

Reference: 16/01302/FUL	Site: Thames Industrial Park Princess Margaret Road East Tilbury Essex
Ward: East Tilbury	Proposal: Temporary change of use of Yards G, I and J to haulage yard/lorry park for a period of 18 months

Plan Number(s):		
Reference	Name	Received
LOCATION PLAN	Location Plan	23rd September 2016

The application is also accompanied by: - Cover Letter	
Applicant: Thames Industrial Estate	Validated: 23 September 2016 Date of expiry: 28 November 2016 [article 34 extension of time agreed with applicant]
Recommendation: To Refuse	

The application is scheduled for determination by the Council’s Planning Committee because the application follows recent enforcement action [the serving of a Temporary Stop Notice] which attracted significant local interest. This application seeks temporary planning permission for the use that was ceased by the service of the TSN.

1.0 DESCRIPTION OF PROPOSAL

1.1 The application seeks an 18 month temporary planning permission for the use of the land at Yards G, I and J for a haulage yard/lorry park including the parking and stationing of cars, lorries, HGVs and trailers.

2.0 SITE DESCRIPTION

2.1 Yards G, I and J are adjacent to one another and are located to the west of the Thames Industrial Estate which is occupied by various buildings and commercial uses. The wider Industrial Estate covers 3 hectares. The yards subject to the current application are enclosed by fencing and covered by a concrete apron or rough surfacing / planings.

3.0 RELEVANT HISTORY

Application Reference	Description of Proposal	Decision
99/00704/OUT	Outline application for industrial and warehouse development (B1/B2/B8)	Refused – Allowed on appeal.
06/01143/TTGREM	New Industrial/warehouse development (B1/B2/B8) as a continuation of existing employment zoning, submission of reserved matters against planning application 99/00704/OUT allowed on appeal APP/M1595/A/00/1039393 and varied by planning application 03/01142/COND	Approved
Enforcement	Description of alleged breach	Outcome
16/00161/CBRCH	Unauthorised use and lorry movements	Temporary Stop Notice served. Use ceased following issue.

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 notice which has been displayed nearby. Thirty five responses have been received (multiple responses have been received from some addresses), making the following comments:

- Hours of operation are excessive;
- Noise pollution from HGVs;
- Roads are already too busy;
- Roads cannot take more vehicles;
- There are better places in the Borough for lorry parks;
- More vehicles will lead to more animals getting killed;
- The village is dominated by lorries;
- Use has already taken place;
- Sleep disturbance for residents.

HIGHWAYS:

- 4.3 Objection in principle and on matters of detail.

ENVIRONMENTAL HEALTH:

- 4.4 No objections, subject to condition.

HISTORIC BUILDINGS ADVISOR:

- 4.5 Objection on impact to Heritage Assets.

FLOOD RISK MANAGER:

- 4.6 No objections.

5.0 POLICY CONTEXT

National Planning Guidance

- 5.1 National Planning Policy Framework (NPPF)

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

- 5.2 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
- Conserving and enhancing the historic environment

5.3 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:

- Determining a planning application
- Noise
- Planning Obligations
- Transport evidence bases in plan making and decision taking
- Travel plans, transport assessment and statement in decision-taking
- Use of planning conditions

5.4 Local Planning Policy

Thurrock Local Development Framework (2011)

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

Spatial Policies:

- OSDP1 (Promotion of Sustainable Growth and Regeneration in Thurrock)¹

Thematic Policies:

- CSTP6: Strategic Employment Provision
- CSTP14: Transport in the Thurrock Urban Area: Purfleet to Tilbury³
- CSTP16: National and Regional Transport Networks³
- CSTP17: Strategic Freight Movement and Access to Ports
- CSTP23: Thurrock Character and Distinctiveness²

- CSTP24: Heritage Assets and the Historic Environment
- CSTP25: Addressing Climate Change²

Policies for the Management of Development:

- PMD1: Minimising Pollution and Impacts on Amenity²
- PMD2: Design and Layout²
- PMD8: Parking Standards³
- PMD9: Road Network Hierarchy
- PMD10: Transport Assessments and Travel Plans²

[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].

5.5 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.

5.6 Draft Site Specific Allocations and Policies DPD

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

5.7 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

6.0 ASSESSMENT

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

- I. Plan designation and principle of the development (conformity with planning policies)
- II. Traffic and Highways Impacts
- III. Impact on heritage assets
- IV. Impact on residential amenity
- V. Other matters.

I. PLAN DESIGNATION AND PRINCIPLE OF DEVELOPMENT

- 6.1 Yard J lies within the East Tilbury Conservation Area and within a 'Secondary Industrial and Commercial Area' as shown on the Core Strategy, Interim Adopted Proposals Map. Yards G and I, lie outside, but adjacent to, the boundary of the Conservation area, on land shown as 'Land for New Development in Secondary Commercial Areas'.
- 6.2 Policies CSSP2 (Sustainable Employment Growth) and CSPT6 (Strategic Employment Provision) are relevant in the consideration of the principle of the development.
- 6.3 Policy CSSP2 indicates that the Council will promote and support economic development in the Key Strategic Economic Hubs. In other areas, outside the Hubs, such as East Tilbury, the Council will seek growth in Core Sectors such as logistics, freight transport, small business units and Growth Sectors, such as business services, small business units, cultural and leisure development. The proposal represents a form of logistics use, and is considered to be acceptable in principle when considered against Policy CSSP2.

- 6.4 Policy CSTP6 indicates that Secondary Industrial and Commercial Areas will be reserved for employment generating uses, falling within Class B1, B2, B8 and sui generis uses. The proposal would provide a use falling within the sui generis use class and is therefore considered to be acceptable in principle when considered against Policy CSTP6.
- 6.5 The broad principle of the use is therefore generally considered to be acceptable. The proposal needs however to also be considered against other detailed Development Management criteria.

II TRAFFIC AND HIGHWAYS IMPACTS

- 6.6 Policy PMD9 (Road Network Hierarchy) seeks to ensure that access requirements are appropriately considered when determining planning applications. Princess Margaret Road is classified as 'Level 2 Route'; the policy in relation to these routes states that new accesses or increased use of existing direct accesses will not normally be accepted onto these types of roads. For all roads in the Borough the policy also states that increased use of accesses will only be permitted where (amongst other matters): (iii) 'The development makes a positive contribution towards road safety, or road safety is not prejudiced', (v) 'the development avoids causing congestion' and (viii) 'The development will make a positive contribution to accessibility by sustainable transport'.
- 6.7 Core Strategy Policy PMD10 (Transport Assessments and Travel Plans) indicates that Transport Assessments, Transport Statements and Travel Plans must accompany planning application in accordance with the DfT guidance of March 2007. These documents are required to allow a full assessment of planning applications to be made.
- 6.8 The proposed haulage / lorry park would use the existing access onto Princess Margaret Road that serves the wider industrial estate. This access allows two way vehicle movements and entry to the site could be controlled by the existing security gatehouse.
- 6.9 In relation to highways matters (e.g. number of movements, type of vehicles accessing the site, or technical access detail) no specific information has been provided by the applicant. Instead, the application has been accompanied by a generic covering letter, with little specific detail about the highways impact of the proposed haulage / lorry park. In this letter, the applicant has suggested that the haulage / lorry park could be limited to operate only between am – 7pm Monday to Friday and 7am – 1pm on Saturdays with no operation on Sundays.
- 6.10 Permission has previously been approved on the site for commercial development, comprising B1, B2 and B8 uses. That permission would have resulted in HGVs being on site and travelling to and from the site. However, that permission included buildings on site which would have occupied parts of the site, which under the current proposal would be provided simply as HGV parking. The scale and nature of the use would therefore be more intense in terms of lorry movements than the previously consented development.

- 6.11 Importantly however, the applicant has not submitted any form of transport assessment for the application site. Without such an assessment the impact of the increase in vehicle movements, both to and from the site, cannot be assessed. Accordingly, it is not possible to assess the level of harm that would be caused to the local road network or to identify what level of mitigation might be required to make the development acceptable. The proposals are considered therefore to be contrary to Policy PMD10 in this regard.
- 6.12 The Council's Highway Officer warns that the site is poorly located in relation to the strategic road network and that the situation is exacerbated during peak period by the level crossing closures. The Officer identifies that any increases in the number of HGV movements resulting from the use as a haulage park would have a detrimental impact on highways efficiency in an already congested area. The likely increase in vehicle movements is therefore considered, at this time, to be detrimental to the local highways network and the applicant has failed to demonstrate that this impact could be managed. Accordingly the proposals are considered to be contrary to Policy PMD9.

III IMPACT ON HERITAGE ASSETS

- 6.13 The application site, as detailed above, lies both within and adjacent to the East Tilbury Conservation Area. Some buildings within the Thames Industrial Estate are also listed.
- 6.14 Policy PMD4 (Historic Environment) indicates that the Council will ensure that the fabric and setting of heritage assets, including Listed Buildings and Conservation area are appropriately protected and enhanced in accordance with their significance.
- 6.15 Policy CSTP24 (Heritage Assets and the Historic Environment) states that the Council will preserve and enhance the historic environment by (amongst other matters) encouraging the appropriate use of heritage assets and their settings and that all development proposals will be required to consider and appraise development options and demonstrate that the final proposal is the most appropriate for the heritage asset and its setting.
- 6.16 The Council's Conservation Advisor indicates that heavy haulage, lorry and construction traffic on Princess Margaret Road already causes harm to the character and appearance of the Conservation Area and a further haulage / lorry park would only exacerbate the impact. He further advises that, in his opinion, a haulage yard does not constitute the optimum use of this site, and that he considers a haulage use on this site should be resisted.
- 6.17 Although the application is being made on a temporary, 18 month basis the proposed use would generate a number of vehicle movements and by its very nature high levels of vehicle parking. Whilst the nature of the use may be transitory in some instances, there is little detail of the likely intensity of the use. Transport/haulage yards are by their very nature open and are less visually attractive than a modern building which could integrate successfully with the surroundings.

- 6.18 Accordingly, at this time, given the unknowns surrounding the nature and intensity of the use the Council cannot be satisfied that the proposal would not have a harmful impact on the nearby heritage assets, comprising the East Tilbury Conservation Area and listed buildings within the Thames Industrial Estate.

IV. IMPACT ON RESIDENTIAL AMENITY

- 6.19 Many of the neighbour comments that have been received have been in connection with the number of vehicle movements and their impact on neighbour amenity. It should be noted that the unauthorised activity at the site was apprehended by the service of a Temporary Stop Notice (TSN). Since the service of the TSN, unauthorised vehicle movements to and from the application site have ceased. However, it is clear that unless suitably controlled, vehicle movements in this location have the ability to cause significant disturbance to local residents.
- 6.20 The application as proposed seeks consent for a use, to be carried on for a time limited period, and during hours that would be considered to be reasonable hours for business of this nature operating in such an area. If permission were to be granted, conditions could reasonably be applied to control the hours of operation.
- 6.21 The Environmental Health Officer states, in his response that *The Noise and Statutory Nuisance Act 1993* exempts noise from traffic from statutory nuisance provisions and that accordingly they would have no powers to act on lorry movements. He advises that the proposed hours put forward by the applicant would be considered acceptable and should be applied if permission were to be granted.
- 6.22 However, because the applicant has provided no transport evidence to demonstrate the likely vehicle movements to and from the site, it is not possible to be sure that an hours restriction alone would be sufficient to protect residential amenity.

V. OTHER MATTERS

- 6.23 The Council's Flood Risk Manager raises no objections and advises that the development should not result in any increased surface water flood risk on, or off, site.
- 6.24 Policy PMD16 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.
- 6.25 As set out above, the applicant has not provided any traffic data to support this application and so it is not possible to identify the level of impact nor is it possible to identify what mitigation might be required to make the development acceptable. It follows that the development proposal is unacceptable.

7.0 CONCLUSIONS AND REASON(S) FOR REFUSAL

- 7.1 The application proposes a form of development that would be acceptable in principle, given the designation of the site. However, the applicant has failed to demonstrate that the proposal would not be harmful to the local highways network and accordingly the proposal is recommended for refusal on the basis of the impact on the local highways network.
- 7.2 In addition, without any firm details as to the nature of the use, the Council considers that the development would be likely to be harmful the heritage assets, comprising the East Tilbury Conservation Area, and listed buildings within the Thames Industrial Estate.

8.0 RECOMMENDATION

- 8.1 To Refuse for the following reasons:

Reason(s):

1. Core Strategy Policy PMD9 (Road Network Hierarchy) is designed to ensure that access requirements are appropriately considered when determining planning applications. Princess Margaret Road is classified as Level 2 Route; the policy in relation to these routes states that new accesses or increased use of existing direct accesses will not normally be accepted onto these types of roads.

For all roads in the Borough the policy also states that increased use of accesses will only be permitted where (amongst other matters) (iii) The development makes a positive contribution towards road safety, or road safety is not prejudiced, (v) the development avoids causing congestion and (viii) The development will make a positive contribution to accessibility by sustainable transport.

Core Strategy Policy PMD10 (Transport Assessments and Travel Plans) indicates that Transport Assessments, Transport Statements and Travel Plans must accompany planning application in accordance with the DfT guidance of March 2007. These documents are required to allow a full assessment of planning applications to be made.

The scale and nature of the use proposed would be significantly different from the development for which planning permission exists.

- l) The site is poorly located in relation to the strategic road network and this situation is exacerbated during peak period by the level crossing closures. The introduction of a haulage / lorry park would likely increase the number of HGV movements from the site and would have a detrimental impact on highways efficiency in an already congested area. The applicant has not however submitted any form of Transport Assessment with the application. Without such detail the impact of the increase in vehicle movements, both to

and from the site, cannot be assessed and it is not possible to quantify the impact of the development or identify what mitigation might be required to make the development acceptable. Accordingly, the proposals are considered to be contrary to Policy PMD9 and PMD10.

2. Core Strategy Policy PMD4 (Historic Environment) indicates that the Council will ensure that the fabric and setting of heritage assets, including Listed Buildings and Conservation area are appropriately protected and enhanced in accordance with their significance.

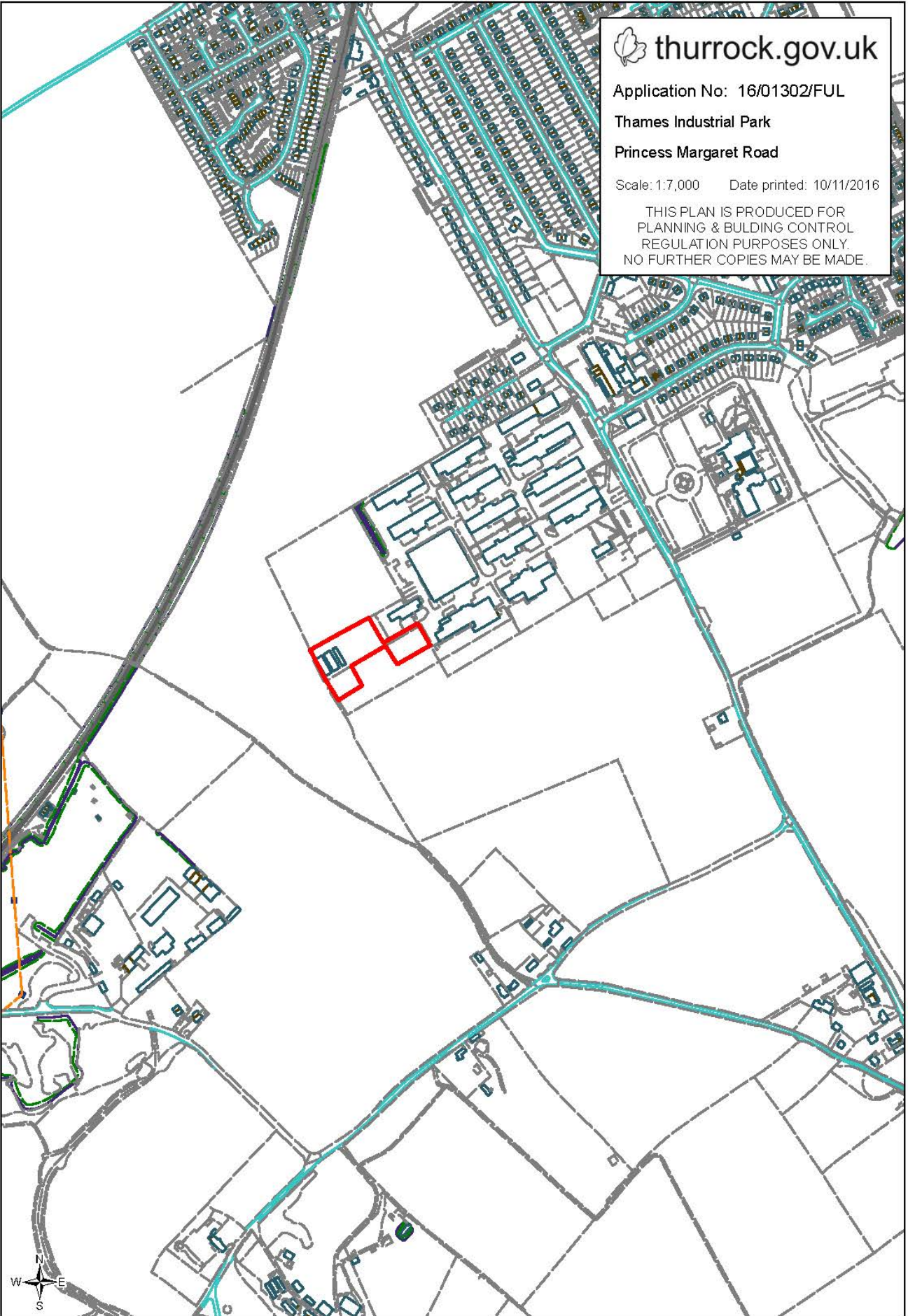
Core Strategy Policy CSTP24 (Heritage Assets and the Historic Environment) states that the Council will preserve and enhance the historic environment by (amongst other matters) encouraging the appropriate use of heritage assets and their settings and that all development proposals will be required to consider and appraise development options and demonstrate that the final proposal is the most appropriate for the heritage asset and its setting.

The application site lies both within, and adjacent to the East Tilbury Conservation Area, and in proximity to listed buildings within the Thames Industrial Estate. The application proposes a haulage yard/lorry park, although specific details relating to the intensity and form of use have not been provided. The Council is not therefore satisfied that the proposal would protect or enhance the heritage assets or that the development fully considers the nature of its location. Accordingly, the proposal is considered to be contrary to Policies PMD4 and CSTP24.

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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Princess Margaret Road
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