

Reference: 16/00164/FUL	Site: Thurrock Motorcycle Training Stoneness Road West Thurrock Essex RM20 3AG
Ward: West Thurrock And South Stifford	Proposal: Retention of use of land for motorcycle training for a temporary period of 5 years.

Plan Number(s):		
Reference	Name	Received
(No Nos.)	Location Plan	10th February 2016
TPS.05099.C	Site Layout	10th February 2016
TPS.05103.A	Site Layout	10th February 2016
TPS.05100.C	Elevations	10th February 2016
(No Nos.)	General Documents	10th February 2016

The application is also accompanied by: <ul style="list-style-type: none"> - Supporting 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 as a motorcycle training centre.

1.0 DESCRIPTION OF PROPOSAL

1.1 Retrospective planning permission is sought for the retention of the use for the land as a motorcycle training centre for a temporary period of five years. The application involves the retention of two modular buildings and three containers associated with the operational use of the site.

2.0 SITE DESCRIPTION

- 2.1 The site is located on the north eastern side of West Thurrock Works Industrial Access Road and measures 0.21 hectares. The plot is occupied by two modular buildings which are used as offices, with three containers used for the storage of equipment associated with the usage on the site.
- 2.2 The land is bordered by fencing to the immediate south, east and west of the site. The site is flat, 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 as a motorbike training school	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/16/00164/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.

4.4 HIGHWAYS:

No objections.

4.5 ENVIRONMENTAL HEALTH:

No objections.

4.6 ENIRONMENT AGENCY

No objections, subject to condition.

5.0 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.

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 and one part member 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 will be reviewed.

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

2. LAYOUT AND DESIGN ISSUES

6.5 The existing modular buildings and layout are typical of many such storage facilities in this location. On the basis that this is a temporary application, subject to the structures being retained in their existing location and condition the buildings would not be objectionable.

3. HIGHWAYS ISSUES

6.6 The site would retain access from the existing highway network onto West Thurrock Works Industrial Access Road. The Council’s Highway Officer raises no objection in principle to the use, access, or layout. LDF Core Strategy Policy PMD8 is therefore

considered to be satisfied.

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 as a result of the use. Furthermore, the Council's Environmental Health Officer raises no objections.

5. FLOOD RISK AND DRAINAGE

- 6.8 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"*.
- 6.9 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.
- 6.10 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.
- 6.11 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

- 6.12 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.
- 6.13 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 modular buildings and use are acceptable with reference to LDF policy. The application 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

- 8.1 Approved, subject to the following condition(s):

Temporary Permission

- 1 The development and use hereby permitted shall expire on 28th May 2021 and the modular buildings, containers and other equipment used in association with the motorcycle training centre 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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TPS.05103.A	Site Layout	10th February 2016
TPS.05100.C	Elevations	10th February 2016
(No Nos.)	General Documents	10th February 2016

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

Flood Evacuation Plan

- 3 Within 2 months of the date of this permission the modular buildings and containers located within Environment Agency Flood Zones 2 and 3, or as detailed in any subsequent amendment to the extent of these Flood Zones published by the Environment Agency, a Flood Evacuation and Emergency Response Plan for the development shall be submitted to and approved in writing by the Local Planning Authority. The approved measures within the Plan shall be operational upon the written agreement of the Local Planning Authority and shall be maintained for the lifetime of the temporary permission.

Reason: In order to ensure that adequate flood warning and evacuation measures are available for all users of the development in accordance with Policy PMD15 of the adopted Thurrock LDF Core Strategy and Policies for the Management of Development DPD [2011].

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/16/00164/FUL

