

<p>Reference: 18/01635/FUL</p>	<p>Site: FBS Salvage Stanhope Industrial Park Wharf Road Stanford Le Hope Essex SS17 0AL</p>
<p>Ward: Stanford Le Hope West</p>	<p>Proposal: Construction of flexible industrial units (B1(c)) with associated new access road and parking, sewage treatment and new incoming services.</p>

Plan Number(s):		
Reference	Name	Received
18-01-01A	Location Plan	12th November 2018
18-01-02	Proposed Site Layout	12th November 2018
18-01-03	Site Layout	12th November 2018
18-01-04	Proposed Floor Plans	12th November 2018
18-01-05	Proposed Site Layout	12th November 2018
18-01-06	Roof Plans	12th November 2018
18-01-07	Sections	12th November 2018
18-01-08	Sections	12th November 2018
18-01-09	Proposed Elevations	12th November 2018

<p>The application is also accompanied by:</p> <ul style="list-style-type: none"> - Design & Access Statement 	
<p>Applicant: Mr L Wiggins</p>	<p>Validated: 13 November 2018</p> <p>Date of expiry: 28 March 2019 (extension of time agreed with applicant)</p>
<p>Recommendation: Approve, subject to conditions.</p>	

This application is scheduled for determination by the Council's Planning Committee because the application has been called in by Cllr. S. Hebb, Cllr A. Jefferies, Cllr. G. Collins, Cllr. A. Anderson and Cllr. A. Watkins to consider potential loss of amenities and overshadowing of residential dwellings in accordance with Part 3 (b) 2.1 (c) of the

Council's constitution.

1.0 BACKGROUND AND DESCRIPTION OF PROPOSAL

1.1 This application seeks planning permission to construct a two storey commercial building featuring 6 workshop bays; three bays would be used fabrication workshops, the remaining would provide space for a mill shop, saw shop and storage facility. The building is proposed by the applicant to expand the Stanford Coachworks business which is presently located opposite the site.

2.0 SITE DESCRIPTION

2.1 The application site is found within the Stanhope Industrial Estate which is allocated as a Secondary Commercial and Industrial Area in the Council's Core Strategy. The site is currently used for open storage of vehicles in support of the existing vehicle conversion business opposite the site (Stanford Coachworks).

2.2 The site is enclosed with a metal security fence and surfaced with a permeable crushed hard base for hardstanding and traffic.

3.0 RELEVANT PLANNING HISTORY

3.1 The following table provides the planning history:

Application Reference	Description of Proposal	Decision
00/00037/FUL	Use of land for storage of motor vehicles	Approved
02/00192/OUT	Erection of building for the purpose of tyre shredding. Overnight parking of lorry. Vehicle de-pollution.	Approved
03/00282/REM	Erection of building for purpose of tyre shredding and vehicle de-pollution, overnight lorry parking	Approved
04/00888/OUT	Proposed facility for the manufacture of rubber matting from re-cycled tyres.	Refused

4.0 CONSULTATION 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 and public site notice which has been displayed nearby. One representation has been received which makes the following comment:

- Objects on the grounds of noise, light, air quality and waste pollution.
- Concern raised in relation to the potential impacts of the proposal on Stanford Wharf Nature Reserve (SWNR) and the adjacent SPA.

4.3 ENVIRONMENTAL HEALTH :

No objection subject to conditions.

4.4 HIGHWAYS :

No objection subject to conditions.

4.5 ARCHAEOLOGICAL ADVISOR :

No objection with condition.

4.6 ROYAL SOCIETY FOR THE PROTECTION OF BIRDS (RSPB):

The RSPB raised an objection to the proposal. They requested that the applicant needs to provide the Council with sufficient information for them to undertake a Habitats Regulations Assessment (HRA) as the application site lies within 40 metres of Stanhope Wharf RSPB reserve and within 500m of the Thames Estuary and Marshes Special Protection Area (SPA).

4.7 NATURAL ENGLAND:

Natural England has raised no objection to the development but a number of recommendations have been made for conditions to be put in place. The initial screening of this consultation indicates that one or more Impact Risk Zones have been triggered by the proposed development. This focuses specifically on the possible effects of foul drainage arrangements on the SSSI/SPA. A detailed note has been provided that gives specific guidance on what is permitted to be discharged. However they have advised that the Council's Ecology Advisor should be consulted for advice.

4.8 LANDSCAPE AND ECOLOGY ADVISOR :

No objection subject to conditions.

5.0 POLICY CONTEXT

5.1 The NPPF was published on 27th March 2012 and updated on the 19th February 2019. Paragraph 10 of the Framework sets out a presumption in favour of sustainable development. Paragraph 2 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 11 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:

- 2. Achieving sustainable development
- 4. Decision-making
- 6. Building a strong, competitive economy
- 12. Achieving well-designed places

5.2 Planning Policy 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 a range of subject areas, with each area containing several subtopics. Those of particular relevance to the determination of this planning application comprise:

- Design
- Determining a planning application
- Natural Environment
- Noise
- Use of Planning Conditions

5.3 Local Planning Policy

5.4 Thurrock Local Development Framework (as amended) 2015

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

OVERARCHING SUSTAINABLE DEVELOPMENT POLICY

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

SPATIAL POLICIES

- CSSP2 (Sustainable Employment Growth)

THEMATIC POLICIES

- CSTP6 (Strategic Employment Provision)
- CSTP19 (Biodiversity)
- CSTP22 (Thurrock Design)

POLICIES FOR MANAGEMENT OF DEVELOPMENT

- PMD1 (Minimising Pollution and Impacts on Amenity)²
- PMD2 (Design and Layout)²
- PMD7 (Biodiversity, Geological Conservation and Development)²
- PMD8 (Parking Standards)³

[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 Thurrock Local Plan

In February 2014 the Council embarked on the preparation of a new Local Plan for the Borough. Between February and April 2016 the Council consulted formally on an Issues and Options (Stage 1) document and simultaneously undertook a 'Call for Sites' exercise. In December 2018 the Council began consultation on an Issues and Options (Stage 2 Spatial Options and Sites) document.

5.6 Thurrock Design Strategy

In March 2017 the Council launched the Thurrock Design Strategy. The Design Strategy sets out the main design principles to be used by applicants for all new development in Thurrock. The Design Strategy is a supplementary planning document (SPD) which supports policies in the adopted Core Strategy.

6.0 **ASSESSMENT**

The material considerations for this application are as follows:

- I. Principle of the development
- II. Design and Layout
- III. Traffic Impact, Access and Car Parking
- IV. Landscape
- V. Impact Upon Ecology and Biodiversity
- VI. Other Matters

I. PRINCIPLE OF THE DEVELOPMENT

- 6.1 The site forms part of a designated Secondary Employment Area in the Core Strategy. The use of the site for small scale industrial units and storage (use classes B1/B8) is therefore acceptable in principle.
- 6.2 In accordance with paragraph 11 of the NPPF the proposal should be considered in the context of the principle of sustainable development. It is acknowledged that the site is located within a sustainable location in relatively close proximity to other industrial units.
- 6.3 The applicant has indicated that it is expected that 20 jobs would be created by the development, expanding an existing business in Thurrock thereby complying with the Council's objectives to promote job growth in this part of the Borough.
- 6.4 Accordingly the proposal is acceptable in principle and in accordance with Policies CSSP2 and CSTP6 of the Core Strategy.

II. DESIGN AND LAYOUT

- 6.5 The proposed building would measure 55.2m in width by 8m in depth by 7.8m in height with a flat roof.
- 6.6 A service road would run along one side of the site serving a parking apron in front of each bay with a turning head and further parking at the end.
- 6.7 The proposal would include three fabrication workshops, a mill workshop, a saw workshop and a storage facility. Each unit would include a mezzanine floor.
- 6.8 The proposed buildings are typical of many such commercial buildings throughout the commercial parts of the Borough and subject to the approval of details of materials via condition the development is considered to be acceptable given the location.
- 6.9 Given the above the proposal is considered to comply with the requirement of policies PMD1, PMD2, CSTP22 and CSTP23.

III. LANDSCAPING

- 6.10 The proposed site plan indicates that there is adequate scope for landscaping and screening. The full details of this could be secured by condition in the event of a grant of planning permission.
- 6.11 The detailed landscaping scheme would need to consider some additional planting along the southern boundary with the nature reserve. This would ensure an effective screen to this area.

IV. TRAFFIC IMPACT, ACCESS AND CAR PARKING

- 6.12 The proposed development is only to be used ancillary to the main business of Stanford Coachworks and the Council's Highways Officer has raised no objection to the proposal on this basis.
- 6.13 However, any sub-letting of units to third party will require submission of a Transport Assessment for consideration by the Highway Authority.
- 6.14 The proposed access and parking is considered to be acceptable and would accord with the requirements of Policy PMD8.

V. IMPACT UPON ECOLOGY AND BIODIVERSITY

- 6.15 No land on the application site forms part of any statutory internationally or nationally designated site. However, the edge of the proposed development is approximately 450m from Mucking Creek, the closest point to the Special Protection Area (SPA). The fabrication works would be carried out within the workshops which would be located further away from the nature reserve.
- 6.16 The application site is located close to internationally and nationally designated sites (Thames Estuary and Marshes SPA and Ramsar site). European sites are afforded protection under the Conservation of Habitats and Species Regulations 2010, as amended (the 'Habitats Regulations').
- 6.17 In considering the European site interest, the local planning authority, as a competent authority under the provisions of the Habitats Regulations, should have regard for any potential impacts that the proposals may have. The Habitat Regulations, which are a UK transposition of EU Directives relating to the conservation of natural habitats, flora and fauna and specifically wild birds, apply to certain designated sites including Special Protection Areas (SPA) and Ramsar sites. Of particular relevance to this application, regulation 61 of the Habitats Regulations requires, inter-alia, that:

Before deciding to give any permission for a plan which:

- (a) is likely to have a significant effect on a European Site (either alone or in combination with other plans or projects), and*
(b) is not directly connected with or necessary to the management of that site

The competent authority must make an appropriate assessment of the implications for that site in view of that site's conservation objectives.

- 6.18 Natural England has been consulted on this application because of the proximity of the proposed development to the SPA. Natural England have raised no objection to the development but a number of recommendations have been made for conditions to be put in place regarding foul and surface water drainage in order to ensure the development would not adversely affect the Great Crested Newt mitigation ponds within the adjacent nature reserve.
- 6.19 The consultation response received from the RSPB (summarised at paragraph 4.6 above) objects to the application on the grounds that the RSPB considers that insufficient information has been presented to enable the Council to undertake a full Habitats Regulations Assessment. Notwithstanding the content of this objection, the comments received from Natural England (the statutory consultee for planning applications affecting the natural environment) which do not have a holding objection on the proposal provide a detailed commentary on the Habitats Regulations. The conclusion of Natural England, cited at paragraph 6.8, is that the local planning authority rely on the advice of the of The Council's Landscape and Ecology advisor.
- 6.20 The Council's Landscape, Ecology and Arboriculture advisor has raised no objection to the proposal as it is considered that the proposed operations should not result in any activities that would on their own or in combination result in any disturbance to 'qualifying' species associated with the SPA.
- 6.21 It is therefore recommended that the local planning authority formally determine that, on the basis of the information available, the proposed development will not have a likely significant impact on a European site either alone or in combination with other plans or projects.

VI. OTHER MATTERS

- 6.22 The proposed commercial workshops and construction are sufficiently distant from the closest residential receptors that they will be unaffected by workshop activities.
- 6.23 The RSPB and DP World London gateway port has objected to the proposal and indicated that a Habitats Regulation Assessment should be required.

6.24 However, in the absence of any objection from Natural England nor the Council's Landscape, Ecology and Arboriculture advisor is considered that the proposed development would not have any significant effects on the qualifying interest of the SPA either alone or in-combination. Therefore it is considered that a request for a Habitats Regulation Assessment would be unreasonable in this instance.

6.25 There is already security lighting within the industrial park. The applicants recognise the need for any additional lighting to be designed to minimise light spillage outside of the site boundary. The details of the proposed lighting should be confirmed by condition.

7.0 CONCLUSIONS

7.1 The principle of the development is considered to be sound, matters of detail are also considered to be acceptable. The proposal is therefore recommended for approval.

8.0 RECOMMENDATION

8.1 Recommendation A:

That the local planning authority formally determine pursuant to regulation 61 of the Conservation of Habitats and Species Regulations 2010 (as amended), and on the basis of the information available, that the development proposed will not have a likely significant effect on a European site either alone or in combination with other plans or projects.

8.2 Recommendation B:

Approve, subject to the following conditions:

Time limit

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.

Plans

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

Plan Number(s):		
Reference	Name	Received
18-01-01A	Location Plan	12th November 2018

18-01-02	Proposed Site Layout	12th November 2018
18-01-03	Site Layout	12th November 2018
18-01-04	Proposed Floor Plans	12th November 2018
18-01-05	Proposed Site Layout	12th November 2018
18-01-06	Roof Plans	12th November 2018
18-01-07	Sections	12th November 2018
18-01-08	Sections	12th November 2018
18-01-09	Proposed Elevations	12th November 2018

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

Detail/sample materials

3. Notwithstanding the information on the approved plans, no development shall commence above ground level until written details or samples of all 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. The development shall be carried out using the materials and details as approved.

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 – Focused Review [2015].

Hours of work

4. No construction works in connection with the development shall take place on the site at any time on any Sunday or Bank / Public Holiday, nor on any other day except between 08.00 to 18.00 hours on Monday to Friday and 08.00 to 13.00 hours on Saturdays with no work on Sundays and Bank holidays.

Unless in association with an emergency or the prior written approval of the local planning authority has been obtained. If impact piling is required, these operations shall only take place between the hours of 0900 - 1800 hours on weekdays.

REASON: In the interest of protecting surrounding residential amenity and in accordance with Policy PMD1 of the Adopted Thurrock Local Development Framework Core Strategy and Policies for the Management of Development DPD [2015].

Construction Environmental Management Plan [CEMP]

5. 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) Wheel washing and sheeting of vehicles transporting loose aggregates or similar materials on or off site,
- (b) Measures to reduce dust,
- (c) Details of a procedure to deal with any unforeseen contamination, should it be encountered during development;
- (d) Details of security lighting layout and design; and
- (e) Contact details for site managers including information about community liaison including a method for handling and monitoring complaints.

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 LDF Core Strategy and Policies for the Management of Development [2015].

Archaeology

6. No demolition/development [or preliminary groundworks] shall take place until the applicant, or their agents or successors in title, has secured the implementation of a programme of archaeological work in accordance with a written scheme of investigation which has been submitted to and approved in writing by the local planning authority.

REASON : To ensure that investigation and recording of any remains takes place prior to commencement of development in accordance with Policy PMD4 of the adopted Thurrock LDF Core Strategy and Policies for the Management of Development [2015].

Details of lighting

7. Prior to the commencement of development above ground level the details of the means of external lighting shall be submitted to and agreed in writing with the local planning authority. The details shall include the siting and design of lighting together with details of the spread and intensity of the light sources and the level of luminance. The lighting shall be installed in accordance with the agreed details prior to first operational use of the development and retained and maintained thereafter in the agreed form, unless otherwise agreed in writing by the local planning authority.

REASON: In the interests of ecology and biodiversity and to ensure that the development can be integrated within its immediate surroundings in accordance with Policies PMD1 and PMD2 and PMD7 of the adopted Thurrock LDF Core Strategy and Policies for the Management of Development [2015].

Surface/Foul Water Drainage

8. No development shall commence until a surface / foul water management strategy has been submitted to and approved in writing by the local planning authority. The strategy shall be prepared according to Annex B (Septic tanks and treatment plants) of Natural England's guidance and shall include details of the means of connection, phasing of provision and capacity of the receptor system. The foul and surface water drainage systems shall be constructed in accordance with the approved strategy and maintained thereafter in accordance with it. There shall be no occupation of any building in the relevant phase of development until the approved foul water drainage system is in place.

REASON : To ensure the incorporation of an appropriate drainage scheme and to avoid pollution of the water environment and to minimise flood risk in accordance with policies PMD1 and PMD15 of the adopted Thurrock LDF Core Strategy and Policies for the Management of Development [2015].

Soft and Hard Landscaping Scheme

9. No development shall take place above ground level until full details of the provision and subsequent retention of both hard and soft landscape works on the site have been submitted to and approved in writing by the local planning authority. These details shall include:
- 1) Details of proposed schedules of species of trees and shrubs to be planted, planting layouts with stock sizes and planting numbers/densities.
 - 2) Details of the planting scheme implementation programme, including ground protection and preparation, weed clearance, stock sizes, seeding rates, planting methods, mulching, plant protection, staking and/or other support
 - 3) Details of the aftercare and maintenance programme

The soft landscape works shall be carried out as approved within the first available planting season (October to March inclusive) following the commencement of the development unless otherwise agreed in writing by the local planning authority. If within a period of five years from the date of the planting of any tree or plant, or any tree or plant planted in its replacement, is removed, uprooted, destroyed, dies, or becomes, in the opinion of the local planning authority, seriously damaged or defective, another tree or plant of the same species and size as that originally planted shall be planted in the same place, unless the local planning authority gives its written consent to any variation

Hard Landscape works

- 4) Details of walls with brick types, construction design and dimensions
- 5) Details of paved surfacing, with materials finishing and edgings

The hard landscape works shall be carried out as approved prior to the first use/ occupation of the development hereby approved and retained and maintained as such thereafter.

REASON : To secure appropriate landscaping of the site in the interests of visual amenity and the character of the area in accordance with policies CSTP18 and PMD2 of the adopted Thurrock LDF Core Strategy and Policies for the Management of Development [2015].

Light Industrial Use only

10. The development hereby permitted shall be used solely for purposes falling within the Class B1[c] of the Schedule to the Town & Country Planning [Use Classes] Order 1987 [as amended] ancillary to the use of the existing coachworks and for no other purpose [including any other purpose in Class B1 of the Schedule to the Town & Country Planning [Use Classes] Order 1987 [as amended], or any provision equivalent to that Class in any Statutory Instrument revoking or re-enacting that Order with or without modification].

Reason: The impact of the development has been assessed on the basis of the information submitted with this application. The use of the proposed development as part of a separate commercial operation could have highway and amenity implications which would require the submission of additional information to allow this to be fully assessed.

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

