

Thurrock - An ambitious and collaborative community which is proud of its heritage and excited by its diverse opportunities and future

Planning Committee

The meeting will be held at **7.00 pm** on **16 August 2018**

Council Chamber, Civic Offices, New Road, Grays, Essex, RM17 6SL

Membership:

Councillors Tom Kelly (Chair), Steve Liddiard (Vice-Chair), Colin Churchman, Andrew Jefferies, Terry Piccolo, Gerard Rice, Sue Sammons, Angela Lawrence and Sue Shinnick

Steve Taylor, Campaign to Protect Rural England Representative

Substitutes:

Councillors Abbie Akinbohun, Clare Baldwin, Garry Hague, Victoria Holloway, Susan Little and Peter Smith

Agenda

Open to Public and Press

	Page
1 Apologies for Absence	
2 Minutes	5 - 14
To approve as a correct record the minutes of the Planning Committee meeting held on 12 July 2018.	
3 Item of Urgent Business	
To receive additional items that the Chair is of the opinion should be considered as a matter of urgency, in accordance with Section 100B (4) (b) of the Local Government Act 1972.	
4 Declaration of Interests	
5 Declarations of receipt of correspondence and/or any meetings/discussions held relevant to determination of any planning application or enforcement action to be resolved at	

this meeting

- | | | |
|-----------|---|----------------|
| 6 | Planning Appeals | 15 - 20 |
| 7 | Public Address to Planning Committee | |
| | The Planning Committee may allow objectors and applicants/planning agents, and also owners of premises subject to enforcement action, or their agents to address the Committee. The rules for the conduct for addressing the Committee can be found on Thurrock Council's website at https://www.thurrock.gov.uk/democracy/constitution Chapter 5, Part 3 (c). | |
| 8 | 18/00507/FUL Land Adjacent Moore Avenue Devonshire Road and London Road, South Stifford, Grays Essex | 21 - 48 |
| 9 | 17/01616/FUL: Old State Cinema, George Street, Grays Essex RM17 6LZ | 49 - 68 |
| 10 | 17/01617/LBC Old State Cinema, George Street, Grays Essex RM17 6LZ | 69 - 90 |
| 11 | 18/00901/FUL: Hillside Scout Group, Bradford Lodge Hillside Grays, Essex RM17 5SX | 91 - 98 |

Queries regarding this Agenda or notification of apologies:

Please contact Tisha Sutcliffe, Democratic Services Officer by sending an email to Direct.Democracy@thurrock.gov.uk

Agenda published on: **8 August 2018**

Information for members of the public and councillors

Access to Information and Meetings

Members of the public can attend all meetings of the council and its committees and have the right to see the agenda, which will be published no later than 5 working days before the meeting, and minutes once they are published.

Recording of meetings

This meeting may be recorded for transmission and publication on the Council's website. At the start of the meeting the Chair will confirm if all or part of the meeting is to be recorded.

Members of the public not wishing any speech or address to be recorded for publication to the Internet should contact Democratic Services to discuss any concerns.

If you have any queries regarding this, please contact Democratic Services at Direct.Democracy@thurrock.gov.uk

Guidelines on filming, photography, recording and use of social media at council and committee meetings

The council welcomes the filming, photography, recording and use of social media at council and committee meetings as a means of reporting on its proceedings because it helps to make the council more transparent and accountable to its local communities.

If you wish to film or photograph the proceedings of a meeting and have any special requirements or are intending to bring in large equipment please contact the Communications Team at CommunicationsTeam@thurrock.gov.uk before the meeting. The Chair of the meeting will then be consulted and their agreement sought to any specific request made.

Where members of the public use a laptop, tablet device, smart phone or similar devices to use social media, make recordings or take photographs these devices must be set to 'silent' mode to avoid interrupting proceedings of the council or committee.

The use of flash photography or additional lighting may be allowed provided it has been discussed prior to the meeting and agreement reached to ensure that it will not disrupt proceedings.

The Chair of the meeting may terminate or suspend filming, photography, recording and use of social media if any of these activities, in their opinion, are disrupting proceedings at the meeting.

Thurrock Council Wi-Fi

Wi-Fi is available throughout the Civic Offices. You can access Wi-Fi on your device by simply turning on the Wi-Fi on your laptop, Smartphone or tablet.

- You should connect to TBC-CIVIC
- Enter the password **Thurrock** to connect to/join the Wi-Fi network.
- A Terms & Conditions page should appear and you have to accept these before you can begin using Wi-Fi. Some devices require you to access your browser to bring up the Terms & Conditions page, which you must accept.

The ICT department can offer support for council owned devices only.

Evacuation Procedures

In the case of an emergency, you should evacuate the building using the nearest available exit and congregate at the assembly point at Kings Walk.

How to view this agenda on a tablet device



You can view the agenda on your [iPad](#), [Android Device](#) or [Blackberry Playbook](#) with the free modern.gov app.

Members of the Council should ensure that their device is sufficiently charged, although a limited number of charging points will be available in Members Services.

To view any “exempt” information that may be included on the agenda for this meeting, Councillors should:

- Access the modern.gov app
- Enter your username and password

DECLARING INTERESTS FLOWCHART – QUESTIONS TO ASK YOURSELF

Breaching those parts identified as a pecuniary interest is potentially a criminal offence

Helpful Reminders for Members

- *Is your register of interests up to date?*
- *In particular have you declared to the Monitoring Officer all disclosable pecuniary interests?*
- *Have you checked the register to ensure that they have been recorded correctly?*

When should you declare an interest *at a meeting*?

- **What matters are being discussed at the meeting?** (including Council, Cabinet, Committees, Subs, Joint Committees and Joint Subs); or
- If you are a Cabinet Member making decisions other than in Cabinet **what matter is before you for single member decision?**



Does the business to be transacted at the meeting

- relate to; or
- likely to affect

any of your registered interests and in particular any of your Disclosable Pecuniary Interests?

Disclosable Pecuniary Interests shall include your interests or those of:

- your spouse or civil partner's
- a person you are living with as husband/ wife
- a person you are living with as if you were civil partners

where you are aware that this other person has the interest.

A detailed description of a disclosable pecuniary interest is included in the Members Code of Conduct at Chapter 7 of the Constitution. **Please seek advice from the Monitoring Officer about disclosable pecuniary interests.**

What is a Non-Pecuniary interest? – this is an interest which is not pecuniary (as defined) but is nonetheless so significant that a member of the public with knowledge of the relevant facts, would reasonably regard to be so significant that it would materially impact upon your judgement of the public interest.

Pecuniary

If the interest is not already in the register you must (unless the interest has been agreed by the Monitoring Officer to be sensitive) disclose the existence and nature of the interest to the meeting

If the Interest is not entered in the register and is not the subject of a pending notification you must within 28 days notify the Monitoring Officer of the interest for inclusion in the register

Unless you have received dispensation upon previous application from the Monitoring Officer, you must:

- Not participate or participate further in any discussion of the matter at a meeting;
- Not participate in any vote or further vote taken at the meeting; and
- leave the room while the item is being considered/voted upon

If you are a Cabinet Member you may make arrangements for the matter to be dealt with by a third person but take no further steps

Non- pecuniary

Declare the nature and extent of your interest including enough detail to allow a member of the public to understand its nature



You may participate and vote in the usual way but you should seek advice on Predetermination and Bias from the Monitoring Officer.

Our Vision and Priorities for Thurrock

An ambitious and collaborative community which is proud of its heritage and excited by its diverse opportunities and future.

1. **People** – a borough where people of all ages are proud to work and play, live and stay
 - High quality, consistent and accessible public services which are right first time
 - Build on our partnerships with statutory, community, voluntary and faith groups to work together to improve health and wellbeing
 - Communities are empowered to make choices and be safer and stronger together

2. **Place** – a heritage-rich borough which is ambitious for its future
 - Roads, houses and public spaces that connect people and places
 - Clean environments that everyone has reason to take pride in
 - Fewer public buildings with better services

3. **Prosperity** – a borough which enables everyone to achieve their aspirations
 - Attractive opportunities for businesses and investors to enhance the local economy
 - Vocational and academic education, skills and job opportunities for all
 - Commercial, entrepreneurial and connected public services

Minutes of the Meeting of the Planning Committee held on 12 July 2018 at 7.00 pm

Present: Councillors Tom Kelly (Chair), Steve Liddiard (Vice-Chair), Andrew Jefferies, Terry Piccolo, Gerard Rice, Sue Sammons, Angela Lawrence and Sue Shinnick

Apologies: Councillors Colin Churchman

In attendance: Andrew Millard, Assistant Director - Planning, Transport and Public Protection
Leigh Nicholson, Development Management Team Leader
Jonathan Keen, Principal Planner
Nadia Houghton, Principal planner
Tisha Sutcliffe, Democratic Service Officer

Before the start of the Meeting, all present were advised that the meeting may be filmed and was being recorded, with the audio recording to be made available on the Council's website.

1. Item of Urgent Business

There were no items of urgent business.

2. Minutes

The minutes of the Planning Committee meeting held on 7 June 2018 were approved as a correct record.

3. Declaration of Interests

Councillor Kelly declared an interest on Item 9, Planning Application 17/01527/HHA 2 Oval Gardens, due to a relative living extremely close to the property in question. Councillor Kelly removed himself from the Chamber on two items (17/01527/HHA) & (18/00343/FUL) as he was not present for the second item when it was initially discussed at June's Committee.

Councillor Piccolo declared a non-pecuniary interest and shared with the Committee that, although he visited the site of application (18/00343/FUL) with a Planning Officer prior to the item being brought to Committee, he would not have predetermined views on this application.

Councillors S Sammons, S Shinnick, C Churchman and Mr S Taylor stated that they had also attended the site however they were all keeping an open mind.

The Assistant Director Planning, Transport and Public Protection highlighted that as Councillors T Kelly, S Shinnick and A Sheridan were not present during June's Committee they would be unable to vote on item 8, 18/00343/FUL Stanford Tyres.

4. Declarations of receipt of correspondence and/or any meetings/discussions held relevant to determination of any planning application or enforcement action to be resolved at this meeting

Regarding planning application 15/00834, Manor Road. Councillor Rice declared receipt of an email from the applicant (Bellway) giving further information on the description of the site. It was confirmed that all members of the Committee had in fact received the same email.

5. Planning Appeals

The report provided information regarding Planning appeal performance.

RESOLVED:

The Committee noted the report.

The Chair explained to the Committee that item 10 of the Agenda (18/00507/FUL) had been withdrawn from the meeting and would be presented at the next available date. This was due to technical matters which were being assessed by a Viability Assessor.

6. 18/00343/FUL Stanford Tyres and Servicing Rear of 16 London Road, Stanford Le Hope, Essex SS17 OLD (deferred)

The Vice Chair explained that this item was deferred from the Committee meeting in June 2018.

The planning application was for the proposal of a two storey block for A1 retail use, storage and office spaces. The two previous applications were slightly different with more built development proposed and this current application demonstrates the decrease in the height of the building. The building would provide a shop on the ground floor and office on the first floor with an attached externally accessed storage building on the ground floor adjoining the shop. The existing buildings would be demolished.

The Vice Chair opened the Committee to questions regarding the planning application 18/00343/FUL Stanford Tyres and Servicing.

Mr S Taylor wanted clarity as to what point the boundary would stop on the building. However during the site visit this was explained by the Planning Officer and photos were taken to be shared back with the Principal Planner.

Councillor Piccolo highlighted the alleyway to the site was always used by the public.

Notice had been served on Ruskin Road, however there had not yet been any disputes from Hollis House. The plans will continue to allow access down the alleyway. Councillor Piccolo stated the photographs taken during the site visit were not shared with the Principal Planner. He also pointed out that the guttering from the new building would hang over the Objector's property. However it was confirmed by the Principal Planner that this was incorrect as the guttering would not have any impact or hang over the Objector's property.

The Vice Chair noted that the speakers on this item had shared their statements at June's Committee when the item was deferred.

The Vice Chair opened this item up for debate.

Councillor Piccolo stated that having known the site for around 25 years, he was fully aware the objector's garden would sit below the normal land height which raised concerns.

This application was recommended for approval subject to conditions, although none of the Councillors voted on this item.

Assistant Director of Planning, Transport and Public Protection explained, without item 8 being seconded, Councillors would need to propose an alternative.

Councillor Piccolo did not want to give his judgement on the application in case it was seen as pre-determination. The Assistant Director of Planning, Transport and Public Protection asked for legal advice to be given on this matter. It was explained by the Local Solicitor that as long as members retained an open mind he was able to make his contribution.

The Local Solicitor stated members needed to ensure they are all clear on what prejudgment was. Ms Robins said the Committee meeting need to ensure they are all clear on prejudgement.

Councillor Piccolo proposed for the applicant to reduce the size of the building.

The proposal was accepted by the Committee.

For (4): Councillors A Jefferies, T Piccolo, S Sammons and G Rice

Against: (1) Councillor S Liddiard

Abstain: (0)

RESOLVED:

The application was deferred.

7. 17/01527/HHA 2 Oval Gardens, Grays, Essex RM17 5NR

The application sought approval, subject to conditions, for a two storey side and single storey rear extension. The single storey rear and two storey side extensions were both considered acceptable in size and design and there were considered to be no detrimental impacts on the neighbours. Highways had considered this application to be acceptable.

The Ward Councillor was invited to present his statement. He highlighted, the property was registered on “Zoopla” as a 7-8 bedroom property, which raised concern as the parking spaces are very limited.

The Vice Chair opened the Committee to questions regarding the application.

Councillor Jefferies wanted to clarify whether the applicant had made alterations to the property having already had an application to do so refused. The Principal Planner explained an earlier application for a new two storey dwelling on the site was previously refused. He also advised that the applicant was advised they should not be going ahead with the work on the current application without planning permission having been obtained. .

Councillor Piccolo asked if the other application was refused due to parking. The Principal Planner stated they were unable to confirm as they did not have the relevant information during the meeting. However the application was a completely different proposal which would have resulted in an additional house on the site, rather than an extension to the existing house.

Councillor Piccolo wanted confirmation on how many parking spaces would be required for an 8 bedroom property. The Principal Planner confirmed the total of 5 bedrooms on the plan. The Highways Engineer advised parking for a 2-3 bedroom is a maximum of 1.5 – 2 spaces dependent on accessibility and anything above this number would require an additional parking space.

Councillor Piccolo asked what measures were in place to ensure that a 5 bedroom property does not become a 7-8 bedroom property a House of Multiple Occupancy (HMO).

The Principal Planner advised that properties are able to have up to 6 unrelated people living together as a single household and anything above this figure will require planning permission.

Councillor Jefferies wanted to know what inspections were undertaken on the property to ensure no more than 5 bedrooms are being used as a HMO. It was confirmed by the Principal Planning Officer, that Officers had been to the property within the last 10 days and there was nothing to indicate it was more than a 5 bedroom property.

Councillor Piccolo expressed his concerns that this property may be turned into an HMO. Councillor Piccolo’s concerns were, that the property appeared

a lot different from the other properties down this street and the fact the applicants were advised not to build on the property yet the applicant failed to comply and went ahead with the alterations.

Councillor Rice wanted to confirm whether the applicant requested permission after the work was underway. This was confirmed as correct.

The Assistant Director advised that an Informative could be added to a Decision Notice to advise that the property cannot become an HMO without planning permission.

Councillor Jefferies highlighted the parking would be an issue if the house were to become an HMO. He wanted to know what measures were put in place to ensure this does not happen as the applicant failed to follow instructions when building on the property originally.

Mr S Taylor asked if the property was to be sold would the agreement of non HMO requirement with any new owners. It was confirmed that Planning Permission runs with the land.

The Vice-Chair stated this application appeared over developed; however there were no reasons why this item should be refused. He agreed to accept this application with the informative attached to the decision to advise that permission would be required to use the house as an HMO.

It was proposed by The Vice-Chair and seconded by Councillor A Sheridan subject to conditions, as per the Officer's recommendations.

For (4): Councillors Steve Liddiard, Sue Sammons, Angela Sheridan and Gerard Rice

Against: (3) Councillors Andrew Jefferies, Terry Piccolo, and Sue Shinnick

Abstain: (0)

RESOLVED:

That the application be approved, subject to conditions.

The Chair entered and continued with the meeting.

8. 18/00507/FUL: Land Adjacent Moore Avenue, Devonshire Road and London Road, South Stifford, Grays, Essex

The Chair explained to the Committee at the beginning of the meeting item 10 18/00507/FUL Land Adjacent Moore Avenue, Devonshire Road had been withdrawn and will be presented at the next available date.

RESOLVED:

Withdrawn from the agenda.

9. 15/00234/FUL: Land off Adjacent to School, Manor Road, Grays, Essex

This item proposed a development of 93 dwellings consisting of apartments, terraced, semi-detached and detached houses with amenity space and access roads. The access into the site would be via an extension to Manor Road, with the internal road running through the site in a North to South direction. A cycle and footway had been created outside of the site and is part of a wider connectivity plan linking Grays with Tilbury and the site includes part of that link on the plans. The site is currently in a natural state.

To the North West side of the site is a scrap metal warehouse and the majority of the site is currently allocated on employment land on the LDP Proposal's Map. Since its allocation as employment land in the LDP there have been no recent planning applications received for using the land for employment purposes.

The item was recommended for refusal on the design and layout reasons as stated in the report and the Principal Planner explained this further during the presentation of the item to the committee.

The Chair opened the Committee to questions on the Planning application.

Councillor Rice was concerned that the application was initially validated in July 2015 but three years later the application still had not been determined. Councillor Rice felt the applicant had not received the attention from the planning department and found it unacceptable that it had taken 3 years for the item to be presented at the Planning Committee. Councillor Rice informed the Committee that there were other applications in the system which were more than 9 months old and felt that there should be a task force in place to investigate the planning department.

During his address, Councillor Rice referred to e-mails and meeting requests from the applicant which had been allegedly ignored by the Planning Team.

Councillor Rice asked who was in charge of the Planning application, the Officers or the Design consultant. He raised concern in relation to housing delivery and informed the Committee that the Council was expected to deliver 32,000 homes in the next 20 years.

Councillor Rice wanted clarity on how things would improve and, if the department is lacking resources then it would need to be addressed at Cabinet.

The Assistant Director - Planning, Transport and Public Protection informed the Committee that all applications are brought forward for determination when they are ready. The Assistant Director reminded Members that the Planning team were one of the highest performing local authorities in the country in terms of the speed of decision making and high quality design is of

paramount importance. The Assistant Director advised the Committee that sub-standard design should not be accepted; poor quality housing leads to poor perceptions of Thurrock. The Assistant Director advised the Committee that more homes had been built in Thurrock in the last year than 11 years previous, indicating a growing confidence in Thurrock.

The Assistant Director assured the Committee that accusations relating to the performance of the team would be looked into and a response provided to the Chair.

Councillor Piccolo considered Councillor Rice's comments and advised the Committee that applicants have a right to appeal if a decision is not made on an application within the statutory determination period and suggested that the applicant has a role to play in the delays.

Councillor Rice wanted clarity on how things will improve and, if the department is lacking resources then it would need to be addressed at Cabinet.

Councillor Rice proposed the item be deferred and a Task Force to be put in place to investigate the Planning Department.

Councillor Sheridan disagreed and requested for debate as she felt the proposal was positive and the homes would be excellent for residents in Thurrock. A number of residents continue to struggle for housing in Thurrock and this proposal would be positive for the residents.

The Principal Planner explained that the proposed dwellings properties would have mixture of modern and traditional designs with a large variety of house types. The Principal Planner highlighted that in comparison this application is very different to modern simple selection house types used for the Arisdale Avenue application approved at June's Committee meeting, which showed a simple modern, high quality design approach in place making terms.

Councillor Rice recommended the item be taken back to the applicant and resolved with the officers as it had been over 3 years and it urgently needed to be addressed.

Mr Taylor asked whether the properties would be affordable homes. The Principal Planner advised the application is subject to a viability assessment and currently there are 19 units in the development which would be affordable housing.

The Chair observed that the quality of the road currently beyond the end of Manor Road did not look appropriate to build near as it was unmade. The Principal Planner confirmed the road surface would be upgraded to provide a smooth surface into Manor Road.

The Chair highlighted at Cabinet on 11 July there was a discussion around a secondary school being built. The Principal Planner acknowledged that the

announcement had been in the local newspaper however the current application had to be considered on its own merits as there was no live application for a school in this location.

The Objector Dr Carmel Lawless was invited to present her statement.

The Applicant Mr Ashley Bean was invited to present his statement.

The Chair asked if the houses would be affected by flood risk, it was confirmed on page 82 point 6.3 of the report the properties will not be built in a flood zone and there were no objections from consultants in regard to flooding.

Councillor Sheridan asked what the impacts the scrap yard would have on the properties if they later decide to expand their site. The Principal Planner advised there had been no applications put forward for re-development of the scrap yard site and this matter would have to be considered at the time of any application being made in the future.

Councillor Shinnick inquired whether there would be adequate facilities for schools in the area. It was explained that an s.106 agreement could secure financial contributions to mitigate the impact of the development upon education facilities in the local area.

The Chair opened the Committee to debate.

The Chair did not agree with Councillor Rice in regards to the accusations made against the planning service and did not consider there to be grounds to have a task force to investigate. The Chair advised however that he would be happy to agree with a deferral or a recommendation if it was proposed.

Councillor Rice noted there had been no objections from any of the services such as Anglia Water, Essex County and Emergency services. Councillor Rice suggested the item should be deferred to focus upon the design objections.

The Assistant Director asked whether, in deferring the item, Councillor Rice would like to see the item presented to a CABE Design Review to help improve the design of the scheme. Councillor Rice confirmed that this was the case.

Councillor Sheridan asked if this item could be voted on as she did not agree with the proposed recommendation. She felt the houses should be built for the residents and it would be positive to have affordable homes which would reduce homelessness in Thurrock.

Mr Taylor said it would be interesting to explore the amount of properties which were to be agreed but had not yet been built in the Borough.

It was proposed by Councillor Rice and seconded by Councillor Shinnick that the application be deferred to allow the applicant time to resolve the design issues by taking the scheme through a CABE design review and working with

officers. The item would be brought back to a future meeting of the Planning Committee.

For (6): Councillors T Kelly, S Liddiard, A Jefferies, T Piccolo, G Rice, S Shinnick.

Against: (2) Councillors S Sammons and A Sheridan

Abstain: (0)

RESOLVED:

That the application be deferred to allow the applicant time to resolve the design issues by taking the scheme through a CABE design review and working with officers.

10. 17/01479/FUL East Tilbury Primary and Nursery School, Princess Margaret Road, East Tilbury, RM18 8SB

The application sought planning permission to construct a new teaching block along with a single-storey extension, remodelling to the front entrance of the schools construction of a new single-storey entrance foyer and all-weather sports surface to be provided where existing demountable classrooms are being removed.

The Principal Planner pointed out there had been a typographical error on page 97 with plan numbers as it should have stated 420 instead of 425. An additional condition also needed to be included relating to the details to be submitted and agreed in relation to the provision of cycle and scooter storage which had been included in the scheme.

The Principal Planner confirmed that the building is located within the Green Belt, however the relevant assessments had been undertaken.

The Chair opened the Committee to debate.

Councillor Sheridan wanted clarity around the timeframe for the work to be done, it was confirmed this would be done throughout this academic year.

It was moved by Councillor Liddiard and seconded by Councillor Sammons that the application be agreed. .

For: Councillors Tom Kelly, Tom Kelly (Chair), Steve Liddiard (Vice-Chair), Andrew Jefferies, Terry Piccolo, Gerard Rice, Sue Sammons, Angela Lawrence and Sue Shinnick, Angelia Sheridan, and Sue Shinnick.

Against: (0)

Abstain: (0)

RESOLVED:

That the application be approved, subject to conditions.

11. Declaration of Interests

Councillor Kelly declared an interest on Item 9, Planning Application 17/01527/HHA 2 Oval Gardens, due to a close relative living extremely close to the property in question. Councillor Kelly removed himself from the Chamber on two items (17/01527/HHA) & (18/00343/FUL) as he was not present for the second item when this was discussed at June's Committee.

Councillor Piccolo declared a non-pecuniary interest and shared with the Committee that, although he visited (18/00343/FUL) Stanford Tyres with a Planning Officer prior to the item being brought to Committee, he would not have predetermined views on this application.

Councillors S Sammons, S Shinnick, C Churchman and Mr S Taylor stated that they had also attended the site however they were all keeping an open mind.

Councillors S Shinnick and A Sheridan did not attend the Committee meeting in June. Therefore they were unable to vote on item 8 18/00343/FUL Stanford Tyres

The meeting finished at 9.04 pm

Approved as a true and correct record

CHAIR

DATE

**Any queries regarding these Minutes, please contact
Democratic Services at Direct.Democracy@thurrock.gov.uk**

16 August 2018	ITEM: 6
Planning Committee	
Planning Appeals	
Wards and communities affected: All	Key Decision: Not Applicable
Report of: Leigh Nicholson, Strategic Lead - Development Services	
Accountable Assistant Director: Andy Millard, Assistant Director – Planning, Transportation and Public Protection.	
Accountable Director: Steve Cox, Corporate Director - Place	

Executive Summary

This report provides Members with information with regard to planning appeal performance.

1.0 Recommendation(s)

1.1 To note the report

2.0 Introduction and Background

2.1 This report advises the Committee of the number of appeals that have been lodged and the number of decisions that have been received in respect of planning appeals, together with dates of forthcoming inquiries and hearings.

3.0 Appeals Lodged:

3.1 Application No: 17/01090/FUL

Location: 8 Hutson Terrace, London Road, Purfleet

Proposal: Extend terrace house to side to create a new dwelling house

3.2 Application No: 17/01158/FUL

Location: 1 Alfred Road, Aveley

Proposal: Subdivision of site and construction of attached two bedroom house

3.3 Application No: 17/01675/FUL

Location: 1 Kingsley Walk, Chadwell St Mary

Proposal: Erection of two storey house on land adjacent to 1 Kingsley Walk (resubmission of 17/01029/FUL Subdivision of the site for the erection of 1 x 3 bedroom dwelling and one- and two-storey rear extension to existing dwelling)

4.0 Appeals Decisions:

The following appeal decisions have been received:

4.1 **Application No: 17/01537/HHA**

Location: 54 St Chads Road, Tilbury

Proposal: Drop kerb

Decision: Appeal Dismissed

4.1.1 The Inspector considered the main issue to be the effect of the proposal on highway safety.

4.1.2 The Inspector considered the technical details of the proposal and in particular, the potential for conflict between vehicles and other highway users and pedestrians. The Inspector concluded that the development would result in harm to highway and pedestrian safety and this environmental harm would outweigh any benefits that would arise from the proposal. The Inspector accordingly dismissed the appeal.

4.1.3 The full appeal decision can be found online.

4.2 **Application No: 18/00070/HHA**

Location: 28 Elmstead Close, Corringham

Proposal: Single storey rear extension, Loft conversion: hip to gable, enlarging existing front and rear dormer. Demolishing of existing garage.

Decision: Appeal Allowed

4.2.1 The Inspector considered the main issue to be the effect of the proposal on the character and appearance of the appeal property, the semi-detached property of which it forms part, and the street scene.

4.2.2 The Inspector took the view that, despite being in conflict with the Council's Design Guidance, the proposal would not result in material harm, in part because of wider context and varied extensions found in the immediate location. The Inspector allowed the appeal on this basis.

4.2.3 The full appeal decision can be found online.

5.0 Forthcoming public inquiry and hearing dates:

5.1 Application No: 17/00390/CUSE - 17/00076/CLEUD

Location: Hovels Farm, Vange Park Road

Proposal: Unauthorised use of the land.

Dates: To be confirmed.

5.2 Application No: 16/01512/FUL

Location: Land Adjacent Astons Villa and Appletons, Brentwood Road, Bulphan

Proposal: Change of use of land to residential use for Romani Gypsy family and stationing of one caravan and one camper van for residential occupation with ancillary works comprising modified access and area of hardstanding.

Dates: To be confirmed.

6.0 APPEAL PERFORMANCE:

6.1 The following table shows appeal performance in relation to decisions on planning applications and enforcement appeals.

	APR	MAY	JUN	JUL	AUG	SEP	OCT	NOV	DEC	JAN	FEB	MAR	
Total No of Appeals	5	0	4	2									11
No Allowed	0	0	0	1									1
% Allowed													9.09%

7.0 Consultation (including overview and scrutiny, if applicable)

7.1 N/A

8.0 Impact on corporate policies, priorities, performance and community impact

8.1 This report is for information only.

9.0 Implications

9.1 Financial

Implications verified by: **Laura Last**
Management Accountant

There are no direct financial implications to this report.

9.2 Legal

Implications verified by: **Benita Edwards**
Interim Deputy Head of Law (Regeneration) and
Deputy Monitoring Officer

The Appeals lodged will either have to be dealt with by written representation procedure or (an informal) hearing or a local inquiry.

Most often, particularly following an inquiry, the parties involved will seek to recover from the other side their costs incurred in pursuing the appeal (known as 'an order as to costs' or 'award of costs').

9.3 Diversity and Equality

Implications verified by: **Natalie Warren**
Strategic Lead Community Development and
Equalities

There are no direct diversity implications to this report.

9.4 Other implications (where significant) – i.e. Staff, Health, Sustainability, Crime and Disorder)

None.

10. Background papers used in preparing the report (including their location on the Council's website or identification whether any are exempt or protected by copyright):

- All background documents including application forms, drawings and other supporting documentation can be viewed online: www.thurrock.gov.uk/planning. The planning enforcement files are not public documents and should not be disclosed to the public.

11. Appendices to the report

- None

Report Author

**Leigh Nicholson,
Strategic Lead - Development Services**

This page is intentionally left blank

Reference: 18/00507/FUL	Site: Land Adjacent Moore Avenue Devonshire Road And London Road South Stifford Grays Essex
Ward: West Thurrock And South Stifford	Proposal: Redevelopment of the site to provide 102 dwellings and associated access, parking, public open space, landscaping and drainage infrastructure.

Plan Number(s):		
Reference	Name	Received
1001A	Other	11th April 2018
1100	Roof Plans	11th April 2018
1200A	Other	11th April 2018
1201A	Site Layout	11th April 2018
1202C	Other	11th April 2018
1203A	Other	11th April 2018
1204A	Other	11th April 2018
1205A	Other	11th April 2018
1300B	Site Layout	11th April 2018
1301A	Sections	11th April 2018
1400A	Floor Layout	11th April 2018
1401A	Floor Layout	11th April 2018
1402A	Floor Layout	11th April 2018
1403A	Floor Layout	11th April 2018
1404A	Floor Layout	11th April 2018
1405A	Floor Layout	11th April 2018
1406A	Floor Layout	11th April 2018
1407A	Floor Layout	11th April 2018
1408A	Floor Layout	11th April 2018
1409A	Floor Layout	11th April 2018
1410A	Floor Layout	11th April 2018
1411A	Floor Layout	11th April 2018
1500A	Floor Layout	11th April 2018

1501A	Floor Layout	11th April 2018
1502A	Floor Layout	11th April 2018
1503A	Floor Layout	11th April 2018
1504A	Floor Layout	11th April 2018
1505A	Floor Layout	11th April 2018
1506A	Floor Layout	11th April 2018
1507A	Floor Layout	11th April 2018
1508A	Floor Layout	11th April 2018
1509A	Floor Layout	11th April 2018
1510A	Floor Layout	11th April 2018
1511A	Floor Layout	11th April 2018
1512A	Floor Layout	11th April 2018
1513A	Floor Layout	11th April 2018
1514A	Floor Layout	11th April 2018
1515A	Floor Layout	11th April 2018
1516A	Floor Layout	11th April 2018
1520A	Floor Layout	11th April 2018
1700A	Elevations	11th April 2018
1701A	Elevations	11th April 2018
1702A	Elevations	11th April 2018
1703A	Elevations	11th April 2018
1800A	Elevations	11th April 2018
1801A	Elevations	11th April 2018
1802A	Elevations	11th April 2018
1850A	Elevations	11th April 2018
1851A	Elevations	11th April 2018
1852A	Elevations	11th April 2018
1853A	Elevations	11th April 2018
1854A	Elevations	11th April 2018
1855A	Elevations	11th April 2018
1856A	Elevations	11th April 2018
1857A	Elevations	11th April 2018
1858A	Elevations	11th April 2018
1875A	Elevations	11th April 2018
1350	Landscaping	11th April 2018
1352	Landscaping	11th April 2018
1353	Landscaping	11th April 2018
1351	Landscaping	11th April 2018
1354	Landscaping	11th April 2018

1000B	Location Plan	11th April 2018
-------	---------------	-----------------

<p>The application is also accompanied by:</p> <ul style="list-style-type: none"> - Planning Statement - Design and Access Statement - Arboriculture Impact Assessment - Ecology Strategy - FRA - Noise Assessment - Outdoor Lighting Report - Transport Statement 	
<p>Applicant: Bellway Homes Limited (Thames Gateway)</p>	<p>Validated: 7 April 2018</p> <p>Date of expiry: 31st August 2018 (Extension of time agreed with applicant).</p>
<p>Recommendation: Approve, subject to conditions and s.106 agreement.</p>	

This application is scheduled for determination by the Planning Committee because the application is of a strategic nature (in accordance with 2.1. (a) of the Council's Constitution).

1.0 DESCRIPTION OF PROPOSAL

1.1 This application seeks full planning permission for the development of 102 dwellings, with associated private and public amenity space, means of enclosure, parking, vehicle and pedestrian accesses and drainage.

1.2 Table 1 below summarises some of the main points of detail contained within the development proposal:

Site Area (Gross)	2.31ha					
Height	2 – 4 storeys					
Units (All)	Type (ALL)	1-bed	2-bed	3-bed	4 bed	TOTAL
	Houses	0	10	32	12	54
	Flats	10	38	0	0	48

	TOTAL	14	11	0	0	102
Affordable Units	Type (ALL)	1-bed	2-bed	3-bed	4-bed	TOTAL
	Houses	0	0	0	0	0
	Flats	7	13	0	0	20
	TOTAL	0	0	0	0	0
Car Parking	180 (inc. 157 allocated / 23 non allocated).					
Amenity Space	Private amenity space for the houses and communal amenity space for the flats.					
Density	44 dwellings per hectare for the site (varies across the site)					

Access

- 1.3 The proposed development would be served by a single vehicular access point onto Devonshire Road approximately 250m north of the junction with London Road. A new cycle and pedestrian access point would be provided to the south western corner of the site with London Road, close to the front boundary of No 312 London Road.

In terms of parking, occupiers of the flats would park within shared communal parking areas while the occupiers of the houses would be provided with either on-plot parking spaces or spaces within communal parking areas.

Layout

- 1.4 The development would be laid out effectively with three central areas (running through the centre of the site) where houses would back onto one another with private gardens to the rear. Detached properties would back onto the western boundary of the site and flatted blocks would provide street frontages onto London Road and Devonshire Road. The flatted units would provide a strong corner turning feature for the development on the junction.

Scale and Appearance

- 1.5 The houses would be two storeys with pitched roofs while the flatted units would be four storeys with flat roofs. A limited palette of external finishing materials is proposed across the whole of the site comprising a dark buff brick, slate coloured roof tiles and grey framed windows. Feature porches and tall windows would add interest and create a modern appearance to the houses. The flats would similarly have deep windows and projecting balconies to break up the massing of the

building and add visual interest.

2.0 SITE DESCRIPTION

- 2.1 The site comprises a broadly rectangular-shaped parcel of land, extending to approximately 2.32 hectares. The site is located to the north west of the junction with London Road and Devonshire Road. An existing access is located in the south eastern corner of the site.
- 2.2 The site is presently vacant, having not been used for some time. The site is partially overgrown as a result of being left vacant. There are trees along the western and southern boundary which provide some screening on these boundaries.
- 2.3 Natural ground levels across the site fall gently from north to south towards London Road. The site, for the most part, is located in the low flood risk area (Zone 1) but toward the southern part of the site falls within Zones 2 and 3(a).
- 2.4 The west of the site is bounded by the rear gardens and accesses to the rear of properties on Moore Avenue, which are generally 1930’s two storey houses. The southern side of the site is bounded by London Road and the eastern side of the site is bounded by Devonshire Road with Askews Farm Industrial estate beyond.

3.0 RELEVANT HISTORY

Reference	Description	Decision
16/01625/OUT	Redevelopment of the site for the provision of up to 75 dwellings with vehicular, pedestrian and cycle access from Devonshire and London Roads, internal access roads, footpaths, cycleways, parking, public open space, landscaping and drainage infrastructure (Outline application with all matters reserved except for access)	Approved subject to legal agreement

4.0 CONSULTATIONS AND REPRESENTATIONS

- 4.1 Detailed below is a summary of the consultation responses received. Full text versions are available on the Council’s website: www.thurrock.gov.uk/planning

PUBLICITY:

4.2 The application has been publicised by the display of a site notice, a newspaper advertisement and consultation with relevant consultees and neighbours.

4.3 Eight letters of representation have been received objecting for the following reasons:

- Increase in number of units since recent approval;
- More flats since recent approval;
- Parking problems will be worsened;
- The village life feel of the area is being destroyed;
- Loss of privacy for existing residents;
- Noise impact during construction;
- Local bus services already struggle due to traffic;
- Security of rear gardens of established properties;
- Impact on property values

ENVIRONMENTAL HEATH:

4.4 No objections, subject to conditions.

ANGLIAN WATER:

4.5 No objections, subject to conditions.

HIGHWAYS:

4.6 No objections, subject to conditions.

LANDSCAPE AND ECOLOGY ADVISOR:

4.7 No objections, subject to condition.

EDUCATION:

4.8 A section 106 contribution is required to mitigate the impact of the development.

HOUSING:

4.9 35% affordable housing is required.

HEALTH & SAFETY EXECUTIVE:

4.10 Does not advise against development.

FLOOD RISK MANAGER:

4.11 Object to drainage strategy [this can be covered by conditions].

ESSEX COUNTY COUNCIL (ARCHAEOLOGY):

4.12 No objections, subject to conditions.

ESSEX & SUFFOLK WATER:

4.13 No objections.

BRITISH PIPELINE AGENCY:

4.14 No objections, not in zone of interest.

HIGHWAYS ENGLAND:

4.15 No objections.

EMERGENCY PLANNING:

4.16 No objections, subject to conditions.

SPORT ENGLAND:

4.17 No objections.

REGENERATION:

4.18 No objections.

5.0 POLICY CONTEXT

NATIONAL POLICY CONTEXT

5.1 National Planning Policy Framework (NPPF)

The NPPF was published on 27th March 2012 and amended in July 2018. The NPPF is a material consideration in planning decisions. The following headings and content of the NPPF are relevant to the consideration of the current proposals.

- achieving sustainable development;

- Decision making;
- Delivering a sufficient supply of homes and
- Meeting the challenge of climate change, flooding and coastal change.

5.2 Planning Practice Guidance

In March 2014 the Department for Communities and Local Government (DCLG) launched its planning practice guidance web-based resource. The PPG contains a number of subject areas, with each area containing several subtopics. Those of particular relevance to the determination of this planning application comprise:

- Climate change;
- Design;
- Flood risk and coastal change;
- Renewable and low carbon energy; and
- Use of planning conditions.

LOCAL POLICY CONTEXT

5.3 Thurrock Local Development Framework (2015)

The Council adopted the “Core Strategy and Policies for the Management of Development Plan Document” (as amended) in 2015. The Adopted Interim Proposals Map shows the site as a ‘Housing Land Proposal’. The following Core Strategy policies apply to the proposals:

SPATIAL POLICIES:

- CSSP1 (Sustainable Housing and Locations); and
- OSDP1 (Promotion of Sustainable Growth and Regeneration in Thurrock)¹

THEMATIC POLICIES:

- CSTP1 (Strategic Housing Provision)

- CSTPP2 (The Provision of Affordable Housing)
- CSTP9 (Well-being: Leisure and Sports)
- CSTP10 (Community Facilities)
- CSTP11 (Health Provision)
- CSTP12 (Education and Learning)
- CSTP14 (Transport in the Thurrock Urban Area: Purfleet to Tilbury)³
- CSTP19 (Biodiversity)
- CSTP20 (Open Space)
- CSTP22 (Thurrock Design)
- CSTP23 (Thurrock Character and Distinctiveness)²
- CSTP24 (Heritage Assets and the Historic Environment)
- CSTP25 (Addressing Climate Change)²
- CSTP26 (Renewable or Low-Carbon Energy Generation)²
- CSTP27 (Management and Reduction of Flood Risk)²

POLICIES FOR THE MANAGEMENT OF DEVELOPMENT:

- PMD1 (Minimising Pollution and Impacts on Amenity)²
- PMD2 (Design and Layout)²
- PMD4 (Historic Environment)²
- PMD5 (Open Spaces, Outdoor Sports and Recreational Facilities)³
- PMD7 (Biodiversity, Geological Conservation and Development)²
- PMD8 (Parking Standards)³
- PMD9 (Road Network Hierarchy)

- PMD10 (Transport Assessments and Travel Plans)²
- PMD12 (Sustainable Buildings)²
- PMD13 (Decentralised, Renewable and Low Carbon Energy Generation);
- PMD15 (Flood Risk Assessment)²
- PMD16 (Developer Contributions)²

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

Thurrock Local Plan

In February 2014 the Council embarked on the preparation of a new Local Plan for the Borough. Between February and April 2016 the Council consulted formally on an Issues and Options (Stage 1) document and simultaneously undertook a 'Call for Sites' exercise. Consultation on an Issues and Options (Stage 2 Spatial Options and Sites) document will be undertaken in 2018.

Thurrock Design Strategy

In March 2017 the Council launched the Thurrock Design Strategy. The Design Strategy sets out the main design principles to be used by applicants for all new development in Thurrock. The Design Strategy is a supplementary planning document (SPD) which supports policies in the adopted Core Strategy.

6.0 ASSESSMENT

6.1 The assessment below covers the following areas:

- I. Principle of the Development
- II. Design and Layout
- III. Traffic Impact, Access and Car Parking
- IV. Impact on ecology and biodiversity
- V. Ground Contamination
- VI. Noise and Air Quality
- VII. Flood Risk and Site Drainage
- VIII. Planning Obligations
- IX. Other Matters

I. PRINCIPLE OF THE DEVELOPMENT

- 6.2 The principle of housing on this site has been established by the grant of planning permission 16/01625/OUT in 2017.
- 6.3 Policy CSSP1 refers principally to housing delivery and states, inter-alia, that new residential development will be directed to previously developed land in the urban area, outlying settlements and other existing built-up areas. Policy CSTP1 also refers to housing growth targets, a general approach to housing density and the mix of new dwellings. The development would provide a mixture of flats and houses of different sizes.
- 6.4 In light of the extant planning permission and the policy context above, the principle of the development is considered to be acceptable.

II. DESIGN AND LAYOUT

- 6.5 The development would take the form of three residential cores created by two storey houses with back to back private garden areas. Parking would be provided to the front of the dwellings in each area. This traditional layout would provide a good quality living environment for potential occupiers.
- 6.6 Two storey dwellings are considered to be an appropriate response to the local context and the established properties to the west. In addition, the two storey dwellings fronting onto Devonshire Road would ensure the development does not dominate this frontage. The taller flatted blocks would be positioned to the south and south east of the site to anchor the development in the landscape and provide a strong frontage to London Road. The area adjacent to the site to the west is made up of a variety of building, of different ages, designs and heights. It is considered that the appearance and height of buildings to the southern part of the site would be acceptable.
- 6.7 The development would result in dwellings backing onto Moore Avenue, however given the distance between these properties and the established dwellings, the proposal would not be harmful to the amenities of the occupiers of those properties.
- 6.8 The southern boundary of the site would be treated by a Sustainable Urban Drainage (SUD's) swale and tree planting which would integrate the development into the site and provide a green buffer between the residential properties and the London Road.
- 6.9 With regard to design and layout issues, the Thurrock Design Guide was adopted as a supplementary planning document and endorsed as a material consideration in the determination of planning applications in March 2017. Section 3 of the Guide ('Designing in Context') requires applicants to appraise a development site

by taking the following considerations into account:

- understanding the place;
- working with site features;
- making connections; and
- Building in sustainability.

- 6.10 It is considered that the Design & Access Statement and information accompanying the application provides a thorough understanding of the context of the site and the physical constraints influencing the opportunities for development of the site. The proposed two storey dwellings have pitched roof and windows in a traditional form. However, given the restrained palette of external materials and large window openings the two storey dwellings would have a modern appearance. Given the mixed character of the area the proposed design is considered to be acceptable.
- 6.11 The proposed four storey apartment blocks would be constructed from the same materials as the houses and would have window proportions similar to the houses. This would draw the site together in design terms. Balconies would be provided on the frontages of the blocks. Whilst it would be preferable for the balconies to be set within the building, these would provide some visual interest to the front of the building and allow for residents to have a useable outdoor area.
- 6.12 Letters have been received objecting to the increase in density since the approval of application 16/01625/OUT. It is recognised that the scheme has been revised since the outline approval, however the proposed layout would make an efficient use of land and the plans submitted show that the number of units can be accommodated on the site in an acceptable form.
- 6.13 Accordingly the proposal is considered to satisfy the relevant criteria of Policies PMD1, PMD2 and CSTP22 of the Core Strategy.

III. TRAFFIC IMPACT, ACCESS AND CAR PARKING

- 6.14 The Council's Highways Officer raises no objection to the principle of the development on this site subject to conditions. Accordingly, subject to conditions, the proposal is considered to comply with Policies PMD8, PMD9, and PMD10.

IV. IMPACT ON ECOLOGY AND BIODIVERSITY

- 6.15 The site does not form part of any area designated for nature conservation interest on either a statutory or non-statutory basis. Two Sites of Special Scientific Interest (SSSI) are located within 2km of the site, namely Lion Pit and Grays Thurrock Chalk Pit. These sites are designated for their geological importance habitat that supports an assemblage of invertebrate interest respectively. Given their distance from the site and the character of the proposals it is unlikely that the residential

development would impact upon these statutory designations. Ten non-statutory Local Wildlife Sites are also located within 2km of the site though the development proposals would be unlikely to significantly harm the nature conservation interest of these sites.

- 6.16 An ecological survey has been provided. The ecological survey, indicates that the development would not have a harmful impact on the site or the wider area.
- 6.17 An Arboricultural Impact Assessment of the trees on and around the site has been provided. The surveys indicates that the majority of the trees will be retained and will used to create a setting for the proposed development
- 6.18 The Council's Landscape and Ecology Advisor agrees with the findings of the ecological surveys, but recommends updates to the survey to ensure any scheme takes account of ecology on site. The surveys would need to be carried out prior to development taking place. This matter could be controlled by planning condition.
- 6.19 With reference to trees, the Council's Landscape and Ecology Advisor indicates that the trees that would remain could provide a good basis for the site, he therefore recommends an Arboricultural Method Statement be submitted as part of any reserved matters application.
- 6.20 Subject to the conditions proposed, it is concluded that the impacts of the proposals on ecology and biodiversity interests are acceptable.

V. GROUND CONTAMINATION

- 6.21 There are no identified contamination issues on the site. The Council's Environmental Health Officer (EHO) considers that the site will be suitable for residential use but recommends a watching brief for any unforeseen contamination. This could be covered by planning condition.

VI. NOISE AND AIR QUALITY

- 6.22 The application site is located close to London Road (in part) which is a main link between Grays, West Thurrock and Lakeside beyond. The location of some of the proposed dwellings close to London Road has potential impacts in terms of noise impact.
- 6.23 The Council's EHO is satisfied with the results of the noise survey and suggests a condition should be applied to treat the dwellings where they are closest to London Road. Mitigation measures such as enhanced glazing specification will be required to reduce internal noise levels to an acceptable level. This issue can be covered by condition.
- 6.24 There are no air quality issues affecting the site on the basis of the proposed

layout.

VII. FLOOD RISK AND SITE DRAINAGE

- 6.25 The majority of the site is located within the low risk flood area (Zone 1). However, as the site area is greater than 1 hectare and an area of the site falls within Flood Zone 2 and 3 the application is accompanied by a site specific flood risk assessment (FRA). The FRA concludes that the development is acceptable in flood risk terms as all sources of potential flooding (river, sea, surface water, ground water, sewers and reservoirs) pose a low risk.
- 6.26 The Council has applied the Sequential and Exception Test, which is required by the NPPF. The purpose of the Sequential Test is to steer new development to areas with the lowest probability of flooding (Zones 1 and 2). Development should not be permitted if there are reasonably available sites appropriate for the proposed development in areas with a lower probability of flooding. If, following application of the Sequential Test, it is not possible, consistent with wider sustainability objectives for the development to be located in zones with a lower probability of flooding the Exception Test can be applied.
- 6.27 The Sequential Test has been applied to the proposals and that Test concludes that there are no reasonably available sites located in areas of lower flood risk within the search area that would be appropriate for the type of development proposed. The Exception Test also needs to be applied as the proposal is classified as a 'more vulnerable use' within flood zone 3 but it is considered that the proposals would deliver benefits to sustainability which would outweigh flood risk issues and that, subject to mitigation, the development will be safe without increasing flood risk elsewhere.
- 6.28 The response from the Flood Risk Manager raises a holding objection due to the adequacy of the Drainage Strategy this matter could be covered by a condition to update the submitted Strategy. In addition the Council's Civil Protection Officer raises no objection subject to the submission of a Flood Warning and Evacuation Plan, which can also be covered by a condition.

VIII. PLANNING OBLIGATIONS

- 6.29 Adopted Core Strategy policy CSTP2 seeks the provision of 35% affordable housing and policy PMD16, seeks planning obligations through S106 agreement (as appropriate) to mitigate the impact of development.
- 6.30 Comments from the Council's Education Team note that a financial contribution is required to mitigate the impact of the development on primary and secondary school provision in the locality. The Infrastructure Requirement List identifies extensions to a primary school in the Grays primary school planning area and

extension to a secondary school in the central secondary school planning area as infrastructure projects.

- 6.31 The applicant has provided a viability appraisal as part of the application. This assessment was based on the value assumptions of the previous application with an uplift to encompass the additional units, in terms of contributions. The proposal is for 20% of the total units being provided as affordable housing.
- 6.32 The appraisal indicates that the scheme cannot support a policy compliant level of affordable housing and that contributions can only be provided on the basis as submitted in the assessment. The financial information within the appraisal is commercially sensitive, but has been assessed by the Council's appointed independent assessors.
- 6.33 The Council's independent assessors agree that the scheme could support the contributions and affordable housing as put forward by the applicant. However, at the time of publication the consultants were still considering whether the scheme could support higher levels of contribution and affordable housing. An update of the final position will be provided to Members on the evening. As with other similar schemes and regardless of the final position that is reached, it will be necessary to include a review mechanism within the s.106 to ensure that any uplift value is captured in the event that the development is not commenced within a 2 year period.

IX. OTHER MATTERS

- 6.34 The application site lies within the consultation zones of the NuStar fuel storage facility to the north east of the site on Askews Farm Lane. The applicant has been involved in detailed discussion with the Health and Safety Executive (HSE) about the zoning and the development, the HSE has indicated on the basis of the specific layout provides there are no objections to granting consent for housing on this site.
- 6.35 The response from the Archaeology team at Essex County Council recommends a watching brief in case there is material of any interest. This could be covered by an appropriate condition.

7.0 CONCLUSIONS AND REASONS FOR APPROVAL

- 7.1 This application seeks full planning permission for the residential development of the site. The site lies within a mixed use area and is close to one of the major regeneration hubs in the Borough. Accordingly, the principle of the development is sound.
- 7.2 The proposed layout and all matters of detail would be acceptable to create a suitable modern development. Other matters such as noise, archaeology, ecology,

flood risk and contamination could be dealt with by appropriate conditions.

8.0 RECOMMENDATION

8.1 Grant planning permission subject to:

A: The applicant and those with an interest in the land entering into an obligation under section 106 of the Town and Country Planning Act 1990 with the following heads of terms:

- (i) The provision of 20 dwellings as affordable housing (intermediate tenure);
- (ii) Financial contribution of £239,189.32 (subject to indexation) payable prior to first occupation towards the cost of additional secondary school places within the central secondary school planning area;
- (iii) Review mechanism in the event that the scheme has not reached slab level on 50 units within 2 years of consent being granted.

B: The following planning conditions:

Full Planning Applications - Three year time limit on commencement.

- 1 The development hereby permitted shall be begun before the expiration of three years from the date of this permission.

Reason: To comply with Section 91(1) of The Town & Country Planning Act 1990 as amended by Section 51 of the Planning and Compulsory Purchase Act 2004.

Accordance with Plans

- 2 The development hereby permitted shall be carried out in accordance with the following approved plans, unless otherwise agreed in writing by the local planning authority:

Plan Number(s):		
Reference	Name	Received
1001A	Other	11th April 2018
1100	Roof Plans	11th April 2018
1200A	Other	11th April 2018

1201A	Site Layout	11th April 2018
1202C	Other	11th April 2018
1203A	Other	11th April 2018
1204A	Other	11th April 2018
1205A	Other	11th April 2018
1300B	Site Layout	11th April 2018
1301A	Sections	11th April 2018
1400A	Floor Layout	11th April 2018
1401A	Floor Layout	11th April 2018
1402A	Floor Layout	11th April 2018
1403A	Floor Layout	11th April 2018
1404A	Floor Layout	11th April 2018
1405A	Floor Layout	11th April 2018
1406A	Floor Layout	11th April 2018
1407A	Floor Layout	11th April 2018
1408A	Floor Layout	11th April 2018
1409A	Floor Layout	11th April 2018
1410A	Floor Layout	11th April 2018
1411A	Floor Layout	11th April 2018
1500A	Floor Layout	11th April 2018
1501A	Floor Layout	11th April 2018
1502A	Floor Layout	11th April 2018
1503A	Floor Layout	11th April 2018
1504A	Floor Layout	11th April 2018
1505A	Floor Layout	11th April 2018
1506A	Floor Layout	11th April 2018
1507A	Floor Layout	11th April 2018
1508A	Floor Layout	11th April 2018
1509A	Floor Layout	11th April 2018
1510A	Floor Layout	11th April 2018
1511A	Floor Layout	11th April 2018
1512A	Floor Layout	11th April 2018
1513A	Floor Layout	11th April 2018
1514A	Floor Layout	11th April 2018
1515A	Floor Layout	11th April 2018
1516A	Floor Layout	11th April 2018
1520A	Floor Layout	11th April 2018
1700A	Elevations	11th April 2018
1701A	Elevations	11th April 2018

1702A	Elevations	11th April 2018
1703A	Elevations	11th April 2018
1800A	Elevations	11th April 2018
1801A	Elevations	11th April 2018
1802A	Elevations	11th April 2018
1850A	Elevations	11th April 2018
1851A	Elevations	11th April 2018
1852A	Elevations	11th April 2018
1853A	Elevations	11th April 2018
1854A	Elevations	11th April 2018
1855A	Elevations	11th April 2018
1856A	Elevations	11th April 2018
1857A	Elevations	11th April 2018
1858A	Elevations	11th April 2018
1875A	Elevations	11th April 2018
1350	Landscaping	11th April 2018
1352	Landscaping	11th April 2018
1353	Landscaping	11th April 2018
1351	Landscaping	11th April 2018
1354	Landscaping	11th April 2018
1000B	Location Plan	11th April 2018

Reason: In the interest of proper planning.

Materials

- 3 No development above ground level shall take place until samples of the materials to be used in the construction of the external surfaces of the development hereby permitted have been submitted to and approved in writing by the local planning authority. Development shall be carried out in accordance with the approved details unless otherwise agreed in writing by the local planning authority.

Reason: In the interests of visual amenity & to ensure that the proposed development is satisfactorily integrated with its surroundings, in accordance with Policy PMD2 of the adopted Thurrock LDF Core Strategy and Policies for the Management of Development [2015].

Archaeological Trial Trenching & Excavation

- 4 No development shall take place until the applicant has secured the implementation of a programme of archaeological work in accordance with a written scheme of

investigation, which has been submitted and approved in writing by the Local Planning Authority, unless otherwise agreed in writing by the Local Planning Authority.

Reason: In the interests of the potential archaeological value of the site in accordance with Policy PMD4 of the adopted Thurrock LDF Core Strategy and Policies for the Management of Development [2015]..

Landscaping & Trees

- 5 No development above ground level shall take place until there has been submitted to and approved in writing by the local planning authority, a scheme of landscaping, which shall include details of all existing trees and hedgerows on the land, and details of any to be retained, together with measures for their protection in the course of development in accordance with an Arboricultural Method Statement and a programme of maintenance. All planting, seeding or turfing comprised in the approved scheme shall have regard to the biodiversity plan to be submitted for approval under condition 9, and shall be carried out in the first planting and seeding season following commencement of the development [or such other period as may be agreed in writing by the local planning authority] and any trees or plants which within a period of 5 years from the completion of the development die, are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of similar size and species, unless the local planning authority gives written consent to any variation.

Reason: To ensure the proposed development is satisfactorily integrated into its surroundings & provides for landscaping as required by Policies CSTP18 and PMD2 of the adopted Thurrock LDF Core Strategy and Policies for the Management of Development [2015].

Landscape protection - Fencing

- 6 All trees, shrubs and hedgerows to be retained on the site shall be protected by chestnut paling fencing for the duration of the construction period at a distance equivalent to not less than the spread from the trunk. Such fencing shall be erected prior to the commencement of any works on the site. No materials, vehicles, fuel or any other ancillary items shall be stored or buildings erected inside this fencing; no changes in ground level may be made or underground services installed within the spread of any tree or shrub [including hedges] without the previous written consent of the local planning authority.

Reason: To ensure the proposed development is satisfactorily integrated into its surroundings & provides for tree & hedgerow retention/ landscaping as required by Policies CSTP18 and PMD2 of the adopted Thurrock LDF Core Strategy and Policies for the Management of Development [2015].

Landscape protection – Hand dug excavations

- 7 Any excavations which are necessary within the canopy spread of the retained trees shall be undertaken by hand and no power tools or machinery shall be used unless otherwise agreed by the local planning authority. If any roots are exposed they should be covered with damp sacking which should remain in place until the roots are permanently re-covered. All roots greater than 25 mm diameter should be retained and worked around. Care shall be taken to minimise damage to retained roots, including the bark around roots. Roots which are inadvertently damaged should be left without further disturbance. Roots in excess of 50 mm diameter shall not be severed without the prior written approval of the local planning authority.

Reason: To ensure the proposed development is satisfactorily integrated into its surroundings & provides for tree & hedgerow retention/ landscaping as required by Policies CSTP18 and PMD2 of the adopted Thurrock LDF Core Strategy and Policies for the Management of Development [2015].

Biodiversity Management Plan

- 8 Prior to the commencement of development a 'Biodiversity Management Plan' shall be submitted to, and approved in writing by, the local planning authority. The Biodiversity Management Plan shall have regard to the recommendations and proposed mitigation strategy contained within the submitted Ecology Strategy (April 2018) by AA Environmental Limited accompanying the planning application, and shall include details of:
- I. Any further survey work undertaken [including reptile and invertebrate surveys], the methodology, timing and findings of these surveys and how they have informed the measures outlined in the Biodiversity Management Plan;
 - II. Methodologies for translocation of protected species [where relevant];
 - III. Suitable receptor areas together with evidence produced by an ecologist that the receptor areas are capable of supporting the population displaced;
 - IV. The methods for the protection of existing species in situ [where relevant];
 - V. Any seeding, planting and methods to promote habitat creation and establishment or habitat enhancement;
 - VI. General ecological mitigation applying to the timing/ program of construction works;
 - VII. An assessment of the works required for management and who will undertake such works,

The Biodiversity Management Plan shall be implemented in accordance with the approved plan and timescale. Any translocation undertaken shall be verified in

writing to the local planning authority by an independent qualified ecologist within 28 days of undertaking the translocation.

Reason: To ensure the proposed development makes satisfactory provision for conservation of the site's wildlife interest as required by Policy PMD7 of the adopted Thurrock LDF Core Strategy and Policies for the Management of Development [2015].

Public open space – provision & management

- 9 Prior to the first occupation of any unit, a management and implementation plan to describe the proposals for the equipping, management and maintenance of the area(s) of public open space (incorporating an area for child's play) within the development, shall be submitted for approval in writing by the local planning authority. Before occupation of any dwellings (or in a phased arrangement to be agreed) the area(s) of open space shall be equipped, managed and maintained in accordance with the approved details, unless otherwise agreed in writing by the local planning authority.

Reason: To provide for an attractive, safe & accessible development as required by Policy PMD2 of the adopted Thurrock LDF Core Strategy and Policies for the Management of Development [2015].

Surface Water Drainage

- 10 No development shall commence until a revised surface water drainage scheme for the site, based on sustainable drainage principles and an assessment of the hydrological & hydro geological context of the development, has been submitted to and approved in writing by the local planning authority. The scheme shall be based on the following documents:

- Non-statutory technical standards for sustainable drainage systems
- Essex County Council's (ECC's) adopted Sustainable Drainage Systems Design Guide
- The CIRIA SuDS Manual (C753)
- BS8582 Code of practice for surface water management for development sites.

And shall include the following updated details:

- Full consideration of the discharge hierarchy
- Demonstration that the treatment of surface water is in line with C753 for the whole development
- Provide a clear indication of urban creep in storage calculation.

The scheme shall subsequently be implemented prior to occupation, unless

otherwise agreed in writing by the local planning authority.

Reason: To ensure that a suitable surface water drainage strategy is agreed & implemented & flood risk interests are adequately managed in accordance with Policy CSTP27 of the adopted Thurrock LDF Core Strategy and Policies for the Management of Development [2015].

Management of Off Site Flood Risk & Pollution – Construction Phase

- 11 No development shall commence until a scheme to minimise the risk to offsite flooding caused by surface water runoff and ground water during construction works, and prevent pollution, has been submitted to and approved in writing by the local planning authority. The scheme shall be subsequently implemented as approved, unless otherwise agreed in writing by the local planning authority.

Reason: To ensure that a suitable surface water drainage strategy is agreed & implemented for the construction phase & flood risk interests are adequately managed in accordance with Policy CSTP27 of the adopted Thurrock LDF Core Strategy and Policies for the Management of Development [2015].

Surface Water Drainage – Maintenance

- 12 No development shall commence until a Maintenance Plan detailing the maintenance arrangements for the site, including persons/bodies responsible for the respective elements of the surface water drainage system, including the maintenance activities and frequencies, has been submitted for approval in writing by the local planning authority. The applicant or any successor in title, should maintain yearly logs of maintenance carried out in accordance with any approved Maintenance Plan, which should be made available for inspection by the local planning authority upon its reasonable request.

Reason: To ensure that a suitable surface water drainage maintenance strategy is agreed & implemented & flood risk interests are adequately managed, in accordance with Policy CSTP27 of the adopted Thurrock LDF Core Strategy and Policies for the Management of Development [2015].

Flood Warning & Evacuation Plan

- 13 Prior to the occupation of any dwelling on the site, a Flood Warning and Evacuation 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 occupation of the first dwelling and shall be permanently maintained thereafter, unless otherwise agreed in writing by the local planning authority.

Reason: In the interests of flood safety.

Bin stores

- 14 The bin and recycling stores as approved shall be provided prior to the first occupation of any of the residential units they serve and shall be constructed and permanently retained in the approved form, unless otherwise agreed in writing by the local planning authority.

Reason: To ensure that a suitable layout & design providing for appropriate waste management facilities is agreed, in accordance with Policy PMD2 of the adopted Thurrock LDF Core Strategy and Policies for the Management of Development [2015].

Acoustic Mitigation Measures

- 15 The development hereby permitted shall be carried out strictly in accordance with the details in the submitted Noise Assessment report by Mayer Brown (April 2018) "Bellway Homes (Thames Gateway) Ltd: Proposed Residential Development Devonshire Place, Grays" accompanying the planning application, specifically the recommendations at Section 7. The measures shall be incorporated into the residential units in the manner detailed prior to their residential occupation, and shall thereafter be permanently retained as approved unless otherwise agreed in writing by the local planning authority.

Reason: In the interest of the residential amenity of future occupiers of the site, in accordance with Policy PMD1 of the adopted Thurrock LDF Core Strategy and Policies for the Management of Development [2015].

Construction Management Plan

- 16 No development shall commence until a Construction Environmental Management Plan [CEMP] has been submitted to and approved in writing by the local planning authority. The CEMP should contain or address the following matters:
- a) Working hours, including the duration of any piling operations
 - b) Vehicle haul routing in connection with construction and engineering operations
 - c) Wheel washing and sheeting of vehicles transporting loose aggregates or similar materials on or off site
 - d) Details of construction access
 - e) Location and size of on-site compounds, including the design layout of any proposed temporary artificial lighting systems
 - f) Details of any temporary hardstandings;(g) Details of temporary hoarding;

- g) Method for the control of noise with reference to BS5228 together with a monitoring regime
 - i. Measures to reduce vibration and mitigate the impacts on sensitive receptors
 - ii. together with a monitoring regime
- h) Dust and air quality mitigation and monitoring
- i) Water management including waste water and surface water discharge
- j) Method statement for the prevention of contamination of soil and groundwater and air pollution, including the storage of fuel and chemicals, as necessary
- k) A Site Waste Management Plan
- l) Ecology and environmental protection and mitigation, as necessary
- m) Community liaison including a method for handling and monitoring complaints, contact details for site managers.
- n) Details of security lighting layout and design;
 - i. A procedure to deal with any unforeseen contamination, should it be encountered during development.

Works on site shall only take place in accordance with the approved CEMP, unless otherwise agreed in writing by the local planning authority.

Reason: In the interest of the amenity of residential properties in the vicinity of the site, in accordance with Policy PMD1 of the adopted Thurrock LDF Core Strategy and Policies for the Management of Development [2015].

Sight splays & speed reduction measures

- 17 Prior to the commencement of development, details of sight splays and speed reduction measures shall be provided at all proposed junctions and bends in the road for approval in writing by the local planning authority. The approved sight splays and speed reduction measures shall thereafter be retained unless otherwise agreed in writing by the local planning authority.

Reason: In the interests of securing a safe & accessible development in accordance with Policy PMD2 of the adopted Thurrock LDF Core Strategy and Policies for the Management of Development [2015].

Vehicle parking & turning areas

- 18 The parking, garaging and turning areas for each respective dwelling shall be provided before they are occupied, and shall thereafter be retained for the purposes of parking/ turning, and in the approved form, unless otherwise agreed in writing by the local planning authority.

Reason: In the interests of highway safety, efficiency & amenity

Vehicle access sight splays

- 19 Prior to any vehicle access serving the proposed dwellings being brought into use, clear to ground level sight splays of 1.5m x 1.5m from the back of footway shall be laid out either side of the proposed access within the site, and maintained in the approved form at all times, unless otherwise agreed in writing by the local planning authority.

Reason: In the interests of securing a safe & accessible development in accordance with Policy PMD2 of the adopted Thurrock LDF Core Strategy and Policies for the Management of Development [2015].

Access roads, streets, footways & cycleways provision

- 20 None of the dwellings hereby permitted shall be occupied until the access road(s), street(s), footway(s) and cycleway(s) serving that dwelling have been constructed to the satisfaction of the local planning authority, unless otherwise agreed in writing by the local planning authority.

Reason: In the interests of securing a safe & accessible development in accordance with Policy PMD2 of the adopted Thurrock LDF Core Strategy and Policies for the Management of Development [2015].

Travel Plan

- 21 Prior to the first occupation of any unit, a Travel Plan shall be submitted for approval in writing by the local planning authority. The Travel Plan shall include detailed and specific measures to reduce the number of journeys made by car to the site, and shall include specific details of the operation and management of the proposed measures. The commitments stated in the Travel Plan shall be binding on the applicants or their successors in title. The measures shall be implemented prior to the occupation of the approved dwellings, or in such other phased arrangement to be agreed in writing by the local planning authority, and shall thereafter be retained unless otherwise agreed in writing by the local planning authority. Upon written request, the applicant or their successors in title shall provide the local planning authority with written details of how the measures contained in the Travel Plan are being undertaken at any given time.

Reason: In the interests of securing an accessible, safe, healthy & sustainable development in accordance with Policies PMD2 and PMD10 of the adopted Thurrock LDF Core Strategy and Policies for the Management of Development [2015].

Restrict Use of Garage

- 22 Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 2015 (or any order amending, revoking or re-enacting that Order) the garage hereby permitted shall be used only for the parking of vehicles in connection with the residential use of the property.

Reason: In the interests of highway safety and to ensure that adequate car parking provision is available in accordance with policies PMD8 and PMD9 of the adopted Thurrock LDF Core Strategy and Policies for the Management of Development [2015].

Removal of PD Rights – Extensions

- 23 Notwithstanding the provisions of Schedule 2, Part 1 Class A of the Town & Country Planning (General Permitted Development) Order 2015 (or any order revoking and re-enacting that Order with or without modification) no extensions shall be erected to the building[s] hereby permitted without planning permission having been obtained from the local planning authority.

Reason: In order to safeguard the amenities of neighbouring occupiers, in the interests of visual amenity of the area and to ensure adequate outdoor amenity space is retained for occupiers of the dwellings in accordance with policies PMD1 and PMD2 of the adopted Thurrock LDF Core Strategy and Policies for the Management of Development [2015].

Removal of PD Rights - Communal TV/Satellite

- 24 Notwithstanding the provisions of the Town & Country Planning (General Permitted Development) Order 2015 [or any order revoking or re-enacting that Order with or without modification] the flats hereby permitted shall be equipped with a communal satellite dish[[es]]. Details of the number, size, external appearance and the positions of the satellite dish[[es]] shall be submitted to and agreed in writing by the local planning authority prior to the installation of such systems.

The agreed communal satellite dish systems shall be installed prior to the residential occupation of the flats and thereafter retained. Notwithstanding the provisions of the Town and Country Planning [General Permitted Development] Order 2015 [or any Order revoking or re-enacting that Order with or without modification] other than those agreed by way of the above scheme, no additional satellite dish[[es]] or aerials shall be fixed to the building comprising the flats hereby permitted without the prior written approval of the local planning authority.

Reason: In the interests of visual amenity and to ensure that the development can be integrated within its immediate surroundings in accordance with Policies PMD1 and PMD2 of the adopted Thurrock LDF Core Strategy and Policies for the Management of Development [2015].

Informative(s)

1 Positive and Proactive Statement

The Local Planning Authority has acted positively and proactively in determining this application by identifying matters of concern within the application (as originally submitted) and negotiating, with the Applicant/Agent, acceptable amendments to the proposal to address those concerns. As a result, the Local Planning Authority has assessed the proposal in accordance with the presumption in favour of sustainable development, as set out within the National Planning Policy Framework.

Highway works

- 2 Any works, which are required within the limits of the highway reserve, require the permission of the Highway Authority and must be carried out under the supervision of that Authority's staff. The Applicant is therefore advised to contact the Authority at the address shown below before undertaking such works. Chief Highways Engineer, Highways Department, Thurrock Council, Civic Offices, New Road, Grays Thurrock, Essex. RM17 6SL

Renewable Energy

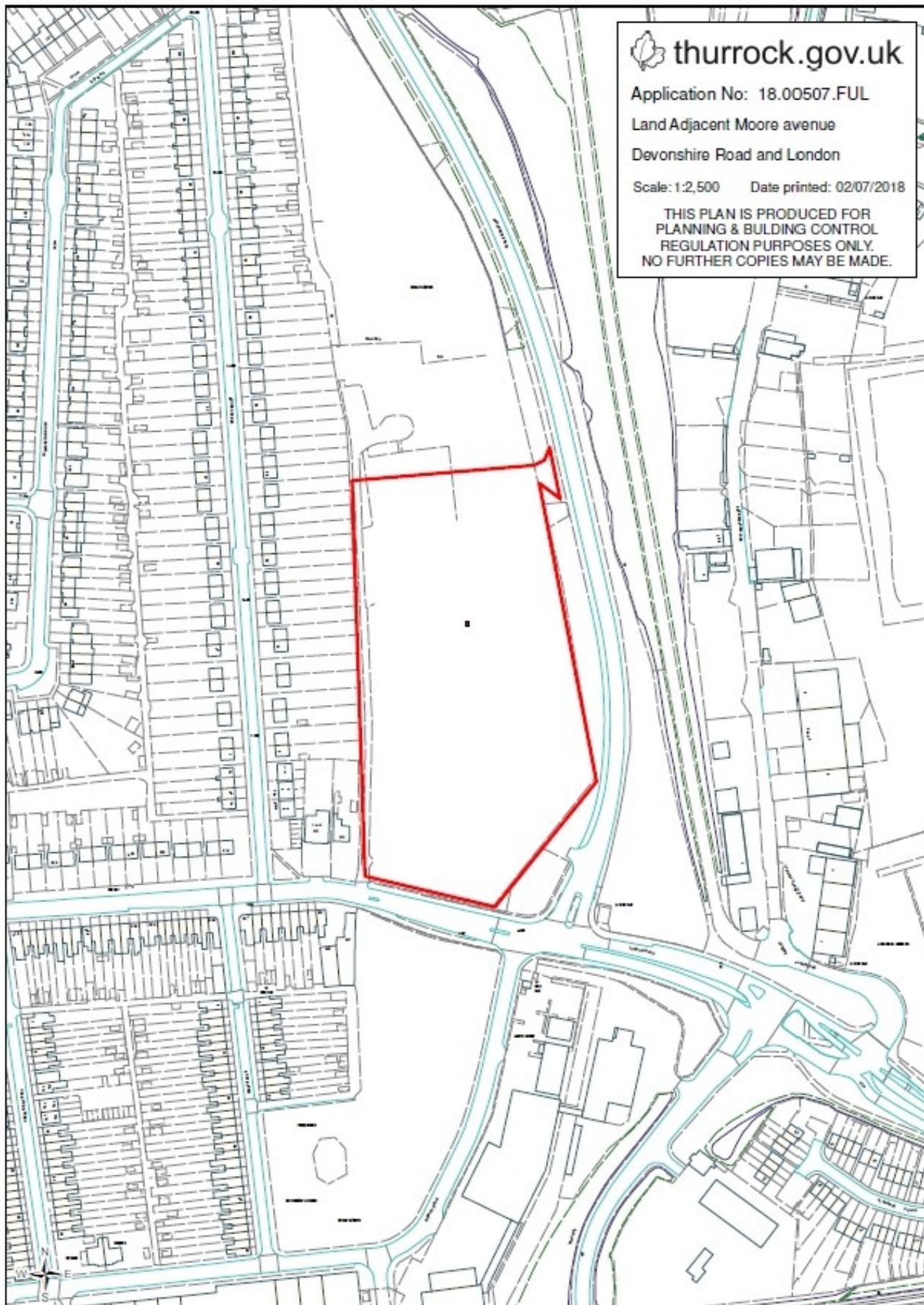
Prior to the construction above ground level of any of the buildings, details of measures to demonstrate that the development will achieve the generation of at least 15% of its energy needs through the use of decentralised, renewable or low carbon technologies shall be submitted to and approved in writing by the local planning authority. The approved measures shall be implemented and operational upon the first use or occupation of the buildings hereby permitted and shall thereafter be retained in the agreed form unless otherwise agreed in writing by the local planning authority.

Reason: To ensure that development takes place in an environmentally sensitive way in accordance with Policy PMD13 of the adopted Thurrock LDF Core Strategy and Policies for the Management of Development [2015].

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: 18.00507.FUL
Land Adjacent Moore avenue
Devonshire Road and London
Scale: 1:2,500 Date printed: 02/07/2018
THIS PLAN IS PRODUCED FOR
PLANNING & BUILDING CONTROL
REGULATION PURPOSES ONLY.
NO FURTHER COPIES MAY BE MADE.

Reference: 17/01616/FUL	Site: Old State Cinema George Street Grays Essex RM17 6LZ
Ward: Grays Riverside	Proposal: Change of use of building from cinema (Use Class D2) to public house (Use Class A4) and associated internal and external works to facilitate use, including the creation of external beer garden on frontage to George Street

Plan Number(s):		
Reference	Name	Received
PL 01 Rev. A	Location Plan	5th December 2017
PL 02A	Block Plan	5th December 2017
PL 001	Existing Underside of Stage	5th December 2017
PL 002	Existing Ground Floor Plan	5th December 2017
PL 003	Existing First Floor Plan	5th December 2017
PL 004	Existing Second Floor Plan	5th December 2017
PL 005	Existing Third Floor Plan	5th December 2017
PL 006	Existing Roof Plan	5th December 2017
PL 010	Existing South Elevation	5th December 2017
PL 011	Existing East Elevation	5th December 2017
PL 012	Existing North Elevation	5th December 2017
PL 013	Existing West Elevation	5th December 2017
PL 020	Existing Section A-A	5th December 2017
PL 021	Existing Section B-B	5th December 2017
PL 030	Block Plan	5th December 2017
PL 040	Existing Dilapidation Lower Ground Reflected Ceiling Plan	5th December 2017
PL 041	Existing Dilapidation Ground Floor Reflected Ceiling Plan	5th December 2017
PL 042	Existing Dilapidation First Floor Reflected Ceiling Plan	5th December 2017
PL 043	Existing Dilapidation Second Floor Reflected Ceiling Plans	5th December 2017

PL 044	Existing Dilapidation Third Floor Reflected Ceiling Plan	5th December 2017
PL 045	Existing Dilapidation Roof Plan	5th December 2017
PL 046	Existing Dilapidation South Elevation	5th December 2017
PL 047	Existing Dilapidation East Elevation	5th December 2017
PL 048	Existing Dilapidation North Elevation	5th December 2017
PL 049	Existing Dilapidation West Elevation	5th December 2017
PL 050	Existing Dilapidation Section A-A	5th December 2017
PL 051	Existing Dilapidation Section B-B	5th December 2017
PL 052	Existing Dilapidation Reflected Ceiling Plan Main Entrance Lobby	5th December 2017
PL 054	Existing Dilapidation Reflected Ceiling Plan Ground Floor Stalls	5th December 2017
PL 055	Existing Dilapidation Reflected Ceiling Plan Stage and Proscenium	5th December 2017
PL 056	Existing Dilapidation Reflected Ceiling Plan and Internal Elevations First Floor Bar	5th December 2017
PL 057	Existing Dilapidation Reflected Ceiling Plan Circle	5th December 2017
PL 058	Existing Dilapidation Section C-C	5th December 2017
PL 100	Proposed Ground Floor GA	5th December 2017
PL 200	Proposed First Floor GA	5th December 2017
PL 300	Proposed Second Floor GA	5th December 2017
PL 330	Proposed Third Floor GA	5th December 2017
PL 360	Proposed Roof Plan GA	5th December 2017
PL 400	Proposed Gents Toilets	5th December 2017
PL 401	Proposed Ladies Toilets	5th December 2017
PL 402	Proposed Back Bar	5th December 2017
PL 403	Proposed Front Bar	5th December 2017
PL 408	Proposed Railings to Stage	5th December 2017
PL 409	Proposed Ground Floor Customer Area Elevations	5th December 2017
PL 410	Proposed Food Pass and Cutlery Station	5th December 2017
PL 500	Proposed Section A-A	5th December 2017
PL 501	Proposed Section B-B	5th December 2017
PL 502	Proposed Section C-C	5th December 2017
PL 600	Proposed South Elevation	5th December 2017
PL 601	Proposed East Elevation	5th December 2017

PL 602	Proposed North Elevation	5th December 2017
PL 603	Proposed West Elevation	5th December 2017

The application is also accompanied by:

- Design and Access Statement
- Highways Access Strategy
- Building Condition Survey
- Heritage Statement
- Flood Risk Assessment
- Asbestos Status Report
- Compton Cinema Organ Condition Report

Applicant:

J D Wetherspoon PLC

Validated:

30 November 2017

Date of expiry:

20 August 2018

Recommendation: Approve, subject to conditions.

1.0 DESCRIPTION OF PROPOSAL

1.1 This application seeks planning permission for the change of use of the building from the former cinema use to a public house. This application was submitted alongside an application for Listed Building Consent reported separately on this agenda.

1.2 The table below provides further details for the proposals:

Existing gross internal floor space	c.2,850 sq.m.
Proposed Customer Areas	Ground Floor: 989 sq.m. Entrance Lobby: 72 sq.m. Beer Garden: 216 sq.m.
No. of Covers	Ground Floor Customer Area: 495 Beer Garden: 57 Pavement Area: 76 TOTAL: 628 covers
Proposed Employment	60 full-time equivalent staff

1.3 The proposed change of use to a public house involves a comprehensive refurbishment of the former cinema building to provide the following internal / external accommodation:

Ground Floor:

- main entrance lobby;
- customer area;
- bar / server;
- kitchen;
- beer garden;
- disabled toilets;
- baby changing facilities;
- ancillary office; and
- recycling / bin storage.

First Floor:

- customer toilets;
- staff room;
- staff changing areas;
- bin store; and
- cooled beer store.

Second Floor:

- ancillary accommodation.

- 1.4 The proposals would leave the existing circle seating area and projector room unchanged with no public access to these areas. The proposals include an outdoor seated area on George Street to the west of the main entrance. This seated area is not located on the public highway. There are no dedicated parking spaces to serve the existing site and no parking spaces are proposed. Food and drink deliveries for the proposed public house would be from the service area to the north of the site (vehicle access from London Road) and then via the access adjacent to the east of the site.

2.0 SITE DESCRIPTION

- 2.1 The State Cinema is located on the north side of George Street and to the south of London Road Grays and is a free standing building unattached to other buildings or structures.
- 2.2 George Street is a pedestrian precinct which runs east-west from the High Street to the Morrisons supermarket and car park. To the north of the State Cinema is the service yard of the supermarket and opposite is the former Post Office building. To the east is a narrow lane (referred to in the application as State Lane) which provides pedestrian access from London Road to George Street and to the rear of

High Street properties. To the west is an open hard surfaced area adjacent to the supermarket. Land to the north-west is gated and used for informal parking wholly unrelated to the State Cinema.

- 2.3 The building can be seen over a wider area of the town centre due to its height especially that of the tower with its distinctive lettering which can be seen from various parts of central Grays.
- 2.4 The town centre comprises a wide variety of building types. There have been many changes post war. The historic road pattern has significantly changed and the relationship between buildings and spaces has been eroded. Ground floor commercial premises are modern with synthetic materials and appearance. Traditional buildings appear much altered or eroded in terms of context though some notable examples remain including the former magistrates court building, the former Ritz Cinema (now Mecca Bingo) and the State Cinema.
- 2.5 The State Cinema was originally listed at Grade II in February 1985 and upgraded to Grade II* in 2000. It currently appears on the national list of Historic Buildings at Risk prepared by English Heritage. It was constructed in 1938 and was designed by FGM Chancellor of Frank Matcham & Co for Frederick's Electric Theatres. Many of the original internal art deco features including lamps, decoration and the Compton organ which rises from under the stage remain although some elements have been stolen recently. Grays had another 'super-cinema' by Chancellor dating from 1930 and that was The Regal on New Road; it has since been demolished.
- 2.6 The State Cinema is constructed of brown brick and has a flat roof. The main elevation is the southern frontage on which there is cream and black decoration by way of faience (glazed decorated pottery) cladding. At the south east corner is a tower with an overhanging flat roof, the name State in large squared capitals set into the recessed frieze beneath the roof overhang. The building is massive in form and unrelieved by details making its external appearance rather austere. The form is emphasized and articulated by pilaster buttresses on the north east and west elevations.
- 2.7 The building form steps up to the tower which is decorated with cream and black faience. The tower is described as squat by Pevsner in his book on the buildings of Essex. It sits above a circular lobby with glazed doors which provides the main entrance point. The lobby has a dome and frieze detail and the George Street frontage contains small shop units unconnected to the interior spaces.
- 2.8 There are two main storeys of foyers to the auditorium which is steeply raked and which can seat approximately 2,200. The foyers are linked by an open well staircase which is served by windows on the east.

- 2.9 In the listing the State Cinema is described as being one of the best preserved of the 1930s ‘super cinemas’. It has retained even small details of decor and machinery and is unusual in having not been subdivided or significantly altered. It has been vandalised within the last six months in spite of the best efforts of the owner. The projection room to the rear and above the circle is still equipped with some of the original projectors and lighting effects lanterns.
- 2.10 The building operated as a cinema from 1938 until the late 1980s and after a period of closure re-opened in 1991 as a wine bar and nightclub. However, the building has been unused since approximately 1998. Although the building has been considered as structurally sound in the past, damage associated with water ingress was identified as early as 2003. Although works of repair have periodically been undertaken issues arising from defective roof coverings and defective rainwater goods remain. An inspection of the interior of the building during the winter of 2017/18 confirmed continuing issues of water ingress.

3.0 RELEVANT HISTORY

Reference	Description	Decision
91/00622/FUL	Part change of use to include ground floor bar & first floor circle bar & restaurant , redecoration & reinstatement/additional lighting	Approved
97/00619/FUL	Change of use to D1 (place of worship) in addition to the current use D2 (Cinema and place of entertainment)	Withdrawn
98/00163/FUL	Change of use to D1 (place of worship) in addition to the current use D2 (cinema and place of entertainment)	Allowed at appeal
11/50367/TTGLBC	Change of use refurbishment and alterations to former cinema to form a mixed leisure centre including conference and entertainment facilities, restaurant, shops and bars.	Approved
11/50366/TTGFUL	Change of use, refurbishment & alterations to former cinema to form a mixed leisure centre including conference and entertainment facilities, restaurant, shops and bars.	Approved
15/00981/FUL	Change of use of former cinema to drinking establishment (Use Class A4) including full internal refurbishment and redecoration scheme retaining original auditorium, creation of external beer garden and terrace above first floor. Full repair and restoration of external envelope. Provision of additional windows and doors at ground	Lapsed

	and first floor level.	
15/00982/LBC	Change of use of former cinema to drinking establishment (Use Class A4) including full internal refurbishment and redecoration scheme retaining original auditorium, creation of external beer garden and terrace above first floor. Full repair and restoration of external envelope. Provision of additional windows and doors at ground and first floor level.	Lapsed
17/01617/LBC	Works to create public house and ancillary areas within existing building, including full internal refurbishment and redecoration scheme and external works including creation of beer garden and full repair of external envelope as found necessary following dilapidation survey	Pending consideration – reported separately on this agenda

4.0 CONSULTATIONS AND REPRESENTATIONS

PUBLICITY:

- 4.1 This application has been advertised by way of individual neighbour notification letters, press advert and public site notice which has been displayed nearby.
- 4.2 Two letters have been received in support of the proposal, citing job opportunities, reuse of the building restoration of a local landmark, tidying up the area and improving the local high street and economy.
- 4.3 One letter of objection has been received raising concerns about behaviour of patrons to the proposed public house.
- 4.4 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

4.5 HIGHWAYS:

No objections.

4.6 ENVIRONMENT AGENCY:

No objections

4.7 THEATRES TRUST:

Support the proposals which will refurbish and restore the building. The Trust encourage the restoration of the Compton Organ.

4.8 TWENTIETH CENTURY SOCIETY:

Welcome the proposals.

4.9 CINEMA ORGAN SOCIETY:

Supports the proposals and encourages the restoration of the Compton Organ.

4.10 REGENERATION:

Support the proposals but suggest that request that consideration be given to the use of planning conditions addressing film nights, music nights, historical interpretation and use of the projection room as a cinema.

4.11 LANDSCAPE & ECOLOGY:

No objection.

5.0 POLICY CONTEXT

National Planning Guidance

National Planning Policy Framework (NPPF)

5.1 The NPPF (revised) was published in July 2018. Paragraph 11 of the Framework sets out a presumption in favour of sustainable development. Paragraph 212 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.

5.2 The following headings and content of the NPPF are relevant to the consideration of the current proposals:

- Achieving sustainable development
- Decision-making
- Ensuring the vitality of town centres
- Conserving and enhancing the historic environment
- Meeting the challenge of climate change, flooding and coastal change

Planning Practice Guidance

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 50 subject areas, with each area containing several subtopics. Those of particular relevance to the determination of this planning application comprise:

- Design
- Determining a planning application
- Ensuring the vitality of town centres
- Flood risk and coastal change
- Use of planning conditions
- Conserving and enhancing the historic environment

Local Planning Policy

Thurrock Local Development Framework (as amended) 2015

5.4 The Council adopted the “Core Strategy and Policies for the Management of Development Plan Document” in 2015. The following Core Strategy policies apply to the proposals:

Spatial Policies:

- CSSP2 (Sustainable employment growth);
- OSDP1 (Promotion of Sustainable Growth and Regeneration in Thurrock)¹

Thematic Policies:

- CSTP7: (Network of Centres)
- CSTP8: (Viability and Vitality of Existing Centres)
- CSTP27 (Management and Reduction of Flood Risk)²

Policies for the Management of Development:

- PMD1 (Minimising Pollution and Impacts on Amenity)²
- PMD2 (Design and Layout)²
- PMD4 (Historic Environment)²
- PMD15 (Flood Risk Assessment)²

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

Review of the LDF Core Strategy].

Thurrock Local Plan

- 5.5 In February 2014 the Council embarked on the preparation of a new Local Plan for the Borough. Between February and April 2016 the Council consulted formally on an Issues and Options (Stage 1) document and simultaneously undertook a 'Call for Sites' exercise. Consultation on an Issues and Options (Stage 2 Spatial Options and Sites) document will be undertaken in 2018.

Thurrock Design Strategy

- 5.6 In March 2017 the Council launched the Thurrock Design Strategy. The Design Strategy sets out the main design principles to be used by applicants for all new development in Thurrock. The Design Strategy is a supplementary planning document (SPD) which supports policies in the adopted Core Strategy.

6.0 ASSESSMENT

- 6.1 The assessment below covers the following areas:

- I. Principle of the Development
- II. Highways and Access
- III. Flood Risk and Site Drainage
- IV. Other Matters

I. PRINCIPLE OF THE DEVELOPMENT

- 6.2 The application site lies within Grays Town Centre; one of the main regeneration and strategic hubs in the Borough. The building is in a poor state of repair and has not been used for some time. A 'Building Condition, Structure and Dilapidations' report (May 2017) which accompanies the application confirms that the building has and continues to suffer water ingress and associated damage.
- 6.3 Policy CSSP2 (Sustainable Employment Growth) seeks to encourage new employment generating uses in the Key Strategic Hubs. The proposal would bring the building back into use and create in the region of 60 new FTE jobs. The proposal accords with the requirements of Policy CSSP2 in this regard.
- 6.4 Policy CSTP7 (Network of Centres) acknowledges the hierarchy of Centres in the Borough, positioning Grays as a regeneration hub, focused on providing complementary retail development to Lakeside and encouraging cultural, administrative and education uses. The proposed use will support the regeneration of the town centre and other town centre uses, and the uses the Council is seeking

to promote for Grays. The proposal would comply with Policy CSTP7 in this respect.

- 6.5 Policy CSTP8 (Vitality and Viability of Existing Centres) identifies that the Council will seek to support the retail function of town centres, and that measures to improve the vitality and viability of town centres will be encourage to support the Borough's residents. The centres should act as a focus for retail, leisure, cultural, business and residential uses. The proposed redevelopment of the premises would stimulate the local economy, providing a new wider choice for both the daytime and night time leisure activity in the town centre. The proposal would also provide a greater choice of eating and drinking locations in the town centre and would regenerate the key building in the town centre. The proposal would therefore support the Council's wide aims to regenerate Grays Town Centre in accordance with this policy.
- 6.6 The recently published revised NPPF includes a chapter titled 'Ensuring the vitality of town centres'. Paragraph 85 states, inter-alia, that planning decisions should support the role that town centres play at the heart of local communities by taking a positive approach to their growth, management and adaptation. The State is a purpose-built cinema and consequently there is only a very limited range of non-cinema uses which the building could realistically be converted to. The long period of vacancy is evidence of the limited viable alternative uses of the structure. Accordingly, the current proposal which would result in the refurbishment, repair, restoration and perhaps most importantly re-use of the structure as a single entity, is welcomed.
- 6.7 Accordingly, the proposal is considered to be acceptable in principle.

II. HIGHWAYS AND ACCESS

- 6.8 The applicant's ownership extends only as far as the extremities of the built footprint of the building. The applicant has rights agreed with the adjacent landowner (Morrisons) to service the building from the rear (north), through Morrison's service yard. All deliveries would be taken from this access off London Road.
- 6.9 The submitted plans show that it is proposed to utilise the 'highway' to the frontage of the site onto George Street as a beer garden. Although this area does not form part of the adopted highway. Planters and cordons will define the area of the outdoor beer garden with tables and chairs within the area. It should be noted that this area coincides with an area of land that is used regularly by Grays market.

6.10 The Council's Highways Officer has not raised any objection to the use of the land as part of the external beer garden. The issue of a license to use the area would need to be secured from the Highways Authority. This matter could be covered by an Informative on any permission. The site is clearly located in one of the most accessible locations in the Borough, with Grays railway station, bus interchange and public car parks all within easy walking distance. Although there is no dedicated car parking for the site, this fact reflects the existing situation and given the accessibility to sustainable modes of transport no objections to the absence of on-site parking could be substantiated.

III. Flood Risk

6.11 The site lies within tidal Flood Zone 3a, defined by the 'Planning Practice Guidance: Flood Risk and Coastal Change' as having a high probability of flooding. The proposal is for a change of use, to Class A4. The proposed use would fall within the 'more vulnerable' use based on the PPG's 'Table 2 - Flood Risk Vulnerability Classification' where development requires application of the 'Exception Test' as identified in the PPG's 'Table 3 - Flood Risk Vulnerability and Flood Zone Compatibility' table.

6.12 Before applying the 'Exception Test' consideration needs to be given to the 'Sequential Test', which aims to steer new development to areas with the lowest probability of flooding. This site is located in an urban area and the building has most recently been used for commercial purposes, but the proposal would introduce a 'more vulnerable' use, in terms of flood classification. As the site is previously developed land it is preferable to reuse the building. This factor is given greater weight because the proposals in this case would also bring about the beneficial re-use of a Grade II* Listed Building. The site is also located in a sustainable location and the use would have wider benefits to the town centre and community. These considerations demonstrate that the Sequential Test is met.

6.13 For the 'Exception Test' to be passed the proposed development needs to provide 'wider sustainability benefits to the community that outweigh flood risk' [first part], and demonstrate that the development will be 'safe for its lifetime' [second part]. In addition to reasons stated in the 'Sequential Test' assessment above and the sustainability reasons in terms of the site's location the development can provide 'wider sustainability benefits to the community that outweigh flood risk'. Therefore the first part of the 'Exception Test' is met and the second part is assessed below.

6.14 A site specific Flood Risk Assessment has been submitted and is considered acceptable by the Environment Agency (EA), who raise no objections to the proposal. They recommend flood resilience measures be implemented, however these would be likely to cause additional harm to the fabric of the listed building and

on balance it is not considered appropriate to require any additional works to be carried out to the building, other than those proposed to facilitate its new use. A Flood Warning Plan is recommended by the EA, this could be covered by a condition. The FRA has therefore demonstrated that the second part of the 'Exception Test' is met.

IV. Other Matters

- 6.15 The site is distant from the main built up residential areas of Grays. Whilst there are some residential units above commercial premises towards the northern end of the High Street, it is not considered the use would be harmful to the occupiers of these properties. The site is within a town centre location, where a level of activity during the day and night would be expected. Accordingly no objection on noise or disturbance could be substantiated.
- 6.16 It should be noted that a separate Premises Licence will need to be obtained for the sale of alcohol. The Council's Statement of Licencing Policy (2014) sets out the following four objectives:
- prevention of crime and disorder;
 - public safety;
 - prevention of public nuisance; and
 - protection of children from harm.
- 6.17 As the site is located in a town centre with limited residential accommodation nearby and as the use will be subject to separate licencing it is not considered necessary to impose planning conditions restricting hours of use.

7.0 CONCLUSIONS AND REASON(S) FOR APPROVAL

- 7.1 The proposal would enable the restoration and re-use of one of the most distinctive and recognised buildings in Grays. The site is in one of the Boroughs main regeneration hubs and the proposals would represent a major opportunity to support and regenerate Grays Town Centre. The proposal would bring jobs and footfall to the High Street and create in the region of 60 new jobs. Crucially the proposals involve the re-use of a long-standing vacant heritage asset which has suffered from damage in recent years.
- 7.2 Subject to conditions the proposal is considered to be acceptable.

8.0 RECOMMENDATION

Approve, subject to the following conditions:

TIME

- 1 The development hereby permitted shall be begun before the expiration of three years from the date of this permission.

REASON: To comply with Section 91(1) of The Town & Country Planning Act 1990 as amended by Section 51 of the Planning and Compulsory Purchase Act 2004.

PLANS

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

Plan Number(s):		
Reference	Name	Received
PL 01 Rev. A	Location Plan	5th December 2017
PL 02A	Block Plan	5th December 2017
PL 001	Existing Underside of Stage	5th December 2017
PL 002	Existing Ground Floor Plan	5th December 2017
PL 003	Existing First Floor Plan	5th December 2017
PL 004	Existing Second Floor Plan	5th December 2017
PL 005	Existing Third Floor Plan	5th December 2017
PL 006	Existing Roof Plan	5th December 2017
PL 010	Existing South Elevation	5th December 2017
PL 011	Existing East Elevation	5th December 2017
PL 012	Existing North Elevation	5th December 2017
PL 013	Existing West Elevation	5th December 2017
PL 020	Existing Section A-A	5th December 2017
PL 021	Existing Section B-B	5th December 2017
PL 030	Block Plan	5th December 2017
PL 040	Existing Dilapidation Lower Ground Reflected Ceiling Plan	5th December 2017
PL 041	Existing Dilapidation Ground Floor Reflected Ceiling Plan	5th December 2017
PL 042	Existing Dilapidation First Floor Reflected Ceiling Plan	5th December 2017
PL 043	Existing Dilapidation Second Floor Reflected Ceiling Plans	5th December 2017
PL 044	Existing Dilapidation Third Floor Reflected Ceiling Plan	5th December 2017

PL 045	Existing Dilapidation Roof Plan	5th December 2017
PL 046	Existing Dilapidation South Elevation	5th December 2017
PL 047	Existing Dilapidation East Elevation	5th December 2017
PL 048	Existing Dilapidation North Elevation	5th December 2017
PL 049	Existing Dilapidation West Elevation	5th December 2017
PL 050	Existing Dilapidation Section A-A	5th December 2017
PL 051	Existing Dilapidation Section B-B	5th December 2017
PL 052	Existing Dilapidation Reflected Ceiling Plan Main Entrance Lobby	5th December 2017
PL 054	Existing Dilapidation Reflected Ceiling Plan Ground Floor Stalls	5th December 2017
PL 055	Existing Dilapidation Reflected Ceiling Plan Stage and Proscenium	5th December 2017
PL 056	Existing Dilapidation Reflected Ceiling Plan and Internal Elevations First Floor Bar	5th December 2017
PL 057	Existing Dilapidation Reflected Ceiling Plan Circle	5th December 2017
PL 058	Existing Dilapidation Section C-C	5th December 2017
PL 100	Proposed Ground Floor GA	5th December 2017
PL 200	Proposed First Floor GA	5th December 2017
PL 300	Proposed Second Floor GA	5th December 2017
PL 330	Proposed Third Floor GA	5th December 2017
PL 360	Proposed Roof Plan GA	5th December 2017
PL 400	Proposed Gents Toilets	5th December 2017
PL 401	Proposed Ladies Toilets	5th December 2017
PL 402	Proposed Back Bar	5th December 2017
PL 403	Proposed Front Bar	5th December 2017
PL 408	Proposed Railings to Stage	5th December 2017
PL 409	Proposed Ground Floor Customer Area Elevations	5th December 2017
PL 410	Proposed Food Pass and Cutlery Station	5th December 2017
PL 500	Proposed Section A-A	5th December 2017
PL 501	Proposed Section B-B	5th December 2017
PL 502	Proposed Section C-C	5th December 2017
PL 600	Proposed South Elevation	5th December 2017
PL 601	Proposed East Elevation	5th December 2017
PL 602	Proposed North Elevation	5th December 2017

PL 603	Proposed West Elevation	5th December 2017
--------	-------------------------	-------------------

REASON: For the avoidance of doubt and to ensure that the development is carried out in accordance with the details as approved with regard to policies PMD1 and PMD2 of the adopted Thurrock LDF Core Strategy and Policies for the Management of Development [2015].

USE OF PREMISES

- 3 The premises shall only be used as a drinking establishment, Use Class A4, for purposes as defined within Class A4 of the Schedule to the Town & Country Planning [Use Classes] Order 1987 [as amended] [or in any provision equivalent to that Class in any statutory instrument revoking or re-enacting that Order with or without modification]. There shall be no change of use from Use Class A4 to other uses, without the prior written consent of the Local Planning Authority.

REASON: In the interests of amenity and to ensure that the development remains integrated with it's immediate as required by policy PMD1 of the adopted Thurrock LDF Core Strategy and Policies for the Management of Development [2015].

DETAILS OF BEER GARDEN

- 4 Notwithstanding the information on the approved plans, the use hereby permitted shall not commence until written details of the tables, chairs, cordons and planters and any other structures to be used for the beer garden have been submitted to and approved in writing by the local planning authority. The development shall be carried out using the materials and details as approved.

REASON: In the interests of visual amenity and to ensure that the proposed development is integrated with its surroundings in accordance with policy PMD2 of the adopted Thurrock LDF Core Strategy and Policies for the Management of Development [2015]

CCTV – DETAILS TO BE AGREED

- 5 Prior to the first operational use of the premises details of any external CCTV equipment shall be submitted to and approved in writing by the local planning authority. The scheme shall be installed and be operational prior to first occupation of the development and retained and maintained thereafter.

REASON: In the interests of amenity, security and crime prevention in accordance with policy PMD2 of the adopted Thurrock LDF Core Strategy and Policies for the Management of Development [2015].

AMPLIFIED SOUND

- 6 There shall be no amplified sound used outside the premises, unless previously agreed in writing with the local planning authority.

REASON: In the interests of the amenity and to mitigate the impact of development in accordance with by policy PMD1 of the adopted Thurrock LDF Core Strategy and Policies for the Management of Development [2015].

FLOOD WARNING AND EVACUATION PLAN

- 7 Prior to the first operational use of the building a Flood Warning and Evacuation Plan [FWEP] for the development shall be submitted to and approved in writing by the local planning authority. The approved measures within the Plan shall be implemented, shall be made available for inspection by all users of the site and shall be displayed in a visible location all times thereafter.

REASON: 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 [2015].

EXTRACTION DETAILS

- 8 Prior to the first operational use of the public house details of any equipment to be installed for the extraction and control of fumes and odours, including details of noise and vibration attenuation together with a maintenance schedule for the future operation of that equipment shall be submitted to and approved in writing by the local planning authority. The use hereby permitted shall not take place other than in accordance with these approved details.

REASON: In the interests of the amenity and to mitigate the impact of development in accordance with by policy PMD1 of the adopted Thurrock LDF Core Strategy and Policies for the Management of Development [2015].

Informative(s):

- 1 Town and Country Planning (Development Management Procedure) (England) Order 2015 (as amended) - Positive and Proactive Statement:

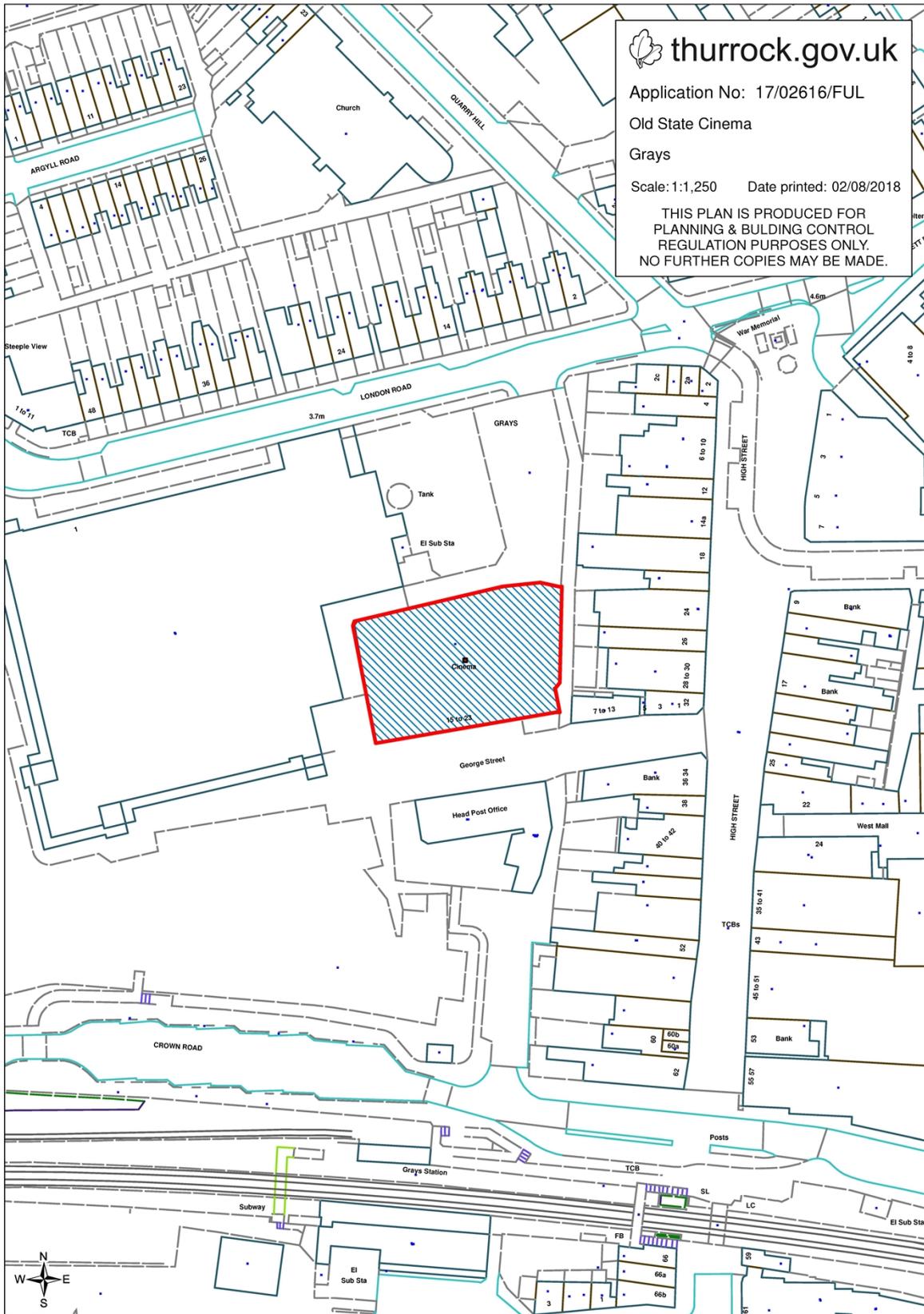
The Local Planning Authority has acted positively and proactively in determining this application by identifying matters of concern within the application (as originally

submitted) and negotiating, with the Applicant/Agent, acceptable amendments to the proposal to address those concerns. As a result, the Local Planning Authority has been able to grant planning permission for an acceptable proposal, in accordance with the presumption in favour of sustainable development, as set out within the National Planning Policy Framework.

- 2 The applicant will need a license from the Highways Authority, Thurrock Council to allow the stationing of the equipment for the outdoor beer garden on the public highway.

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: 17/02616/FUL
Old State Cinema
Grays
Scale: 1:1,250 Date printed: 02/08/2018
THIS PLAN IS PRODUCED FOR
PLANNING & BUILDING CONTROL
REGULATION PURPOSES ONLY.
NO FURTHER COPIES MAY BE MADE.

© Crown copyright and database rights 2018 Ordnance Survey 100025457

This page is intentionally left blank

Reference: 17/01617/LBC	Site: Old State Cinema George Street Grays Essex RM17 6LZ
Ward: Grays Riverside	Proposal: Works to create public house and ancillary areas within existing building, including full internal refurbishment and redecoration scheme and external works including creation of beer garden and full repair of external envelope as found necessary following dilapidation survey

Plan Number(s):		
Reference	Name	Received
PL 01 Rev. A	Location Plan	5th December 2017
PL 02 Rev. A	Block Plan	5th December 2017
PL 001	Existing Underside of Stage	5th December 2017
PL 002	Existing Ground Floor Plan	5th December 2017
PL 003	Existing First Floor Plan	5th December 2017
PL 004	Existing Second Floor Plan	5th December 2017
PL 005	Existing Third Floor Plan	5th December 2017
PL 006	Existing Roof Plan	5th December 2017
PL 010	Existing South Elevation	5th December 2017
PL 011	Existing East Elevation	5th December 2017
PL 012	Existing North Elevation	5th December 2017
PL 013	Existing West Elevation	5th December 2017
PL 020	Existing Section A-A	5th December 2017
PL 021	Existing Section B-B	5th December 2017
PL 030	Block Plan	5th December 2017
PL 040	Existing Dilapidation Lower Ground Reflected Ceiling Plan	5th December 2017
PL 041	Existing Dilapidation Ground Floor Reflected Ceiling Plan	5th December 2017
PL 042	Existing Dilapidation First Floor Reflected Ceiling Plan	5th December 2017
PL 043	Existing Dilapidation Second Floor Reflected Ceiling Plans	5th December 2017
PL 044	Existing Dilapidation Third Floor Reflected Ceiling Plan	5th December 2017

PL 045	Existing Dilapidation Roof Plan	5th December 2017
PL 046	Existing Dilapidation South Elevation	5th December 2017
PL 047	Existing Dilapidation East Elevation	5th December 2017
PL 048	Existing Dilapidation North Elevation	5th December 2017
PL 049	Existing Dilapidation West Elevation	5th December 2017
PL 050	Existing Dilapidation Section A-A	5th December 2017
PL 051	Existing Dilapidation Section B-B	5th December 2017
PL 052	Existing Dilapidation Reflected Ceiling Plan Main Entrance Lobby	5th December 2017
PL 054	Existing Dilapidation Reflected Ceiling Plan Ground Floor Stalls	5th December 2017
PL 055	Existing Dilapidation Reflected Ceiling Plan Stage and Proscenium	5th December 2017
PL 056	Existing Dilapidation Reflected Ceiling Plan and Internal Elevations First Floor Bar	5th December 2017
PL 057	Existing Dilapidation Reflected Ceiling Plan Circle	5th December 2017
PL 058	Existing Dilapidation Section C-C	5th December 2017
PL 100	Proposed Ground Floor GA	5th December 2017
PL 200	Proposed First Floor GA	5th December 2017
PL 300	Proposed Second Floor GA	5th December 2017
PL 330	Proposed Third Floor GA	5th December 2017
PL 360	Proposed Roof Plan GA	5th December 2017
PL 400	Proposed Gents Toilets	5th December 2017
PL 401	Proposed Ladies Toilets	5th December 2017
PL 402	Proposed Back Bar	5th December 2017
PL 403	Proposed Front Bar	5th December 2017
PL 408	Proposed Railings to Stage	5th December 2017
PL 409	Proposed Ground Floor Customer Area Elevations	5th December 2017
PL 410	Proposed Food Pass and Cutlery Station	5th December 2017
PL 500	Proposed Section A-A	5th December 2017
PL 501	Proposed Section B-B	5th December 2017
PL 502	Proposed Section C-C	5th December 2017
PL 600	Proposed South Elevation	5th December 2017
PL 601	Proposed East Elevation	5th December 2017
PL 602	Proposed North Elevation	5th December 2017
PL 603	Proposed West Elevation	5th December 2017

<p>The application is also accompanied by:</p> <ul style="list-style-type: none"> - Heritage Statement - Design and Access Statement - Highways Access Strategy - Building Condition Survey - Asbestos Status Report - Compton Cinema Organ Condition Report 	
<p>Applicant: J D Wetherspoon PLC</p>	<p>Validated: 30 November 2017</p> <p>Date of expiry: 20th August 2018 (Extension of time agreed with applicant)</p>
<p>Recommendation: Approve, subject to conditions.</p>	

1.0 DESCRIPTION OF PROPOSAL

1.1 This application seeks listed building consent for works to the former State Cinema to enable its use as a public house. The accompanying application (ref. 17/01616/FUL) for the change of use of the building is reported elsewhere on this agenda.

1.2 The application proposes works to the building categorised as ‘General works’; ‘Ground floor works’ and ‘First floor works’:

1.3 General works:

- Removal or consolidation of asbestos finishes throughout the building;
- Removal of 1980s finishes and decoration;
- Repair of existing fabric in like for like materials.

1.4 Ground floor works:

- The restoration of the main entrance lobby, including the removal of 1980s fabric;
- The restoration of the stalls foyer, including the removal of 1980s fabric and the insertion of new seating;
- The creation of 2 new sets of double doors into the auditorium;
- The removal of the seats from the auditorium (ground floor only);
- The creation of 3 tiered levels in place of the sloping auditorium floor;
- The restoration of the Compton organ;

- The insertion of a barrier between the stage and the organ pit to comply with Wetherspoon's safety policy;
- The creation of a bar, store and washing up station in the stalls area;
- The creation of three tall windows in the wall at the back of the stage;
- The creation of a beer garden in some of the existing WCs, shops and store areas to the south of the stage;
- The creation of a kitchen in two of the former shop units of the auditorium and the creation of a servery between the kitchen and auditorium;
- The restoration of the shop frontages and glazing pattern of the façade facing onto George Street;
- The insertion of a goods lift within the new kitchen space;
- Minor alterations to ancillary spaces and WCs to the rear of the auditorium (south-east corner).

1.5 First floor works:

- The creation of WCs in the circle foyer
- The restoration of the ceiling and lights in the circle foyer
- The area in the southeast corner of the building at the rear of the circle which currently contains WCs, a kitchen and a store will also be adapted to create more WCs
- The insertion of fire safety doors which will follow the design precedent of original sets of double doors in the building

2.0 SITE DESCRIPTION

- 2.1 The State Cinema is located on the north side of George Street and to the south of London Road Grays and is a free standing building unattached to other buildings or structures.
- 2.2 George Street is a pedestrian precinct which runs east-west from the High Street to the Morrisons supermarket and car park. To the north of the State Cinema is the service yard of the supermarket and opposite is the former Post Office building. To the east is a narrow lane (referred to in the application as State Lane) which provides pedestrian access from London Road to George Street and to the rear of High Street properties. To the west is an open hardsurfaced area adjacent to the supermarket. Land to the north-west is used for informal parking wholly unrelated to the State Cinema.
- 2.3 The building can be seen over a wider area of the town centre due to its height especially that of the tower with its distinctive lettering which can be seen from various parts of central Grays.

- 2.4 The town centre comprises a wide variety of building types. There have been many changes post war. The historic road pattern has significantly changed and the relationship between buildings and spaces has been eroded. Ground floor commercial premises are modern with synthetic materials and appearance. Traditional buildings appear much altered or eroded in terms of context though some notable examples remain including the former magistrates court building, the former Ritz Cinema (now Mecca Bingo) and the State Cinema.
- 2.5 The State Cinema was originally listed at Grade II in February 1985 and upgraded to Grade II* in 2000. It currently appears on the national list of Historic Buildings at Risk prepared by English Heritage. It was constructed in 1938 and was designed by FGM Chancellor of Frank Matcham & Co for Frederick's Electric Theatres. Many of the original internal art deco features including lamps, decoration and the Compton organ which rises from under the stage remain although some elements have been stolen recently. Grays had another 'super-cinema' by Chancellor dating from 1930 and that was The Regal on New Road; it has since been demolished.
- 2.6 The State Cinema is constructed of brown brick and has a flat roof. The main elevation is the southern frontage on which there is cream and black decoration by way of faience (glazed decorated pottery) cladding. At the south east corner is a tower with an overhanging flat roof, the name State in large squared capitals set into the recessed frieze beneath the roof overhang. The building is massive in form and unrelieved by details making its external appearance rather austere. The form is emphasized and articulated by pilaster buttresses on the north east and west elevations.
- 2.7 The building form steps up to the tower which is decorated with cream and black faience. The tower is described as squat by Pevsner in his book on the buildings of Essex. It sits above a circular lobby with glazed doors which provides the main entrance point. The lobby has a dome and frieze detail and the George Street frontage contains small shop units unconnected to the interior spaces.
- 2.8 There are two main storeys of foyers to the auditorium which is steeply raked and which can seat approximately 2,200. The foyers are linked by an open well staircase which is served by windows on the east.
- 2.9 In the listing the State Cinema is described as being one of the best preserved of the 1930s 'super cinemas'. It has retained even small details of decor and machinery and is unusual in having not been subdivided or significantly altered. It has been vandalised within the last six months in spite of the best efforts of the owner. The projection room to the rear and above the circle is still equipped with some of the original projectors and lighting effects lanterns.

2.10 The building operated as a cinema from 1938 until the late 1980s and after a period of closure re-opened in 1991 as a wine bar and nightclub. However, the building has been unused since approximately 1998. Although the building has been considered as structurally sound in the past, damage associated with water ingress was identified as early as 2003. Although works of repair have periodically been undertaken issues arising from defective roof coverings and defective rainwater goods remain. An inspection of the interior of the building during the winter of 2017/18 confirmed continuing issues of water ingress.

3.0 RELEVANT HISTORY

Reference	Description	Decision
91/00622/FUL	Part change of use to include ground floor bar & first floor circle bar & restaurant , redecoration & reinstatement/additional lighting	Approved
97/00619/FUL	Change of use to D1 (place of worship) in addition to the current use D2 (Cinema and place of entertainment)	Withdrawn
98/00163/FUL	Change of use to D1 (place of worship) in addition to the current use D2 (cinema and place of entertainment)	Allowed at appeal
11/50367/TTGLBC	Change of use refurbishment and alterations to former cinema to form a mixed leisure centre including conference and entertainment facilities, restaurant, shops and bars.	Approved
11/50366/TTGFUL	Change of use, refurbishment & alterations to former cinema to form a mixed leisure centre including conference and entertainment facilities, restaurant, shops and bars.	Approved
15/00981/FUL	Change of use of former cinema to drinking establishment (Use Class A4) including full internal refurbishment and redecoration scheme retaining original auditorium, creation of external beer garden and terrace above first floor. Full repair and restoration of external envelope. Provision of additional windows and doors at ground and first floor level.	Lapsed
15/00982/LBC	Change of use of former cinema to drinking establishment (Use Class A4) including full	Lapsed

	internal refurbishment and redecoration scheme retaining original auditorium, creation of external beer garden and terrace above first floor. Full repair and restoration of external envelope. Provision of additional windows and doors at ground and first floor level.	
17/01616/FUL	Change of use of building from Cinema (use class D2) to Public House (use class A4) and associated internal and external works to facilitate use, including the creation of external beer garden on frontage to George Street	Pending consideration – reported separately on this agenda

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

PUBLICITY:

This application has been advertised by way of individual neighbour notification letters, press advert and public site notice which has been displayed nearby.

One letter has been received supporting the proposal in principle, supporting the reuse of the building as a place for social gathering, raising concerns about the proposed windows in the rear of the building and expressing a desire for the organ to be restored and used on site (and covered by a planning conditions)

HISTORIC BUILDING ADVISOR:

No objections subject to conditions.

HISTORIC ENGLAND:

No objections (the harm the fabric of the building is outweighed by the beneficial use of the building)

TWENTIETH CENTURY SOCIETY:

Support the proposed scheme.

CINEMA ORGAN SOCIETY:

Support the proposal provided the organ is restored and used.

CINEMA THEATRE ASSOCIATION:

Support the proposal to create a viable and sustainable use.

5.0 POLICY CONTEXT

National Planning Guidance

National Planning Policy Framework (NPPF)

The NPPF (revised) was published in July 2018. Paragraph 11 of the Framework sets out a presumption in favour of sustainable development. Paragraph 212 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.

The following headings and content of the NPPF are relevant to the consideration of the current proposals:

12 – Conserving the historic environment

Planning Practice Guidance

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 50 subject areas, with each area containing several subtopics. Those of particular relevance to the determination of this planning application comprise:

- Conserving and enhancing the historic environment
- Design
- Making and application
- Use of planning conditions

Local Planning Policy

Thurrock Local Development Framework (2015)

The Council adopted the “Core Strategy and Policies for the Management of Development Plan Document” in January 2015 (as amended). The following Core Strategy policies apply to the proposals:

Spatial Policies:

- OSDP1 (Promotion of Sustainable Growth and Regeneration in Thurrock)¹

Thematic Policies:

- CSTP22 (Thurrock Design)
- CSTP23 (Thurrock Character and Distinctiveness)²
- CSTP24 (Heritage Assets and the Historic Environment)

Policies for the Management of Development:

- PMD2 (Design and Layout)²
- PMD4 (Historic Environment)²

[Footnote: ¹New Policy inserted by the Focused Review of the LDF Core Strategy. ²Wording of LDF-CS Policy and forward amended either in part or in full by the Focused Review of the LDF Core Strategy. ³Wording 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 (2014)

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

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

Thurrock Local Plan

In February 2014 the Council embarked on the preparation of a new Local Plan for the Borough. Between February and April 2016 the Council consulted formally on an Issues and Options (Stage 1) document and simultaneously undertook a 'Call for Sites' exercise. It is currently anticipated that consultation on an Issues and Options (Stage 2 Spatial Options and Sites) document will be undertaken in 2018.

6.0 ASSESSMENT

- 6.1 The issue for consideration in this application is the impact of the changes on the character, integrity and historic value of the listed building. The NPPF requires local planning authorities to take account of the desirability of sustaining and enhancing the significance of heritage assets and putting them to viable uses consistent with their conservation and new development making a positive contribution to local character and distinctiveness (para. 192). It also states that great weight should be given to the conservation of heritage assets (para. 193). Harm to such assets and their significance should require clear and convincing justification (para. 194). Should proposals give rise to less than substantial harm to the significance of a heritage asset, planning authorities should weigh that harm against such public benefits as would also arise, including securing its optimum viable use (para.196).
- 6.2 Listed buildings are a limited resource; but they should not be protected in their original state at all costs. In the case of the State, it can be seen that failure to secure a new use has in fact been significantly harmful to the building. National planning guidance sets out that buildings may, where appropriate, be adapted or modified both to secure sustainable development. To this end para. 185 of the NPPF states that plans should set out a positive strategy for the conservation and enjoyment of the historic environment and this strategy should take into account (inter-alia) the desirability of sustaining and enhancing the significance of heritage assets and putting them to viable uses consistent with their conservation.

- 6.3 In the case of the State the building is listed at Grade II* not because of exceptional quality but because of the rarity of its survival without significant change. There have been changes over the years but most have been in keeping or at least not permanently disfiguring. The building is one of a type and form once common and now extremely rare due to a wide variety of socio-economic changes, both locally and nationally, and patterns of activity, again both locally and nationally.
- 6.4 Therefore, there is a very strong presumption in favour of the conservation of the State Cinema. The starting point of the assessment is that the value of the building is very high and that changes should not cumulatively or individually erode the significance, character or appearance so that any benefits would be outweighed. It is essential to ensure that where alterations are necessary or justified there should not have an adverse impact upon the significance of the building. Any loss of significance or harm to it should be justified in a clear and convincing way.
- 6.5 Changes must be weighed against the benefit of securing a use for the building and the implementation of a use. The State Cinema has been without use for more than twenty years.
- 6.6 Re-use of the building would be beneficial. The building has been subject to vandalism and has been secured necessarily by unattractive metal grills. Recent site visits by Officers from the Council and experts from Essex County Council and Historic England show that significant harm has been caused to the building, by amongst other things, water ingress caused by a lack of beneficial use.
- 6.7 The most significant change to the external appearance include the provision of three floor to ceiling windows on the back of the stage on the western elevation facing a blank wall of the Morrisons supermarket. Clearly an essential attribute of a cinema is the necessity for darkness, whereas the new occupier wants to light the main public areas via natural light where possible. The number and scale of these windows have been discussed via the specialist advisors at length. The applicant has accepted that there needs to be a method of screens or blinds in the inside of these new windows to allow the sense of a solid wall being achieved again from inside the building. This matter could be covered by condition and suitable glazing could be provided so as not to harm the utilitarian outer appearance of the building.
- 6.8 Internally there are two major significant changes; the removal of the seating in the ground floor auditorium and associated creation of a three-tiered floor and the creation of a service hatch between the original shop units and the main auditorium.
- 6.9 The loss of the seating and the change in levels is regrettable; however the seating is to be retained in the first floor auditorium and the applicant has indicated that the

seating in the upper auditorium will be restored and, where it cannot be restored or repaired, the seats from the ground floor will be used to replace damaged seating. This would ensure the best of the seating remains in the building. With regards to the floor levels although the original slope of the building will be lost, the levels will still decrease from back to front; the stage and steps up to the stage will remain and the sense of being in an auditorium will remain. This will ensure the essence of the feel of the building will be retained to a degree.

- 6.10 Some of the existing shop units would be changed into the main kitchen. The applicant has advised that for commercial reasons there has to be a servery area between the kitchen and the main seating area and that doors between the two areas are not suitable for the high turnover expected. This matter has been discussed at length with the applicant; again with the same concerns about the 'loss' of the sense of main auditorium feeling like a cinema. However, on balance, this concern is considered to be overcome by the beneficial use of the building as a whole.
- 6.11 The application proposes a number of elements that would be seen as positive; such as the removal of 1980s partitioning and faux art deco features at first floor that do not match the original building; the restoration of the existing shop fronts onto George Street and perhaps most important the restoration of the Compton Organ. These are all significantly beneficial and positive parts of the scheme.
- 6.12 Between the areas of harm and positive interventions fall other changes; that are detailed in the description, but do not warrant full discussion in the report.
- 6.13 Rooftop plant is necessary as the building cannot be properly used without air circulation and heating. There is no possibility of location at ground level and positioning on the roof is acceptable if handled appropriately and would not give rise to a loss of significance. Similarly, given the proposed use and general security requirements, CCTV cameras will be required to be installed externally.
- 6.14 In the case of this application the matter of the significance of the proposed changes is very important. The scheme would not alter the essential character of the building but it would change from its original use as constructed to a broader, more relevant contemporary use. However, it would still fall into the category as a place of entertainment, recreation and leisure and would be capable of being used as a performance space, given the existence of seating areas and the retention of the stage area.
- 6.15 In terms of appearance the building would change little externally save for the new windows (which are on a less public side of the building). While roof plant is proposed it would have a modest impact provided siting was carefully considered.

6.16 As detailed in the planning history there have been two approvals in the last decade for the change of use of the building (to different uses). Arguably these permissions may have involved less permanent changes to the building than the current scheme. However they have not been implemented and the ownership of the site has changed since. No other viable scheme has been put forward since 2011 and the condition of the building has deteriorated since these approvals and over the last year. The current applicant has been working with the Council and heritage experts since 2015 on the current proposal. As an aside Members may be aware that the applicant (JD Wetherspoon) operates from a range of premises, including former leisure buildings which have been converted to public house use. For example, the following former cinemas have been converted:

- Caley Picture House, Edinburgh;
- Royal Enfield, Redditch;
- Godfrey Morgan, Newport;
- Picture House, Stafford (Grade II listed);
- The Capitol, Forest Hill Grade II listed) and
- Peter Cushing, Whitstable.

6.17 The building is at continued risk unless and until a use is found and alterations agreed. The scheme which has come forward proposes some changes to the building, however statutory and non-statutory consultees support the proposals. Final matters of detail can be covered by condition. In light of the above, it is recommended approval is given for listed building consent.

7.0 CONCLUSIONS AND REASON(S) FOR APPROVAL

7.1 The building has been vacant for nearly 20 years, and it is accepted that a cinema in its original form is no longer viable.

7.2 The proposal as put forward would see the building used for a public leisure use, similar to the original use.

7.3 The works proposed by this application vary in nature from harmful (new windows, loss of both seating and sloped floor in ground floor auditorium and server hatch) through limited harm to positive benefits (removal of later additions, restoration of shop fronts and restoration of the Compton Organ).

7.4 On balance, although there a degree of harm to its significance, the Council's specialist advisors and Historic England are satisfied that there is a clear and convincing justification for the works that are proposed. The retention and restoration of the key historic elements of the building will ensure its original purposes continue to be understood.

8.0 RECOMMENDATION

Approve, subject to the following conditions:

TIME

- 1 The development hereby permitted shall be begun before the expiration of three years from the date of this permission.

Reason: To comply with Section 18(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990

ADDITIONAL REPAIRS

- 2 Details of necessary repairs in addition to the approved plans shall be submitted to and approved in writing by the local planning authority and the repairs shall then be carried in accordance with the approved details.

The local planning authority shall be notified in writing of the date on which works are proposed to commence on site at least 14 days prior to such commencement in order to provide an opportunity, as required, for a site meeting involving a representative from the local planning authority, the applicant, agent and contractor to consider detailed elements of the works and to allow for a watching brief throughout the period of works.

Reason: To safeguard the special architectural or historic interest, character, appearance and integrity of the heritage asset in accordance with Policy PMD4 of the adopted Thurrock LDF Core Strategy and Policies for the Management of Development [2015].

BUILDING RECORDING (1)

- 3 No development shall commence until a programme of historic building recording (Level 4 as referenced in Historic England's Guide to Good Recording (May 2016)) has been undertaken, in accordance with a written scheme of investigation which has been submitted to and approved in writing by the Local Planning Authority.

Reason: To safeguard the special architectural or historic interest, character, appearance and integrity of the heritage asset in accordance with Policy PMD4 of the adopted Thurrock LDF Core Strategy and Policies for the Management of Development [2015].

BUILDING RECORDING (2)

- 4 Prior to the first use a comprehensive photographic record 'as built' shall be submitted to and approved in writing by the Local Planning Authority. This shall include photographic Types 1-7 as referenced in Historic England's Guide to Good Recording (May 2016).

Reason: To safeguard the special architectural or historic interest, character, appearance and integrity of the heritage asset in accordance with Policy PMD4 of the adopted Thurrock LDF Core Strategy and Policies for the Management of Development [2015].

MATERIALS

- 5 No development shall commence until samples of the materials to be used on the external finishes have been submitted to and approved in writing by the local planning authority. The development shall be implemented in accordance with the approved details and permanently maintained as such.

Reason: To safeguard the special architectural or historic interest, character, appearance and integrity of the heritage asset in accordance with Policy PMD4 of the adopted Thurrock LDF Core Strategy and Policies for the Management of Development [2015].

SAMPLE PANEL (1)

- 6 Prior to the commencement of external repair, a sample area of 1 square metre maximum of external brickwork shall be cleaned and repointed and approved in writing by the local planning authority. This area shall indicate:

- Mortar mix, colour and pointing profile,
- Method of cleaning,
- The works shall be implemented in accordance with the approved details and shall be permanently maintained as such.

Reason: To safeguard the special architectural or historic interest, character, appearance and integrity of the heritage asset in accordance with Policy PMD4 of the adopted Thurrock LDF Core Strategy and Policies for the Management of Development [2015].

SAMPLE PANEL (2)

- 7 Prior to the commencement of external repair, a sample area of 1 square metre maximum of external faience shall be cleaned and repaired and approved in writing by the local planning authority. This area shall indicate:
- Method of cleaning,
 - Method of repair including sample of necessary replacement faience to match existing.

 - The works shall be implemented in accordance with the approved details and shall be permanently maintained as such.

Reason: To safeguard the special architectural or historic interest, character, appearance and integrity of the heritage asset in accordance with Policy PMD4 of the adopted Thurrock LDF Core Strategy and Policies for the Management of Development [2015].

SHOP-FRONTS

- 8 Notwithstanding details within the approved application, no development shall commence until additional drawings that show details of proposed new shop fronts to be used by section and elevation at scales between 1:20 and 1:1 as appropriate have been submitted to and approved in writing by the local planning authority. These shall be of timber and designed to reflect those original to the building utilising archive sources where possible. Works shall be implemented in accordance with the approved details and shall be permanently maintained as such.

Reason: To safeguard the special architectural or historic interest, character, appearance and integrity of the heritage asset in accordance with Policy PMD4 of the adopted Thurrock LDF Core Strategy and Policies for the Management of Development [2015].

WINDOWS

- 9 Notwithstanding details within the approved application, no development shall commence until additional drawings that show details of proposed new windows and doors to be used by section and elevation at scales between 1:20 and 1:1 as appropriate have been submitted to and approved in writing by the local planning authority. Works shall be implemented in accordance with the approved details and shall be permanently maintained as such.

Reason: To safeguard the special architectural or historic interest, character, appearance and integrity of the heritage asset in accordance with Policy PMD4 of

the adopted Thurrock LDF Core Strategy and Policies for the Management of Development [2015].

CANOPY

- 10 Notwithstanding details within the approved application, no development shall commence until additional drawings that show details of proposed canopy to be used by section and elevation at scales between 1:20 and 1:1 as appropriate have been submitted to and approved in writing by the local planning authority. Works shall be implemented in accordance with the approved details and shall be permanently maintained as such.

Reason: To safeguard the special architectural or historic interest, character, appearance and integrity of the heritage asset in accordance with Policy PMD4 of the adopted Thurrock LDF Core Strategy and Policies for the Management of Development [2015].

SIGNAGE

- 11 Notwithstanding details within the approved application, prior to occupation additional drawings that show details of proposed signage by section and elevation at scales between 1:20 and 1:1 as appropriate have been submitted to and approved in writing by the local planning authority. Works shall be implemented in accordance with the approved details and shall be permanently maintained as such.

Reason: To safeguard the special architectural or historic interest, character, appearance and integrity of the heritage asset in accordance with Policy PMD4 of the adopted Thurrock LDF Core Strategy and Policies for the Management of Development [2015].

TOWER

- 12 Notwithstanding details within the approved application, no development shall commence until additional drawings that show details of proposed tower by section and elevation at scales between 1:20 and 1:1 as appropriate have been submitted to and approved in writing by the local planning authority. These shall include details of glazing, lettering and illumination. Works shall be implemented in accordance with the approved details and shall be permanently maintained as such.

Reason: To safeguard the special architectural or historic interest, character, appearance and integrity of the heritage asset in accordance with Policy PMD4 of

the adopted Thurrock LDF Core Strategy and Policies for the Management of Development [2015].

ORGAN

- 13 Prior to the first use of the building, the Compton cinema organ shall be restored to function. The details of this restoration shall be submitted to the Local Planning Authority, and once agreed the works shall be carried out in accordance strictly with the details approved.

Reason: To safeguard the special architectural or historic interest, character, appearance and integrity of the heritage asset in accordance with Policy PMD4 of the adopted Thurrock LDF Core Strategy and Policies for the Management of Development [2015].

INTERNAL (GENERAL 1)

- 14 Internal works shall not be commenced until a schedule of all new, internal surface materials including walls, ceilings and floors and a schedule of all internal and external joinery indicating the proposed finish and decoration to be used has been submitted to and approved in writing by the local planning authority. Works shall be implemented in accordance with the approved details and shall be permanently maintained as such.

Reason: To safeguard the special architectural or historic interest, character, appearance and integrity of the heritage asset in accordance with Policy PMD4 of the adopted Thurrock LDF Core Strategy and Policies for the Management of Development [2015].

INTERNAL (GENERAL 2)

- 15 Prior to the commencement of development a schedule of all internal fixtures, fittings and free-standing furniture for retention shall be submitted to and approved in writing by the local planning authority. These items shall thereafter be permanently maintained on site.

Reason: To safeguard the special architectural or historic interest, character, appearance and integrity of the heritage asset in accordance with Policy PMD4 of the adopted Thurrock LDF Core Strategy and Policies for the Management of Development [2015].

LIGHTING

- 16 Prior to the commencement of development details of all internal lighting shall be submitted to and approved by the local planning authority. This should include details of repair to existing light fittings together with all new light fittings with publicly accessible areas. Works shall be implemented in accordance with the approved details and shall be permanently maintained as such.

Reason: To safeguard the special architectural or historic interest, character, appearance and integrity of the heritage asset in accordance with Policy PMD4 of the adopted Thurrock LDF Core Strategy and Policies for the Management of Development [2015].

STALLS ENTRANCE BOOTH

- 17 Notwithstanding details within the approved application, no development shall be commended until revised drawings showing the retention of the stalls entrance booth have been submitted to and approved by the local planning authority. Thereafter development shall be carried out strictly in accordance with the details approved.

Reason: To safeguard the special architectural or historic interest, character, appearance and integrity of the heritage asset in accordance with Policy PMD4 of the adopted Thurrock LDF Core Strategy and Policies for the Management of Development [2015].

PROJECTOR ROOM

- 18 Prior to the commencement of development a schedule of proposed works to the projector room and details of the equipment's conservation shall be submitted to and approved by the local planning authority. Thereafter development shall be carried out strictly in accordance with the details approved.

Reason: To safeguard the special architectural or historic interest, character, appearance and integrity of the heritage asset in accordance with Policy PMD4 of the adopted Thurrock LDF Core Strategy and Policies for the Management of Development [2015].

STAIRCASE TO CIRCLE FOYER

- 19 Prior to the commencement of development details of repair to the handrail between ground floor and the circle foyer shall be submitted to and approved by the local planning authority. Thereafter development shall be carried out strictly in accordance with the details approved.

Reason: To safeguard the special architectural or historic interest, character, appearance and integrity of the heritage asset in accordance with Policy PMD4 of the adopted Thurrock LDF Core Strategy and Policies for the Management of Development [2015].

REPLACEMENT PLASTER

- 20 With the exception of the auditorium ceiling, all ceilings and decorative plasterwork scheduled for replacement shall be of fibrous plaster.

Reason: To safeguard the special architectural or historic interest, character, appearance and integrity of the heritage asset in accordance with Policy PMD4 of the adopted Thurrock LDF Core Strategy and Policies for the Management of Development [2015].

SEATING

- 21 Prior to works commencing a method statement detailing the proposed refurbishment of seating within the circle and ground floor area shall be submitted to and approved in writing by the local planning authority.

Reason: To safeguard the special architectural or historic interest, character, appearance and integrity of the heritage asset in accordance with Policy PMD4 of the adopted Thurrock LDF Core Strategy and Policies for the Management of Development [2015].

BLINDS

- 22 Prior to occupation additional drawings that show details of proposed blinds to auditorium glazing by section and elevation at scales between 1:20 and 1:1 as appropriate have been submitted to and approved in writing by the local planning authority. Works shall be implemented in accordance with the approved details and shall be permanently maintained as such.

Reason: To safeguard the special architectural or historic interest, character, appearance and integrity of the heritage asset in accordance with Policy PMD4 of the adopted Thurrock LDF Core Strategy and Policies for the Management of Development [2015].

Informative(s):

- 1 Town and Country Planning (Development Management Procedure) (England) Order 2015 (as amended) - Positive and Proactive Statement:

The Local Planning Authority has acted positively and proactively in determining this application by identifying matters of concern within the application (as originally submitted) and negotiating, with the Applicant/Agent, acceptable amendments to the proposal to address those concerns. As a result, the Local Planning Authority has been able to grant planning permission for an acceptable proposal, in accordance with the presumption in favour of sustainable development, as set out within the National Planning Policy Framework.

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

This page is intentionally left blank

Reference: 18/00901/FUL	Site: Hillside Scout Group Bradford Lodge Hillside Grays Essex RM17 5SX
Ward: Little Thurrock Rectory	Proposal: Replacement of existing roof and new external ramp

Plan Number(s):		
Reference	Name	Received
Hillside Scout HQ	Location Plan	9th July 2018
1	Composite Plan	9th July 2018
2	Proposed Floor Plans	9th July 2018
3	Other	9th July 2018

The application is also accompanied by: - Additional information	
Applicant: Mrs Sue Bradish	Validated: 5 July 2018 Date of expiry: 30 August 2018
Recommendation: Approve, subject to conditions.	

This application is scheduled for determination by the Council's Planning Committee because the application has been submitted by an Officer of the Council who is a relation of an elected member of the Council (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 planning permission to replace the existing roof of the building and to install an access ramp at the main entrance of the building. The scheme also proposes internal alterations including new a disabled toilet but these aspects do not require planning permission.

2.0 SITE DESCRIPTION

2.1 The application site is the Scout Headquarters Hall located within the recreation grounds at the end of Hillside Road, Grays.

3.0 RELEVANT HISTORY

Application Reference	Description of Proposal	Decision
80/00169/FUL	Amended plan of Scout hall.	Approved
78/00740/FUL	Rebuilding of Scout Hut.	Approved
64/00583/FUL	Erection of wooden hut for scouting purposes	Approved
57/00497/OUT	Land for erection of Scouts Hut.	Approved
57/00497A/FUL	Erection of Scout hut to be used as headquarters	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 This application has been advertised by way of individual neighbour notification letters and public site notice which has been displayed nearby. No comment has been received regarding the proposal at the time of drafting this report.

5.0 POLICY CONTEXT

5.1 National Planning policy Framework

The NPPF was published on 24th July 2018. Paragraph 11 of the Framework sets out a presumption in favour of sustainable development. Paragraph 47 of the Framework states that planning law requires that applications for planning permission be determined in accordance with the development plan, unless material considerations indicate otherwise. Paragraph 38 states that decision-makers at every level should seek to approve applications for sustainable development where possible. The following headings and content of the NPPF are relevant to the consideration of the current proposals:

- Core Planning Principles

- 4. Decision-making
- 8. Promoting healthy communities
- 11. Making effective use of land
- 12. Achieving well-designed places

5.2 Planning Policy Guidance

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 a range of subject areas, with each area containing several subtopics. Those of particular relevance to the determination of this planning application comprise:

- Design
- Determining a planning application
- Use of Planning Conditions

5.3 Thurrock Local Development Framework (as amended) 2015

The Council adopted the “Core Strategy and Policies for the Management of Development Plan Document” in (as amended) in January 2015. The following Core Strategy policies apply to the proposals:

OVERARCHING SUSTAINABLE DEVELOPMENT POLICY

- OSDP1 (Promotion of Sustainable Growth and Regeneration in Thurrock)¹

THEMATIC POLICIES

- CSTP10 (Community Facilities)
- CSTP22 (Thurrock Design)

POLICIES FOR MANAGEMENT OF DEVELOPMENT

- PMD1 (Minimising Pollution and Impacts on Amenity)²
- PMD2 (Design and Layout)²

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

5.4 Thurrock Local Plan

In February 2014 the Council embarked on the preparation of a new Local Plan for the Borough. Between February and April 2016 the Council consulted formally on an Issues and Options (Stage 1) document and simultaneously undertook a 'Call for Sites' exercise. It is currently anticipated that consultation on an Issues and Options (Stage 2 Spatial Options and Sites) document will be undertaken in 2018.

5.5 Thurrock Design Strategy

In March 2017 the Council launched the Thurrock Design Strategy. The Design Strategy sets out the main design principles to be used by applicants for all new development in Thurrock. The Design Strategy is a supplementary planning document (SPD) which supports policies in the adopted Core Strategy.

5.6 Thurrock Residential Alterations and Extension Design Guide (RAE)

In September 2017 the Council launched the RAE Design Guide which provides advice and guidance for applicants who are proposing residential alterations and extensions. The Design Guide is a supplementary planning document (SPD) which supports policies in the adopted Core Strategy.

6.0 **ASSESSMENT**

6.1 The assessment below covers the following areas:

- I. Principle of the Development
- II. Design and Appearance
- III. Impact on Neighbour Amenity

I. PRINCIPLE OF DEVELOPMENT

6.2 Policy CSTP10 aims to ensure the delivery of community facilities within the Borough, through action by the Council and its partners, in order to address identified needs and to maintain existing provision.

6.3 The application proposes to replace the existing roof of the Scout Hall and install an access ramp for easier access to and from the main entrance of the hall and also to provide a disabled toilet in the building.

- 6.4 The proposal is considered necessary to update and maintain the community facility. Accordingly, the proposal complies with Policy CSTP10 in this respect and the proposal is acceptable in principle.

II. DESIGN AND APPEARANCE

- 6.5 The roof would be replaced by a new pitched roof which would be of the same height as the existing. This aspect of the proposal is considered acceptable in terms of form, design and scale.
- 6.6 The proposed ramp which would be located at the main entrance of the hall to the east elevation would measure approximately 2.3m by 2.7m and would include a hand rail. The ramp would be satisfactorily related to the existing building.
- 6.7 In conclusion under this heading, the proposals are considered to be of an appropriate form, design and scale in relation to the original building and the immediate location, complying with Policies PMD2 and CSTP22 of the Core Strategy.

III. IMPACT ON NEIGHBOUR AMENITY

- 6.8 The proposed roof replacement and ramp would not the impact on the area in general or harmful to the occupiers of the neighbouring properties. The proposal accords with Policy PMD1 in this respect.

7.0 CONCLUSIONS AND REASON(S) FOR APPROVAL

- 7.1 The proposal is acceptable in terms of principle and matters of detail and approval is therefore recommended.
- 7.2 The site notice expired on 15th August 2018. The application has been reported to this meeting to ensure a timely decision is made. In order to allow for any letters which may have been posted to be taken into account it is recommended that no decision is issued until 19th August.
- 7.3 Subject to no additional letters being received the decision shall be issued in accordance with the recommendation below. If any letters are received, it is recommended that the Assistant Director updates the Chair of the content of these letters prior to the decision being issued where the recommendation would not change. If these letters raise issues that would warrant further consideration of the application the proposal will be returned to the next available Committee.

8.0 RECOMMENDATION

- 8.1 Approve, subject to the following conditions:

TIME LIMIT

1. The development hereby permitted must be begun not later than the expiration of 3 years from the date of this permission.

REASON: In order to comply with Section 51 of the Planning and Compulsory Purchase Act 2004.

PLANS

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

Plan Number(s):		
Reference	Name	Received
Hillside Scout HQ	Location Plan	9th July 2018
1	Composite Plan	9th July 2018
2	Proposed Floor Plans	9th July 2018
3	Other	9th July 2018

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

MATERIALS

3. The materials used in the construction of the external surfaces of the development hereby permitted shall be as specified in the application. Those external materials shall be retained thereafter without modification unless agreed in writing by the Local Planning Authority.

REASON: In the interests of visual amenity and to ensure that the proposed development is satisfactorily integrated with its surroundings in accordance with Policy PMD2 of the adopted Thurrock LDF Core Strategy and Policies for the Management of Development DPD – Focused Review [2015].

HOURS OF WORK

4. No construction works in connection with the development shall take place on the site at any time on any Sunday or Bank / Public Holiday, nor on any other day except between 08.00 to 18.00 hours on Monday to Friday and 08.00 to 13.00 hours on Saturdays with no work on Sundays and Bank holidays.

Unless in association with an emergency or the prior written approval of the local planning authority has been obtained. If impact piling is required, these operations shall only take place between the hours of 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 [2015].

INFORMATIVE

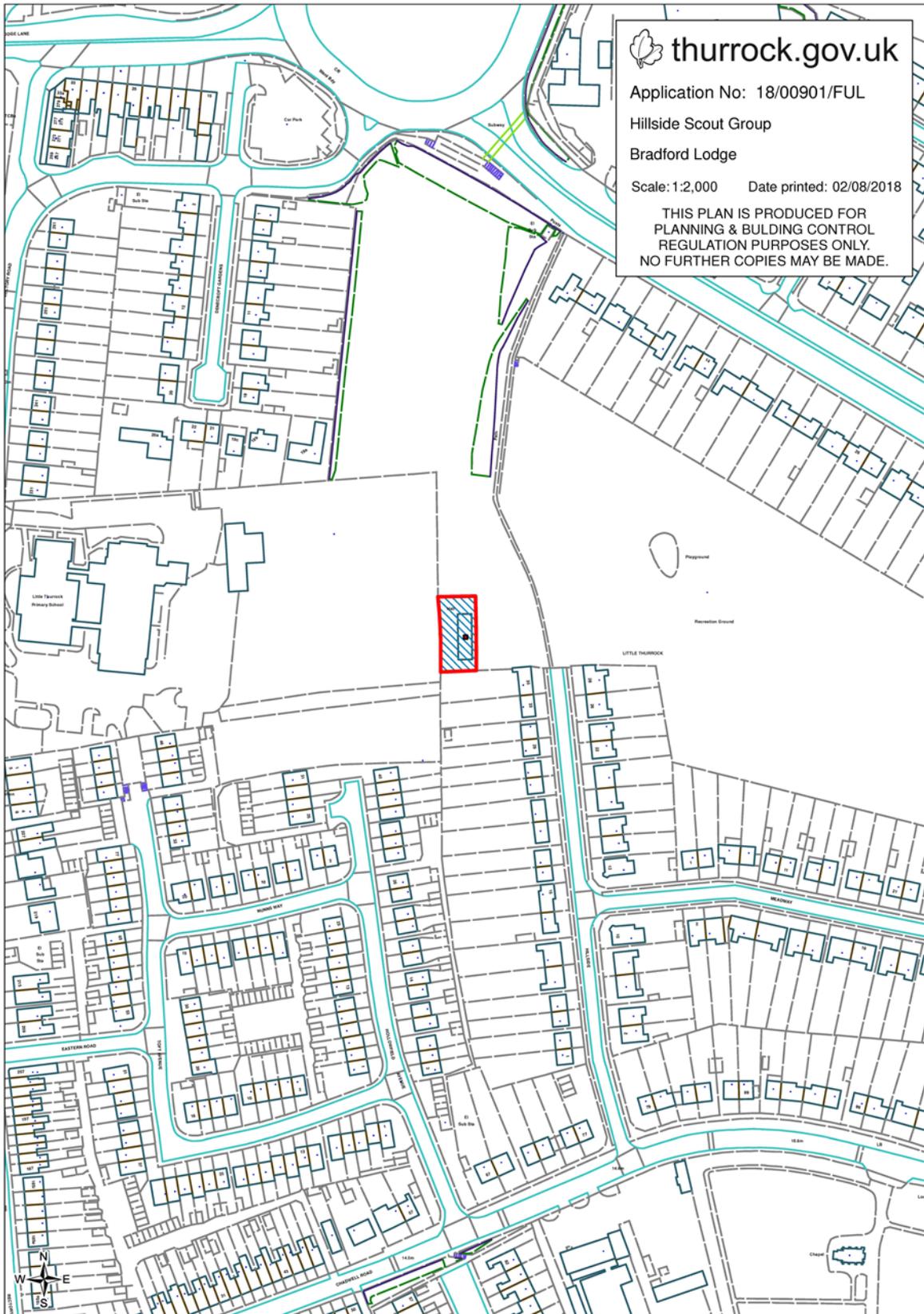
1. Town and Country Planning (Development Management Procedure) (England) Order 2015 (as amended) - Positive and Proactive Statement:

The Local Planning Authority has acted positively and proactively in determining this application by assessing the proposal against all material considerations, including planning policies and any representations that may have been received and subsequently determining to grant planning permission in accordance with the presumption in favour of sustainable development, as set out within the National Planning Policy Framework.

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: 18/00901/FUL
Hillside Scout Group
Bradford Lodge
Scale: 1:2,000 Date printed: 02/08/2018
THIS PLAN IS PRODUCED FOR
PLANNING & BUILDING CONTROL
REGULATION PURPOSES ONLY.
NO FURTHER COPIES MAY BE MADE.

© Crown copyright and database rights 2018 Ordnance Survey 100025457