, would not adversely impact upon on health and quality of life.

xi. CONTAMINATION

6.38 The application includes a 'Contaminated Land Preliminary Risk Assessment' which has assessed the land and identified from the previous land uses that there is a risk of contamination below ground level.

6.39 The site also overlies a secondary aquifer within the chalk below the ground surface. The 'Contaminated Land Preliminary Risk Assessment' makes recommendation for mitigation measures such as a Construction Environmental Management Plan and using best practice measures. Both the Environment Agency and the Council's EHO have no objections subject to the recommendations of the 'Contaminated Land Preliminary Risk Assessment' being implemented.

xii. SUSTAINABLE BUILDINGS AND ENERGY CONSUMPTION

6.40 A BREEAM assessment has been submitted with the application which demonstrates that the development can achieve the 'excellent' standard and this should be secured via planning condition on any consent granted. By achieving the 'excellent' standard the proposal complies with the requirements of policy PMD12.

In terms of renewable and low carbon energy the Planning Statement refers to the proposed warehouse building maximising its south roofslope with opportunity to include photovoltaic panels to ensure the development achieves 15% of its energy use from decentralised, renewable and low carbon sources to meet the requirements of policy PMD13. The details of such installations are not known at this stage and therefore would need to be agreed through planning condition.

xiii. ENVIRONMENTAL IMPACT ASSESSMENT (EIA)

- 6.41 The proposed development falls within “Schedule 2” as identified in the Regulations. An application to request a ‘Screening Opinion’ from the authority was received on 16 October 2015 to assess whether the effects of the development would be so significant as to warrant the submission of an Environmental Impact Assessment. The proposed development falls within Schedule 2 of the EIA Regulations. On 6 November 2015 the authority determined that the impact of the development would not be sufficient to warrant the submission of an Environmental Impact Assessment and that the material considerations of the development can be dealt with through the planning application process.

xiv. INFRASTRUCTURE IMPROVEMENTS (S.106 CONTRIBUTION)

- 6.42 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.
- 6.43 Following changes in legislation (Community Infrastructure Levy Regulations), in April 2015 the Council produced its Infrastructure Requirement List (IRL) which changed the way in which planning obligations through section 106 agreements can be sought. The changes brought in pooling limitations to a maximum of 5 contributions towards a type or item of infrastructure. The IRL therefore provides an up to date list of physical, social and green infrastructure to support new development in Thurrock. This list is bi-annually reviewed to ensure it is up to date. The IRL applies a number of different development scenarios.
- 6.44 From the IRL the Highways Team have identified the need for a planning obligation requiring a contribution of £60,000 towards measures to control HGV’s on inappropriate routes as identified on the Infrastructure Requirement List (IRL-0145). Through correspondence with the agent has confirmed that they are willing to meet this contribution.

xv. OTHER MATERIAL CONSIDERATIONS

6.45 Approximately half of the site falls within the 250m blast zone of the neighbouring petro-chemical terminal (Purfleet Fuel Terminals). The HSE have provided a consultation response which raises no objections based on the application being a warehouse and office building which will contain less than 100 occupants located within the inner and middle zones of the HSE consultation distance around the Esso Petroleum site.

xvi. SUSTAINABILITY

6.46 It is necessary to assess whether the proposed development is 'sustainable development' with regard to the three dimensions to sustainable development as defined in the NPPF, which are the economic, social and environmental roles.

6.47 Economically the proposal would provide employment for the construction phase of the development and for the operational phase of the development in accordance with the sites employment land allocated within the LDF Core Strategy. The businesses would contribute to the local economy and provide business rates.

6.48 Socially the proposal would provide employment opportunities for local people and provide social benefits to the new employees and customers to the store.

6.49 Environmentally the proposal would lead to a slight increase in traffic and air quality issues but through the consultation process both these aspects can be mitigated through the use of planning conditions/obligations. Other environmental considerations including design and relationship to surroundings, landscaping, flood risk, ecology, noise, contamination and sustainable building construction are considered acceptable.

6.50 For all three dimensions of sustainable development the location of the site is considered to be sustainable and the development complies with the adopted Development Plan for the Borough, which is the LDF Core Strategy and Policies for the Management of Development, and for these reasons the 'presumption in favour of sustainable development' to apply.

1.11 Conclusions and reason for approval

The proposal would provide a commercial development which accords with the land use designation of the site as expressed by the LDF Core Strategy and the proposal would allow for the relocation of businesses into the Borough increasing employment levels in the area which is beneficial to local people and the local economy. Having regard to the analysis contained in this report, the application shows adherence to a range of relevant development plan policies and it is not considered that a refusal based on impact on the wider Purfleet regeneration scheme could be substantiated.

In conclusion, it is considered that the proposed development is acceptable, subject to compliance with planning conditions and the completion of a s.106 legal agreement.

8.0 RECOMMENDATION

Approve, subject to the following:

- i) the completion and signing of an obligation under s.106 of the Town and Country Planning Act 1990 relating to the following heads of terms:
 - A financial contribution of towards measures to control HGV's on inappropriate routes as identified on the Infrastructure Requirement List
- ii) planning 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:

Plan Number(s):		
Reference	Name	Received
01 SITE DRAINAGE	Other	29th February 2016
02 SITE DRAINAGE	Other	29th February 2016
01C SITE PLAN AS PROPOSED	Site Layout	29th February 2016
02 GROUND FLOOR PLAN AS PROPOSED	Floor Layout	29th February 2016
03A ELEVATIONS AS PROPOSED	Elevations	29th February 2016
5772 TOPOGRAPHICAL PLAN	Other	29th February 2016
031B LOCATION PLAN	Location Plan	29th February 2016
20227 SITE DRAINAGE PLAN	Existing Plans	29th February 2016

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

Use of Building

3. The building shall only be used for uses falling with Classes B1, B2 and B8 of the Town and Country Planning [Use Classes] Order 1987 (as amended).

Reason: To ensure that the use of the site accords with the Employment Land policies of the adopted Thurrock LDF Core Strategy and Policies for the Management of Development DPD [2011].

Ancillary Offices restriction

4. The offices hereby permitted shall only be used for purposes in conjunction with and ancillary to the main use of the site and shall not be occupied separately unless approved through a separate consent by the Local Planning Authority.

Reason: To ensure that the use of the site accords with the Employment Land policies of the adopted Thurrock LDF Core Strategy and Policies for the Management of Development DPD [2011].

No further subdivision

5. Other than as shown on floor plan drawing number 02 Rev A there shall be no further subdivision of the building unless approved through a separate consent by the Local Planning Authority.

Reason: To ensure that the use of the site accords with the Employment Land policies of the adopted Thurrock LDF Core Strategy and Policies for the Management of Development DPD [2011].

Mezzanine Floor Restriction

6. Notwithstanding the provision of the Town and Country Planning [General Permitted Development] Order 1995 [or any order revoking or re-enacting that Order with or without modification], no mezzanine floor[s] or other additional floorspace shall be formed within the building hereby permitted without the grant of additional planning permission by the Local Planning Authority.

Reason: To ensure that the use of the site accords with the Employment Land policies of the adopted Thurrock LDF Core Strategy and Policies for the Management of Development DPD [2011].

Materials

7. The development shall be constructed and finished in accordance with the materials specified on drawing number 03 Rev A as hereby permitted.

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 [2011].

Boundary Details

8. No development shall take place until 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 as required by policies CSTP22 and PMD2 of the adopted Thurrock LDF Core Strategy and Policies for the Management of Development DPD [2011].

Lighting strategy

9. No development shall commence until details of the external lighting strategy 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. There shall be no other lighting of the external areas of the site unless otherwise agreed in writing by the Local Planning Authority.

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 [2011].

Landscape Protection

10. No development shall commence until the details contained in the Arboricultural Impact Assessment and the plan showing the 'Draft Tree Protection Measures', 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 without the previous written consent of the Local Planning Authority.

Reason: To ensure that all existing trees are properly protected, in the interests of visual amenity and to accord with policy PMD2 of the adopted Thurrock LDF Core Strategy and Policies for the Management of Development DPD [2011].

Landscaping Scheme

11. No development shall take place until there has been submitted to, and approved in writing by, the Local Planning Authority a detailed scheme of landscaping, which shall include indications of all existing trees and hedgerows on the land, and details of any trees and hedgerows to be retained, together with measures for their protection in the course of development, and a programme of maintenance. All planting, seeding or turfing comprised in the approved scheme shall be carried out in the first 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 as required by policy PMD2 of the adopted Thurrock LDF Core Strategy and Policies for the Management of Development DPD [2011].

Highway Access

12. Prior to first occupation/usage of the site 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 details shall be implemented as approved.

Reason: In the interests of highway safety and efficiency in accordance with policies CSTP14 and PMD2 of the adopted Thurrock LDF Core Strategy and Policies for the Management of Development DPD [2011].

Visibility Splays

13. Sight splays of 2.4 metres x 60m metres shall be provided at the proposed access and shall be maintained thereafter at all times with no obstruction within the sight play area above the level of the adjoining highway carriageway.

Reason: In the interests of highway safety and efficiency in accordance with policies CSTP14 and PMD2 of the adopted Thurrock LDF Core Strategy and Policies for the Management of Development DPD [2011].

Restrictions on HGV Movements

14. No development shall commence until details of the access onto London Road detailing measures to prevent left-turn out HGV movements have been submitted to and approved in writing by the Local Planning Authority. The details shall only be implemented as approved and before first occupation of the site.

Reason: To reinforce the requirement for HGV movement to the west of the site access to be restricted, in the interests of highways safety and residential amenity, efficiency; in accordance with the aims of Policies PMD1 and PMD9 of the adopted Thurrock LDF Core Strategy and Policies for the Management of Development DPD [2011].

Construction of highway works

15. Prior to first occupation/usage of the site the service road(s), footway(s), loading, parking and turning areas shown on the approved plans shall be constructed and surface finished.

Reason: In the interests of road safety and amenity in accordance with policies CSTP14 and PMD2 of the adopted Thurrock LDF Core Strategy and Policies for the Management of Development DPD [2011].

Parking provision

16. The development hereby permitted shall not be first occupied/provided with connection to utility services until such time as the vehicle parking area indicated on the approved plans, including any parking spaces for the mobility impaired, has been hard surfaced, sealed and marked out in parking bays. 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 approved development unless otherwise agreed with the Local Planning Authority.

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 [2011].

Cycle Provision

17. Prior to first occupation/usage of the site details of the number, location and design of bicycle parking facilities/powerd two wheelers shall be submitted to and agreed in writing by the Local Planning Authority and shall be provided in accordance with the approved scheme before any part of the development hereby approved is occupied and retained as such thereafter.

Reason: To ensure appropriate parking facilities for bicycles/powered two wheelers are provided in accordance with policy PMD8 of the adopted Thurrock LDF Core Strategy and Policies for the Management of Development DPD [2011].

Travel Plan

18. Upon first occupation/usage of the building the measures contained within the Framework Travel Plan accompanying the planning application shall be implemented and maintained thereafter, unless otherwise agreed by the Local Planning Authority.

Reason: To ensure the promotion of sustainable modes of transport for all users of the development in accordance with policy PMD10 of the adopted Thurrock LDF Core Strategy and Policies for the Management of Development DPD [2011].

Levels

19. No development shall commence until details showing the proposed finished ground and finished floor levels of the development in relation to the levels of the surrounding area shall be submitted to and approved in writing by the Local Planning Authority. The development shall be carried out in accordance with the scheme as approved.

Reason: In order to protect the visual amenity of the area in accordance with policies PMD1 and PMD2 of the adopted Thurrock LDF Core Strategy and Policies for the Management of Development DPD [2011].

Surface and Foul Water Drainage

20. The surface and foul water drainage of the site and connection to the drainage systems shall be constructed and implemented in accordance with drawing numbers 20227 SITE DRAINAGE PLAN, 01 SITE DRAINAGE and 02 SITE DRAINAGE and shall be maintained as such at all times thereafter.

Reason: To ensure that appropriate drainage is installed to prevent the site from flooding and environmental harm in accordance with Policy PMD15 of the adopted Thurrock LDF Core Strategy and Policies for the Management of Development DPD [2011].

Flood Warning and Evacuation Plan

21. Prior to first occupation/usage of the site a Flood Warning and Evacuation Plan shall be submitted and approved by the Local Planning Authority. The Flood

Warning and Evacuation Plan as approved shall be implemented and be made available for inspection by all users of the site and shall be displayed in a visible location all times thereafter.

Reason: To ensure that maximum flood protection for future users of the development hereby permitted in accordance with Policy PMD15 of the adopted Thurrock LDF Core Strategy and Policies for the Management of Development DPD [2011].

Ecological Measures – Before Development Commence

22. No development shall commence until the recommendation measures requiring pre-commencement surveys as stated within the Preliminary Ecological Assessment shall be implemented in accordance with the details as stated.

Reason: To ensure minimum disruption to biodiversity and to promote ecological enhancements in accordance with Policy PMD7 of the adopted Thurrock LDF Core Strategy and Policies for the Management of Development DPD [2011].

Ecological Measures – After Building Occupation

23. Within a period of 12 months following first occupation/usage of the building the recommendation measures requiring biodiversity enhancement contained within the Preliminary Ecological Assessment shall be implemented in accordance with the details as stated and retained as such thereafter.

Reason: To ensure minimum disruption to biodiversity and to promote ecological enhancements in accordance with Policy PMD7 of the adopted Thurrock LDF Core Strategy and Policies for the Management of Development DPD [2011].

Hours of Use

24. Prior to first occupation/usage of the site details of the proposed hours of use for the site shall be submitted to and approved in writing by the Local Planning Authority. The site shall be operated in accordance with the approved hours of use at all times thereafter, unless otherwise agreed in writing by the Local Planning Authority.

Reason: To protect the amenities of occupiers of nearby residential properties in accordance with Policy PMD1 of the adopted Thurrock LDF Core Strategy and Policies for the Management of Development DPD [2011].

Delivery Hours

25. Prior to first occupation/usage of the site details of the proposed delivery hours for the commercial vehicles entering and leaving site shall be submitted to and approved in writing by the Local Planning Authority. The site shall be operated in accordance with the approved delivery hours at all times thereafter, unless otherwise agreed in writing by the Local Planning Authority through a variation of condition application. There shall be no stopping or waiting of commercial vehicles on the public highway outside of the site.

Reason: To protect the amenities of occupiers of nearby residential properties in accordance with Policy PMD1 of the adopted Thurrock LDF Core Strategy and Policies for the Management of Development DPD [2011].

No External storage

26. Unless otherwise agreed in writing by the Local Planning Authority there shall be no external storage of goods, machinery, plant or other materials on the site.

Reason: In the interests of visual amenity and to ensure that the proposed development is integrated within its surroundings as required by policy PMD1 of the adopted Thurrock LDF Core Strategy and Policies for the Management of Development DPD [2011].

No External Industrial Processes

27. Unless otherwise agreed in writing by the Local Planning Authority no manufacturing, fabrication or other industrial processes shall take place outside the building on the site.

Reason: In the interests of amenity and to ensure that the proposed development is integrated within its surroundings as required by policy PMD1 of the adopted Thurrock LDF Core Strategy and Policies for the Management of Development DPD [2011].

Refuse Storage

28. No development shall commence until details of the means of refuse and recycling storage including details of any bin stores to be provided shall be submitted to and approved in writing by the Local Planning Authority. The development shall be carried out in accordance with the agreed details and provided prior to the first occupation/usage of the development and retained for such purposes at all times thereafter.

Reason: To prevent any environmental harm in accordance with policy PMD1 of the adopted Thurrock LDF Core Strategy and Policies for the Management of Development DPD [2011].

Air Quality

29. Prior to occupation/usage of the site details of air quality mitigation measures including the installation electronic vehicle charging points, measures to achieve 20% of Euro VI class HGVs usage within the HGV fleet of the users of the site within a 10 year period from the date of discharging this condition, and measures detailing an eco-driver accredited fleet recognition scheme training programme for drivers of HGV's using the site have all been submitted to and approved by the Local Planning Authority. The air quality mitigation measures shall be implemented as approved.

Reason: Because the site is located in an Air Quality Management Area (AQMA) so that air quality in this location is not worsened as a result of this development in the interests of amenity, human health and quality of life in accordance with policy PMD1 of the adopted Thurrock LDF Core Strategy and Policies for the Management of Development DPD [2011].

Contamination

30. Notwithstanding the details submitted with this application, no development shall commence until an investigation and risk assessment has been submitted to and approved in writing by the Local Planning Authority. The risk assessment shall assess the nature and extent of any contamination on the site, whether or not it originates on the site. The investigation and risk assessment must be undertaken by competent persons and a written report of the findings must be produced. The report of the findings must include:

- (i) a survey of extent, scale and nature of contamination;
- (ii) an assessment of the potential risks to:
 - Human health,
 - Property (existing or proposed) including buildings, crops, livestock, pets, woodland and service lines and pipes,
 - Adjoining land,
 - Ground waters and surface waters,
 - Ecological systems
 - Archaeological sites and ancient monuments;
- (iii) an appraisal of remedial options, and proposal of the preferred option(s).

This must be conducted in accordance with DEFRA and the Environment Agency's 'Model Procedures for the Management of Land Contamination, CLR 11'. The development hereby permitted shall not commence until the measures set out in the approved report have been implemented.

Reason: To ensure that risks from land contamination to the future users of the land and neighbouring land are minimised, together with those to controlled waters, property and ecological systems, and to ensure that the development can be carried out safely without unacceptable risks to workers, neighbours and

other offsite receptors in accordance with policy PMD1 of the Thurrock Core Strategy and Policies for the Management of Development DPD [2011].

31. No development shall commence until a detailed remediation scheme to bring the site to a condition suitable for the intended use by removing unacceptable risks to human health, buildings and other property and the natural and historical environment has been submitted to and approved in writing by the Local Planning Authority. The scheme must include all works to be undertaken, proposed remediation objectives and remediation criteria, timetable of works and site management procedures. The scheme must ensure that the site will not qualify as contaminated land under Part 2A of the Environmental Protection Act 1990 in relation to the intended use of the land after remediation. The development hereby permitted shall not commence until the measures set out in the approved scheme have been implemented, unless otherwise agreed in writing by the Local Planning Authority.

Reason: To ensure that risks from land contamination to the future users of the land and neighbouring land are minimised, together with those to controlled waters, property and ecological systems, and to ensure that the development can be carried out safely without unacceptable risks to workers, neighbours and other offsite receptors in accordance with policy PMD1 of the Thurrock Core Strategy and Policies for the Management of Development DPD [2011].

Remediation scheme

32. The Local Planning Authority must be given two weeks written notification of commencement of the remediation scheme works. Following completion of measures identified in the approved remediation scheme, a verification report that demonstrates the effectiveness of the remediation carried out must be produced, and is subject to the approval in writing of the Local Planning Authority.

Reason: To ensure that risks from land contamination to the future users of the land and neighbouring land are minimised, together with those to controlled waters, property and ecological systems, and to ensure that the development can be carried out safely without unacceptable risks to workers, neighbours and other offsite receptors in accordance with policy PMD1 of the Thurrock Core Strategy and Policies for the Management of Development DPD [2011].

Contamination

33. In the event that contamination is found at any time when carrying out the approved development that was not previously identified it must be reported in writing immediately to the Local Planning Authority. An investigation and risk assessment must be undertaken in accordance with the requirements of condition [30], and where remediation is necessary a remediation scheme must

be prepared in accordance with the requirements of condition [31], which is subject to the approval in writing of the Local Planning Authority. Following completion of measures identified in the approved remediation scheme a verification report must be prepared, which is subject to the approval in writing of the Local Planning Authority in accordance with condition [32].

Reason: To ensure that risks from land contamination to the future users of the land and neighbouring land are minimised, together with those to controlled waters, property and ecological systems, and to ensure that the development can be carried out safely without unacceptable risks to workers, neighbours and other offsite receptors in accordance with policy PMD1 of the Thurrock Core Strategy and Policies for the Management of Development DPD [2011].

BREEAM

34. Unless otherwise agreed in writing by the Local Planning Authority, the commercial development hereby permitted shall be built to the following minimum standards under the Building Research Establishment Environmental Assessment Method [BREEAM]:

- BREEAM Excellent for those buildings completed, or substantially completed up to and including the year 2018;
- BREEAM Outstanding for buildings constructed from 2019.

Prior to first use of each commercial building hereby permitted a copy of the Post Construction Completion Certificate for the building verifying that the relevant BREEAM rating has been achieved shall be submitted to the Local Planning Authority.

Reason: In order to reduce carbon dioxide emissions in the interests of sustainable development, as required by policy PMD12 of the Thurrock LDF Core Strategy and Policies for the Management of Development DPD [2011].

Renewable energy installation

35. No development shall commence until details of measures to demonstrate that the development will achieve the generation of at least 15% of its energy needs through the use of decentralised, renewable or low carbon technologies shall be submitted to and approved in writing by the Local Planning Authority. The approved measures shall be implemented and operational upon the first use or occupation of the buildings hereby permitted and shall thereafter be retained in the agreed form unless otherwise agreed in writing by the Local Planning Authority.

Reason: To ensure that development takes place in an environmentally sensitive way in accordance with Policy PMD13 of the adopted Thurrock LDF Core Strategy and Policies for the Management of Development DPD [2011].

Construction Environmental Management Plan

36. No construction works shall commence until a Construction Environmental Management Plan [CEMP] has been submitted to and approved in writing by the Local Planning Authority in writing. The CEMP should contain or address the following matters:

- (a) Hours of use for the construction of the development
- (b) Hours and duration of any piling operations,
- (c) Vehicle haul routing in connection with construction, remediation and engineering operations,
- (d) Wheel washing and sheeting of vehicles transporting loose aggregates or similar materials on or off site,
- (e) Details of construction access;
- (f) Location and size of on-site compounds [including the design layout of any proposed temporary artificial lighting systems]
- (g) Details of any temporary hardstandings;
- (h) Details of temporary hoarding;
- (i) Method for the control of noise with reference to BS5228 together with a monitoring regime
- (j) Measures to reduce vibration and mitigate the impacts on sensitive receptors together with a monitoring regime
- (k) Dust and air quality mitigation and monitoring,
- (l) Water management including waste water and surface water discharge,
- (m) Method statement for the prevention of contamination of soil and groundwater and air pollution, including the storage of fuel and chemicals,
- (n) A Site Waste Management Plan,
- (o) Ecology and environmental protection and mitigation,
- [o] Community liaison including a method for handling and monitoring complaints, contact details for site managers.
- [p] details of security lighting layout and design;
- [q] a procedure to deal with any unforeseen contamination, should it be encountered during development.

Works on site shall only take place in accordance with the approved CEMP.

Reason: In order to minimise any adverse impacts arising from the construction of the development in accordance with Policy PMD1 of the Adopted Thurrock Local Development Framework Core Strategy and Policies for the Management of Development DPD [2011].

Positive and Proactive Statement

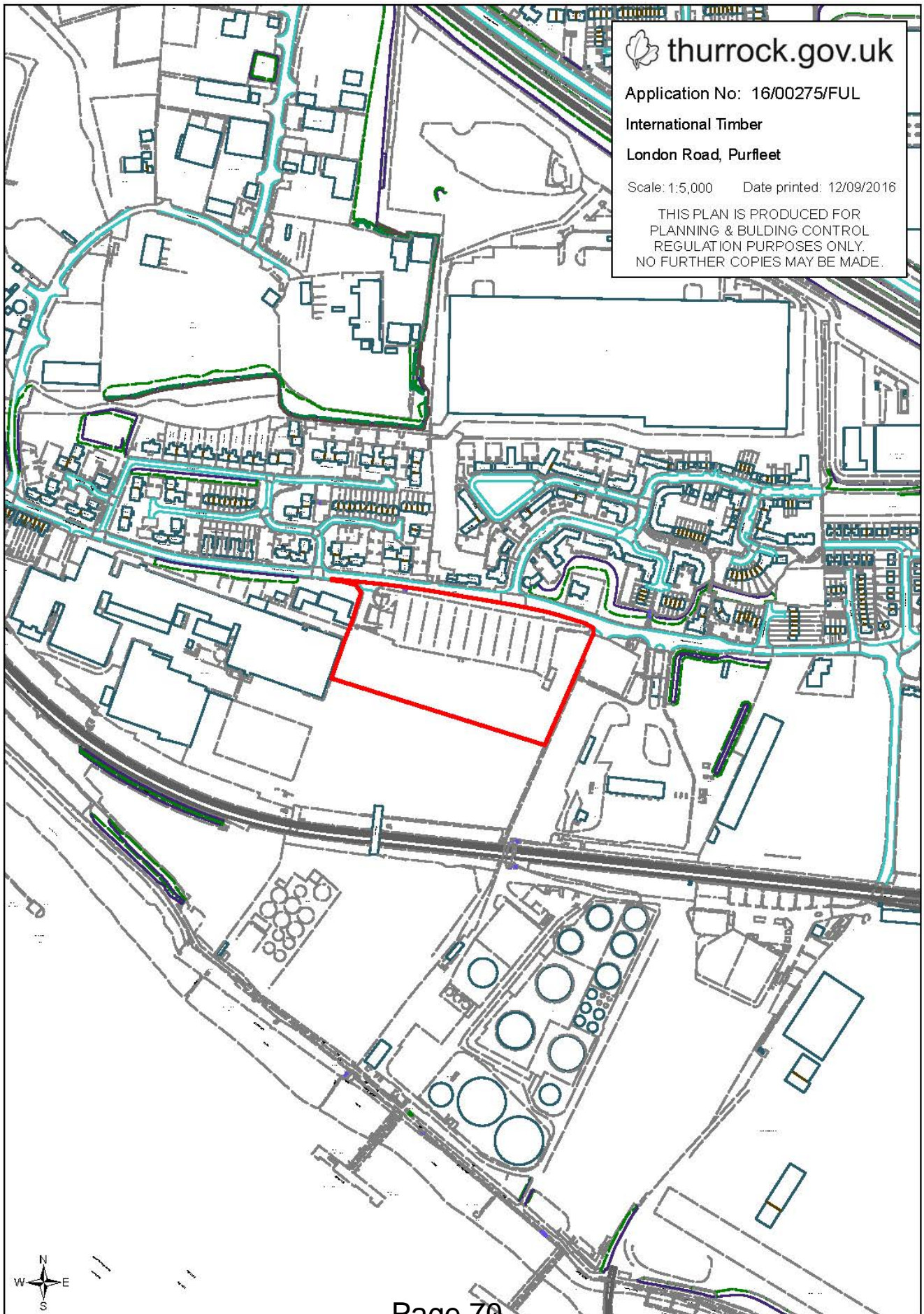
The Local Planning Authority has acted positively and proactively in determining this application by identifying matters of concern within the application (as originally submitted) and negotiating, with the Applicant/Agent, acceptable amendments to

the proposal to address those concerns. As a result, the Local Planning Authority has been able to grant planning permission for an acceptable proposal, in accordance with the presumption in favour of sustainable development, as set out within the National Planning Policy Framework. Furthermore, Members of the planning committee took the decision to grant planning permission as the proposal has been considered acceptable.

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



 thurrock.gov.uk

Application No: 16/00275/FUL

International Timber

London Road, Purfleet

Scale: 1:5,000

Date printed: 12/09/2016

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Reference: 16/00593/FUL	Site: Church Hall Rigby Gardens Chadwell St Mary Essex RM16 4JJ
Ward: Chadwell St Mary	Proposal: Demolition of the existing prefabricated concrete church hall and the construction of 4 three bedroom and 2 two bedroom houses with associated parking and landscaping

Plan Number(s):		
Reference	Name	Received
1209.03	Proposed Plans	25th April 2016
A1-01	Drawing	25th April 2016
1209.01P1	Site Layout	25th April 2016
1209.02	Proposed Plans	25th April 2016

The application is also accompanied by: – Design and Access Statement	
Applicant: Mr Joe Shack	Validated: 26 April 2016 Date of expiry: 26 September 2016 (EoT)
Recommendation: Refusal	

This application is scheduled for determination by the Council's Planning Committee because the application has been called in by Councillors R Rice, B Rice, J Kent, C Kent and C Baldwin due to concerns regarding overdevelopment and parking.

1.0 DESCRIPTION OF PROPOSAL

1.1 This application seeks planning permission for the redevelopment of the former church hall site to provide 4 three bedroom houses and 2 two bedroom houses with associated car parking and landscaping.

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 church. 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

Reference	Description	Decision
94/00428/FUL	Extension to existing hall for use as a children’s activity centre	Approved
93/00524/FUL	Car parking and access pick up drop off points	Approved
66/00777/FUL	Rectory Hall for Church Meetings	Approved
66/00777A/FUL	Details of car parking layout	Approved
65/00359/OUT	New Church, Church Hall & Presbytery, (The Presbytery to occupy 0.10 acres of the site)	Approved
64/00554/FUL	New Church Hall	Approved

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

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.

4.3 29 letters of objection have been received from local residents, including a petition signed by 54 residents, raising the following concerns:

- Parking and access;
- Overdevelopment of site;
- Layout;
- Impact upon trees and ecology; and
- Amenity impacts.

4.4 HIGHWAYS:

No objections, subject to conditions.

4.5 ENVIRONMENTAL HEALTH:

No objections, subject to standard conditions.

4.6 LANDSCAPE AND ECOLOGY:

No objections, subject to conditions

4.7 CIVIC PROTECTION:

No objections.

4.8 EDUCATION:

There will be no requirement for an education contribution for this development.

5.0 POLICY CONTEXT

National Planning Policy Framework

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

5.2 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 (PPG)

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 sub-topics. 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

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:

Thematic Policies:

- CSTP1 - Strategic Housing Provision
- CSTP10 – Community Facilities
- CSTP22 - Thurrock Design
- CSTP23 - Thurrock Character and Distinctiveness

Policies for the Management of Development:

- PMD1: Minimising Pollution and Impacts on Amenity²
- PMD2: Design and Layout²
- PMD8: Parking Standards³
- PMD16 - Developer Contributions

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

Focused Review of the LDF Core Strategy

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. Thurrock Council adopted the Core Strategy and Policies for Management of Development Focussed Review: Consistency with National Planning Policy Framework on 28 January 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 application site has no allocation within either of these draft documents. The Planning Inspectorate is advising local authorities not to continue to progress their Site Allocation Plans towards examination where their previously adopted Core Strategy is no longer in compliance with the NPPF. This is the situation for the Borough.

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 principal issues to be considered in this case are:

- 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

1. PLAN DESIGNATION AND PRINCIPLE OF DEVELOPMENT

- 6.2 The application site falls within a residential area as designated by the LDF Core Strategy. The proposed redevelopment of the site from a church, within the D1 use class, to residential use would not be considered an incongruous use in this

location, given the site is within a residential area. The principle of the development is, therefore, considered acceptable.

- 6.3 LDF CS Policy CSTP10 (Community Facilities), seeks to *'provide and maintain existing provision for community facilities to contribute towards meeting the varied needs of local people'*.
- 6.4 In this case the Local Planning Authority must consider whether there is a real, demonstrable level of demand for a community facility and, if 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.
- 6.5 The applicant has advised that the church hall has not been used as a meeting place for the church since the 1980s. The building was used through the 1990's and 2000's as Jungle Gym, a children's activity centre. Whilst the facility was in use into 2016, the applicant suggests that the 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 applicant has advised that 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 commented that the building has exceeded its life span and there is structural movement within the building.
- 6.6 Despite requests from the Council, the applicant has been unable to provide any meaningful evidence to show that the site has marketed for an alternative community use.
- 6.7 In the absence of any compelling evidence to justify the loss of the community facility, the proposal is considered to be contrary to LDF CS Policy CSTP10.

2. DESIGN AND RELATIONSHIP OF THE DEVELOPMENT WITH ITS SURROUNDINGS

- 6.8 The proposal would provide six dwellings arranged in two areas; a pair of 3 bedroom semi-detached dwellings would be located in the eastern half of the site with the principal elevations facing the highway in Rigby Gardens and a terrace of four dwellings, comprising of two, 2 bedroom dwellings bookended by two, 3 bedroom dwellings, would be located in the western half of the site. The proposed terrace would be orientated at a 90 degree angle to the highway in Rigby Gardens with their principal elevations facing eastwards.
- 6.9 The existing vehicular access to the site would be repositioned slightly to the west and parking would be provided centrally within the site between both sets of buildings.

- 6.10 All of 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.
- 6.11 The proposed terrace of four dwellings would be sited approximately 1m set back from the front wall of the garage at the Rectory, the adjacent detached property. The proposed terrace would be located approximately 5.8m away from the flank wall of the garage of the Rectory, and approximately 1m off the boundary.
- 6.12 The plan form and proportions of the proposed dwellings would be appropriate for the location. It is proposed that the bin stores would be situated forward of each of the properties, either in the front gardens or outside the dwellings. It would be preferable that the bin stores be located in the rear gardens of each of the dwellings and this could be controlled by condition. The proposed car parking area is proposed to be surfaced using tarmac however again, it would be preferable if the car parking surface was finished in a higher quality material which would also then allow for a better landscaped setting for the development. On this basis, the proposed layout, appearance and design of the proposal would be acceptable. 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.
- 6.13 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.

3. LANDSCAPING AND ECOLOGY

- 6.14 The Council's Landscape and Ecology Advisor considers that the development would not have significant adverse effects on the landscape setting or visual amenity.
- 6.15 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.
- 6.16 There would be limited scope to provide much 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.

- 6.17 It is considered that the site is unlikely to support any other protected species. However, a condition has been included requiring a reptile survey to be undertaken in accordance with best practice guidance to inform an appropriate translocation scheme for any animals found on site.
- 6.18 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.

4. IMPACTS ON AMENITY

- 6.19 Local residents have raised concerns regarding loss of privacy arising from the proposal. Plots 1 and 2 would be located 33m away from the rear elevations of the closest neighbouring properties in Cambridge gardens to the immediate South, and 27m away from the rear elevations of the closest neighbouring properties in Brentwood Road. The proposed terrace would be orientated at a 90 degree angle to the properties in Cambridge Gardens to the South. The rear gardens of the closest properties in Cambridge Gardens are approximately 18m in depth; the closest rear elevation, for property in Plot 3, would be 21m and 24m away from these neighbours, however, the angle and orientation of Plot 3 would prevent any significant overlooking. Furthermore, there are no main living area windows proposed in the flank elevations of the terrace.
- 6.20 In conclusion under this heading, the windows in the new dwellings would be at a distance in excess of the Council's minimum required standards. 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.

5. AMENITY SPACE

- 6.21 The proposal includes approximately 480 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). No objection is therefore raised under this heading.

6. PARKING AND REFUSE COLLECTION

- 6.22 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 14 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. Subject to conditions, the proposal would satisfy the relevant criteria of Policy PMD8 of the Core Strategy in relation to parking provision.

- 6.23 Some local residents have raised concern regarding the proposal preventing access to the garage at no. 11 Rigby Gardens, located immediately North of the site and directly opposite the proposed repositioned access. The proposal would not prevent any access to this neighbour garage. Whilst it is acknowledged that local residents have concerns regarding the existing on-street parking problem in the immediate locality, this is considered to be mainly due to the practice of local residents making use of on-street parking immediately in front of the application site as it has been a primarily underused area. Given the proposal would provide adequate off street parking and comply fully with Council parking standards, it is not considered justifiable that the application could be recommended for refusal on these grounds.
- 6.24 Refuse and recycling storage would be provided at the front of each dwelling. However, a condition has been included requiring all refuse and recycling storage to be provided in the rear gardens of each of the dwellings which would be preferred. Refuse collection vehicles would not enter the site but collect from Rigby Gardens; the furthest the refuse collector would walk would be approximately 19m from kerbside to the frontage of Plot 3 which would comply with Council standards.

7. INFRASTRUCTURE

- 6.25 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.
- 6.26 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.
- 6.27 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 IRL contributions or 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 principle of residential development in this location is considered acceptable however concern is raised to the loss of the church hall which is seen as a community facility. 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

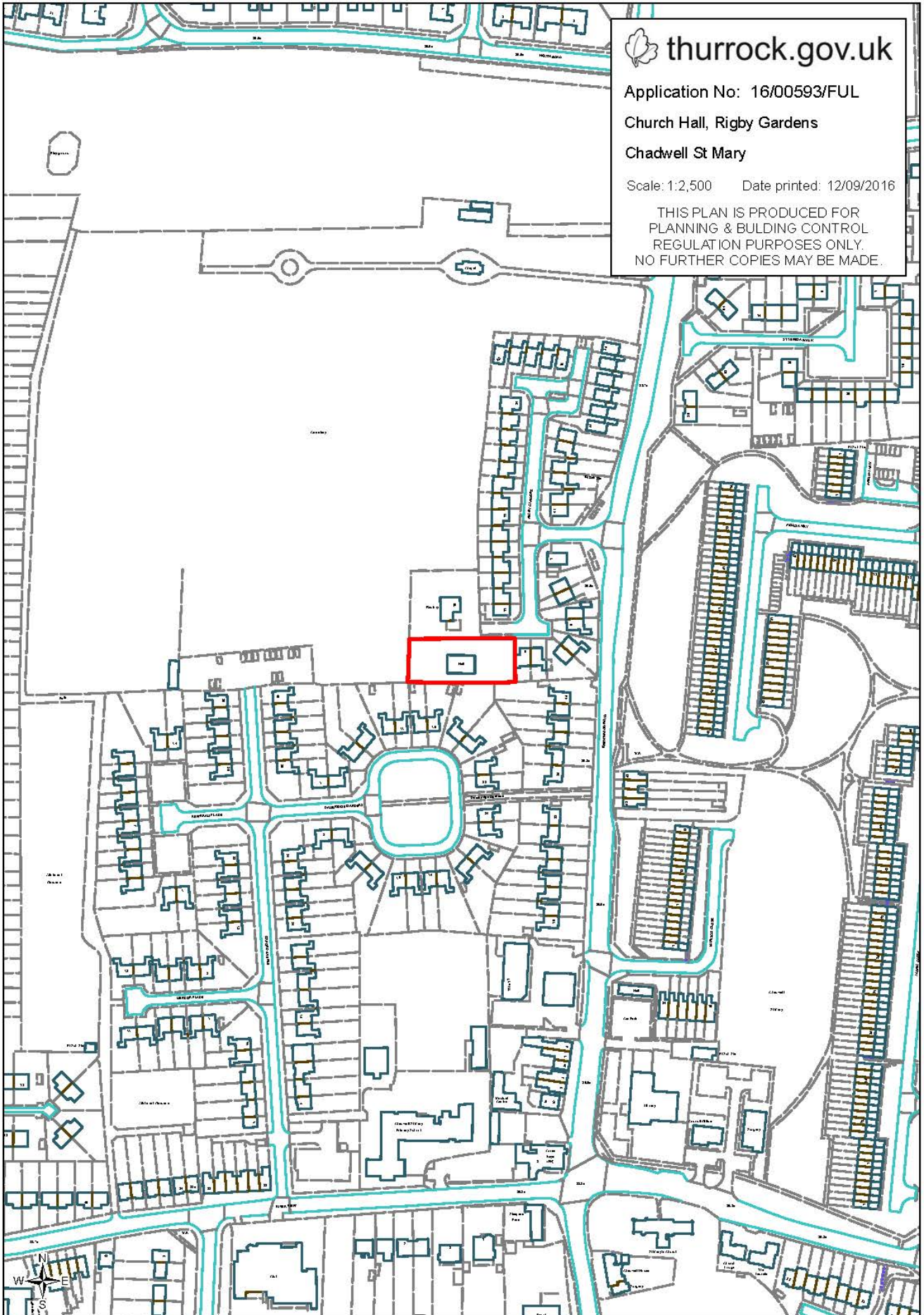
8.1 REFUSE, for the following reason:

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.

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



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