

<p>Reference: 16/01035/TBC</p>	<p>Site: The Tops Social Club Argent Street Grays Essex RM17 6JU</p>
<p>Ward: Grays Riverside</p>	<p>Proposal: Redevelopment of the Tops Social Club site with the erection of one part 5 storey/part storey residential block comprising of 29 dwellings and one retail unit on the ground floor. Repositioning of the existing playground to the north part of the site. Creation of 8 associated parking spaces on the western side of Exmouth Road.</p>

Plan Number(s):		
Reference	Name	Received
5485-1000B	Location Plan	10th August 2016
5485-1002A	Existing Site Layout	10th August 2016
5485-1020A	Sections	10th August 2016
5485-1021A	Sections	10th August 2016
5485-1022A	Existing Elevations	10th August 2016
5485-1101B	Proposed Site Layout	10th August 2016
5485-1200B	Proposed Floor Plans	10th August 2016
5485-1201B	Proposed Floor Plans	10th August 2016
5485-1202B	Proposed Floor Plans	10th August 2016
5485-1203B	Proposed Floor Plans	10th August 2016
5485-1204B	Proposed Floor Plans	10th August 2016
5485-1207B	Roof Plans	10th August 2016
5485-1700A	Sections	10th August 2016
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5485-1602B	Proposed Elevations	12th September 2016
5485-1603B	Proposed Elevations	12th September 2016
5485-1604B	Proposed Elevations	12th September 2016

The application is also accompanied by:	
<ul style="list-style-type: none"> - Flood Risk Assessment - Design and Access Statement - Tree Report - Daylight and Sunlight Report - Energy and Water Statement 	
Applicant: Thurrock Council	Validated: 15 August 2016 Date of expiry: 14 November 2016
Recommendation: Deemed to be granted	

This application is scheduled for determination by the Council's Planning Committee because the application has been submitted by the Council (in accordance with Part 3 (b) Section 2 2.1 (b) of the Council's constitution).

1.0 DESCRIPTION OF PROPOSAL

- 1.1 This application seeks planning permission for the redevelopment of the Tops Social Club site; the 4/5 storey development proposed would offer 29 dwellings [100% affordable] in the form of 23 flats and 6 maisonettes as detailed in the summary table below. The development would also provide a retail unit on the ground floor. As part of the development, the existing playground to the northern part of the site would be removed and a new playground provided.
- 1.2 The proposed design reflects a modern contemporary approach with a flat roof design to both the 4 and 5 storey elements. The design would feature a curved facade to the south western corner of the building to reflect the road junction of Exmouth Road and Argent Street. The ground floor retail unit would be recessed with the upper storey block jetting out on stilts on the south and western elevations. The building would have open balconies with railings and recessed balconies. The material palette would include grey coloured brickwork, light grey cladding (to top floor of 4 storey block) and feature glazing.
- 1.3 The proposed replacement playground area would be located directly to the north of the 5 storey building section and would include a double slide, a climbing structure, swings and landscaping around the edge over a stepped levelled arrangement.
- 1.4 A summary of the proposals is provided in the table below:

Site Area:	0.2 hectares	
No. of Dwellings:	8 x 1 bedroom 2 person units (flats) 5 x 2 bedroom 3 person units (flats) 10 x 2 bedroom 4 person units (flats) 6 x 3 bedroom 5 person units (maisonettes) Total 29 dwellings (23 flats and 6 maisonettes)	
Layout	Ground floor	6 maisonettes (lower level) and the retail unit (net floor area of 180.5m ² . Bin stores and a bike store along with other store rooms and a plant room
	First Floor	6 maisonettes (upper level) and 4 flats (2 x 2 bedroom and 2 x 1 bedroom)
	Second Floor	8 flats (6 x 2 bedroom and 2 x 1 bedroom)
	Third Floor	7 flats (5 x 2 bedroom and 2 x 1 bedroom)
	Fourth Floor	4 flats (2 x 2 bedroom and 2 x 1 bedroom)
	Roof level	Photovoltaic panels to be installed to flat roof to roof of 4 storey section and a communal garden area alongside lift housing to the flat roof level of 5 storey section
	Each unit would have its own balcony area One lift and one stairwell would connect all levels along with internal and external hallways/walkways	
Size of Dwellings:	Gross internal area	For flats between 53.3m ² – 98.5m ² For maisonettes 124.5m ²
	Amenity Space:	Balconies for flat including internal winter garden enclosed balconies all measuring between 5.7m ² and 41.6m ² Private gardens for maisonettes 89m ² Winter gardens for maisonettes 9m ² Communal Garden Areas 234m ² (roof garden)
Building Height:	Part 5 storey(19m)/part 4 storey (14m)	
Car Parking:	8 parking spaces along the western side of Exmouth Road in two banks of 4	

2.0 SITE DESCRIPTION

2.1 The application site is located on the corner of Argent Street and Exmouth Road, extending north and eastwards. The site is currently occupied by 'Tops Club' which is disused private members social club and a playground area along Exmouth Road. The existing 'Tops Club' building is a single storey structure with hard

surfaced car parking areas located to the south and west of the building and an open patio area at the north-western corner of the site.

- 2.2 Residential uses adjoin the site to the north, east and south. To the north and approximately 16m from the boundary of the site is Arthur Toft House, a high-rise residential tower 15-storeys in height. To the east of the site is Wyvern House, a development of three-storey flats dating from the late 1980's. To the south of the site on the opposite side of Argent Street are three-storey flats at Trinity House and Beville House, also dating from the late 1980's. Adjoining the site to the west is an equipped play area located at the junction of Argent Street and Exmouth Road.
- 2.3 Grounds levels fall from north to south across the site and the entire application site is located within the high risk flood zone (Zone 3).

3.0 RELEVANT HISTORY

Application Reference	Description	Decision
14/00975/OUT	Outline planning permission (with all matters reserved) for the demolition of the existing building and the construction of 24 no. one-bedroom apartments.	Approved 30.03.2015

4.0 CONSULTATIONS AND REPRESENTATIONS

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

PUBLICITY:

- 4.2 This application has been advertised by way of individual neighbour notification letters, press advert and public site notices which have been displayed nearby. There have been no representations received.

- 4.3 ESSEX & SUFFOLK WATER:

No objections

- 4.4 ENVIRONMENT AGENCY:

No objection subject to the Local Planning Authority applying the Sequential Test and Exception Test.

4.5 EDUCATION:

No objection subject to a financial contribution being provided towards Nursery, Primary and Secondary education.

4.6 EMERGENCY PLANNER:

No objections subject to conditions.

4.6 ENVIRONMENTAL HEALTH:

No objections subject to conditions.

4.7 FLOOD RISK MANAGER:

No objections subject to conditions.

4.9 HIGHWAYS:

No objections subject to conditions.

4.10 LANDSCAPE & ECOLOGY:

No objections subject to conditions.

4.11 PUBLIC HEALTH:

Concerns over loss of three trees and no apparent natural green space due to high storey buildings

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. 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
- Delivering a wide choice of high quality homes
- Requiring good design
- Promoting healthy communities
- Meeting the challenge of climate change, flooding and coastal change
- Conserving and enhancing the natural environment

5.2 Planning Practice Guidance

In March 2014 the Department for Communities and Local Government (DCLG) launched its planning practice guidance web-based resource. This was accompanied by a Written Ministerial Statement which includes a list of the previous planning policy guidance documents cancelled when the NPPF was launched. PPG contains 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
- Health and wellbeing
- Land affected by contamination
- Light pollution
- Natural environment
- Noise
- Open space, sports and recreation facilities, public rights of way and local green space
- Planning obligations
- Renewable and low carbon energy
- Tree preservation orders and trees in conservation areas
- The use of planning conditions

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

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

OVERARCHING SUSTAINABLE DEVELOPMENT POLICY

- OSDP1 Promotion of Sustainable Growth and Regeneration in Thurrock¹

SPATIAL POLICIES

- CSSP1: Sustainable Housing and Locations

THEMATIC POLICIES

- CSTP1: Strategic Housing Provision
- CSTP2: The Provision Of Affordable Housing
- CSTP7: Network of Centres
- CSTP8: Vitality and Viability of Existing Centres
- CSTP9: Well-being: Leisure and Sports
- CSTP10: Community Facilities
- CSTP11: Health Provision
- CSTP12: Education and Learning
- CSTP14: Transport in the Thurrock Urban Area
- CSTP20: Open Space
- CSTP22: Thurrock Design
- CSTP23: Thurrock Character and Distinctiveness ²
- CSTP25: Addressing Climate Change²
- CSTP26: Renewable or Low-Carbon Energy Generation²
- CSTP27 Management and Reduction of Flood Risk²
- CSTP29: Waste Strategy

POLICIES FOR MANAGEMENT OF DEVELOPMENT

- PMD1 Minimising Pollution and Impacts on Amenity²
- PMD2 Design and Layout²
- PMD3: Tall Buildings
- PMD5: Open Spaces, Outdoor Sports and Recreational Facilities
- PMD7: Biodiversity, Geological Conservation and Development²
- PMD8: Parking Standards³
- PMD10: Transport Assessments and Travel Plans²
- PMD16: Developer Contributions²
- PMD13: Decentralised, Renewable and Low Carbon Energy Generation
- PMD15: Flood Risk Assessment²
- PMD12: Sustainable Buildings²

[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].

5.4 Focused Review of the LDF Core Strategy (2014)

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

5.5 Draft Site Specific Allocations and Policies DPD

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.

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

The above report was considered at the February 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

6.1 The issues to be considered in this case are the following:

- I. Principle of the Development
- II. Loss of Existing Facilities
- III. Housing Land Supply, Need, Mix and Affordable Housing
- IV. Design and Layout and Impact upon the Area
- V. Landscaping , Loss of Trees and Private Amenity Space
- VI. Effect on Neighbouring Properties
- VII. Highway matters
- VIII. Flood Risk and Drainage
- IX. Sustainable Buildings and Energy Consumption
- X. Planning obligations
- XI. Other considerations

I. Principle of the Development

- 6.2 The principle of the redevelopment of this site for residential purposes has been established through the grant of outline planning consent in March 2015 [under reference 14/00975/OUT]. That permission is extant and provides for the redevelopment of the Tops Club landholding to create 24 flats in a three storey building.
- 6.3 The difference between the current and previous application is that the previous application only included the 'Tops Club' site and not the existing playground area [the previous application represented a smaller site not extending to the road junction of Exmouth Road and Argent Street].
- 6.4 LDF CS policy CSSP1 (Sustainable Housing and Locations) refers to the target for the delivery of new housing in the Borough over the period of the Development Plan. This policy notes that new residential development will be directed to previously developed land in the Thurrock urban area, as well as other specified locations. The policy aims to ensure that up to 92% of new residential development will be located on previously developed land. The application site is within the urban area and comprises a 'brownfield' site. Although the site was not identified as a potential location for residential development in the 2012 and 2013 Site Specific Allocations and Policies DPD consultations, the principle of housing would be compatible with the character of surrounding development. Accordingly, the site may be considered as a 'windfall' location for housing and no objections are raised to the principle of residential development at this location.
- 6.5 The proposal involves the provision of a retail unit with no end user known at this stage. It is envisaged that this unit would provide a local convenience store. Given its location the retail unit is considered significantly distant from Grays town centre and therefore would not adversely affect the vitality and viability of the Grays town centre in regard to policies CSTP (Network of Centres) and CSTP8 (Vitality and Viability of Existing Centres). Therefore the retail store is acceptable in principle.

6.6 The proposal would also involve the reduction of the existing playground area to a smaller playground approximately half the size of the existing one. The principle of retaining a form of playground is acceptable.

II. Loss of Existing Facilities

6.7 LDF Core Strategy policy CSTP10 (Community Facilities) states that the Council will safeguard existing community facilities and will only allow their loss in circumstances where appropriate facilities of equal or better quality will be provided as part of the development.

6.8 The development would lead to the loss of the existing 'Tops Club' however this particular consequence of the redevelopment of the site was considered at length by the Council's Planning Committee in 2015 and given that consent exists for the redevelopment of the site [which would also see the loss of the club] it is not considered necessary to revisit this aspect of the development on this occasion.

6.9 LDF CS Policy PDM5 seeks to safeguard all recreational facilities from being lost either completely or partially.

6.10 An existing playground is located to the west of the 'Tops Club' building; this playground area would be lost but a replacement playground is proposed directly to the north of the site. The replacement playground would be smaller than the existing but would be better designed and better equipped, in accordance with the aims of policy PMD5.

6.11 In terms of equipment, the application proposes to provide a new double slide at the highest point of the site, climbing structure in the middle section of the playground alongside an under 4's play equipment area and swings. Within the playground space 6 trees, hedging and further planting is proposed. All exact details will need to be agreed through the use of a planning condition.

6.12 The Council's Environment team have raised no objection to the playground area.

6.13 To ensure the playground space is not lost during the construction phase of the development the replacement playground would be need to be constructed during the early stages of the development. Such measures can either be controlled through planning condition.

III. Housing Land Supply, Need, Mix and Affordable Housing

6.14 The proposed development would contribute to the five year housing land supply through the provision of 29 dwellings and in terms of this location would introduce

29 affordable housing units (100%) which are necessary to meet the affordable housing needs of the Borough. As a Council application submitted by the Housing Team the proposed housing size and requirements are appropriate to meet the affordable housing needs of the Borough. The proposed development represents a high density development in this location.

IV. Design and Layout and Impact upon the Area

- 6.15 LDF CS Policy PMD2 seeks to achieve the requirements of Chapter 7 of the NPPF on 'Requiring Good Design' and the proposed layout of the development would make most efficient use of the site in terms of site coverage and would be set off the eastern boundary with the nearest neighbouring property. The layout would introduce development in close proximity to the road junction of Exmouth Road and Argent Street but this is considered acceptable. Internally each dwelling unit would provide good levels of internal accommodation and circulation space to meet the standards stated in Annex 1 of the Borough Local Plan. The layout shows that habitable rooms would be sited towards the southern elevation of the building to benefit from solar gain.
- 6.16 The scale development would represent a significant change from the existing low rise single storey club building on site and the open character of the existing street corner at the road junction of Exmouth Road and Argent Street. However, in this area there are 3 and 4 storey buildings in close proximity with a 15 storey tower block to the north of the site. It is therefore considered that some variation in height would be acceptable and the 5 storey element would provide a feature structure for the street corner. The building would 'step down' eastwards from 5 to 4 storeys before the streetscape is continued with the neighbouring 3 storey block to the east of the site.
- 6.17 The proposed design reflects a modern contemporary approach with a flat roof design to both the 4 and 5 storey elements. The design would feature a curved facade to the south western corner of the building to reflect the road junction of Exmouth Road and Argent Street. The ground floor retail unit would be recessed with the upper storey block jetting out on stilts on the south and western elevations. The design would have open balconies with railings and recessed balconies. The material palette would include grey coloured brickwork, light grey cladding (to top floor of 4 storey block) and feature glazing.
- 6.18 The design of the building has evolved through pre-application discussions with officers and influenced by a workshop session held with Design Council CABE.
- 6.19 In conclusion under this heading, it is considered that the proposed development is acceptable in terms of the layout, scale, design and density considerations in terms of LDF CS policy PMD2.

V. Loss of Trees, Landscaping and Private Amenity Space

- 6.20 There are two prominent trees on the frontage of the site to Argent Street: a mature Horse Chestnut close to the western boundary and a semi-mature Sycamore close to the centre of the site frontage. The proposals involve the removal of both trees, which are subject of Tree Preservation Orders (TPOs). The specimens have been inspected by the Council's arboricultural advisor and are considered to be in a poor condition. Consequently, there are no objections to the removal of the trees subject to the provision of suitable replacements as part of a landscaping scheme for the site. Within the highway land and outside of the site a row of new trees are shown proposed along Argent Street. These proposed trees, subject to them being appropriate replacement specimens, would compensate for the loss of the two TPO trees. There is also scope for further tree planting to the north of the site.
- 6.21 Root protection measures would need to be put into place for the protection of the remainder of the trees. The majority of the trees lie outside of the site and border the northern boundary with some forming the eastern boundary to the existing playground space. Nevertheless this is Council owned land and root protection measures could be installed limiting ground excavation in these root protection areas as part of a landscape protection condition.
- 6.22 There are no details of proposed planting arrangements for the development however details could be agreed through a landscaping condition for the whole site to ensure compliance with LDF CS policy PMD2.
- 6.23 Based on the gross floorspace of each dwelling unit the proposal would provide acceptable levels of amenity space in the form of balconies of various sizes which are often the most usable source of amenity space for flats as well as communal amenity space in the form of a rooftop garden in this instance of 234 sqm. The maisonettes as the larger units would benefit from a rear garden area of 89 sqm and an enclosed balcony defined as a 'winter garden' on the plans of 9 sqm. In terms of nearby public open space the site is adjacent to an existing playground which whilst reduced in size would provide access for future occupiers as well as the nearby is the 'Grays Beach' recreation park.

VI. Effect on Neighbouring Properties

- 6.24 The surrounding area is predominantly residential and the nearest property that would be affected by the proposal is located directly to the east of the site which is a three storey block of flats known as Wyvern House which has six window openings on the western flank side wall facing the site that would be 4.6m from the eastern side wall of the proposed development. This represents an increase in distance when compared to the extant outline permission which provides only a 3m building to building distance. The relationship between the existing and proposed

buildings is therefore considered acceptable.

- 6.25 To the south of the site, existing flats at Trinity House and Beville House are located on the opposite (south) side of Argent Street and over 20m from the boundary of the site. Given this degree of separation, the proposal would not result in material harm to the amenity enjoyed by residents located to the south. To the north of the application site is a 15 storey residential block (Arthur Toft House). This building is sited approximately 16m from the northern boundary of the site and is situated at a higher ground level than the site. Based on the site layout plan, there would be a distance of some 23m between the proposed building and Arthur Toft House. A number of mature trees, many of which would remain, are located adjacent to the northern boundary of the site would partially screen the site from residents within Arthur Toft House. In these circumstances, it is considered that the residential amenity would not be materially harmed by way of loss of privacy, outlook or light.
- 6.26 Immediately to the west is Exmouth Road with the Seabrook Rise estate to the western side of the road which would not be significantly affected by the proposed development.

VII. Highway matters

- 6.27 Owing to its close proximity to Grays Town Centre, the site is classified as being within a 'high accessibility' area where a car parking range of between 0 to 1 space per dwelling is expected. The development would provide 8 parking spaces along the western side of Exmouth Road.
- 6.28 The Council's Highway Officer has raised no objection to the application subject to controls being introduced to prevent future residents of the development from obtaining parking permits. It should be noted that the parking permit application process is separate to planning legislation so would not be enforceable under planning legislation, but could be suitably controlled by the Highway Authority.
- 6.29 A new vehicular access would be formed from Exmouth Road which would be a gated 'waste management and fire access' only. Pedestrian access would be achieved via a number of entrances to the building and the inclusion of an internal lift system that would allow for access to all.
- 6.30 The Council's Highway Team require 1 cycle parking space per dwelling in a covered and secure facility. A bicycle store is shown to the rear of the retail unit and the rear entrance to the apartments. This is shown to only accommodate 12 bicycles and therefore further bicycle storage is required. Given the extent of site coverage of the building footprint there is limited room to provide safe, covered and secure cycle facilities but there is an opportunity to provide further bicycle facilities along either the eastern elevation of the building or at the rear of the gated 'waste

management and fire access'. Such details can be agreed through the use of a planning condition.

VIII. Flood Risk and Drainage

- 6.31 The site is located within high risk flood zone (Zone 3) and the application is accompanied by a flood risk assessment demonstrating that the site is at most risk from fluvial flooding from the River Thames which is tidal but this area is protected by flood defences. The consultation response received from the Environment Agency informs the local planning authority to undertake the Sequential Test and Exception Test which is required by the NPPF. The purpose of the Sequential Test is to steer new development to areas with the lowest probability of flooding (Zones 1 and 2). Development should not be permitted if there are reasonably available sites appropriate for the proposed development in areas with a lower probability of flooding. If, following application of the Sequential Test, it is not possible, consistent with wider sustainability objectives for the development to be located in zones with a lower probability of flooding the Exception Test can be applied.
- 6.32 The Sequential Test has been applied to the proposals and that Test concludes that there are no reasonably available sites located in areas of lower flood risk within the search area that would be appropriate for the type of development proposed. The Exception Test also needs to be applied as the proposal is classified as a 'more vulnerable use' within flood zone 3 but it is considered that the proposals would deliver benefits to sustainability which would outweigh flood risk issues and that, subject to mitigation, the development will be safe without increasing flood risk elsewhere.
- 6.33 The FRA explains that flood resilient measures would be installed including higher level electric sockets and fuse boxes and that an evacuation plan would be implemented and this would be subject of the requirement of a planning condition and is sought by the Emergency Planner in their consultation response to the application.
- 6.34 Foul drainage would be achieved through connection to the main system owned and managed by Anglian Water. In terms of surface water management the site currently has limited impermeable areas so is subject to run off. The FRA identifies that drainage scheme will be submitted and this will need to be subject of a planning condition but the FRA does identify that a sustainable urban drainage system (SUDS) is the best solution. Various surface water management techniques are listed including rainwater storage in tanks and porous surfaces.

IX. Sustainable Buildings and Energy Consumption

6.35 An Energy and Water Statement accompanies the planning application and explains that the building has a low energy building design. The building would incorporate suitable technologies to meet the 15% energy target required through LDF CS policy PMD13 for an 'excellent' standard. As full details of all installations and methods are not known at this stage the details of such installations would need to be agreed through planning condition.

X. Planning obligations

6.36 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.

6.37 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.

6.38 From the IRL the proposal would fall within the category H1 scenario for housing development and R1 for retail development. Through consultation the development would require a financial contribution towards education and highways works [reference H1 – 57 and 41 – primary and secondary education and R1 – IRL 88 – contribution towards riverside footpath/cycleway].

6.39 As this is a Council development the Council's Housing Team as the developer has agreed with Planning by way of a Memorandum of Understanding to internal Council recharges from Housing to Education and Highways in respect of financial contributions towards education and cycle path provision respectively. In addition the Housing Team have undertaken to provide 100% affordable housing as part of the development.

XI. Other considerations

6.40 The site is located within the urban area and despite the Tops Club not being used the site has been maintained to the extent that there would be limited opportunities for ecology and biodiversity to flourish.

- 6.41 Details of future refuse/recycling storage and external lighting to the building and within the site can be agreed through planning condition.
- 6.42 The proposal would introduce mainly residential uses to the site apart from the retail unit and new but smaller playground to the north. Therefore compared to the current use of the site the proposal would give rise to a less nosy development.

7.0 CONCLUSIONS AND REASON(S) FOR APPROVAL

The development would provide much needed affordable housing in a location that has good accessibility and is close to the town centre area for services, facilities and transport hubs. The proposal is for a high quality designed development that would visually improve the area. The proposed development would lead to a smaller playground area and the loss of some mature trees which is unfortunate but replacement trees could be agreed through condition. All other material considerations such as neighbouring amenity, flood risk and highways are acceptable subject to planning conditions. For these reasons the recommendation is to approve the application.

8.0 RECOMMENDATION

It is recommended expressly for the purposes of Regulation 3 of the Town and Country Planning General Regulations 1992, permission be deemed to be granted for the above development, subject to compliance with the following 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:

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5485-1000B	Location Plan	10th August 2016

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

Use of Ground Floor Retail Unit

3. The ground floor commercial unit shall only be used for uses falling within Class A1 of the Town and Country Planning [Use Classes] Order 1987 (as amended).

Reason: To ensure that the use is appropriate for this location with regard to policy PMD1 of the LDF Core Strategy and Policies for the Management of Development DPD [2011].

Hours of Use and Delivery Hours for Retail Unit

4. Prior to first occupation of the ground floor retail unit hereby approved details of the proposed hours of use and delivery hours associated with this use shall be submitted to and approved by the Local Planning Authority. The use of the ground floor retail unit shall only operate in accordance with the details as approved.

Reason: To safeguard the amenities of the occupiers of the adjoining

residential dwellings in accordance with policy PMD1 of the LDF Core Strategy and Policies for the Management of Development DPD [2011].

Playground Area

5. Notwithstanding the details stated within the application, no development shall commencement until full details of the new playground area including all details of new playground equipment and landscaping and planting schedules for this area have been submitted to and approved by the Local Planning Authority. The playground area details shall be implemented in accordance with the details.

Reason: Due to the loss of the existing larger playground area an enhanced playground area shall be provided for the benefit of local people in accordance with the requirements policy PMD1 of the LDF Core Strategy and Policies for the Management of Development DPD [2011].

Playground Implementation

6. The new playground area shall be developed and made available for use prior to the commencement of the development of the development unless otherwise agreed in accordance with a phasing programme to be submitted to and approved by the Local Planning Authority. If a phasing programme is provided the playground area shall be implemented in accordance with the agreed phasing programme.

Reason: To ensure minimum disruption to the users of the playground area and that the loss of playground facility is only for a minimal temporary period of time to allow for an enhanced playground area to be developed and made available for use for the benefit of local people in accordance with the requirements policy PMD1 of the LDF Core Strategy and Policies for the Management of Development DPD [2011].

Materials

7. No development shall take place until samples of the materials to be used in the construction of the external surfaces of the development hereby permitted have been submitted to and approved in writing by the local planning authority. Development shall be carried out in strict accordance with the approved details unless otherwise agreed in writing by the local planning authority.

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 treatment

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 policy PMD2 of the adopted Thurrock LDF Core Strategy and Policies for the Management of Development DPD [2011].

Landscaping Scheme

9. 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. The landscaping details shall be substantially in accordance with the details stated in Appendix B of the Design and Access Statement and shall include details of type and species of replacement trees for the trees to be lost as a result of the development. 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].

Landscape Protection

10. No development shall commence until the details contained in the 'BS 5837 Arboricultural Report' accompanying this planning application have been implemented including protective fencing to 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].

Obscure Glazing to Eastern Elevation Windows Above Ground Floor

11. All windows above ground floor level in the eastern side elevation of the building hereby permitted shall be finished with opaque glazing and shall be fixed shut with the exception of top-hung fanlights and shall be permanently retained as such.

Reason: To ensure that adjoining residential amenity is protected in accordance with Policy PMD1 of the adopted Thurrock LDF Core Strategy and Policies for the Management of Development DPD [2011].

Removal of Permitted Development Rights

12. Notwithstanding the provisions of the Town & Country Planning [General Permitted Development] Order 2015 [or any order revoking and re-enacting that Order with or without modification] no development falling within Classes A, D, E, G, H of Part One of the Second Schedule of that Order shall be carried out on the site for the 'maisonettes' hereby approved as part of this development.

Reason: In the interests of amenity and to ensure that the proposed development is satisfactorily integrated with its immediate surroundings in accordance with Policies PMD1 and PMD2 of the Adopted Thurrock Local Development Framework Core Strategy and Policies for the Management of Development DPD [2011].

Parking provision

13. 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 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

14. Prior to first occupation of the development the 'Bike Store' as shown on drawing number 1200 'proposed GA Ground Floor Plan' shall be implemented in accordance with the details as shown this approved plan and shall be 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].

Additional Cycle Provision

15. Notwithstanding bike store shown on drawing 1200 'proposed GA Ground Floor Plan' additional cycle parking provision shall be provided within the site with the details of the additional cycle parking provision to be agreed but shall include shall include a secure and covered cycle parking area. The approved additional cycle parking provision shall be implemented as approved and retained as such thereafter.

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

Levels

16. 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 Water Drainage

17. No development shall commence until a scheme for the provision and implementation of surface water drainage incorporating sustainable urban drainage schemes (SuDS) and details of who will be responsible for the detailed maintenance and management of the SuDS has been submitted to and approved in writing by the local planning authority. The scheme shall be constructed and completed in accordance with the approved plans and prior to the occupancy of the development.

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

18. 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].

Refuse/ Recycling Storage

19.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].

Renewable energy installation

20.No development shall commence until details of proposed photovoltaic panels and any other proposed renewable energy 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 have been 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].

External lighting

21.No development shall commence until details of the external lighting for the site including the luminance and spread of light and the design and specification of the light fittings have been submitted to and approved in writing by the Local Planning Authority, excluding one individual security lighting per dwelling. All illumination shall be implemented and retained as such in accordance with the details as approved.

Reason: To minimise light pollution upon nearby property including residential properties in accordance with policies PMD1 and PMD2 of the adopted Thurrock LDF Core Strategy and Policies for the Management of Development DPD [2011].

Communal TV/Satellite

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

Reason: In the interests of visual amenity and to ensure that the development can be integrated within its immediate surroundings in accordance with Policies PMD1 and PMD2 of the adopted Thurrock LDF Core Strategy and Policies for the Management of Development DPD [2011].

Construction Environmental Management Plan (CEMP)

23. 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 and details of temporary parking requirements;
- (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].

Details of the Communal Roof Garden

24. No development shall commence until details of the proposed layout of the communal roof garden including boundary treatment, hard and soft landscaping have been submitted to and approved by the local planning authority. The details shall be implemented as approved.

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

Informative

The applicant is advised that future occupiers of the development hereby consented will be prohibited from obtaining parking permits by the Highway Authority.

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



Application No: 16/01035/TBC

The Tops Social Club

Argent Street, Grays

Scale: 1:1,250 Date printed: 06/10/2016

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