

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 Annex 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

