

<p>Reference: 15/01483/FUL</p>	<p>Site: Land east of St. Andrew’s Road, north of Gaylor Road and west of Dock Road, Tilbury.</p>
<p>Ward: Tilbury St. Chads</p>	<p>Proposal: Full planning application for development of southern part of London Distribution Park (approved under outline planning permission 14/00487/CV) for new sortation and fulfilment centre comprising warehouse and distribution building (B8) with ancillary offices and yard areas, security and amenity buildings, staff car parking, circulation routes and landscaping, with access from existing roundabout on A1089 and formation of new access from Dock Road.</p>

Plan Number(s):		
<u>Reference</u>	<u>Name</u>	<u>Received</u>
ANT-30813-PL-100 C	Site Location	16.12.15
ANT-30813-PL-101 D	Site Layout	11.03.16
ANT-30813-PL-102 B	Warehouse Level 1	16.12.15
ANT-30813-PL-103 B	Warehouse Level 2	16.12.15
ANT-30813-PL-104 B	Warehouse Level 3	16.12.15
ANT-30813-PL-105 B	Warehouse Level 4	16.12.15
ANT-30813-PL-106 B	Warehouse Level 5	16.12.15
ANT-30813-PL-107 B	Warehouse Level 6	16.12.15
ANT-30813-PL-109 B	Office Level 1 Pod Levels 1, 2 & 3	16.12.15
ANT-30813-PL-110 B	Office Level 3	16.12.15
ANT-30813-PL-111 B	Indicative Sections	16.12.15
ANT-30813-PL-112 C	Elevations	11.03.16
ANT-30813-PL-113 C	Elevations Office and Office Pod	11.03.16
ANT-30813-PL-114 B	Decked Carpark Floor Plans Levels 1 & 2 (Sheet 1 of 2)	16.12.16
ANT-30813-PL-115 B	Decked Carpark Floor Plans Levels 3 & 4 (Sheet 2 of 2)	16.12.16
ANT-30813-PL-116 B	Decked Car Parking Elevations	16.12.16
ANT-30813-PL-117 B	Truck Drivers Toilet Plan and Elevations	16.12.16
ANT-30813-PL-118 B	Exit Gatehouse Plans and Elevations	16.12.16
ANT-30813-PL-119 D	Illustrative Coloured Site Layout	11.03.16
ANT-30813-PL-120 C	Illustrative Coloured Elevation	11.03.16
ANT-30813-PL-121 B	Entrance Gatehouse Plan and Elevations	16.12.16
ITB10336-GA-004 A	Proposed Roundabout South West Corner of Site Along A126 Dock Road	16.12.16
2381-SK-2 B	Landscape Proposals	11.03.16
2381-SK-3	Tree Planting in Hard Surfaces	11.03.16
2381-SK-4	Typical Tree Pit Details	11.03.16

The application is also accompanied by:

- Design and Access Statement;
- Energy Statement;
- Environmental Statement Addendum with Technical Appendices comprising the following chapter headings –;
 - Introduction
 - Description of site and surroundings
 - Description of the proposals
 - Planning policy context
 - Alternatives
 - Landscape and visual impact
 - Ecology
 - Cultural heritage and archaeology
 - Transportation
 - Socio-economic considerations
 - Hydrogeology and ground conditions
 - Water resources
 - Noise and vibration
 - Air quality (with additional technical note)
 - Natural resources and waste
 - Inter-relationships between topics
 - Inter-relationships with other developments
- Environmental Statement Non-Technical Summary;
- Lighting Strategy;
- Planning Statement;
- Transport Statement (with Additional Network Assessments / Addendum); and
- Travel Plan.

Applicant:

London Distribution Park LLP

Validated:

17 December 2015

Date of expiry:

30 June 2016

(Article 34 extension of time agreed)

Recommendation: Grant planning permission subject to the completion of a s106 legal agreement and planning conditions

1.0 BACKGROUND

1.1 A report for this planning application appeared on the agenda for the Planning Committee meeting on 7th April 2016. However, prior to the meeting Officers received a formal request from the applicant for consideration of the application to be deferred. The reason given by the applicant was to allow for further discussions

regarding the recommended planning conditions, particularly condition nos. 16 (freight quality management plan), 17 (operational performance plan), 22 (construction working hours), 30 (mezzanine floors), 31 (low emissions strategy), 35 (secondary access) and 37 (staff change-over periods). Since the deferral of the application from the April Committee, meetings have been held between Officers and the applicant and between the applicant and Highways England (HE).

1.2 A copy of the report which appeared on the agenda for the Planning Committee meeting of 7th April 2016 is attached at Appendix 1. The application remains recommended for approval as detailed in the appended report, subject to the revised planning conditions and s.106 obligations set out within this update report.

1.3 **UPDATED PLANNING CONDITONS**

1.4 Condition 16 – Freight Quality Management Plan (FQMP):

As worded within the report to the 7th April 2016 Planning Committee, this condition required the development to be operated in accordance with a FQMP submitted and approved pursuant to the previous outline planning permission (as amended). The approved FQMP was a generic document reflecting the fact that, at the time of its submission, there was no known occupier of the site. As a known occupier of the development is now available, the applicant has submitted a 'framework' FQMP which is specific to the intended occupier. The wording of the planning condition can therefore be amended to reflect the fact that that a bespoke framework FQMP has now been submitted for the intended occupier. Therefore, it is recommended that condition no. 16 on the attached report should now read:

“Prior to first occupation or operation of the development, a Freight Quality Management Plan (FQMP) shall be submitted to and approved in writing by the local planning authority. The submitted FQMP shall be based on the principles of the ‘Freight Quality Management Plan Framework’ (ref. PH/RH/ITB10336-008 TN) dated 22nd April 2016. The development, following first occupation or operation, shall be operated in accordance with the approved FQMP, unless otherwise agreed in writing by the local planning authority.

REASON: To ensure that the strategic road network can continue to operate as part of the national system of routes for through traffic in accordance with Section 10(2) of the Highways Act 1980, and to satisfy the reasonable requirements of safety of traffic on the strategic road network in accordance with Policies PMD9 and PMD11 of the Thurrock Core Strategy and Policies for the Management of Development DPD (2011).”

1.5 Condition 17 – Operational Performance Plan (OPP):

This planning condition was required by the HE when they responded to the original outline planning application for development on the site in 2010 (planning

application ref. 10/50157/TTGOUT). Details to comply with the requirements of the planning condition were submitted to the Council and subsequently approved via application ref. 15/00385/CONDC. For the purposes of consistency, the condition was re-attached in the appended report. However, in the consultation response from HE to the current application a requirement for an OPP is not sought. Proposed condition no. 37 (staff change-over periods) supersedes the necessity of an OPP and the applicant considers that, in these circumstances, condition no. 17 is no longer required. HE has now confirmed that an OPP is unnecessary as the performance of the strategic road network will be managed via planning conditions and s.106 obligations. It is recommended therefore that condition no. 17 on the attached report is deleted.

1.6 Condition 22 – Construction working hours:

As worded within the report to the 7th April 2016 Planning Committee, this condition only permits construction works within specified days / hours unless in association with an emergency and with the prior written approval of the local planning authority. The reasons for this condition are robust, however there could be occasions when non-noisy construction activities (such as internal fit-out) may be required outside of the specified days / hours. An amendment to the wording of the condition is considered reasonable to allow for 'out of hours' construction activities when associated with an emergency and / or with prior written consent. Therefore, it is recommended that condition no. 22 on the attached report should now read:

“No construction works in connection with the development hereby approved shall take place on the site at any time on any Sunday or Bank or Public Holiday, nor on any other day except between the following times:

*Monday to Friday 0800-1800 hours
Saturday 0800-1300 hours*

Unless in association with an emergency and / or with the prior written approval of the local planning authority. If impact driven piling is required, the method of piling should be previously agreed in writing by the local planning authority and piling operations shall only take place between 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 (2011).”

1.7 Condition 30 – Mezzanine floors:

For the avoidance of doubt an amendment is suggested to the wording of this condition to make clear that the need for future planning permission for mezzanine floors excludes any such floors shown on the approved plans. Therefore, it is

recommended that condition no. 30 on the attached report should now read:

“Notwithstanding the provisions of Part 7, Class H of Schedule 2 to the Town and Country Planning (General Permitted Development) (England) Order 2015 (or any Order revising, revoking and re-enacting that Order with or without modification)) no enlargement by way of extension of floorspace, including the installation of a mezzanine floor in addition to those shown on the approved drawings, shall be formed in the building(s) hereby permitted without express planning permission first being obtained. For the purposes of this condition mezzanine floors shall be treated as new floorspace unless they are solely to provide for safe access to stacked or stored goods.

REASON: In order to accord with the terms of the submitted planning application and in the interests of highways safety and amenity.”

1.8 Condition 31 – Low Emission Strategy:

The applicant's suggestion for a Low Emissions Strategy was included as mitigation in the submitted air quality assessment, due to the prediction of significant impacts on annual mean NO₂ concentrations at dwellings adjacent to the A13 in North Stifford. However, new air quality monitoring data from the Council indicated that air quality in this area is not as poor as previously thought and an updated air quality assessment submitted by the applicant predicted a negligible impact in NO₂ concentrations. In light of the measures within the proposed Travel Plan to promote sustainable transport modes and the submission of a framework Freight Quality Management Plan (FQMP - referred to by condition no. 16 above), the applicant considers that a low emissions strategy is no longer necessary. The framework FQMP now cites the contribution to local air quality management as a benefit flowing from the objectives of the FQMP in optimising non-road based freight and encouraging optimum use of HGV capacity. It is considered that these FQMP objectives, alongside Travel Plan measures, would duplicate the objectives of a Low Emissions Strategy. Consequently a specific planning condition requiring such a strategy is unnecessary and it is recommended that condition no. 31 on the attached report is deleted.

1.9 Condition 35 – Secondary access:

As worded within the report to the 7th April 2016 Planning Committee this condition restricts use of the secondary access onto Dock Road as a through route by HGV's and OGV's from the 'wider development'. The 'main site' subject to the outline planning permission includes the Travis Perkins plot and casual user lorry park plot, which are now operational. These plots are located outside of the application site and, as worded, the condition could enable the Council to enforce against the applicant if the access is used by users of these other plots. The condition would therefore be likely to fail to pass the planning test of enforceability. Therefore, it is recommended that condition no. 35 on the attached report should now read:

“The access from Dock Road (A126) hereby approved shall not be used as a general HGV and OGV through-route from the planning application site and shall only open for that class of vehicle if the primary access to the ‘Asda’ roundabout junction onto the Strategic Road Network is severely adversely affected by a road incident or similar occurrence.

REASON: To prevent inappropriate HGV and OGV vehicle movement onto Dock Road (A126) in the interests of highways safety and efficiency in accordance with policy PMD2 of the adopted Thurrock LDF Core Strategy and Policies for the Management of Development DPD (2011).”

1.10 Condition 37 – Staff change-over periods:

This planning condition appeared on the appended report at the recommendation of HE. The reason for the planning condition is to ensure that the staff shift change-over period does not occur during peak hours. As worded within the appended report, the condition defines a wide time-window (between 07.30 hours and 18.00 hours) when no change-over can occur. Following further discussions between the applicant and HE, and the submission of further traffic modelling from the applicant, HE has recommended revisions to the wording of the original condition. These revisions would refine the time-window within which the shift change-over can occur, unless the number of vehicle movements (excluding HGVs) is below specified triggers. Therefore, it is recommended that condition no. 37 on the attached report should now read:

“No warehouse staff shift pattern shall commence or finish between 08.01- 09.29 hours and 16.01-17.59 hours on weekdays (excluding Bank Holidays), unless the number of vehicles (excluding HGV’s) entering and exiting the application site does not exceed:

- 90 vehicles in any continuous 60-minute period between 08.01 and 09.29 hours; and*
- 129 vehicles in any continuous 60-minute period between 16.01 and 17.59 hours.*

Unless otherwise agreed in writing with the local planning authority in consultation with Highways England.

REASON: To ensure traffic flows during weekday peak periods do not exceed those already assessed and consented by planning permission reference 10/50157/TTGOUT and thus to ensure the A1089 trunk road continues to be an effective part of the national system of routes for through traffic in accordance with section 10 of the Highways Act 1980 and to satisfy the reasonable requirements of safety and traffic on the strategic road network.”

1.11 UPDATED S.106 OBLIGATIONS

The recommended heads of terms for a s.106 legal agreement are set out at Recommendation A of the appended report. Part (vii) of Recommendation A refers to Travel Plan measures and includes, at the second bullet point, an obligation on the owner to provide dedicated bus services for employees. Following receipt of an updated response from HE it is recommended that the following additional wording is added to the second bullet point:

“The initial routes of the bus services are to be agreed with Highways England and the local planning authority and then reviewed via the Tilbury Travel Plan Steering Group. Should additional services or increased frequencies be required to meet the targets identified in the Travel Plan then these would be agreed by the Tilbury Travel Plan Steering Group and funded by the occupier.”

- 1.12 At the last bullet point of Recommendation A (vii) there is an obligation on the owner to provide a Travel Plan Bond of £108,000. This Bond is to be used to investigate and implement additional travel planning measures in circumstances where car parking numbers in the decked car park exceed 1,140 (in addition to the 196 surface level car parking spaces). HE has provided further comments regarding the wording of this obligation and it is recommended that the final bullet point of Recommendation A (vii) of the appended report is revised to read:

“prior to first occupation or operational use to provide a Travel Plan Bond of £216,000 held in an Escrow account paid through the s.106 agreement. In order for the development to meet the travel plan targets, the multi storey car park facility should not record parking levels in excess of 1,080 vehicles (in addition to the 196 surface car parking spaces). Should monitoring in the form of Automatic Number Plate Recognition record vehicles in excess of 1,080 in an inter shift period (08:01 – 09:29 hours and 16.01 – 17.59 hours) in the multi storey car park, then additional measures targeted at those driving to the site are to be investigated and implemented. Any measures are to be agreed by the Tilbury Travel Plan Steering Group.”