

Reference: 16/00434/CV	Site: Bruyns Court Derry Avenue South Ockendon Essex
Ward: Ockendon	Proposal: Variation of condition 14 of approved application: 13/00989/TBC (relating to the occupancy of the residents by persons over the age of 55 years)

Plan Number(s):		
Reference	Name	Received
0317	Location Plan	1st October 2013

The application is also accompanied by: - Supporting Statement	
Applicant: Thurrock Council	Validated: 31 March 2016 Date of expiry: 30 June 2016 (EoT until 2 September 2016)
Recommendation: Approve, subject to conditions.	

The application is scheduled for determination by the Council’s Planning Committee because the Council is the applicant, in accordance with Part 3 (b) Section 2 2.1(b) of the Council’s Constitution.

1.0 DESCRIPTION OF PROPOSAL

1.1 This application seeks to vary condition 14 attached to planning permission ref: 13/00989/TBC (subsequently varied by application refs: 14/00878/CV and 15/00687/CV). Condition 14 requires the development to be occupied only by persons over the age of 55 years. The approved condition reads as follows:

The development shall be occupied by persons over 55 years of age only and shall not at any time be occupied by persons under 55 without obtaining planning permission from the Local Planning Authority.

REASON: To ensure the development is used for the purposes specified within the development documents submitted in the interests of residential amenity.

- 1.2 The applicant [in this case, the Council’s Housing Team] seeks to vary the condition to allow the occupation of the premises by persons aged under 55 years where they meet the Council’s housing allocations criteria, in accordance with the Council’s recently adopted housing allocations policy [agreed at Cabinet on 9th March 2016]. The proposed variation is as follows:

Condition as approved	Proposed amended wording
<p><i>The development shall be occupied by persons over 55 years of age only and shall not at any time be occupied by persons under 55 without obtaining planning permission from the Local Planning Authority.</i></p> <p><i>REASON: To ensure the development is used for the purposes specified within the development documents submitted in the interests of residential amenity.</i></p>	<p><i>The development shall be occupied by persons 60 years and over or aged 55 to 59 years and in receipt of Higher Rate Disability Living Allowance (Mobility or Care element) or single or joint applicants with no children in need of the housing support provided by the scheme only.</i></p> <p><i>REASON: To ensure the property is let out under the same terms as other Council housing stock and in the interests of residential amenity.</i></p>

2.0 SITE DESCRIPTION

- 2.1 The development has recently been constructed on the former car park, which is located to the west of the sorting office at the western end of Derwent Parade.

3.0 RELEVANT HISTORY

Application Reference	Description	Decision
13/00989/TBC	Construction of twenty-five flats for older residents (over-55’s) including associated landscaping, highway works and car-parking.	Approved
15/00687/CV	Variation of condition 4 (replacement parking provision) of approved application: 13/00989/TBC, providing a total of 57 parking spaces at the Eastern end of Derwent Parade and in Easington Way.	Approved
14/00878/CV	Variation of planning condition 10 (Sustainable Homes Code 4) to application ref: 13/00989/TBC (as varied by 15/00687/CV)	Approved

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 The application has been advertised by neighbour letters, a site notice and a press notice. One written response has been received on behalf of 8 neighbours living in Deveron Gardens and raises the following objection:

- Amenity concerns from lowering the age of occupiers living on the site.

5.0 POLICY CONTEXT

National Planning Policy Framework (NPPF)

- 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.

Planning Practice Guidance (PPG)

- 5.2 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:

- Determining planning applications;
- Flexible options for planning permissions;
- Use of Planning Conditions.

Local Planning Policy

Thurrock Local Development Framework

- 5.3 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:

CSSP1: Sustainable Housing

CSTP1: Strategic Housing Provision

Focused Review of the LDF Core Strategy

- 5.4 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. The Core Strategy and Policies for Management of Development Focused Review: Consistency with National Planning Policy Framework Focused Review was adopted by Council on the 28th February 2015.

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

- 5.5 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

PROCEDURAL MATTERS

- 6.1 This is an application submitted pursuant to s.73 of the Town and Country Planning Act 1990. Where an application submitted under s.73 of the 1990 Act is approved, the legal effect is to issue a new grant of planning permission whilst leaving the original planning consent unaffected. Any remaining conditions on the previous consent should be re-imposed on any new permission granted, unless already discharged by agreement of details submitted and agreed by the Council.
- 6.2 The principle of the redevelopment, specifically the provision of 25 flats for older persons and provision of parking and landscaping has been established by the approval of planning application 13/00989/TBC (subsequently varied by application refs: 14/00878/CV and 15/00687/CV). The planning permission has been implemented and the development is complete.
- 6.3 The consideration of this application is therefore limited to the acceptability or otherwise of the proposed amendment to condition 14.

IMPACT OF AMENDED CONDITION

6.4 The applicant seeks to amend condition 14 to ensure that the property can be available for allocation to people who meet the following criteria;

- Persons 60 years and over;
- Persons aged 55 to 59 years and in receipt of Higher Rate Disability Living Allowance (Mobility or Care element);
- Single or joint applicants with no children in need of the housing support provided by the scheme.

6.5 Given that the proposed changes would bring the premises in-line with the Council's recently amended housing allocation policy and would have no negative impact upon local residents, no objection is raised. The comments raised by local residents have been taken into account however it is not considered that the matters raised could form a sustainable reason for refusal.

7.0 CONCLUSIONS AND REASON(S) FOR APPROVAL

7.1 The proposed amended wording is considered acceptable and the development would continue to comply with relevant development plan policies. Third party comments have been taken into account but none are sufficient to outweigh the considerations that led to the recommendation to approve.

7.2 Because the application has been submitted under s.73 of the Town and Country Planning Act 1990 it is recommended that condition 14 be amended and the remaining conditions from the previous consent reattached [amended where previously discharged] where necessary.

8.0 RECOMMENDATION

8.1 It is recommended expressly for the purpose of Regulation 3 of the Town and Country Planning General Regulations 1992, permission be deemed to be granted for the above development, subject to compliance with the following:

Condition(s):

- 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 7th October 2014.

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.

- 2 The materials to be used in the construction of the development hereby approved shall be in accordance with the details below, unless otherwise agreed in writing by the Local Planning Authority:

BRICK CLADDING:

Brick Type: London Weathered Yellow

RAINSCREEN CLADDING:

Vincent Timber 'SIVALBP, Mountain Larch' Square profile

Colour new age gris 102

Vertical orientation

ROOF:

Standing seam zinc: VMZINC 'VMZINC PLUS' on slopes ranging from 3 to 60 degrees Colour 'pigmento red', fixing type and frequency to be calculated by supplier

REASON: To ensure that the works harmonise with the existing building and that it accords with Policy PMD2 of the Thurrock LDF Core Strategy and Policies for Management of Development.

- 3 The servicing to the site shall be implemented in strict accordance with the details on plans C82817-D-108 Rev B (rev dated 21.11.14); C82917-D-109 Rev A (rev dated 21.08.14) and C82917-D-108 Rev B (rev dated 21.11.14) prior to the first occupation of the development hereby approved and retained in the approved form without modification.

REASON: In the interests of highway safety and amenities of the occupiers of the proposed residential development.

- 4 In accordance with the details required under condition 4 regarding replacement parking provision, the development shall only be carried out as shown on plans TBC-DP-01 Existing, TBC-DP-01 Proposed and ORDNANCE SURVEY 100025457 as approved under application 15/00687/CV together with surface water strategy that prevents surface water flooding outside the proposed parking areas shall be implemented. Once provided the parking areas as approved shall be made available for the parking for the general public and retained as such in perpetuity.

REASON: In the interests of highway safety and amenities of the occupiers of the proposed residential development.

- 5 In accordance with the details required under condition 5 regarding the surfacing and drainage of the proposed footways, footpaths and existing/proposed parking areas within the site, the works shall only be carried out as annotated in Plans S278 A, C82917-D-102, C82917-D-107, C82917-D-110, C82917-D-111, C82917-D-112, C82917-D-100 and as agreed via discharge of condition 14/00904/CONDC and retained and maintained in the approved form, without modification.

REASON: In the interests of highway safety and amenities of the occupiers of the proposed residential development.

- 6 The construction works on the site together with any works required pursuant to any condition attached to this consent shall be in strict accordance with the details contained within the Construction and Environment Management Plan (CEMP) submitted on 6 November 2014 unless otherwise agreed in writing by the Local

Planning Authority.

REASON: In the interests of highway safety and efficiency and the amenity of surrounding occupiers.

- 7 In accordance with the details required under condition 7 regarding the hard and soft landscaping, the development shall only be carried out as per the information contained in the following drawings as approved under application 14/00910/CONDC:

C82917-D-107	General	1st May 2014
064-PL-002	Other	9th July 2014
064-PL-003	Other	9th July 2014
A 8001	Landscaping	1st March 2014
A 8002	Landscaping	1st March 2014
A 8003	Landscaping	1st March 2014
A 8004	Landscaping	1st March 2014
A 8005	Landscaping	1st May 2014
A 8006	Landscaping	1st March 2014
A 8007	Landscaping	1st March 2014
C82917-D-100	Other	1st May 2014
064-PL-001	Other	9th July 2014
A 1010	Landscaping	1st March 2014
C82917-D-105	Other	1st February 2014
C82917-D-104	Other	1st February 2014
C82917-D-103	Other	1st February 2014
C82917-D-102	Other	1st May 2014

All soft landscaping comprised in the approved details above shall be carried out in the first planting and seeding season following the completion of the development whichever is the sooner. All shrubs, trees and hedge planting shall be maintained free from weeds and shall be protected from damage by vermin and stock. Any trees or plants which, within a period of five years, die, are removed, or become seriously damaged or diseased shall be replaced in the next planting season with others of a similar size and species, unless otherwise agreed in writing by the Local Planning Authority. All hard landscaping shall also be carried out in accordance with the approved details prior to the occupation of any part of the development or in accordance with a programme to be agreed in writing with the Local Planning Authority.

REASON: To ensure that the development plans for adequate landscaping within the site in accordance with Policy PMD2 of the Thurrock LDF Core Strategy and Policies for Management of Development.

- 8 The trees located adjacent to the western boundary shall be protected in accordance with the details contained within the Arboricultural Impact Assessment DFCP 2503 Rev A dated 9th October 2013 by Graham Underhill for the duration of the construction works on the application site. All works shall be in accordance with

the report unless otherwise agreed in writing by the Local Planning Authority.

REASON: To ensure that the works do not harm existing trees of the site in accordance with Policy PMD2 of the Thurrock LDF Core Strategy and Policies for Management of Development.

- 9 In accordance with the details required under condition 7 and approved under application 14/00878/CV the development hereby permitted shall achieve Level 4 of the Code for Sustainable Homes (or any guidance revoking, renewing or updating the provisions within the Code). No dwelling shall be occupied until a Code for Sustainable Homes design stage assessment has been submitted along with a letter from a certified Code assessor stating that Code Level 4 has been achieved at post completion testing. The final Code certificate shall be submitted to the Local Planning Authority within 6 months from the date of first occupation.

REASON: In the interests of sustainable development.

- 10 In accordance with the details required under condition 11 and discharged under application 15/00486/CONDC, the following windows on plans P 103, P104 and P105 shall be fitted with louvered screens, in accordance with the details on Plan 0317 A4036 Rev C;

- Unit 1.8 and 2.8 West facing windows serving bedrooms
- Unit 1.4 and 2.4 West facing window serving a bedroom
- Unit 3.3 West facing windows serving a bedroom

Once installed the louvered screens shall be permanently retained and maintained in the approved form without modification.

REASON: In the interests of the amenity of surrounding occupiers.

- 11 In accordance with the details required under condition 12 and discharged under application 15/00599/CONDC the following balconies on plans P 103, P104 and P105 shall be permanently retained and maintained in the approved form without modification in accordance with the louvered screens detailed on Plans 0317 A4035 Rev A and 0317 A4034 Rev A ;

- The West facing opening of the balcony serving Units 1.5, 2.5, 1.8, 2.8, and 3.3
- The northernmost section for a length of 2.5 metres of the West facing balcony of Units 1.6 and 2.6

REASON: In the interests of the amenity of surrounding occupiers.

- 12 Notwithstanding any provision to the contrary there shall be no insertion of additional windows within the development hereby approved unless additional planning permission is obtained from the Local Planning Authority.

REASON: In the interests of the amenity of surrounding occupiers.

- 13 The development shall be occupied by persons 60 years and over or aged 55 to 59 years and in receipt of Higher Rate Disability Living Allowance (Mobility or Care

element) or single or joint applicants with no children in need of the housing support provided by the scheme only.

REASON: To ensure the property is let out under the same terms as other Council housing stock and in the interests of residential amenity.

- 14 The development hereby permitted shall be carried out in accordance with the following approved plans, unless otherwise agreed by details contained within conditions attached to this consent:

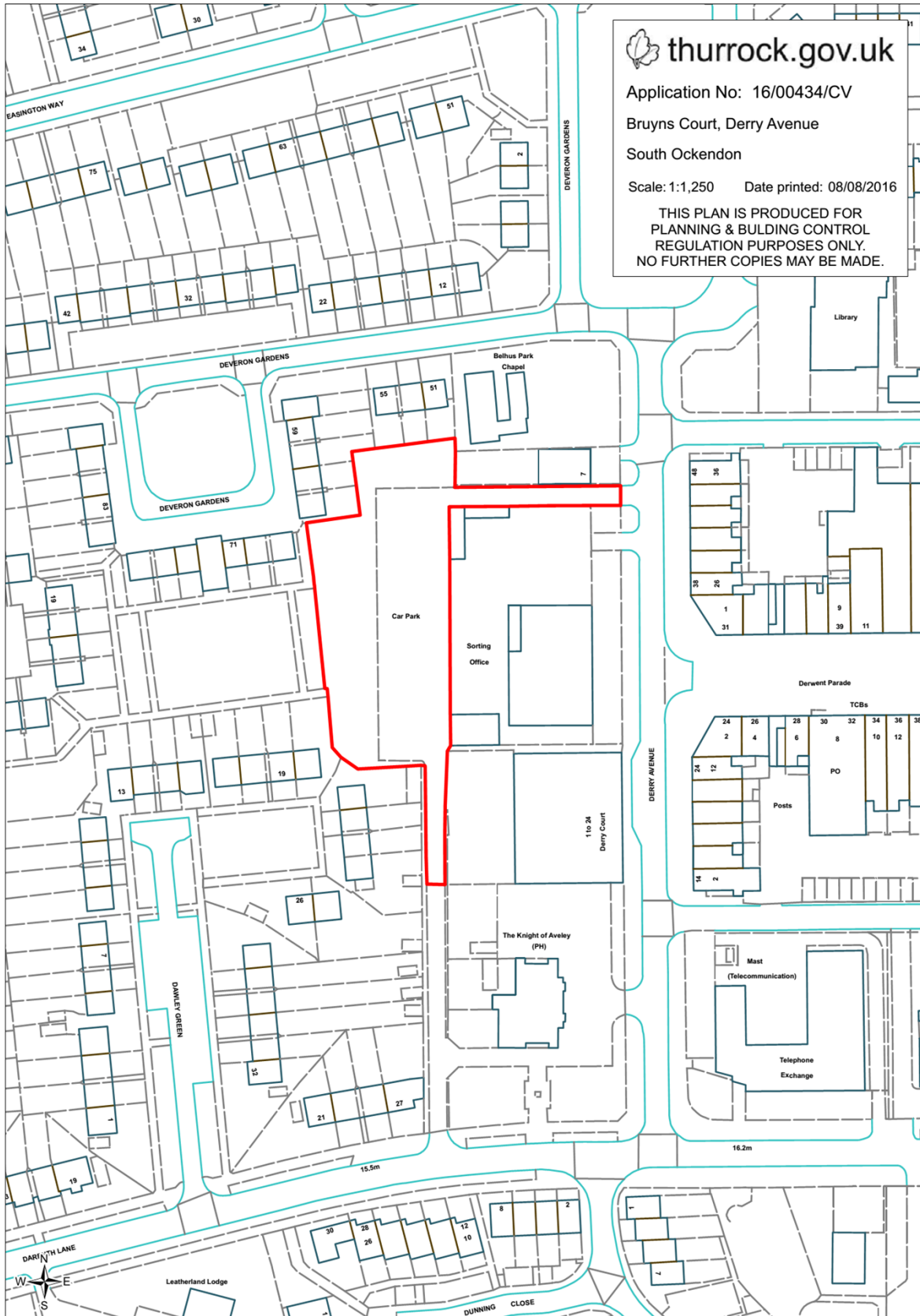
Plan Number(s):		
Reference	Name	Received
0317	Location Plan	1st October 2013
P001 Rev A	Proposed Location Plan	1st June 2015
P102 Rev A	Proposed Ground Floor Plan	1st June 2015
P103	Proposed First Floor Plan	1st June 2015
P104	Proposed Second Floor Plan	1st June 2015
P105	Proposed Third Floor Plan	1st June 2015
P106	Proposed Roof Plan	1st June 2015
P201 Rev A	Proposed East Elevation	1st June 2015
P202 Rev A	Proposed South Elevation	1st June 2015
P203 Rev A	Proposed West Elevation	1st June 2015
P204 Rev A	Proposed North Elevation	1st June 2015
P205	Proposed Section AA	1st June 2015
P206 Rev A	Proposed Section BB	1st June 2015
P207	Proposed Section CC	1st June 2015

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

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



 **thurrock.gov.uk**
Application No: 16/00434/CV
Bruyns Court, Derry Avenue
South Ockendon
Scale: 1:1,250 Date printed: 08/08/2016
THIS PLAN IS PRODUCED FOR
PLANNING & BUILDING CONTROL
REGULATION PURPOSES ONLY.
NO FURTHER COPIES MAY BE MADE.

