

Reference: 24/00382/PIP	Site: Land To Rear Of 36 To 46 Grovelands Way Adjacent Bankfoot, Grays, Essex
Ward: Grays Riverside	Proposal: Permission in Principle for residential development comprising a new building containing 4 apartments with associated access, parking, cycle storage, refuse storage and amenity space.

Plan Number(s):		
Reference	Name	Received
23.1074 B.01 REV A	Block Plan	29 th March 2024
23.1074 L.01 REV A	Location Plan	29 th March 2024
23.1074 P.01 REV B	Proposed Site Layout	29 th March 2024
23.1074 P.02 REV A	Proposed Plans	29 th March 2024
23.1074 P.03 REV A	Proposed Elevations	29 th March 2024

The application is also accompanied by:

- Application form
- Supporting Statement
- CGI images

Applicant:
3242 Investments Limited

Validated:
4 April 2024
Date of expiry:
5 June 2024
(Extension of Time agreed)

Recommendation: Approve, subject to conditions:

This application is scheduled for determination by the Council’s Planning Committee because the application has been called in by Cllrs Morris-Cook, Kerin, Green, Hartstean and Shinnick in accordance with Part 3 (b) 2.1 (d) (i) of the Council’s Constitution to consider matters relating to traffic, noise, pollution to the surrounding area, and positioning of the apartments.

1.0 DESCRIPTION OF PROPOSAL

- 1.1 The application seeks 'Permission in Principle' (PIP) for residential development comprising 4 x one-bedroom flats. It is important to note that the drawings submitted are to be treated as indicative drawings at this stage, however they indicate that each flat would be 54.6sqm in size with either a patio area (15.7sqm) at ground floor or with a balcony (11.4sqm) provided to the two first-floor flats.
- 1.2 The access to the development would be from Bankfoot, a short distance north of the T-junction with Eastern Way. Parking would be provided in the form of one space per flat. A shared bin and cycle store would be provided to the north and in close proximity to the access onto Bankfoot.
- 1.3 The indicative drawings suggest that the building would be broadly cubed in shape with a simplistic pyramid shaped roof. No windows would be inserted in the western elevation which faces Grovelands Way.

2.0 SITE DESCRIPTION

- 2.1 The application site comprises a broadly rectangular parcel of land albeit the eastern boundary follows the curve of Eastern Way. The land is mostly flat and laid to lawn but with a raised bank along the western edge of the site where it joins an informal track adjacent to the garages of Grovelands Way.
- 2.2 To the north lies Bankfoot where the proposed access would be located; east is Eastern Way with Travis Perkins and Morrisons Petrol Station beyond; to the south lies further grass verges with National Tyres occupying an island surrounded by Eastern Way and London Road; to the west, the site adjoins the rear boundaries of 36-46 (evens) Grovelands Way.
- 2.3 The site is designated as falling within an area without notation on the Council's adopted Core Strategy Development Plan map.

3.0 RELEVANT HISTORY

- 3.1 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

PUBLICITY:

- 4.2 This application has been advertised by way of individual neighbour notification

letters and public site notices which have been displayed nearby.

4.3 Written objections have been received from one neighbour in Grovelands Way on the following grounds (as summarised):

- Increased noise levels from the site
- Loss of privacy/overlooking of properties in Grovelands Way
- Loss of trees and environmental impact
- Concerns over increased traffic, congestion and fly-tipping

ENVIRONMENTAL HEALTH:

4.4 This development has the potential to cause noise and dust impacts on surrounding residential properties and conditions are recommended to protect the amenity of existing residential properties close to the site:

4.5 No development shall commence on site (including demolition) until such time as a Construction and Environmental Management Plan has been submitted to and approved in writing by the local planning authority. As a minimum the plan shall cover:-

- (a) Dust mitigation and management measures.
- (b) The location and operation of plant and wheel washing facilities
- (c) Measure to reduce demolition and construction noise
- (d) Hours of operation
- (e) Details of a complaints procedure with a designated person on site responsible for complaint handling
- (f) Other site specific Environmental Protection issues as requested on a case by case basis
- (g) The development shall be undertaken in full accordance with the details approved under Parts a-f

4.6 Recommend restricting demolition and construction activities to the following hours: 08:00 to 18:00 Monday to Friday, 08:00 to 13:00 Saturdays with none on Sundays and Public Holidays. No bonfires should be permitted during demolition construction.

LANDSCAPE AND ECOLOGY ADVISOR:

4.7 This is a Permission in Principle application and therefore comments are limited to matters relating to policy matters rather than the technical details of the proposal.

4.8 The site is just outside the Zone of Influence of the Essex Coast RAMS and therefore would not require an HRA to be completed or tariff payment.

4.9 The site is not covered by any ecological designation. The site was cleared of trees

previously. None were covered by TPOs or other designation.

- 4.10 PIP applications are not within the scope of mandatory biodiversity net gain as it does not grant planning permission; however any subsequent technical details consent would be subject to the biodiversity net gain condition. Therefore, as part of that technical details application, a completed BNG metric and BNG statement would be required. The site was cleared of vegetation prior to this application and after 30th January 2020 and so has experienced habitat degradation. Under Schedule 14 of the Environment Act 2021 it will be necessary for the BNG metric to be based on this previous habitat baseline which should include an estimate of the trees that were reviewed. Given the complexity of this it would be necessary for a suitably qualified Ecologist to undertake this calculation as professional judgement would be required.
- 4.11 The red line boundary occupies part of what is a landscape buffer beside Eastern Way that contains no other development. The proposed building therefore would not integrate well with existing development without thoughtful design including robust landscaping. Suitable analysis and justification should be submitted with a technical details application.
- 4.12 There are no in principle objections to the proposal on landscape or ecology grounds; however, any detailed scheme will need to demonstrate how it can be better integrated into the streetscape through appropriate landscape enhancement.

HIGHWAYS:

- 4.13 Further information required.
- 4.14 The proposed access is close to the junction of Bankfoot and Eastern Way. Although Bankfoot is undesignated, in regards to Policy PMD9 Eastern Way is a Level 1 Urban Distributor Route and there are concerns with regards to the proposed access in Bankfoot being in close proximity to this busy junction. In this respect there would be severe concerns regarding this proposal in regards access to the highway and its impact on the junction of Bankfoot and Eastern Way. At present it is considered that this proposal would be contrary to Policy PMD9 for road safety issues and a reason for refusal substantiated.
- 4.15 The current parking standards require 1 to 1.5 parking spaces per dwelling in a Medium accessibility area and 0.5 visitors space per dwelling. Therefore, the parking requirement for this development should be 6 parking spaces. It is accepted that this development is close to the town centre, however, it is still considered that, in view of the location, the minimum parking standard should be achieved. For developments with 50 spaces or fewer 1 electric vehicle charging space is to be provided and the remaining spaces should include passive provision and a blue badge space provided. There should also be 1 secure and covered cycle space per dwelling and 1 visitor cycle space per dwelling.

- 4.16 This area already suffers with the migration of on-street parking within the Bankfoot estate and there are controls to regulate the on-street parking within the Bankfoot development.
- 4.17 The layout of the access seems somewhat convoluted and it would appear that the visibility splays are potentially outside the ownership of the applicant and it is also not clear that the necessary visibility splays could be achieved. In regards servicing, it would appear that there is insufficient space to turn a large vehicle within the development therefore servicing is likely to take place from Eastern Way or within the bellmouth of the junction. From a highways safety point of view this would be unacceptable.
- 4.18 On balance, having reviewed the submission within this application, there are concerns regarding access to the highway, visibility, parking and servicing. Therefore, in the round, this proposal would not currently be supported on highways safety grounds PMD9, PMD8 and PMD2.

CADENT GAS:

- 4.19 No objection subject to a planning informative being included.

5.0 POLICY CONTEXT

Permission in Principle Legislation

- 5.1 The Town and Country Planning (Permission in Principle) Order 2017 (as amended).

National Planning Guidance

National Planning Policy Framework (NPPF)

- 5.2 The revised NPPF was published on 19 December 2023 and sets out the government's planning policies. 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 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.

5.3 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
- 5. Delivering a sufficient supply of homes
- 15. Conserving and enhancing the natural environment

National Planning Practice Guidance (NPPG)

5.4 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

- Determining a planning application
- Housing and economic land availability assessment
- Housing and economic needs assessment
- Housing: optional technical standards
- Noise
- Permission in principle
- Transport evidence bases in plan making and decision taking
- Travel plans, transport assessments and statements in decision-taking
- Use of Planning Conditions

Local Planning Policy

Thurrock Local Development Framework (as amended) 2015

- 5.5 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:

- CSSP1: Sustainable Housing and Locations
- CSSP5: Sustainable Greengrid

THEMATIC POLICIES:

- CSTP1: Strategic Housing Provision
- CSTP2: The Provision of Affordable Housing
- CSTP18: Green Infrastructure
- CSTP19: Biodiversity
- CSTP22: Thurrock Design
- CSTP23: Thurrock Character and Distinctiveness

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

5.6 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. In December 2023 the Council began Initial Proposals Consultation (Regulation 18).

Thurrock Design Strategy

5.7 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. PROCEDURAL MATTERS
- II. LOCATION
- III. LAND USE
- IV. AMOUNT OF DEVELOPMENT
- V. OTHER MATTERS

I. PROCEDURAL MATTERS

6.2 This application seeks 'Permission in Principle' for the erection of a building comprising 4 x one-bed flats together with parking, bin and cycles stores, and an access onto Bankfoot. The Permission in Principle (PIP) consent route is an alternative way of obtaining planning permission for housing-led development which

separates the consideration of matters of principle for proposed development from the technical detail of the development. The PIP consent route has 2 stages: the first stage (or Permission in Principle stage) establishes whether a site is suitable in principle, and the second ('technical details consent') stage is when the detailed development proposals are assessed.

- 6.3 Within this first stage, the only matters that the LPA can take into consideration are the location, land use, and amount of development. These are discussed in turn below. Any planning matters falling outside of these three areas of consideration must be considered at stage 2, once 'Permission in Principle' has been granted.

II. LOCATION

- 6.4 The proposal relates to a parcel of undeveloped land to the west of, and adjoining, Eastern Way. In visual terms, it does not appear that the site would be an appropriate location for housing development, particularly as these green verges to the side of primary traffic routes act as important buffers for matters such as noise and pollution. However, as explained above, it is only the 'principle' of development that can be considered at this stage and planning matters, such as the impact on neighbours or the living conditions of future occupiers of the development are to be considered at the technical details stage.
- 6.5 In assessing this application, officers have considered case law and recent planning appeals for applications relating to applications for 'Permission in Principle'. It appears from research that appeals in relation to 'PIP' applications are overwhelmingly allowed by the Planning Inspectorate (PINS). Officers found two examples of appeals that were dismissed and these were: APP/R3325/W/20/3251580 (Land at Eastfield Farm, Eastfield Lane, Somerset TA18 7SW) and APP/Z0923/W/22/3305468 (Land adjacent to Spout House Stables, Sandwith, Whitehaven, Cumbria CA28 9UG). In relation to both appeals, the Planning Inspector explained that the sites were in rural locations where the future occupiers of the site would have been dependent upon the use of private motor vehicles. As such, those sites were not considered suitable in locational terms. It does not appear that the same could be said for this site adjacent to Eastern Way as the future occupiers would have reasonably good access to public transport and several facilities and services are available within a short walking distance.
- 6.6 The loss of grass verges within Grays would be regrettable, however it is acknowledged that the proposals would be seen in the context of a built-up part of the town centre. Although the proposal would appear as a standalone development

which does not relate particularly well to Grovelands Way, it would not be considered 'isolated' in planning terms. In the context of other built form, both commercial and residential, it would be difficult to demonstrate that the application site is not suitable in principle. This is further discussed in the 'land use' section below.

- 6.7 Officers are therefore of the view that objections in relation to 'location' could not be substantiated in this instance, based on case law and appeal decisions that have been researched and considered in assessing this application.

III. LAND USE

- 6.8 The application site has no specific land use designation within the adopted Core Strategy maps. In other words, it does not fall within the Green Belt or a Conservation Area, or similar, such that there may be concerns over the principle of new development on this land. As the site is without specific designation within the Core Strategy, the principle of residential development is considered acceptable in terms of the adopted local plan (2015 Core Strategy). As set out in the NPPF, it is the Government's intention to significantly boost the supply of housing and the purpose of the 'PIP' application route is to promote sites that may be suitable for housing development, subject to consent also being granted at the Technical Details stage.

IV. AMOUNT OF DEVELOPMENT

- 6.9 The amount of development is considered to be acceptable in terms of the principle of development. The proposed two storey building would be seen in the context of Grovelands Way which also comprises two storey buildings, albeit arranged in rows of terraces rather than a block of flats.
- 6.10 It is noted that application forms for PIP applications require a minimum and maximum number of dwellings proposed. In this case, the suggestion is up to 6 dwellings. The impacts cannot be fully considered until this number is known at the Technical Details stage. However, given the concerns raised elsewhere in this report, not least in relation to highway safety and a lack of parking, the applicant would need to demonstrate at the Technical Details stage that the number of dwellings would be acceptable in relation to these detailed matters.
- 6.11 At this stage, based upon the information submitted and within the indicative plans provided, officers do not consider that a reason for refusal could be substantiated in relation to the minimum amount of development. It does not appear that the proposal, if indeed for four dwellings, would be cramped or an overdevelopment of the site at

this stage. This may change if the applicant indicates additional parking at the Technical Details stage, but this matter cannot be considered further until the next stage.

- 6.12 Again, it is important to reiterate that the plans are only indicative at this stage and may be subject to change at the Technical Details stage. As such, it does not appear that a reason for refusal could be substantiated in relation to the amount of development.

V. OTHER MATTERS

- 6.13 As already explained above, the 'Permission in Principle' route and, in particular, stage 1, requires that only location, land use and amount of development can be considered. Therefore, whilst the neighbour and local Councillor concerns are acknowledged and appear merited in relation to detailed matters, the application cannot be refused for those reasons at this first 'in principle' stage.
- 6.14 As set out above in this report, the Highway Officer has raised 'severe concerns' with the proposed access given its close proximity to a busy junction (Bankfoot and Eastern Way); the likely lack of sufficient visibility splays, which may not be entirely within the ownership of the applicant; and concerns have also been raised with regard to sufficient parking and servicing of the site. These are all matters to be considered at the Technical Details stage, however at this stage it is nonetheless considered important to raise these fundamental concerns.
- 6.15 As explained by the Landscape and Ecology Consultant above, the applicant will need to demonstrate at the Technical Details stage that a Biodiversity Net Gain (BNG) can be achieved, and this will be based on the habitat baseline that existed prior to trees being removed from the site. At this stage, it does appear difficult for the applicant to be able to meet this requirement at the Technical Details stage, but it cannot form a reason for refusal at this 'in principle' stage.
- 6.16 The Council's Environmental Health Officer has requested that a Construction and Environment Management Plan be secured via a planning condition. The reason given is to protect the amenity of residential properties nearby. As already explained, impacts on neighbours would be a consideration at the Technical Details stage. Therefore, it would be appropriate to impose this condition if permission is granted at the next stage.
- 6.17 As also set out above, an objection has been received from a neighbour in

Grovelands Way citing concerns over noise, loss of privacy, environmental impacts and impacts from traffic, amongst other things. These are all issues that would be considered at the Technical Details stage.

7.0 CONCLUSIONS AND REASON(S) FOR APPROVAL

7.1 The proposal is considered acceptable in terms of what The Town and Country Planning (Permission in Principle) Order 2017 (as amended) legislation allows to be considered at this stage.

7.2 Nonetheless, officers consider it appropriate to raise concerns at this stage with the likely issues in relation to environmental impacts and highway safety issues, amongst others, which are likely to be significant barriers to achieving an acceptable development at the Technical Details stage.

8.0 RECOMMENDATION

8.1 Approve, subject to the following condition:

Technical Detail

1. Technical detail consent shall be applied for and approved within the three-year time limit of this permission in principle consent.

Reason: As directed by The Town and Country Planning (Permission in Principle) Order 2017 (as amended).

INFORMATIVES:

1. Town and Country Planning (Development Management Procedure) (England) Order 2015 (as amended) - Positive and Proactive Statement:

The Local Planning Authority has acted positively and proactively in determining this application by assessing the proposal against all material considerations, including planning policies and any representations that may have been received and subsequently determining to grant planning permission in accordance with the presumption in favour of sustainable development, as set out within the National Planning Policy Framework.

2. Cadent Gas Ltd own and operate the gas infrastructure within the area of your

development. There may be a legal interest (easements and other rights) in the land that restrict activity in proximity to Cadent assets in private land. The applicant must ensure that the proposed works do not infringe on legal rights of access and or restrictive covenants that exist.

If buildings or structures are proposed directly above the apparatus the development may only take place following diversion of the apparatus. The applicant should apply online to have apparatus diverted in advance of any works, by visiting cadentgas.com/diversions

Prior to carrying out works, including the construction of access points, please register on www.linesearchbeforeudig.co.uk to submit details of the planned works for review, ensuring requirements are adhered to.

Documents:

All background documents including application forms, drawings and other supporting documentation relating to this application can be viewed online: <http://regs.thurrock.gov.uk/online-applications>

