

Reference: 22/00706/FUL	Site: Land Between Gunning Road And Globe Industrial Estate Towers Road Grays Essex
Ward: Little Thurrock Rectory	Proposal: Erection of 2 storey building for commercial purposes (Use Class E purposes - Commercial, Business, Service) with parking to rear

Plan Number(s):		
Reference	Name	Received
B201 REV B	Site Layout	19th July 2022
L201 REV C	Location Plan	19th July 2022
SK3.01 REV C	Proposed Site Layout	19th July 2022
SK3.02 REV B	Proposed Plans	19th July 2022
SK3.03 REV B	Proposed Elevations	19th July 2022
22-05-03 22.7694-M001	Location Plan	20th May 2022

The application is also accompanied by:	
<ul style="list-style-type: none"> - Planning Support Statement, ref. 22.7694 - Cover Letter dated 19th May 2022 	
Applicant: Gunning Road Thurrock Ltd	Validated: 20 May 2022 Date of expiry: 27 October 2022 (Agreed Extension of Time)
Recommendation: To Refuse	

This application is scheduled for determination by the Council's Planning Committee because it has been called in by Cllrs Carter, Churchman, Gledhill, Jefferies, Mayes and Sammons (in accordance with the Constitution Chapter 5, Part 3 (b), 2.1 (d) (ii)) to considered whether the proposal is in keeping with the street scene, the proximity to current properties, parking issues, late night/early morning working hours and noise impacts of the proposal.

1.0 DESCRIPTION OF PROPOSAL

- 1.1 This application seeks planning permission for the construction of a two-storey commercial building. The building would measure 7.2m in width, 7.2m in depth and 7.2m in height with a pitched roof. The building would, for all intents and purposes look similar to a converted two storey house with a shopfront. Three parking spaces are also proposed to the rear.
- 1.2 The building would be orientated such that the elevation that would be the front, which has a shopfront and separate personnel door would face onto Towers Road to the south. A cycle store and refuse area store would be in the east elevation while 3 parking spaces would be located to the rear of the building and would be accessed via a parking court and garage complex part of the Gunning Road estate.
- 1.3 The building would have usable commercial ground floor area of 26sq.m. and a first-floor office area of 21.8sq.m. Ancillary w/c facilities would be provided on both floors and each floor could be access independently of each other.
- 1.4 The scheme was originally submitted without any parking spaces, but during the course of the application the plans were amended to provide 3 spaces to the rear. (A full re-consultation was carried out on the revised scheme). This report relates solely to the revised plans and make no reference to the original scheme.

2.0 SITE DESCRIPTION

- 2.1 The application site is located within the Globeworks/Towers Road area which is allocated as a Secondary Commercial and Industrial Area in the Council's adopted Core Strategy. The site is close to the eastern boundary of this area.
- 2.2 To the immediate north, west and south boundaries the site adjoins the industrial area. To the east the site bounds the residential estate on Gunning Road.

3.0 RELEVANT HISTORY

None.

4.0 CONSULTATIONS AND REPRESENTATIONS

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

4.2 PUBLICITY:

This application has been advertised by way of individual neighbour notification letters and public site notice which has been displayed nearby. Consultations were carried out on the original scheme and the revised scheme with parking to the rear of the unit. Twenty-eight (28) comments were received directly to the Service objecting to the proposal. A further 45 letters were passed onto a local ward councillor. The comments were objecting to the proposal on the following grounds:

- Noise from development
- Highways, impacts on industrial area and access through residential streets
- Impacts on neighbour's amenity
- Overlooking

4.3 ENVIRONMENTAL HEALTH:

No objections.

4.4 HIGHWAYS:

Recommend refusal.

4.5 LANDSCAPE AND ECOLOGY:

No objections.

5.0 POLICY CONTEXT

National Planning Guidance

National Planning Policy Framework (NPPF)

5.1 The revised NPPF was published on 20 July 2021. Paragraph 11 of the Framework sets out a presumption in favour of sustainable development. This paragraph goes on to state that for decision taking this means:

- c) approving development proposals that accord with an up-to-date development plan without delay; or
- d) where there are no relevant development plan policies, or the policies which are most important for determining the application are out of date¹, granting permission unless:

- i. the application of policies in this Framework that protect areas or assets of particular importance provides a clear reason for refusing the development proposed²; or
- ii any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in this Framework taken as a whole.

¹ This includes, for applications involving the provision of housing, situations where the local planning authority cannot demonstrate a five year supply of deliverable housing sites ...

² The policies referred to are those in this Framework relating to: habitats sites and/or SSSIs, land designated as Green Belt, Local Green Space, AONBs, National Parks, Heritage Coast, irreplaceable habitats, designated heritage assets and areas at risk of flooding or coastal change.

The NPPF sets out the Government's planning policies. Paragraph 2 of the NPPF 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. The following chapter headings and content of the NPPF are particularly relevant to the consideration of the current proposals:

- 2. Achieving sustainable development
- 4. Decision-making
- 6. Building a strong, competitive economy
- 15. Conserving and enhancing the natural environment

National Planning Practice Guidance (PPG)

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

- Design: process and tools
- Light pollution
- Noise
- Use of Planning Conditions

Local Planning Policy

Thurrock Local Development Framework (as amended) 2015

- 5.3 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

SPATIAL POLICIES:

- CSSP2: Sustainable Employment Growth

THEMATIC POLICIES:

- CSTP6: Strategic Employment Provision
- CSTP19: Biodiversity
- CSTP22: Thurrock Design

POLICIES FOR THE MANAGEMENT OF DEVELOPMENT

- PMD1: Minimising Pollution and Impacts on Amenity
- PMD2: Design and Layout
- PMD7: Biodiversity, Geological Conservation and Development
- PMD8: Parking Standards
- PMD9: Road Network Hierarchy

Thurrock Local Plan

- 5.4 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, this consultation has now closed and the responses have been considered and reported to Council. On 23 October 2019 the Council agreed the publication of the Issues and Options 2 Report of Consultation on the Council’s website and agreed the approach to preparing a new Local Plan.

Thurrock Design Strategy

- 5.5 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

- 6.1 The assessment below covers the following areas:

- I. Principle of the development
- II. Design and layout
- III. Traffic impact, access and car parking
- IV. Impact on neighbour amenity
- V. Other Matters

I. PRINCIPLE OF THE DEVELOPMENT

- 6.2 Although some neighbours have referred to the site being on land forming a 'buffer zone' the site is shown to form part of an easternmost extreme of a designated Secondary Employment Area in the Core Strategy. The use of the site for a commercial use is acceptable given the Core Strategy allocation and the new building would be proportionate to the site area.
- 6.3 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.
- 6.4 A significant change to the Use Classes Order came into force on 21st April 2021. This brought together a variety of different uses that were previously in different classes (e.g. Retail was in A1, Industrial Uses which could be carried out in a residential area were in B1) into one new class, Class E "Commercial, business and service" which is subdivided into different sections. The applicant has applied for a Class E, use. It should be noted that Class B2 – General Industry, and Class B8 – Storage and Distribution remain as distinct use classes separate to Class E. It should also be noted that a "hot food takeaway" is now a *sui generis* use.

- 6.5 The unit is proposed to be used as a small showroom for visiting members of the public (VMP) on the ground floor and ancillary offices at first floor. The applicant has indicated that it is expected that 5 FTE jobs would be provided by the development, thereby complying with the Council's objectives to promote job growth in this part of the borough. Accordingly, the proposal is acceptable in principle and in accordance with policies CSSP2 and CSTP6 of the Core Strategy.
- 6.6 However, the proposal must comply with other criteria in the Core Strategy to be acceptable.

II. DESIGN AND LAYOUT

- 6.7 As described earlier in this report, the building has an almost domestic scale, form and external appearance. Given the location of the site on the extreme edge of the estate, close to residential properties, the overall design, scale and appearance of the building is not considered to be harmful to the character or the area or streetscene.
- 6.8 Given the above the proposal is considered to comply with the requirement of policies PMD2 and CSTP22.

III. TRAFFIC IMPACT, ACCESS AND CAR PARKING

- 6.9 Policy PMD2 requires that all developments should fully consider the impact on the area and contribute positively to the character of the area.
- 6.10 Policy PMD8 of the Core Strategy states that all development will be required to comply with the car parking standards and that development will not be permitted where it impacts adversely on capacity and safety.
- 6.11 Policy PMD9 to the adopted Core Strategy also sets out the criteria for development of new vehicular accesses or increased accesses onto the road network
- 6.12 The proposed layout shows 3 car parking spaces to the rear of the unit and 4 cycle spaces inside the building. The frontage of the site would be immediately adjacent to an established access to a commercial site to the west. The existing pavement to the front of the site is deep and some parking is laid out on the pavement to the east, and double yellow lines exist where the front of the site would be located (although not adjacent to on pavement parking). There is known to be a lack of suitable off street parking spaces for units in this vicinity.
- 6.13 The proposed spaces would be laid out with two spaces in a tandem form, and the 3rd space adjacent. The access to these spaces would not be taken from Towers

Road but would be taken from a parking court which serves properties in Gunning Road. The access would be to the front of garages in this parking court. The layout of the parking is such that vehicles accessing these spaces would either drive into the spaces and then back out of the spaces, turning around in the residential parking court or, turning around in the parking court, before backing into the spaces. The applicant has provided the Local Planning Authority with details which show that they have a right of access across this parking court into the site.

- 6.14 The Highways Officer is not satisfied with the layout commenting that *“There are concerns regarding access through this residential area and a private residential parking court plus in addition the parking is a bit awkward. It would be inappropriate to increase traffic movements through the existing shared surface and mix additional traffic with the current limited residential use.”* Whilst not objecting, per se, to the number of spaces he still has issues with the location of the building and potential for on street parking, commenting that *“...concerns still remain regarding this development and the potential for parking inappropriate areas particularly considering the proposed operation of the facility and the likelihood that vehicles will park in Towers Road to gain access to the facility. There is a significant parking problem on this industrial estate due to its lack of accessibility to public transport measures and although parking is being provided it is likely that due to ease of access from Towers Road that this application is likely to lead to further on-street parking exacerbating the existing parking issues on this estate.”* This on street parking is likely to be harmful and *“raises severe concerns for pedestrian safety as there are locations where parking occurs on footways making accessibility on parts of the estate difficult. At present this application would still not be supported on highway grounds”*.
- 6.15 The concerns of the Officer are considered to be real and justifiable. Whilst it might be possible that staff attending the site would park in the spaces on the site, it would be likely that any visiting members of the public (VMP) would park to the front of the premises and add to and exacerbate existing parking difficulties in the area. The operators of the unit would have no control over this, and if they were to direct VMP to the 3 parking spaces, if they were full it could lead to parking in the private residential parking court, leading to conflict and harm to the established residential occupiers.
- 6.16 Accordingly, at this time, it is considered that despite the provision of 3 off street car parking spaces, it is not possible to ensure that adequate and usable off-street parking could be made, and the proposal is likely to lead to increased on street parking to the detriment of pedestrian and highways safety in the area, contrary to Policies PMD2 and PMD8 of the Core Strategy.
- 6.17 Furthermore, the use of the space via the residential parking court is considered to be unacceptable in highways terms as it would result in increased vehicle traffic in the residential area and result in inappropriate commercial movements through a

traffic calmed residential area. It could lead to conflict on the highways network and in the private residential parking court on Gunning Road, the proposal would also be contrary to Policy PMD2 of the Core Strategy in this regard.

IV. IMPACT ON NEIGHBOUR AMENITY

- 6.18 Policy PMD1 states development will not be permitted where it would cause or is likely to cause unacceptable effects on the amenities of the area or the amenity, health, or safety of future occupiers of the site.
- 6.19 Policy PMD2 requires that all developments should contribute positively to the character of the area including local views, the townscape and a positive sense of place, developments should contribute positively to the appearance and character of the area.

Built Development

- 6.20 The site layout plans show the proposed building would be 10m to the southwest of No 1 Gunning Road, the closest residential property. Given this intervening distance, whilst there would be some change in terms of the physical built form, compared to the existing, it is considered the building would be suitably distant not to have such an impact on No1 to result in harm for which a reason for refusal could be substantiated.

Overlooking and loss of privacy

- 6.21 The layout of the building has been designed such that there are no windows proposed on the rear (north) elevation and on the (side) east elevation at first floor the closest window which looks east would serve a w/c which could be obscure glazed if permission were to be granted. A window is proposed towards the front of the east elevation, but this is so close to the front that is it not considered there would be harm to the privacy or amenity of No 1 Gunning Road as a result of overlooking.

Access to parking area

- 6.22 The highways impact on the access have already been considered in section III above but it warrants consideration too in terms of neighbour amenity. The parking court as detailed serves garages for a number of properties in Gunning Road. The side garden of No 1 Gunning Road immediately adjoins the parking court. At present the owners of this property could justifiably expect private motor vehicles to manoeuvre in the area, in connection with the residential use of these garages.
- 6.23 However, the proposal would introduce new vehicle movements into the parking court and these vehicles would have to pass directly alongside the side boundary to No 1 Gunning Road. And they would need to manoeuvre, to turn to back into or out of the spaces. Due to the commercial use of the building, it would be expected that vehicle movements would be more frequent than the existing residential use of the parking court and may involve more service vehicle movements as a result of the

use. Whilst the overall hours of use of the building could be conditioned, if permission were to be granted, the use within those times could not be suitably controlled.

- 6.24 The increase of vehicles using the parking court, in connection with a commercial use outside of the residential area are therefore considered to be harmful to nearby residents causing noise and distance and potential conflict with existing residential users of the parking court, contrary to Policies PMD1 and PMD2 of the Core Strategy.

V. OTHER MATTERS

- 6.25 Some vegetation is shown to be lost as part of the proposal, but there are no objections to the proposal from the Landscape & Ecology Officer on ecology grounds. Neither does he object in terms of the visual impact or street scene impact of the proposals.

7.0 CONCLUSIONS AND REASONS FOR RECOMMENDATION

- 7.1 The principle of the development for commercial use, subject to conditions could be acceptable given the location of the site. The overall design of the proposed building would be acceptable and the physical layout of the site and its relationship with the Towers Road and Gunning Road street scenes would be acceptable.
- 7.2 However, the proposal is deficient in its ability to provide off street parking in a suitable manner. The location of the parking would be unacceptable in highways terms and neighbour amenity terms and contrary to policies PMD1, PMD2 and PMD8 in that respect.
- 7.3 In addition it would not be possible to control potential on street parking which would undoubtedly result from the development and the proposal would be contrary to the highways and pedestrian safety in that respect and contrary to Policies PMD2 and PMD8 of the Core Strategy in that respect.

8.0 RECOMMENDATION

- 8.1 Refuse for the following reason(s):

- 1 The proposed development would, by reason of the failure to provide adequate appropriately accessible off-street parking, lead to inappropriate commercial use of residential roads for staff and customer vehicles leading to excessive movements and potential conflict on the road network and a residential parking court contrary to Policies PMD2 and PMD8 of the Core Strategy.

In addition, by reason of the failure to provide suitably accessible parking the

proposal would be likely to lead to inconsiderate and harmful on street and on pavement parking on Towers Road, leading to harm to pedestrian and highways safety, contrary to policies PMD2 and PMD8 of the Core Strategy.

- 2 The proposed use of the parking court on Gunning Road to access the 3 car parking spaces would lead to inappropriate commercial use of a residential parking court, with increased manoeuvring and vehicles activity, which would create noise and disturbance and be harmful to the privacy and amenity of nearby residents, in particular No 1 Gunning Road contrary to Policies PMD1 and PMD2 of the Core Strategy.

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

22/00706/FUL Land between Gunning Road And Globe Ind Est Towers Road Grays



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