

Reference: 15/01127/FUL	Site: Land Rear Of 506 - 518 London Road West Thurrock Essex
Ward: West Thurrock And South Stifford	Proposal: Retention of erection of three metre high security fence.

Plan Number(s):		
Reference	Name	Received
Project No.5031 01	Location Plan	18 th September 2015
Project No.5031 03	Location Plan	26 th October 2015
Project No.5031 04	Typical Palisade Fence Detail	26 th October 2015

The application is also accompanied by:	
<ul style="list-style-type: none"> - Photos - Design and Access Statement 	
Applicant: Mr Gary Carpenter	Validated: 26 October 2015 Date of expiry: 21 December 2015
Recommendation: Approve, subject to conditions.	

This application has been called in by Councillors Gerrish, Holloway, B Rice, G Rice and Worrall to consider the impact of the development on local residents and the impact of the development upon protected species.

1.0 Description of Proposal

1.1 This application seeks planning permission to retain a 3m high steel palisade fence around the perimeter of the site. The application has been submitted following enforcement investigations.

2.0 Site Description

- 2.1 The 0.8 ha application site is a rectangular area of land immediately north of the existing Harris DAF site which is used to sell and service DAF commercial vehicles. The site is currently open and is predominantly grassed with some established trees and vegetation.
- 2.2 The site is bounded to the east by residential properties fronting London Road. Allotment gardens are found to the rear of the residential properties. To the south and west are industrial and commercial uses. Designated open space known as Anchor Field is found to the north of the application site.
- 2.3 Footpath No.16 is found north of the application site; it runs along the eastern boundary of Anchor Field, across the northern edge of the application site and crosses West Thurrock Way to the west.

3. Relevant History

Reference	Description	Decision
15/00228/CBRCH	Enforcement investigation regarding new fencing to rear of site without planning permission	Planning application submitted (the application is subject of this report)
09/00043/TTGFUL	Extension of workshop building and extension of site northwards to include part of the land at Anchor Field to accommodate concrete hardstanding parking for 11 HGVs, 6 LGVs and 31 cars associated with Harris DAFs operations.	Refused
73/00633/OUT	Erection of buildings for repair maintenance and parking facilities for passenger and commercial vehicles, storage of goods in transit. (OUTLINE)	Refused
68/00908/FUL	Vehicular Access (Amended Plan received 18.2.69.) (Details)	Approved
67/00853/FUL	Industrial and commercial development	Refused

4.0 Consultations and Representations

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/15/01127/FUL

PUBLICITY:

- 4.1 This application has been advertised by the display of a public site notice and individual neighbour letters. No responses have been received. Members will be updated should any letters of representation be received.

PUBLIC FOOTPATHS:

- 4.2 No objections.

HIGHWAYS:

- 4.3 No objections.

LANDSCAPE AND ECOLOGY:

- 4.4 No objection to the erection of the fence, but concern raised to potential future impacts.

ESSEX WILDLIFE TRUST:

- 4.5 No objection.

5. Policy Context

National Planning Policy Framework

- 5.1 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.

7. Requiring good design

Planning Practice Guidance (PPG)

- 5.3 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 sub-topics. Those of particular relevance to the determination of this planning application comprise:

- The use of planning conditions.

Local Planning Policy

Thurrock Local Development Framework

- 5.4 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:

Policies for the Management of Development:

PMD1 (Minimising Pollution and Impacts on Amenity)²

PMD2 (Design and Layout)²

The Core Strategy has been subject to a focused review for consistency with the (NPPF). The focused review document was submitted to the Secretary of State for independent examination on 1 August 2013, and examination hearings took place on 8 April 2014. The inspector's report was received in October 2014. Minor changes have been made to some policies within the Core Strategy; the policies affected by the changes are indicated above.

1: New Policy inserted by the Focused Review of the LDF Core Strategy. 2: Wording of LDF-CS Policy and forward amended either in part or in full by the Focused Review of the LDF Core Strategy. 3: Wording of forward to LDF-CS Policy amended either in part or in full by the Focused Review of the LDF Core Strategy.

Focused Review of the LDF Core Strategy

- 5.5 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. Thurrock Council adopted the Core Strategy and Policies for Management of Development Focussed Review: Consistency with National Planning Policy Framework on 28 January 2015.

Draft Site Specific Allocations and Policies DPD

- 5.6 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 application site has no allocation within either of these draft documents. The Planning Inspectorate is advising local authorities not to continue to progress their Site Allocation Plans towards examination where their previously adopted Core Strategy is no longer in compliance with the NPPF. This is the situation in Thurrock. The report to the 12th February 2014 Cabinet sets out a number of options for taking forward development plan making in Thurrock. Work has commenced on the production on a new integrated Local Plan. In light of this, there will be a fresh call for sites and the draft SSADPD will not be advanced.

Thurrock Core Strategy Position Statement and Approval for the Preparation of a

New Local Plan for Thurrock

- 5.7 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

- 6.1 The principal issues to be considered in this case are:

- I. Plan designation and principle of development
- II. Design and appearance
- III. Neighbour amenity, landscape and ecology Impact
- IV. Highway and public footpath impact

I. PLAN DESIGNATION AND PRINCIPLE OF DEVELOPMENT

- 6.2 The application site is without formal designation on the Interim Proposal Map accompanying the Core Strategy; in such locations it is envisaged that land will continue the same use, though this does not necessary preclude alternative development options, subject to compliance with other policies within the Development Plan.

- 6.3 Members should be aware that the applicant could enclose the application site using 2m high fencing without planning permission (utilising Schedule 2, Part 2 Class A of the Town and Country Planning Act 1995 as amended). The application does not propose any change of use of the land.

- 6.4 In light of the above, no objection is raised to the principle of fencing in this location.

II. DESIGN AND APPEARANCE

- 6.5 The palisade fencing is of a commercial appearance, similar to other fencing in the location. The fence has a limited impact on the appearance and character of the locality. No objection is therefore raised under LDF CS Policy PMD1.

III. NEIGHBOUR AMENITY, LANDSCAPE AND ECOLOGY IMPACT

- 6.6 The closest neighbours to the site are located on London Road with their rear private gardens situated to the east of the application site approximately 35m southeast of the application site. The fencing would not be likely to result in any significant detrimental impact upon the amenities or privacies enjoyed by any nearby neighbours. The proposal is considered to comply with LDF CS Policy PMD2 with respect to its impact upon neighbours.

- 6.7 The land to the north of the application site is owned by the Council and is designated a Local Wildlife Site due to its important invertebrate assemblages and

the presence of three species of reptile. The Essex Wildlife Trust has recently signed an agreement with the Council to begin to manage the area.

- 6.8 The Council's Landscape and Ecology Advisor has raised concern that the enclosure of the application site may lead to the loss of biodiversity value within the Local Wildlife Site. However, given that the permitted development 'fall-back' position described above, it is not considered that an objection could be sustained at appeal.
- 6.9 In light of the above, the application is therefore considered to be compliant with LDF CS Policies PMD1 and PMD2 with regards to its impact upon landscaping and ecology.

IX. HIGHWAY AND PUBLIC FOOTPATH IMPACT

- 6.10 The Council's Highway Officer has raised no objections and the fencing would not interfere with Footpath No.16. Aerial photographs indicate that there is a well-worn track to the east of the application site which provides informal access from London Road to Footpath No.16. The fencing would not affect the continued use of this track.

7.0 Conclusions and Reason(S) For Approval

- 7.1 There is no objection to the principle of the development and it would be unlikely to have a demonstrably negative impact upon the local landscape. The fence would not interfere with established public rights of way in the location and the amenities of local residents would be unaffected. The objection from the Council's Ecology Advisor has been carefully considered but it not considered sufficient in this case to outweigh the factors that led to the following recommendation.

8.0 Recommendation

Approve, subject to the following conditions:

Condition(s):

TIME LIMIT

- 1 Notwithstanding the time limits given to implement planning permission as prescribed by Sections 91 and 92 of the Town and Country Planning Act 1990 (as amended), this permission (being granted under section 73A of the Act in respect of development already carried out) shall have effect from 8th September 2015.

REASON: To ensure clarification of the works commenced in accordance with Section 73A of Chapter 8, Part III, of the Town and Country Planning Act 1990.

ACCORDANCE WITH PLANS

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

Plan Number(s):		
Reference	Name	Received
Project No.5031 01	Location Plan	18 th September 2015
Project No.5031 03	Location Plan	26 th October 2015
Project No.5031 04	Typical Pallisade Fence Detail	26 th October 2015

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

INFORMATIVE:

For the avoidance of doubt this permission relates solely to the provision of 3m high palisade fencing around the perimeter of the site. It does not provide any consent to develop the site or change the use of the site which would be subject to separate planning consent.

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/15/01127/FUL

Alternatively, hard copies are also available to view at Planning, Thurrock Council, Civic Offices, New Road, Grays, Essex, RM17 6SL.



