

Reference: 16/00165/FUL	Site: Pallet Store On Land Opposite National Grid Stoneness Road West Thurrock Essex RM20 4AL
Ward: West Thurrock And South Stifford	Proposal: Retention of use of land for pallet storage for a temporary period of 5 years.

Plan Number(s):		
Reference	Name	Received
(No Nos.)	Location Plan	10th February 2016
TPS.05102.A	Site Layout	10th February 2016
TPS.05096.B	Elevations	10th February 2016
(No Nos.)	General Documents	10th February 2016

The application is also accompanied by: – Planning Statement - 10.02.2016	
Applicant: Industrial Chemicals Group Ltd	Validated: 16 February 2016 Date of expiry: 1 June 2016
Recommendation: Approve, subject to conditions:	

This application has been brought to Planning Committee for consideration due to Members' previous consideration of enforcement action relating to the use of the site for pallet storage.

1.0 DESCRIPTION OF PROPOSAL

- 1.1 Retrospective planning permission is sought for the retention of the use of the land for the open storage of pallets.

2.0 SITE DESCRIPTION

- 2.1 The site is located on the north eastern side of West Thurrock Works Industrial

Access Road and measures 0.29 hectares. The plot is made up of free standing pallet storage with a single existing modular building to the front of the site and a small worker cabin to the rear of the site.

- 2.2 The land is bordered by fencing to the immediate south, east and west of the site. The site is flat and low-lying and located within the high risk flood zone (Zone 3). The site lies outside the consultation distance for any nearby hazardous substances which would trigger a consultation with the Health and Safety Executive.
- 2.3 The site is located within a Primary Industrial and Commercial Area as defined by the LDF Adopted Interim Proposals Map. The site is not within an area of known ecological interest and there are no substantial soft landscaping features on the site.

3.0 RELEVANT HISTORY

Enforcement Reference	Description	Decision
10/00298/UNAUSE	Enforcement Notice was served on 10 th February 2012 in relation to the unauthorised use of the site for a pallet storage business	The owner was given 4 years to comply with the requirements of the Notice, expiring 10 th February 2016

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/16/00165/FUL

PUBLICITY:

- 4.2 This application has been advertised by way of individual neighbour notification letters and a site notice site has also been displayed. No letters of representation have been received.

HIGHWAYS:

- 4.3 No objections, subject to condition.

ENVIRONMENTAL HEALTH:

- 4.4 No objections.

ENIRONMENT AGENCY:

- 4.5 No objections, subject to condition.

5.0 POLICY CONTEXTNational 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.

1. Building a strong, competitive economy
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:

- Design;
- 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:

Thematic Policies:

- CSTP6: Strategic Employment Provision
- CSTP22 Thurrock Design
- CSTP23: Thurrock Character and Distinctiveness²

- CSTP27: Management and Reduction of Flood Risk

Policies for the Management of Development:

- PMD1: Minimising Pollution and Impacts on Amenity²
- PMD2: Design and Layout²
- PMD8: Parking Standards³
- PMD15: Flood Risk Assessments

[Footnote: 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 Focused 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 for the Borough.

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 issues for consideration in this case are:

1. Principle of the development;
2. Layout and design issues;
3. Highways issues;
4. Impact on amenity;
5. Flood risk and drainage.
6. Infrastructure Contributions

1. PRINCIPLE OF THE DEVELOPMENT

6.2 The site is located within a Secondary Industrial and Commercial Area, as defined by the LDF Core Strategy Adopted Interim Proposals Map, where Core Strategy policies CSSP2 and CSTP6 apply. Spatial Policy CSSP2 (Sustainable Employment Growth) describe the Lakeside Basin / West Thurrock as a Key Strategic Economic Hub where the Council will promote and support economic development. Thematic Policy CSTP6 (Strategic Employment Provision) states, inter-alia, that *“Primary and Secondary Industrial and Commercial areas will be reserved for employment generating uses falling within Class B1, B2, and B8 and sui generis uses.”* The temporary use of the site is not considered to be incompatible with the aims and requirements of these adopted Core Strategy policies.

6.3 The application form states that the operation that presently exists on site employs two full time members of staff. The applicant has requested planning permission be granted for a temporary period of 5 years, following which the applicant's development needs for the area could be reviewed.

6.4 In conclusion under this heading, the principle of the development raises no conflict with the Council's adopted Core Strategy or NPPF.

2. LAYOUT AND DESIGN ISSUES

6.5 The site comprises of one container located close to the entrance of the site, with the remainder of the site laid out for pallet storage. On the basis that this is a temporary application, the container and pallet storage would not be objectionable.

3. HIGHWAYS ISSUES

6.6 The Council's Highways Officer has commented that there may be a potential conflict of vehicle movements in the location of the existing vehicle access, should vehicles queue on the access way due to the gates being shut. The applicant has suggested that the opening of the gates during office hours would be a possible

solution, to which the Council's Highways Officer has agreed. Therefore, subject to a specific condition ensuring the gates are kept open during hours of operation, the application would comply with Core Strategy Policies PMD2 and PMD8.

4. IMPACT ON AMENITY

- 6.7 The existing commercial occupiers are located to the south and west of the site and these occupiers would be unlikely to experience any loss of amenity by reason of noise, privacy or loss of daylight / sunlight.
- 6.8 The application has no implications for air quality, and the site is sufficiently distant from existing residential properties to have no impact regarding noise and air quality matters.

5. FLOOD RISK AND DRAINAGE

- 6.9 The site is located within the high risk flood zone (Zone 3a), although the West Thurrock area benefits from flood defences and the Environment Agency has confirmed that *"the site is protected up to the 1 in 1000 year current day tidal event by the Thames tidal defences"*.
- 6.10 Paragraph 104 of the NPPF notes that for individual developments on sites allocated in development plans through the Sequential Test, applicants need not apply the Sequential Test. As the application is allocated within the adopted Core Strategy as a primary industrial and commercial area it is not necessary to consider the matter of the Sequential Test further.
- 6.11 The commercial use of the site is described as "less vulnerable" within the Flood Risk Vulnerability Classification at Table 2 of PPG. With reference to Table 3 of PPG (Flood Risk Vulnerability and Flood Zone Compatibility) less vulnerable development can be considered appropriate in Flood Zone 3a.
- 6.12 The Environment Agency has asked to ensure a Flood Warning and Evacuation Plan is in place for the site. This matter can be covered by the submission of details pursuant to a condition.

6. INFRASTRUCTURE CONTRIBUTIONS

- 6.13 Policy PMD16 of the Core Strategy indicates that where needs would arise as a result of development; the Council will seek to secure planning obligations under Section 106 of the Town and Country Planning Act 1990 and any other relevant guidance. The Policy states that the Council will seek to ensure that development contribute to proposals to deliver strategic infrastructure to enable the cumulative impact of development to be managed and to meet the reasonable cost of new infrastructure made necessary by the proposal.
- 6.14 Changes to Government policy in April 2015 mean that the Council can no longer use a tariff based approach to s106 (as was the case with the former Planning

Obligation Strategy). Consequently, the Council has developed an Infrastructure Requirement List (IRL) that identifies specific infrastructure needs on an area basis. The IRL identifies a requirement for small scale major applications in the West Thurrock and South Stifford Ward. In this instance the application does not generate any commercial floor area and accordingly it is not considered that there is a justification for a S106 contribution.

7.0 CONCLUSIONS AND REASON(S) FOR APPROVAL

7.1 The temporary retention of use is acceptable with reference to LDF policy. The proposals would continue to support employment uses on the site and provide additional flexibility for use on the site.

7.2 In relation to matters of detail, the layout, design, impact on the local highways network and flood risk considerations are considered to be acceptable.

8.0 RECOMMENDATION

Approve, subject to the following condition(s):

Temporary Permission

1 The development and use hereby permitted shall expire on 28th May 2021 and the pallets, container and other equipment used in association with the storage of pallets shall be removed entirely from the site by the end of this period.

REASON: In order to provide for the applicant’s redevelopment of the wider Sports Ground site for employment purposes in the future and in accordance with Policy CSTP6.

Accordance with Plans

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

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(No Nos.)	Location Plan	10th February 2016
TPS.05102.A	Site Layout	10th February 2016
TPS.05096.B	Elevations	10th February 2016
(No Nos.)	General Documents	10th February 2016

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

Securing of Pallets

3 Within 2 months of the date of this permission details shall be submitted and agreed in writing indicating how the pallets are secured within the site. The approved measures shall be implemented within 3 months of the date of this permission and shall be maintained for the period of the temporary permission.

REASON: In order to ensure that to ensure that pallets do not become mobilised during a breach event and that they are contained within the confines of the site, but still allow the free movement of flood water and in accordance with Policy PMD15 of the adopted Thurrock LDF Core Strategy and Policies for the Management of Development DPD [2011].

Sight Splays

- 4 Within one month of the date of this approval, sight splays measuring 2.4 metres x 33 metres shall be provided at the existing access and thereafter maintained at all times so that no obstruction is present within such area above the level of the adjoining highway carriageway.

REASON: In the interests of highway safety and efficiency.

Entrance Gates

- 5 The site entrance gate shall remain open at all times of operation that the site is in use and shall remain open and not be closed to allow the free-flow of traffic.

REASON: In the interests of highway safety and efficiency.

Informative:

- 1 The applicant's attention is drawn to the letter from the Environment Agency, dated 18th March 2016, in particular the advice regarding registering for the Floodline Warnings Direct service.

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

