

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 **6.00 pm** on **17 March 2022**

South Essex College, High Street, Grays, RM17 6TF – Room W1.23 and W1.24
(sign in at reception)

Membership:

Councillors Tom Kelly (Chair), Steve Liddiard (Vice-Chair), Gary Byrne, Colin Churchman, Mike Fletcher, James Halden, Terry Piccolo, Georgette Polley and Lee Watson

Steve Taylor, Campaign to Protect Rural England Representative

Substitutes:

Councillors Qaisar Abbas, Abbie Akinbohun, Susan Little, Bukky Okunade and Elizabeth Rigby

Agenda

Open to Public and Press

	Page
1 Apologies for Absence	
2 Minutes	5 - 10
To approve as a correct record the minutes of the Planning Committee meeting held on 10 February 2022.	
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** **11 - 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** **21/02184/HHA: 7 Churchill Road, Grays, Essex, RM17 6TW** **21 - 32**
- 9** **20/01572/FUL: AB Installs, Stanhope Industrial Park, Wharf Road, Stanford Le Hope** **33 - 46**
- 10** **21/01926/FUL: Vanderkamp, Stanhope Industrial Park, Wharf Road, Stanford Le Hope, Essex, SS17 0EH** **47 - 58**
- 11** **21/02116/FUL: Balkan Bites, 206 London Road, Grays, Essex, RM17 5YP** **59 - 72**
- 12** **22/00098/HHA: 33 Cherry Walk, Chadwell St Mary, Grays, Essex, RM16 4UN** **73 - 82**

Queries regarding this Agenda or notification of apologies:

Please contact Kenna-Victoria Healey, Senior Democratic Services Officer by sending an email to Direct.Democracy@thurrock.gov.uk

Agenda published on: **9 March 2022**

Information for members of the public and councillors

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1. If you are feeling ill or have tested positive for Covid and are isolating you should remain at home, the meeting will be webcast and you can attend in that way.
2. You are recommended to wear a face covering (where able) when attending the meeting and moving around the council offices to reduce any chance of infection. Removal of any face covering would be advisable when speaking publically at the meeting.
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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 10 February 2022 at 6.00 pm

Present:	Councillors Tom Kelly (Chair), Steve Liddiard (Vice-Chair), Gary Byrne, Colin Churchman, Mike Fletcher, James Halden, Terry Piccolo, Georgette Polley and Lee Watson
Apologies:	Steve Taylor, Campaign to Protect Rural England Representative
In attendance:	Leigh Nicholson, Assistant Director of Planning, Transport and Public Protection Ian Harrison, Principal Planner Julian Howes, Senior Highway Engineer Caroline Robins, Locum Solicitor Kenna-Victoria Healey, Senior Democratic Services Officer

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

The Chair stated that there was a time limit for the use of The Springhouse Club venue which was until 9.30pm. He said that if the items on the agenda were not concluded by 9.30pm, the meeting would be adjourned and would recommence at the next Planning Committee meeting on 17 March 2022.

66. Minutes

The minutes of the meeting held on 2 December 2021 were approved as a true and correct record, subject to showing Steve Taylor as attending the meeting.

67. Item of Urgent Business

There were no items of urgent business.

68. Declaration of Interests

In relation to 21/01787/HHA, Councillor Halden declared that he would remove himself from the discussion on this application as he had been in discussions with the applicant and felt he could not hear the application with an open mind. He continued by stating he was disappointed how long it had taken the application to be presented to the Committee, as he had called in this application 90 days ago and it was only just being put before Members.

In relation to 21/01357/FUL, Councillor Polley declared that she was one of the Members who had called in the application, however felt that she could hear the applicant with an open mind.

69. 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

Councillor Kelly declared for application 21/01787/HHA Councillor Halden had circulated a photograph which had been received by all Members.

70. Planning Appeals

The Assistant Director for Planning, Transport and Public Protection presented the report to Members.

During discussions Members raised concerns as to the decision from the planning inspector to allow an appeal. Members commented it was it hard to understand how the inspector came to that decision and sought whether challenging these decisions were possible.

The Assistant Director of Planning, Transport and Public Protection assured Members that Planning Officers had read through the report in detail, along with speaking to Officers in the Legal Department. He explained that all appeal decisions are reviewed and the team look for trends in decisions to ensure the Council continues to place the correct weight on factors and policies. Where decisions are challengeable, the Council's Legal team would naturally seek to challenge the decision.

RESOLVED:

That the report be noted

71. 21/01357/FUL Dilkes Academy, Garron Lane, South Ockendon, RM15 5JQ

The report was presented by the Principal Planner.

Councillor Byrne enquired as to whether the LED lights were environmentally friendly and efficient to run. The Principal Planner advised that he was unable to confirm the exact bulb specification, but one would assume that the most efficient units would be used by the school. Councillor Fletcher followed up seeking as to whether the light projected would affect local resident's gardens, he further asked that given the location of the school and the bend in the road as to whether the light would affect drivers. The Principal Planner commented that the light spilling into neighbouring gardens was limited and was also clear of the bend in the road so would not impact on drivers.

Councillor Polley stated she had been informed the sports pitch would be used regularly and to full capacity, should these lights be installed there would be an increase of noise generated from sites which could impact on neighbours not to mention the additional traffic which would be generated from people using facilities. The Principal Planner explained that the hours of

use were not to be changed and therefore would remain the same throughout the year.

Councillor Haldon stated he understood there were few facilities such as the football courts at St Clere's and Harris Chafford Hundred which also had this type of lights and if these were standard lights which were used. The Principal Planner confirmed that the other schools had similar flood lights as that proposed here. The Highways Engineer advised should traffic issues arise then officers could look at completing a car park management assessment.

Speaker statements were heard from:

Mr Khan, Resident in objection

During discussions the Chair sought as to whether there was anything Members could do with regards to the possible noise increase should the application be agreed. The Principal Planning Officer explained that a noise assessment had not been considered to be necessary and no request had been made by either the Environmental or Health Team. Councillor Churchman asked if there was anything Members could do with regards to the working time and keeping on top of any construction work which was still to be completed. The Committee were advised as yet present were no conditions on the application for this however it was something officers could look at.

Councillor Piccolo stated he had listened to the reasons listed by residents with regards to the hours on the application, he continued by stating as the hours the site could be used were still the same he could not at this stage give a reason to object against the application, he felt the noise would perhaps be more noticeable during the winter months however it would not be any louder than in the summer months when the daylight would be longer.

Councillor Fletcher mentioned he was interested in a noise survey being carried out before he was able to agree to the application, as the longer the site was to be able to be used this would increase the amount of time residents would have to deal with noise levels.

Councillor Halden agreed with Councillor Piccolo in that he too was struggling to find a reason to reject the application. He commented that the sports pitches were being used during the summer and so the same hours for usage would be through the winter months.

Councillor Polley commented she felt it was difficult position to be in as the lights provided the opportunity for additional use by the community. She further stated that if Members had more evidence of usage and the noise level endured by residents it may be easier to make a decision.

Councillor Watson stated she had too listened to all Members comments and thought it was important that Members bear in mind it would not only be children using the facilities but a whole community and this would not only increase noise levels but traffic in the area.

The Chair proposed the officer's recommendation and was seconded by the Vice-Chair.

For: (5) Councillors Tom Kelly (Chair), Steve Liddiard (Vice-Chair), James Halden, Terry Piccolo and Georgette Polley

Against: (4) Councillors Gary Byrne, Colin Churchman, Mike Fletcher and Lee Watson

Abstained (0)

72. 21/01787/HHA 2 Northlands Close, Stanford Le Hope, Essex, SS17 8DL

The report was presented by the Principal Planner.

Councillor Liddiard enquired as to whether there were any highways issues in the location of the application. The Highways Engineer confirmed there were none.

Councillor Piccolo commented that he visited the site and was confused as to why the application was recommended for refusal.

Councillor Fletcher echoed Councillor Piccolo's comment in that he too was struggling as to how the application would be out of keeping with the area. The Principal Planning officer explained most houses in the area which had an extension the roof was parallel to the main property; this application was proposing a mono pitched roof.

Speaker statements were heard from:

Mr Kirkby, Resident in support

Councillor Byrne commented that properties along Branksome Avenue were all different and that was part of the road's characteristics.

Councillor Fletcher echoed Councillor Byrne comment that the characteristics of Branksome Avenue was that there was no uniform build to the properties. He further stated he could not see the reason to refuse the application.

Counsellor Polley stated that areas such as Chafford Hundred were subject to design plans and therefore applications submitted would have to keep in with such plans, however Branksome Avenue did not have a design plan and therefore she felt this application was keeping in with the characteristics of the road.

The Chair of the Committee sought if any Member wished to propose the officer's recommendation. No Member wished to propose the officer's recommendation.

Councillor Fletcher proposed that the application be approved on the grounds that rather than negatively impacting the streets around Branksome Avenue,

with the removal of the wall the application would in fact improve it and there was nothing within the design submitted, which the committee considered to be out of character in the local area given that non-formality was its character.

The Assistant Director of Planning, Transport and Public Protection advised the committee that in line with the constitution should a recommendation not be agreed then an alternative recommendation was to be put forward, which has been submitted by Councillor Fletcher. He continued by stating he had listened to the debate and discussion had by Members and had made a note of their concerns, mainly the fact that the characteristics of Branksome Avenue was that there was no format to properties in the local area.

The Assistant Director of Planning, Transport and Public Protection summed up by advising should the committee approve the application the standard conditions would need to be applied to the application and agreed to by the Chair

Councillor Fletcher proposed that the application be approved and was seconded by Councillor Byrne.

For: (8) Councillors Tom Kelly (Chair), Steve Liddiard (Vice-Chair), Colin Churchman, Gary Byrne, Mike Fletcher, Terry Piccolo, Georgette Polley and Lee Watson

Against: (0)

Abstained (1) Councillor James Halden

73. 21/01804/FUL Beauchamp Place, Malvern Road, Grays, RM17 5TH

The Chair of the Committee advised Members the applicant had withdrawn this application.

The meeting finished at 7.18 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**

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17 March 2022		ITEM: 6
Planning Committee		
Planning Appeals		
Wards and communities affected: All	Key Decision: Not Applicable	
Report of: Louise Reid, Strategic Lead Development Services		
Accountable Assistant Director: Leigh Nicholson, Assistant Director Planning, Transportation and Public Protection.		
Accountable Director: Julie Rogers, Director of Public Realm		

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:** 21/01620/HHA

Location: 6 Whitmore Avenue, Stifford Clays, Grays

Proposal: Single storey rear extension

- 3.2 **Application No: 21/01314/HHA**
Location: 10 Fobbing Road, Corringham
Proposal: Part two storey side and rear extension and a part single storey rear extension, removal of existing boundary wall and railings and increase in hardstanding area to provide additional off street parking
- 3.3 **Enforcement No: 21/00494/BUNUSE**
Location: Brewers Farm, Brentwood Road, Orsett
Proposal: Potential unauthorised lorry parking / storage
- 3.4 **Application No: 21/01204/PNTC**
Location: Highway Land Lancaster Road, Chafford Hundred, Grays
Proposal: Proposed 15 metre telecommunications mast (Phase 8 Street Pole with wraparound cabinet at base), three cabinets and associated ancillary works
- 3.5 **Application No: 21/01482/HHA**
Location: 29 Orsett Heath Crescent, Chadwell St Mary, Grays
Proposal: (Retrospective) Hip to gable loft extension including rear dormer and front rooflight, the rendering of the dwelling and other fenestration alterations
- 3.6 **Application No: 21/01865/CLEUD**
Location: Land To Rear Of Bannatynes Sports Centre Howard Road, Chafford Hundred, Grays
Proposal: Certificate of Lawfulness in respect of works which commenced on 9th July 2021 and which constitute lawful implementation of Planning Permission ref: 16/00307/FUL comprising material operations including

the digging of a trench and the laying of an underground pipe.

3.7 Application No: 21/02043/HHA

Location: 9 Langthorne Crescent, Grays

Proposal: Part first floor side extension

3.8 Application No: 21/01482/HHA

Location: 29 Orsett Heath Crescent, Chadwell St Mary, Grays

Proposal: (Retrospective) Hip to gable loft extension including rear dormer and front rooflight, the rendering of the dwelling and other fenestration alterations

3.9 Application No: 21/01072/HHA

Location: 1 Inglefield Road, Fobbing

Proposal: Hipped to clipped hipped roof extension with front dormer, extension of rear dormer and front rooflight to be reposition.

4.0 Appeals Decisions:

The following appeal decisions have been received:

4.1 Application No: 21/00589/HHA

Location: 54 Dupre Close, Chafford Hundred, Grays

Proposal: Retrospective planning application for a metal fence with two access gates

Appeal Decision: Appeal Allowed

4.1.1 The Inspector considered the main issue of the proposal to be the effect on the character and appearance and accessibility of the area.

4.1.2 It was considered the railings would sit appropriately in the mixed townscape of the area and would not be harmful and that they continued to allow accessibility.

4.1.3 Accordingly the appeal was allowed.

4.1.4 The full appeal decision can be found online.

4.2 Application No: 21/00736/HHA

Location: 27 Fyfield Drive, South Ockendon

Proposal: Two storey rear and side extension. Garage conversion into habitable room, new garage erected to the front of the dwelling.

Appeal Decision: Appeal Dismissed

4.2.1 The Inspector considered the main issues to be on the character and appearance of the area and the living condition of No 28 & 29 Fyfield Drive with reference to visual impact.

4.2.2 The Inspector found the design to be ungainly and poorly integrated to the main dwelling and coupled with its visibility from Fyfield Drive it would be clearly visible and a discordant feature in the street scene.

4.2.3 He also found that by reason of its size and proximity to the neighbours the extension would be overbearing an oppressive to nearby neighbours resulting in an excessive sense of enclosure.

4.2.4 Accordingly the appeal was dismissed.

4.2.5 The full appeal decision can be found online.

4.3 Application No: 21/00756/HHA

Location: 3 St Pauls Place, Aveley

Proposal: Single storey front extension

Appeal Decision: Appeal Allowed

4.3.1 The Inspector considered the main issue to be the character and appearance of the area.

4.3.2 It was considered given the variety of dwellings and appearances that the extension would not be out of place.

4.3.3 Accordingly the appeal was allowed.

4.3.4 The full appeal decision can be found online.

4.4 Application No: 21/00554/HHA

Location: 106 Digby Road, Corringham

Proposal: Hip to gable loft conversion with front and rear dormers. Single storey rear and side extension with roof lights.

Appeal Decision: Appeal Dismissed

4.4.1 The Inspector considered the main issue of the proposal to be the lack of cohesion and combined effects on the appearance of the property.

4.4.2 It was considered the resulting design would create an awkward and ungainly finished appearance out of keeping with the style of the building resulting in an intrusive impact upon the street scene of Digby Road and Finches Close.

4.4.3 The Inspector considered the impact upon neighbouring amenity and increase in parking requirements not to be justifiable reasons for refusal.

4.4.4 The proposal was found to be contrary to policies CSTP22 and PMD2 of the Core Strategy, the criteria in the RAE and the National Planning Policy Framework.

4.4.5 The full appeal decision can be found online.

4.5 Application No: 20/01095/LBC

Location: 24 Bata Avenue, East Tilbury

Proposal: (Retrospective) Replacement of window frames, windows, side and rear doors and rendering.

Appeal Decision: Appeal Dismissed

4.5.1 The Inspector considered the key considerations of the appeal to be whether the works would preserve features of special architectural or historic interest of the listed building, and whether the works preserve or enhance the character or appearance of the conservation area.

- 4.5.2 The appeal building is a semi-detached flat roofed Grade II listed building built around 1930 to 1933 and designed by Vladmir Karfik and Frantizek Gahura. The buildings are two storey dwellings with a two-window range to the pair and a rectangular bay to front. The street scene along Bata Avenue is characterised by architecturally similar buildings, with the appeal building having group value with other similar properties along Bata Avenue.
- 4.5.3 The Inspector considered that a key character of the dwelling located within Bata Avenue, is that they are all painted render in white or cream and the majority of windows and doors are timber and are painted peppermint green. It is this visual conformity between the dwellings along Bata Avenue and their architectural detailing together with their close association with the British Bata Shoe Company that the significance of the listed building and of the East Tilbury Conservation Area derives from.
- 4.5.4 The Inspector considered that the introduction of ahistorical black coloured UPVC frames and doors therefore detract from the significance of the listed building and fail to preserve the character and appearance of the conservation area. In terms of the render, the use of a smooth render in a different colour to that at the adjoining No 26 Bata Avenue is discordant with others found on Bata Avenue. The combination of the inappropriate render finish and colour would also have a negative impact on the significance of the listed building and conservation area. As such, the appeal schemes fail to preserve the special interest of the listed building.
- 4.5.5 The Inspector concluded that the scheme had failed to preserve features of special architectural or historic interest of the listed building, and would not preserve or enhance the character or appearance of the conservation area. Accordingly, the appeal scheme is contrary to Policies CSTP22, CSTP23, CSTP24 and PMD4 of the *Thurrock Local Development Framework Core Strategy and Policies for Management of Development 2015*, which, amongst other aims, seek to preserve or enhance the historic environment by promoting the importance of the heritage assets including their fabric. It is also contrary to the Policies of the Framework including those set out in Chapter 16, which seek to ensure that heritage assets are conserved in a manner appropriate to their significance so that they can be enjoyed for their contribution to the quality of life.
- 4.5.6 Accordingly the appeal was dismissed
- 4.5.7 The full appeal decision can be found online.

4.6 Application No: 20/01094/HHA

Location: 24 Bata Avenue, East Tilbury

Proposal: (Retrospective) Replacement of window frames, windows, side and rear doors and rendering.

Appeal Decision: Appeal Dismissed

4.6.1 Please see summary above which is for the associated Listed Building application, the consideration was the same.

4.6.2 The full appeal decision can be found online.

4.7 Application No: 20/00337/HHA

Location: 6 Woolings Row, Baker Street, Orsett

Proposal: Two storey side extension including carport

Appeal Decision: Appeal Dismissed

4.7.1 The Inspector considered the key issues in relation to the proposal to be whether the proposed extension would be inappropriate development in the Green Belt, the effect of the extension on the openness of the Green Belt, the effect of the extension on the character and appearance of 6 Woolings Row and the surrounding area. If the extension would be inappropriate, whether the harm by reason of inappropriateness, and any other harm, would be clearly outweighed by other considerations, so as to amount to the very special circumstance necessary to justify it.

4.7.2 The Inspector considered that the extension would be inappropriate development within the Green Belt. That is because it would not come within the exception referred to either in paragraph 149(c) of the Framework or of Policy PMD6 of Thurrock Core Strategy. Substantial weight was given to the harmful aspect of the development. It was also considered that the extension would add to the amount of built development in the Green Belt although it would not contribute to urban sprawl. The change to Green Belt's openness, in relative terms, would be very modest and it would found to be unobjectionable.

4.7.3 The Inspector also considered that the extension would have an unacceptable effect on the character and appearance of No 6 and the surrounding area, due to its poor roof design, which is amplified by the application site's prominent location upon Woolings Row and Baker Street. The Inspector concluded that the development would be contrary to Policies PMD2 and CSTP22 of the Thurrock Core Strategy and section 12 (Achieving well-designed places) of the Framework because the

development would not be of a high quality of design and would not make a positive contribution to the area's character.

4.7.4 Accordingly the appeal was dismissed

4.7.5 The full appeal decision can be found online

5.0 APPEAL PERFORMANCE:

	APR	MAY	JUN	JUL	AUG	SEP	OCT	NOV	DEC	JAN	FEB	MAR	
Total No of Appeals	1	4	0	7	6	10	1	2	1	1	7		30
No Allowed	0	1	0	4	0	3	1	0	1	1	2		13
% Allowed	0%	25%	0%	57.14%	0%	30%	100%	0%	100%	100%	28.57%		43.33%

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

6.0 Consultation (including overview and scrutiny, if applicable)

6.1 N/A

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

7.1 This report is for information only.

8.0 Implications

8.1 Financial

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

There are no direct financial implications to this report.

8.2 Legal

Implications verified by: **Mark Bowen**
Interim 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').

8.3 Diversity and Equality

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

There are no direct diversity implications to this report.

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

None.

9.0. 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.

10. Appendices to the report

- None

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Reference: 21/02184/HHA	Site: 7 Churchill Road Grays Essex RM17 6TW
Ward: Tilbury Riverside And Thurrock Park	Proposal: Two storey side extension and single storey and part two storey rear extension with roof lights

Plan Number(s):		
Reference	Name	Received
A01	Existing Plans	28th December 2021
A03	Site Layout	28th December 2021
A02 rev C	Proposed Plans	27th January 2022

The application is also accompanied by:	
- Flood Risk Assessment (ref. QFRA 1069 v1.1 dated 29.03.21)	
Applicant: Mrs Rasa Racinskiene	Validated: 29 December 2021 Date of expiry: 21 March 2022 (Extension of Time as Agreed)
Recommendation: To Refuse	

This application has been Called In for determination by the Council’s Planning Committee by Cllrs Mayes, Jefferies, Gledhill, Johnson, Hebb and Ralph because of concerns regarding the potential use of the office space for commercial purposes that would require additional parking on a busy junction, and to assess the amenity impact of the two storey proposal upon surrounding neighbours.

1.0 DESCRIPTION OF PROPOSAL

1.1 This application seeks planning permission for a two storey side extension and single storey and part two storey rear extension with roof lights to the main dwelling on the site. The proposal would provide a study, dining room, bathroom and storage to the ground floor and a third bedroom with an ensuite to the first floor.

1.2 The original application submitted indicated that a room on the ground floor would provide an office area. This room has been re-labelled and revised to a study by the applicant in response to neighbours’ comments.

2.0 SITE DESCRIPTION

2.1 The application site is a two storey detached property located within a corner plot along Churchill Road and Medlar Road. The site is situated within a residential area characterised by spacious, open corner plots.

2.2 Planning permission was granted in 2021 for an attached 2 bedroom dwelling on land to the immediate south of the application site. This dwelling is currently under construction and the plot is identified as 7A Churchill Road on the location plan submitted.

3.0 RELEVANT PLANNING HISTORY

Application Reference	Description of Proposal	Decision
21/02073/CONDC	Application for the approval of details reserved by condition no 3 (Materials/Samples) and 5 (Soft and hard landscaping scheme) of planning permission ref. 21/00758/FUL [Erection of new 1no 2 bed dwelling to land adjacent to existing property with associated landscaping]	Approved
21/00758/FUL	Erection of new 1no 2 bed dwelling to land adjacent to existing property with associated landscaping	Approved
19/01518/FUL	Erection of new 1no 2bed dwelling to flank wall of existing property with vehicular access and associated landscaping	Refused, Appeal Dismissed
19/00169/FUL	Construction of a two storey detached dwelling house	Refused

	including a new vehicle access.	
18/00512/FUL	Construction of a new build dwelling house including a new vehicle access.	Refused

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

4.2 PUBLICITY:

This application has been advertised by way of individual neighbour notification letters and public site notice which has been displayed nearby. 21 letters have been received, 9 in support, including a letter from the applicant, supporting for the following reasons:

- Proposal would improve the appearance of the site and property
- Would not be out of character
- Office would be a home office, and not a business use as many people work from home
- Property would be a 3 bedroom house
- Removal of Trees was landowner’s choice

and 12 in objection, where four neighbours have written in twice and including an objection from the Ward Councillor, raising the following concerns:

- Loss of Amenity and Privacy
- Overlooking
- Out of Character
- Too Large a Development
- The New Dwelling being constructed has already taken up much of the plot space

- Includes an Office Space and may lead to a change of use
- Overbearing impact
- Additional Traffic
- Access and highway safety concerns
- Loss of Trees

Comments were also made in relation to drainage matters which are not considered material planning considerations and fall under separate legislation.

5.0 POLICY CONTEXT

National Planning Policy Framework (NPPF)

5.1 The revised NPPF was published on 20 July 2021 and sets out the Government's planning policies. Paragraph 2 of the Framework confirms the tests in s.38 (6) of the Planning and Compulsory Purchase Act 2004 and s.70 of the Town and Country Planning Act 1990 and that the Framework is a material consideration in planning decisions. Paragraph 11 states that in assessing and determining development proposals, local planning authorities should apply the presumption in favour of sustainable development. The following headings and content of the NPPF are relevant to the consideration of the current proposals:

- 4. Decision making
- 12. Achieving well-designed places

National Planning Practice Guidance (NPPG)

5.2 In March 2014 the former 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. NPPG contains a range of subject areas, with each area containing several sub-topics. Those of particular relevance to the determination of this planning application include:

- Design
- Determining a planning application

Local Planning Policy

Thurrock Local Development Framework (as amended) (2015)

5.3 The “Core Strategy and Policies for Management of Development” was adopted by Council on the 28th February 2015. The following policies apply to the proposals:

THEMATIC POLICIES

- CSTP22 (Thurrock Design)
- CSTP23 (Thurrock Character and Distinctiveness)
- CSTP27 (Management and Reduction of Flood Risk)

POLICIES FOR MANAGEMENT OF DEVELOPMENT

- PMD1 (Minimising Pollution and Impacts on Amenity)
- PMD2 (Design and Layout)
- PMD8 (Parking Standards)
- PMD15 (Flood Risk Assessment)

Thurrock Local Plan

5.4 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. In December 2018 the Council began consultation on an Issues and Options [Stage 2 Spatial Options and Sites] document, this consultation has now closed and the responses have been considered and reported to Council. On 23 October 2019 the Council agreed the publication of the Issues and Options 2 Report of Consultation on the Council’s website and agreed the approach to preparing a new Local Plan.

Thurrock Design Strategy

5.5 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.

Thurrock Residential Alterations and Extensions Design Guide (RAE)

5.6 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 Layout and Impact upon the Area
- III. Traffic Impact, Access and Car Parking
- IV. Effect on Neighbouring Properties
- V. Flood Risk

I. PRINCIPLE OF THE DEVELOPMENT

6.2 The application site is located within a residential area and as such the principle of development is acceptable, subject to compliance with relevant planning policies.

II. DESIGN AND LAYOUT AND IMPACT UPON THE AREA

6.3 The National Planning Policy Framework (NPPF) states that the Government attaches great importance to design to the creation of high quality, beautiful and sustainable buildings.

6.4 Policy PMD1 (Minimising Pollution and Impacts on Amenity) states that “Development will not be permitted where it would cause unacceptable effects on (i) the amenities of the area; (ii) the amenity of neighbouring occupants; or (iii) the amenity of future occupiers of the site”.

6.5 Policy PMD2 (Design and Layout) of the Core Strategy requires that all design proposals should respond to the sensitivity of the site and its surroundings and must contribute positively to the character of the area in which it is proposed and should seek to contribute positively to local views, townscape, heritage assets and natural features and contribute to the creation of a positive sense of place.

6.6 Policy CSTP22 (Thurrock Design) of the Core Strategy states that the Council requires all design proposals to respond to the sensitivity of the site and its surroundings, to fully investigate the magnitude of change that would result from the proposals and mitigate against negative impacts. Amongst other criteria, this policy states that development must contribute positively to the character of the area in which it is proposed. And to surrounding areas that may be affected by it. It should seek to contribute positively to local views, townscapes, heritage assets and natural features and contribute to the creation of a positive sense of place.

- 6.7 Policy CSTP23 (Thurrock Character and Distinctiveness) states that the Council will protect, manage and enhance the character of Thurrock to ensure improved quality and strengthened sense of place.
- 6.8 The Residential Alterations & Extensions SPD (RAE) September 2017 states that:
- 4.1.1 The extension or alterations should respect and respond positively to the character of the original dwelling such that its character is maintained or enhanced.*
- 4.3.1 The form and scale of the extension or outbuilding should be appropriate to the original dwelling and the surrounding development pattern.*
- 4.3.2 Corner plots require a distinct design approach that responds positively not only to the dwelling but also to the neighbouring houses and the street scene.*
- 5.3.1 A side extension should respect the context of the street, preserving gaps between buildings and rhythm of roof profile where these are characteristic of the area.*
- 6.9 The proposed ground floor side extension would measure 4.3m in width by 8.7m in depth and would wrap around the rear extending 4.3m from the rear elevation. The first floor side addition would have an overall depth of 7m meaning that the proposal would extend 2.5m from the rear wall of the property. The proposal would be finished with a hipped roof, stepping down from the original ridge height. The rear extension would have a monopitch roof with rooflights.
- 6.10 The proposed side extension would extend for more than half the width of the existing dwelling and by more than half of the depth of the property and would fill some of the gap between the flank wall and the property boundary next to the highway. The flank wall to boundary separation distance would reduce from approximately 6.8m to 2.5m. It is noted that the area is generally characterised by open plan aspects on corners.
- 6.11 While the detailed design, roof style and choice of materials proposed would not be unacceptable, there are concerns regarding the siting, width, mass and rearward projection of the proposed extensions. The proposal would be highly visible on this exposed corner plot, with the two storey side and rear elements of the development particularly prominent from both Churchill Road and Medlar Road. The visual impact of the proposal would be exacerbated by the particularly open aspect of this corner which, since the removal of two trees from the front of the site, would be entirely open.

- 6.12 The proposal would, by virtue of the width, siting, mass and rearward projection of the extension, be likely to have a detrimental impact upon the openness within the street scene contrary to the criteria in the RAE. The proposal would be obtrusive to its immediate surroundings and would be overly prominent in the street scene and harmful to the area. The development would, therefore, result in harm to the street scene and the character and appearance of the area contrary to Policies PMD2, CSTP22 and CSTP23 of the Core Strategy and Policies for the Management of Development (as amended) (2015) the RAE 2017 and guidance in the NPPF 2021.
- 6.13 Immediately North of the application site is 1 Medlar Road which is also a corner plot. This property had a two storey side extension approved in 2003 (planning application ref. 03/00223/FUL) and subsequently built. This extension has resulted in a similar reduction in the flank wall to boundary separation distance however, the extension to this dwelling only relates to the side and does not include extending to the rear of the property and hence the extension has a reduced visual impact upon the appearance of this corner and immediate locality. The extension was also approved some years prior to the adoption of the Council's Core Strategy and Design Guidance. This extension is the only example of similar development in the immediate vicinity and for the reasons previously explained is not considered to amount to a precedent for granting permission that may be contrary to Policy for this current proposal.

III. TRAFFIC IMPACT, ACCESS AND CAR PARKING

- 6.14 The proposal would not affect the current parking arrangements on site, nor would they result in any concern regarding pedestrian or highway safety. It is noted that neighbours have raised concerns in regard to the potential use of part of the ground floor for commercial purposes. The application states that the room in question on the ground floor would be used as a study and there would be no reason to consider that a commercial use would be proposed. The application would comply with Policy PMD8 with respect to parking provisions.

IV. EFFECT ON NEIGHBOURING PROPERTIES

- 6.15 The proposal would have most impact upon the neighbour to the immediate East at no. 2 Medlar Road. There would be no increased or unacceptable overlooking resulting from the ground floor windows to the rear of the proposal. There are two windows proposed in the first floor rear of the side extension that would serve a walk in wardrobe and a bathroom. These first floor rear windows would be located approximately 9.5m away from the flank wall of no. 2 Medlar Road. A detached garage serving no. 2 is also situated between both properties. A ground floor flank window that would appear to serve a kitchen, or other main living area, as well as

flank windows in the neighbour's rear conservatory would be overlooked by the proposed first floor rear windows. It is noted these proposed rear windows would not serve main living areas and it is considered that, if the application were deemed to be acceptable, an appropriate condition could be imposed ensuring these non-habitable room windows would be fitted with permanently fixed obscure glazing to prevent any unacceptable overlooking and loss of privacy.

- 6.16 Due to the separation distance between the proposal and the orientation of other surrounding neighbours, including the new dwelling under construction, the proposal would not result in any unacceptable overbearing impacts. In all other respects, given the relationship between the dwelling and all other neighbouring properties, including the new dwelling currently under construction, it is considered that there would be no detrimental impact upon neighbouring amenity, in accordance with policy PMD1.

V. FLOOD RISK

- 6.17 The site is located within a Flood Zones 2 and 3 and in an area where there are also flood risk defences. The application is for a relatively minor development and an appropriate Flood Risk Assessment has been submitted as part of this householder planning application. On this basis the applicant has demonstrated that proposal would not present an unacceptable risk to occupiers or the surrounding area and the application would comply with Policies CSTP27 and PMD15.

7.0 CONCLUSIONS AND REASON FOR REFUSAL

- 7.1 The introduction of an extension of the width, siting, mass and rearward projection of the proposal would be likely to have a detrimental impact upon the openness within the street scene contrary to the criteria in the RAE. Due to its high visibility in the street scene, it is considered that the development would appear out of character and as an incongruous feature on this corner plot and to the wider street scene contrary to the Core Strategy 2015, RAE (2017) and NPPF.

8.0 RECOMMENDATION

- 8.1 REFUSE for the following reason:

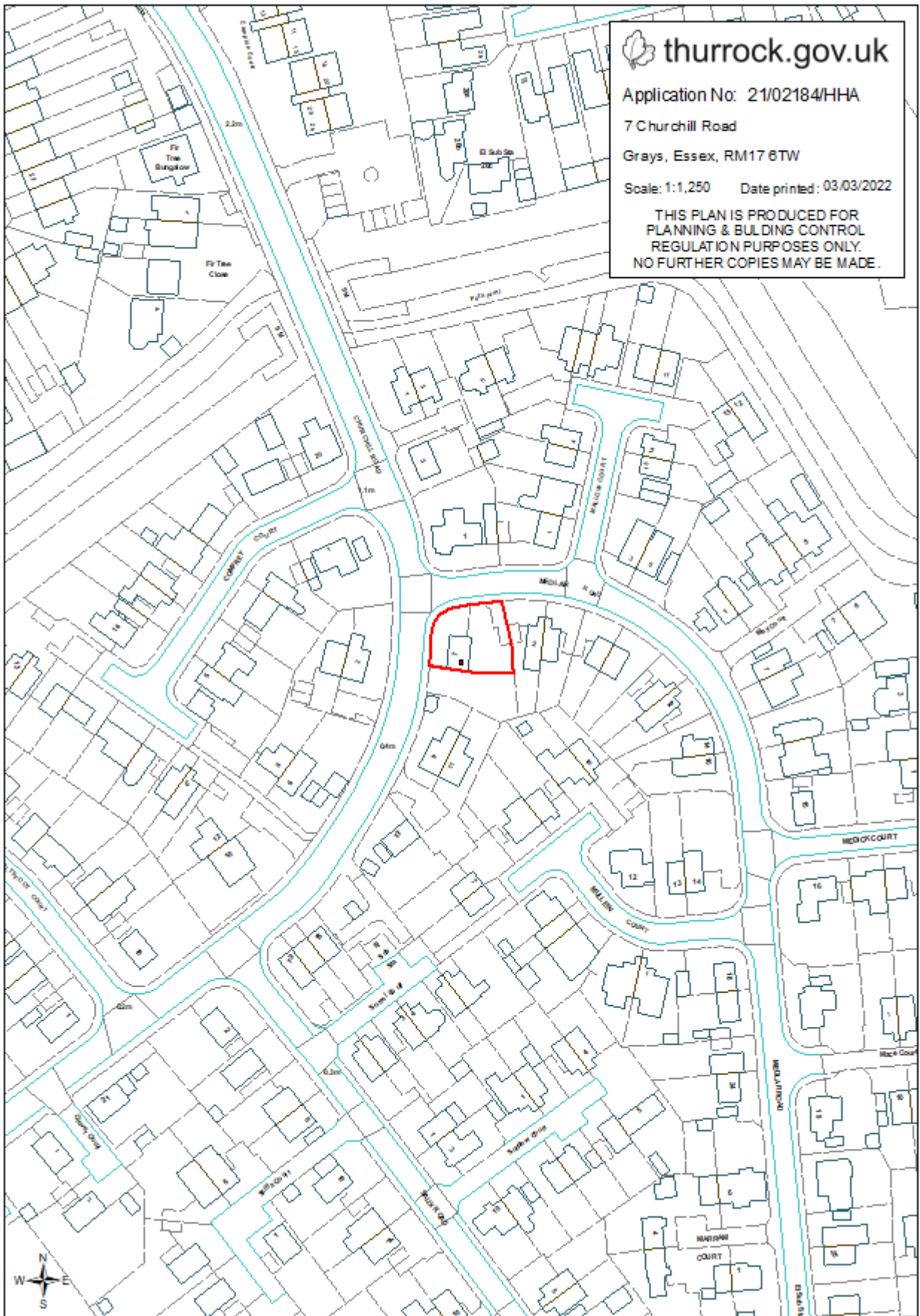
1. The proposal would, by virtue of the width, siting, mass and rearward projection of the extension, be likely to have a detrimental impact upon the openness within the street scene contrary to the criteria in the Council's Residential Alterations and Extensions SPD. The proposal would therefore be obtrusive to its immediate surroundings, overly prominent in the street scene and harmful to the character and

appearance of the area contrary to Policies CSTP22, CSTP23 and PMD2 of the Core Strategy and Policies for the Management of Development (as amended) (2015), the Thurrock Design Guide: Residential Alterations and Extensions (RAE) SPD (2017) the NPPF.

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



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Agenda Item 9

Reference: 20/01572/FUL	Site: AB Installs Stanhope Industrial Park Wharf Road Stanford Le Hope Essex
Ward: Stanford Le Hope West	Proposal: Part retrospective application for open storage, yard office, toilet facilities, installation of hardstanding and part proposal of a new warehouse building and associated car parking spaces

Plan Number(s):		
Reference	Name	Received
1530.11	Existing Site Layout	16th November 2020
1530.12	Proposed Site Layout	16th November 2020
1530.13	Proposed Floor Plans	16th November 2020
1530.14	Roof Plans	16th November 2020
1530.15	Elevations	16th November 2020
1530.16	Elevations	16th November 2020
1530.17	Sections	16th November 2020
1530.18	Location Plan	4th January 2021
1530.19	Location Plan	10th May 2021

The application is also accompanied by: <ul style="list-style-type: none"> - Design and Access Statement - Bat Survey - Flood Risk Assessment 	
Applicant: Alfie Beaney	Validated: 10 May 2021 Date of expiry: 21 March 2022
Recommendation: Approve, subject to conditions.	

This application is scheduled for determination by the Council's Planning Committee because it has been called in by Cllrs S Hebb, Anderson, Collins, Ralph and Huelin (in accordance with the Constitution Chapter 5, Part 3 (b), 2.1 (d) (ii)) to assess the potential

loss of amenity to the local area and assess the density of the application in relation to the existing area

1.0 DESCRIPTION OF PROPOSAL

- 1.1 This application seeks planning permission for a workshop and storage building. The proposed building would be 34m wide by 9m deep by 6.1m high with a shallow pitched roof; the building would have a corrugated sheet metal finish typical of many such buildings. An existing toilet block and yard office on the northern part of the northern side of the yard are proposed to remain. The western part of the northern yard would continue to be used for open storage.
- 1.2 The applicant company installs electronic communications cables. The company currently occupies the yards which are generally used for open storage purposes. It is proposed to continue to use the open areas of the main yard for storage and vehicle parking, but the new building would provide a more efficient and secure operational environment for the occupiers. The uses would be akin to B2 (general industry) and B8 (storage or distribution) as per many units and yards on the Stanhope estate.
- 1.3 The southern yard would be used for staff parking and further storage.

2.0 SITE DESCRIPTION

- 2.1 The application site is located within the Stanhope Industrial Park which is allocated as a Secondary Commercial and Industrial Area in the Council’s Core Strategy.
- 2.2 The application site is spread across 2 yards to the northern part of the wider estate, close to the boundary with the railway line.
- 2.3 The northern yard is approximately rectangular in shape, running east to west and the southern yard is also approximately rectangular in shape, running north to south. The yards are separated by one of the estate roads. Aerial photos show in the past both have been used for vehicle parking and/or outdoor storage.

3.0 RELEVANT HISTORY

3.1 The following table provides the relevant planning history for the site:

Application Reference	Description of Proposal	Decision
11/50332/TTGETL	Extending the time limit for implementation	Approved
09/50023/TTGREM	Reserved matters pursuant to outline consent	Approved
	04/00765/OUT. Proposed development of	

	24,863 sq.m of B1(C), B2 and ancillary B1(A) & B8 floorspace, access and landscaping	
04/00765/OUT	Outline application for 28,095 square metres of B1(c), B2 and ancillary B1(a) and B8 uses, landscaping and access improvements	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

4.2 PUBLICITY:

This application has been advertised by way of individual neighbour notification letters and public site notice which has been displayed nearby. There were no comments received.

4.3 ENVIRONMENTAL HEALTH:

No objections.

4.4 THURROCK HIGHWAYS:

Additional information sought on vehicle movements [Agent has provided this].

4.5 LANDSCAPE AND ECOLOGY:

No objections, site does not require a Habitat Regulations Assessment.

4.6 NATURAL ENGLAND:

No objection.

4.7 NETWORK RAIL:

No objections.

5.0 POLICY CONTEXT

National Planning Guidance

National Planning Policy Framework (NPPF)

5.1 The revised NPPF was published on 20 July 2021. Paragraph 11 of the Framework sets out a presumption in favour of sustainable development. This paragraph goes on to state that for decision taking this means:

- c) approving development proposals that accord with an up-to-date development plan without delay; or
- d) where there are no relevant development plan policies, or the policies which are most important for determining the application are out of date¹, granting permission unless:
 - i. the application of policies in this Framework that protect areas or assets of particular importance provides a clear reason for refusing the development proposed²; or
 - ii any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in this Framework taken as a whole.

¹ This includes, for applications involving the provision of housing, situations where the local planning authority cannot demonstrate a five year supply of deliverable housing sites ...

² The policies referred to are those in this Framework relating to: habitats sites and/or SSSIs, land designated as Green Belt, Local Green Space, AONBs, National Parks, Heritage Coast, irreplaceable habitats, designated heritage assets and areas at risk of flooding or coastal change.

The NPPF sets out the Government's planning policies. Paragraph 2 of the NPPF 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 chapter headings and content of the NPPF are particularly relevant to the consideration of the current proposals:

- 2. Achieving sustainable development
- 4. Decision-making
- 6. Building a strong, competitive economy
- 15. Conserving and enhancing the natural environment

National Planning Practice Guidance (PPG)

5.2 In March 2014 the Department for Communities and Local Government (DCLG) launched its planning practice guidance web-based resource. This was accompanied by a Written Ministerial Statement which includes a list of the previous planning policy guidance documents cancelled when the NPPF was launched. PPG contains subject areas, with each area containing several subtopics. Those of particular relevance to the determination of this planning application comprise:

- Design: process and tools
- Light pollution
- Natural Environment
- Noise
- Use of Planning Conditions

Local Planning Policy

Thurrock Local Development Framework (as amended) 2015

5.3 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

SPATIAL POLICIES:

- CSSP2: Sustainable Employment Growth

THEMATIC POLICIES:

- CSTP6: Strategic Employment Provision
- CSTP19: Biodiversity
- CSTP22: Thurrock Design

POLICIES FOR THE MANAGEMENT OF DEVELOPMENT

- PMD1: Minimising Pollution and Impacts on Amenity
- PMD2: Design and Layout
- PMD7: Biodiversity, Geological Conservation and Development
- PMD8: Parking Standards

Thurrock Local Plan

- 5.4 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. In December 2018 the Council began consultation on an Issues and Options [Stage 2 Spatial Options and Sites] document, this consultation has now closed and the responses have been considered and reported to Council. On 23 October 2019 the Council agreed the publication of the Issues and Options 2 Report of Consultation on the Council's website and agreed the approach to preparing a new Local Plan.

Thurrock Design Strategy

- 5.5 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 upon ecology and biodiversity
- V. Amenity

I. PRINCIPLE OF THE DEVELOPMENT

- 6.2 The site forms part of a designated Secondary Employment Area in the Core Strategy. The use of the site for an industrial use is acceptable given the Core Strategy allocation and the new building would be proportionate to the site area.
- 6.3 In accordance with paragraph 11 of the NPPF the proposal should be considered in the context of the principle of sustainable development. It is acknowledged that the site is located within a sustainable location in relatively close proximity to other industrial units.

- 6.4 The applicant has indicated that it is expected that 15 jobs would be provided by the development, thereby complying with the Council's objectives to promote job growth in this part of the borough. Accordingly, the proposal is acceptable in principle and in accordance with policies CSSP2 and CSTP6 of the Core Strategy.

II. DESIGN AND LAYOUT

- 6.5 The new building would be typical of many such commercial buildings throughout the commercial parts of the borough and is considered to be acceptable given the location. The use of the wider part of the site is typical of many of the adjoining plots and again, would be acceptable.
- 6.6 Given the above the proposal is considered to comply with the requirement of policies PMD2 and CSTP22.

III. TRAFFIC IMPACT, ACCESS AND CAR PARKING

- 6.7 The Council's highways officer has not raised an objection to the proposal but did ask for additional details of the vehicle numbers. In terms of assessment, the application site is small in comparison with other sites in the estate and the traffic generation from the development would be low. The applicant has indicated that they presently operate 11 x 3.5 tonne vans / pickups and 1 x 17.5 tonne truck. These vehicles do not, and would not, regularly come in and out of the site during the day, being off site most of the day and parking up at night. The applicant identifies that these vehicles would enter and exit the site generally once a day.
- 6.8 This level of vehicle movement is accordingly low and no HGVs or ALVs are identified as being part of the normal operation. Whilst it is acknowledged that there are concerns regarding traffic accessing the Stanhope Industrial Estate site as a whole, each case must be looked at on its own merits and the relatively small scale of the proposal must be viewed in context.
- 6.9 The site does not, and would not, generate a significant amount of traffic. The proposal is for a relatively small workshop/storage building on a site allocated for industrial purposes. A condition could be applied that any large vehicles accessing the site do so via Corringham Road so as not to cause harm to adjacent residential areas. There is also ample turning and parking space within the site.
- 6.10 The proposed access and parking are considered to be acceptable and would accord with the requirements of PMD2 and PMD8.

IV. IMPACT UPON ECOLOGY AND BIODIVERSITY

- 6.11 The site is separated from the Thames Estuary and Marshes Special Protection Area (SPA) and Ramsar site to the south by other buildings and uses on the estate and the Council's Landscape and Ecology Officer has indicated that there would be no significant impact on this and that a Habitats Regulation Assessment (HRA) is not required. Natural England raise no objection.
- 6.12 No other landscape or ecology matters have been identified and no landscaping scheme is identified as being required. The proposal is therefore in accordance with the NPPF, CSTP19 and PMD7.

V. AMENITY

- 6.13 The site itself is set away from any residential properties on the north side of the industrial area. Nonetheless, the access to the overall site passes residential properties and the proposal should have restricted hours of operation and routing, in common with other planning applications at the site. There is no additional lighting at the site and any new lighting would require planning permission. With the addition of conditions, the proposal fits within the aims and objectives of PMD1.

7.0 CONCLUSIONS AND REASONS FOR RECOMMENDATION

- 7.1 The principle of the development is for industrial use, which is that of the wider site and complies with the site's designation within the Core Strategy. The new building is proportionate to the application site and the finish is acceptable. The development would not affect the adjacent Thames Estuary and Marshes Special Protection Area (SPA) and Ramsar site or amenity.

8.0 RECOMMENDATION

- 8.1 Approve, subject to the following conditions:

TIME LIMIT

- 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.

APPROVED PLANS

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

Plan Number(s):		
Reference	Name	Received
1530.11	Existing Site Layout	16th November 2020
1530.12	Proposed Site Layout	16th November 2020
1530.13	Proposed Floor Plans	16th November 2020
1530.14	Roof Plans	16th November 2020
1530.15	Elevations	16th November 2020
1530.16	Elevations	16th November 2020
1530.17	Sections	16th November 2020
1530.18	Location Plan	4th January 2021
1530.19	Location Plan	10th May 2021

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

MATERIALS

- 3 The development of the new building hereby permitted shall be carried out in accordance with the details shown on the approved plans detailed in condition 2 above.

Reason: To ensure that the development is carried out in accordance with the details as approved and in the interests of the character and visual amenities of the area with regard to policies PMD1 and PMD2 of the adopted Thurrock Core Strategy and Policies for the Management of Development [2015].

VEHICLE ROUTING AND NUMBER OF MOVEMENTS

- 4 Any vehicles over 7.5 tonnes which are related to the operation of the use hereby approved are required to access and exit the site via Wharf Road and Corringham Road to the Manorway and A13.

Other than during the construction phase, there shall be no HGV or ALV movements to the site, unless previously agreed in writing by the Local Planning Authority.

Reason: In order to minimise any adverse impacts arising from the development in accordance with policy PMD1 of the adopted Thurrock Core Strategy and Policies for the Management of Development [2015].

HOURS OF OPERATION

- 5 The use hereby permitted shall not be operated outside of the hours 07:00 - 19:00 Mondays to Friday, 07:00 - 19:00 Saturdays or at any time whatsoever on Sundays or bank holidays.

Reason: In the interests of amenity and to ensure that the development remains integrated with its surroundings as required by policy PMD1 of the adopted Thurrock Core Strategy and Policies for the Management of Development [2015].

HOURS OF VEHICLE MOVEMENTS

6. No vehicles shall leave the site outside of 7am - 7pm Monday - Saturday or at all on Sundays or Bank Holidays.

A Vehicle Booking System (VBS) shall be in operation at all times the site is operational. This system shall record details of the registration, origin, destination and operators of each vehicle entering and leaving the site and the time of such movements. Details of the VBS shall be submitted to the Local Planning Authority for approval within ONE MONTH of the date of this permission.

On the approval of the submitted details by the Local Planning Authority this scheme shall be implemented and operated at all times.

The details in the VBS shall be kept on site and shall be available to be inspected by the Local Planning Authority upon the provision of no less than 7 days notice.

Reason: In the interests of residential amenity and to ensure that the proposed development is integrated within its immediate surroundings as required by Policy PMD 1 of the Thurrock Core Strategy

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 developer's attention is drawn to the following matters requested by Network Rail:

It is imperative that the developer contacts Network Rail's Asset Protection and Optimisation team via AssetProtectionAnglia@networkrail.co.uk prior to works commencing on site. Network Rail strongly recommends the developer complies with the following comments and requirements to maintain the safe operation of the railway and protect Network Rail's infrastructure.

Plant & Materials

All operations, including the use of cranes or other mechanical plant working adjacent to Network Rail's property, must at all times be carried out in a "fail safe" manner such that in the event of mishandling, collapse or failure, no plant or materials are capable of falling within 3.0m of the boundary with Network Rail.

Scaffolding

Any scaffold which is to be constructed within 10 metres of the railway boundary fence must be erected in such a manner that at no time will any poles over-sail the railway and protective netting around such scaffold must be installed. The applicant/applicant's contractor must consider if they can undertake the works and associated scaffold/access for working at height within the footprint of their property boundary.

Future maintenance

The applicant must ensure that any construction and subsequent maintenance can be carried out to any proposed buildings or structures without adversely affecting the safety of/or encroaching upon Network Rail's adjacent land and air-space. Therefore, any buildings are required to be situated at least 2 metres (3m for overhead lines and third rail) from Network Rail's boundary. This requirement will allow for the construction and future maintenance of a building without the need to access the operational railway environment. Any less than 2m (3m for overhead lines and third rail) and there is a strong possibility that the applicant (and any future resident) will need to utilize Network Rail land and air-space to facilitate works as well as adversely impact upon Network Rail's maintenance teams' ability to maintain our boundary fencing and boundary treatments. Access to Network Rail's land may not always be granted and if granted may be subject to railway site safety requirements and special provisions with all associated railway costs charged to the applicant. As mentioned above, any works within Network Rail's land would need approval from the Network Rail Asset Protection Engineer. This request should be submitted at least 20 weeks before any works are due to commence on site and the applicant is liable for all associated costs (e.g. a l l possession, site safety, asset protection presence costs). However, Network Rail is not required to grant

permission for any third-party access to its land.

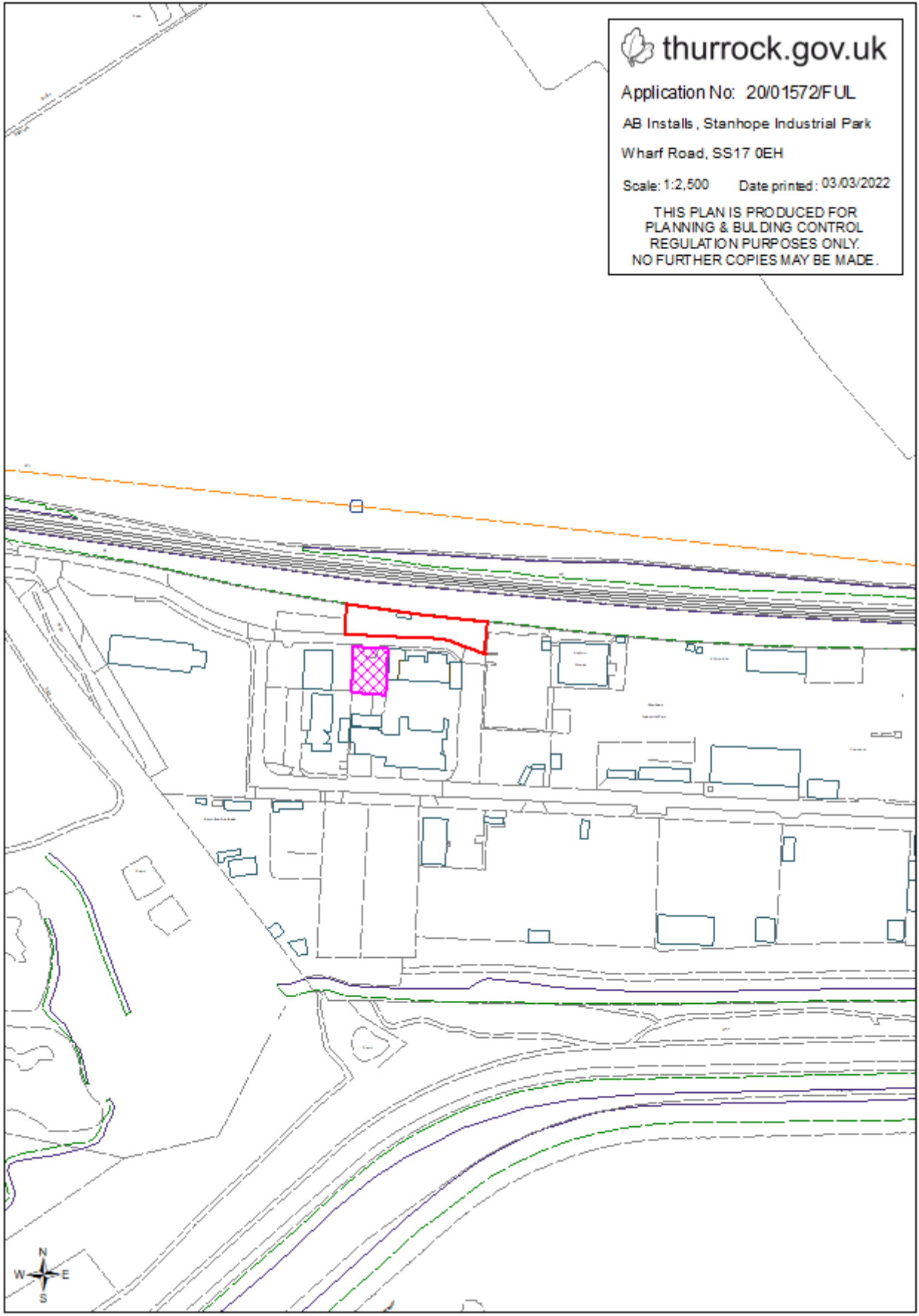
Noise and Vibration

The potential for any noise/vibration impacts caused by the proximity between the proposed development and any existing railway must be assessed in the context of the National Planning Policy Framework which hold relevant national guidance information. The current level of usage may be subject to change at any time without notification including increased frequency of trains, night-time train running and heavy freight trains.

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



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Agenda Item 10

Planning Committee 17 March 2022	Application Reference: 21/01926/FUL
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Reference: 21/01926/FUL	Site: Vanderkamp Stanhope Industrial Park Wharf Road Stanford Le Hope Essex SS17 0EH
Ward: Stanford Le Hope West	Proposal: Retention of change of use of land from car sales (sui generis) back to flexible E g i and ii (light industrial), B2 (general industry) and B8 (storage or distribution) and construction of workshop and storage building

Plan Number(s):		
Reference	Name	Received
1007-CSL-ZZ-XX-DR-S-001-REV B	10m x 30m Building Ground & Roof Plans	18 November 2021
1007-CSL-ZZ-XX-DR-S-002 REV B	10m x 30m Building Elevations	10 November 2021
21-167-PL-01- Rev C	Site Location Plan, Existing & Proposed Block Plans	19 November 2021
21-167-PL-02- Rev A	Proposed Site Layout	11 January 2022

The application is also accompanied by: - Planning Statement	
Applicant: Vanderkamp	Validated: 19 November 2021 Date of expiry: 21 March 2022 (Extension of time agreed with applicant)
Recommendation: Approve, subject to conditions	

This application is scheduled for determination by the Council's Planning Committee because it has been called in by Cllrs S Hebb, A Anderson, G Collins, J Duffin and D Huelin (in accordance with the Constitution Chapter 5, Part 3 (b), 2.1 (d) (ii)) to assess and examine the impact to the amenity of residents in the nearby area.

1.0 DESCRIPTION OF PROPOSAL

- 1.1 This application seeks planning permission to retain a workshop and storage building to the south west corner of the site. The building is 10m in width, 30m in length and 7.8m in height. The building is an aluminium framed demountable providing storage and a mechanical repair workshop for maintaining commercial equipment.
- 1.2 The application also requires change of use to flexible Class E g) i and ii (light industrial), B2 (general industry) and B8 (storage or distribution) from the present sui generis use of car sales. This would essentially take the site back into the approved use classes within the site wide planning consent.

2.0 SITE DESCRIPTION

- 2.1 The application site is located within the Stanhope Industrial Park which is allocated as a Secondary Commercial and Industrial Area in the Council’s Core Strategy. The site is adjacent to Thames Estuary and Marshes Special Protection Area (SPA) and Ramsar site.
- 2.2 The site was previously used for open storage of vehicles. The site is enclosed with a metal security fence and surfaced with hardstanding.

3.0 RELEVANT HISTORY

3.1 The following table provides the relevant planning history for the site:

Application Reference	Description of Proposal	Decision
19/00799/FUL	Change of use of land from flexible B1(c) (business), ancillary B1(a) (offices), B2 (general industry) and B8 (storage or distribution) uses to car sales (sui generis) with associated office (site C)	Approved
16/01455/FUL (larger site which included application site)	Use of land for open storage (B8 Use)	Approved
09/50023/TTGREM	Reserved matters pursuant to outline consent 04/00765/OUT. Proposed	Approved

	development of 24,863 sq.m of B1(C), B2 and ancillary B1(A) & B8 floorspace, access and landscaping	
04/00765/OUT	Outline application for 28,095 square metres of B1(c), B2 and ancillary B1(a) and B8 uses, landscaping and access improvements	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

4.2 PUBLICITY:

This application has been advertised by way of individual neighbour notification letters and public site notice which has been displayed nearby. There were no comments received.

4.3 DP WORLD:

Expressed concerns over ecology.

4.4 ENVIRONMENTAL HEALTH:

No objections.

4.5 HIGHWAYS:

No objection

4.6 LANDSCAPE AND ECOLOGY:

Carried out Habitats Regulation Assessment (HRA) and no objections.

5.0 POLICY CONTEXT

National Planning Guidance

National Planning Policy Framework (NPPF)

5.1 The revised NPPF was published on 20 July 2021. Paragraph 11 of the Framework sets out a presumption in favour of sustainable development. This paragraph goes on to state that for decision taking this means:

- c) approving development proposals that accord with an up-to-date development plan without delay; or
- d) where there are no relevant development plan policies, or the policies which are most important for determining the application are out of date¹, granting permission unless:
 - i. the application of policies in this Framework that protect areas or assets of particular importance provides a clear reason for refusing the development proposed²; or
 - ii any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in this Framework taken as a whole.

¹ This includes, for applications involving the provision of housing, situations where the local planning authority cannot demonstrate a five year supply of deliverable housing sites ...

² The policies referred to are those in this Framework relating to: habitats sites and/or SSSIs, land designated as Green Belt, Local Green Space, AONBs, National Parks, Heritage Coast, irreplaceable habitats, designated heritage assets and areas at risk of flooding or coastal change.

The NPPF sets out the Government's planning policies. Paragraph 2 of the NPPF 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 chapter headings and content of the NPPF are particularly relevant to the consideration of the current proposals:

- 2. Achieving sustainable development
- 4. Decision-making
- 6. Building a strong, competitive economy
- 15. Conserving and enhancing the natural environment

National Planning Practice Guidance (PPG)

5.2 In March 2014 the Department for Communities and Local Government (DCLG) launched its planning practice guidance web-based resource. This was accompanied by a Written Ministerial Statement which includes a list of the previous planning policy guidance documents cancelled when the NPPF was launched. PPG contains subject areas, with each area containing several subtopics. Those of particular relevance to the determination of this planning application comprise:

- Design: process and tools
- Light pollution
- Natural Environment
- Noise
- Transport evidence bases in plan making and decision taking
- Travel plans, transport assessments and statements in decision-taking
- Use of Planning Conditions

Local Planning Policy

Thurrock Local Development Framework (as amended) 2015

5.3 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

SPATIAL POLICIES:

- CSSP2: Sustainable Employment Growth

THEMATIC POLICIES:

- CSTP6: Strategic Employment Provision
- CSTP19: Biodiversity
- CSTP22: Thurrock Design

POLICIES FOR THE MANAGEMENT OF DEVELOPMENT

- PMD1: Minimising Pollution and Impacts on Amenity
- PMD2: Design and Layout
- PMD7: Biodiversity, Geological Conservation and Development

- PMD8: Parking Standards

Thurrock Local Plan

- 5.4 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. In December 2018 the Council began consultation on an Issues and Options [Stage 2 Spatial Options and Sites] document, this consultation has now closed and the responses have been considered and reported to Council. On 23 October 2019 the Council agreed the publication of the Issues and Options 2 Report of Consultation on the Council's website and agreed the approach to preparing a new Local Plan.

Thurrock Design Strategy

- 5.5 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 upon ecology and biodiversity
- V. Amenity

I. PRINCIPLE OF THE DEVELOPMENT

- 6.2 The site forms part of a designated Secondary Employment Area in the Core Strategy. Therefore, the use of the site for an industrial use is acceptable and was the former use before the former car sales (sui generis) use. The proposed building would be relatively small in footprint within the overall site area.
- 6.3 In accordance with paragraph 11 of the NPPF the proposal should be considered in the context of the principle of sustainable development. It is acknowledged that the

site is located within a sustainable location in relatively close proximity to other industrial units.

- 6.4 The applicant has indicated that it is expected that 10 jobs could in the future be created by the development, thereby complying with the Council's objectives to promote job growth in this part of the borough. Accordingly, the proposal is acceptable in principle and in accordance with policies CSSP2 and CSTP6 of the Core Strategy.

II. DESIGN AND LAYOUT

- 6.5 The new building would be typical of many such commercial buildings throughout the commercial parts of the borough and is considered to be acceptable given the location. The use of the wider part of the site is typical of many of the adjoining plots and again, would be acceptable.
- 6.6 Given the above the proposal is considered to comply with the requirement of policies PMD2 and CSTP22.

III. TRAFFIC IMPACT, ACCESS AND CAR PARKING

- 6.7 The traffic generation from the development would be low with an expected maximum 2 HGV movements per week and the remainder of vehicle movements being made by small vans and cars for the staff. Whilst it is acknowledged that there are concerns regarding traffic accessing the Stanhope Industrial Estate site as a whole, each case must be looked at on its own merits. The relatively small scale of the proposal must be viewed in context.
- 6.8 This site was previously occupied by a company called Auto Channel with a car sales and storage business. There were approximately 130 cars and vans parked on the site and the company used car transporters to bring cars to and from the site. This would have resulted in a considerable level of traffic generation on a regular basis.
- 6.9 The proposal would not generate a significant amount of traffic. It actually brings the benefit of substantially less traffic movements into and out of the industrial park than the previous user, to the advantage of other local business and nearby residential properties. The proposal is for a relatively small workshop/storage building on a site allocated for industrial purposes. The applicant is prepared to ensure that any large vehicles accessing the site do so via Corringham Road so as not to cause harm to adjacent residential areas. There is also ample turning and parking space within the site.
- 6.10 The proposed access and parking are considered to be acceptable and would accord with the requirements of PMD2 and PMD8.

IV. IMPACT UPON ECOLOGY AND BIODIVERSITY

- 6.11 The site is located approximately 360m from the Thames Estuary and Marshes Special Protection Area (SPA) and Ramsar site. As such the extent to which the development is likely to have a significant effect on European sites needs to be assessed under the Conservation of Habitats and Species Regulations 2017 (as amended) by Thurrock Council in its capacity as the competent authority in the form of a Habitats Regulation Assessment (HRA).
- 6.12 The Council's Landscape and Ecology Advisor has considered the potential effects that the scheme could have on the SPA and protected species known to be present on the adjacent site. This assessment has been used to inform the preparation of an HRA. The conclusions of this report show the development would not result in any direct loss of habitat of the SPA or functionally linked habitat. Therefore, it is determined that, on the basis of the information available, the development will not have a likely significant impact on a European site either alone or in combination with other plans or projects in accordance with the NPPF, CSTP19 and PMD7.

V. AMENITY

- 6.13 The site itself is set away from any residential properties on the south side of the industrial area. Nonetheless, the access to the overall site passes residential properties and the proposal should have restricted hours of operation and HGV routing, in common with other planning applications at the site. There is no additional lighting at the site and any new lighting would require planning permission. With the addition of conditions, the proposal fits within the aims and objectives of PMD1.

7.0 CONCLUSIONS AND REASONS FOR RECOMMENDATION

- 7.1 The principle of the development returns the site into the previously approved industrial use, which is that of the wider site and complies with the site's designation within the Core Strategy. The workshop and storage building are relatively small within the application site and the finish is acceptable. The development would not affect the adjacent Thames Estuary and Marshes Special Protection Area (SPA) and Ramsar site or amenity.

8.0 RECOMMENDATION

8.1 Recommendation A:

That the local planning authority formally determine pursuant to the Conservation of Habitats and Species Regulations 2017 (as amended), and on the basis of the information available, that the development proposed will not have a likely significant effect on a European site either alone or in combination with other plans or projects.

8.2 Recommendation B:

Approve, subject to the following conditions:

TIME LIMIT

- 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.

APPROVED PLANS

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

Plan Number(s):		
Reference	Name	Received
1007-CSL-ZZ-XX-DR-S-001-REV B	10m x 30m Building Ground & Roof Plans	18 November 2021
1007-CSL-ZZ-XX-DR-S-002 REV B	10m x 30m Building Elevations	10 November 2021
21-167-PL-01- Rev C	Site Location Plan, Existing & Proposed Block Plans	19 November 2021
21-167-PL-02- Rev A	Proposed Site Layout	11 January 2022

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].

HGV ROUTING AND NUMBER OF MOVEMENTS

- 3 All vehicles over 7.5 tonnes which are related to the operation of the use hereby approved are required to access and exit the site via Wharf Road and Corringham Road to the Manorway and A13.

There shall be no more than 2 (each way) HGV movements per week, unless previously agreed in writing with the Local Planning Authority.

Reason: In order to minimise any adverse impacts arising from the development in accordance with policy PMD1 of the adopted Thurrock LDF Core Strategy and Policies for the Management of Development [2015].

HOURS OF OPERATION

- 4 The use hereby permitted shall not be operated outside of the hours 07:00 - 19:00 Mondays to Friday, 07:00 - 19:00 Saturdays or at any time whatsoever on Sundays or bank holidays. Furthermore, no vehicles shall enter or leave the site outside of these hours.

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

Hours of vehicle movements

5. No vehicles shall leave the site outside of 7am - 7pm Monday - Saturday or at all on Sundays or Bank Holidays.

A Vehicle Booking System (VBS) shall be in operation at all times the site is operational. This system shall record details of the registration, origin, destination and operators of each vehicle entering and leaving the site and the time of such movements. Details of the VBS shall be submitted to the Local Planning Authority for approval within ONE MONTH of the date of this permission.

On the approval of the submitted details by the Local Planning Authority this scheme shall be implemented and operated at all times.

The details in the VBS shall be kept on site and shall be available to be inspected by the Local Planning Authority upon the provision of no less than 7 days notice.

Reason: In the interests of residential amenity and to ensure that the proposed development is integrated within its immediate surroundings as required by Policy PMD1 of the Thurrock Core Strategy

Informative(s)

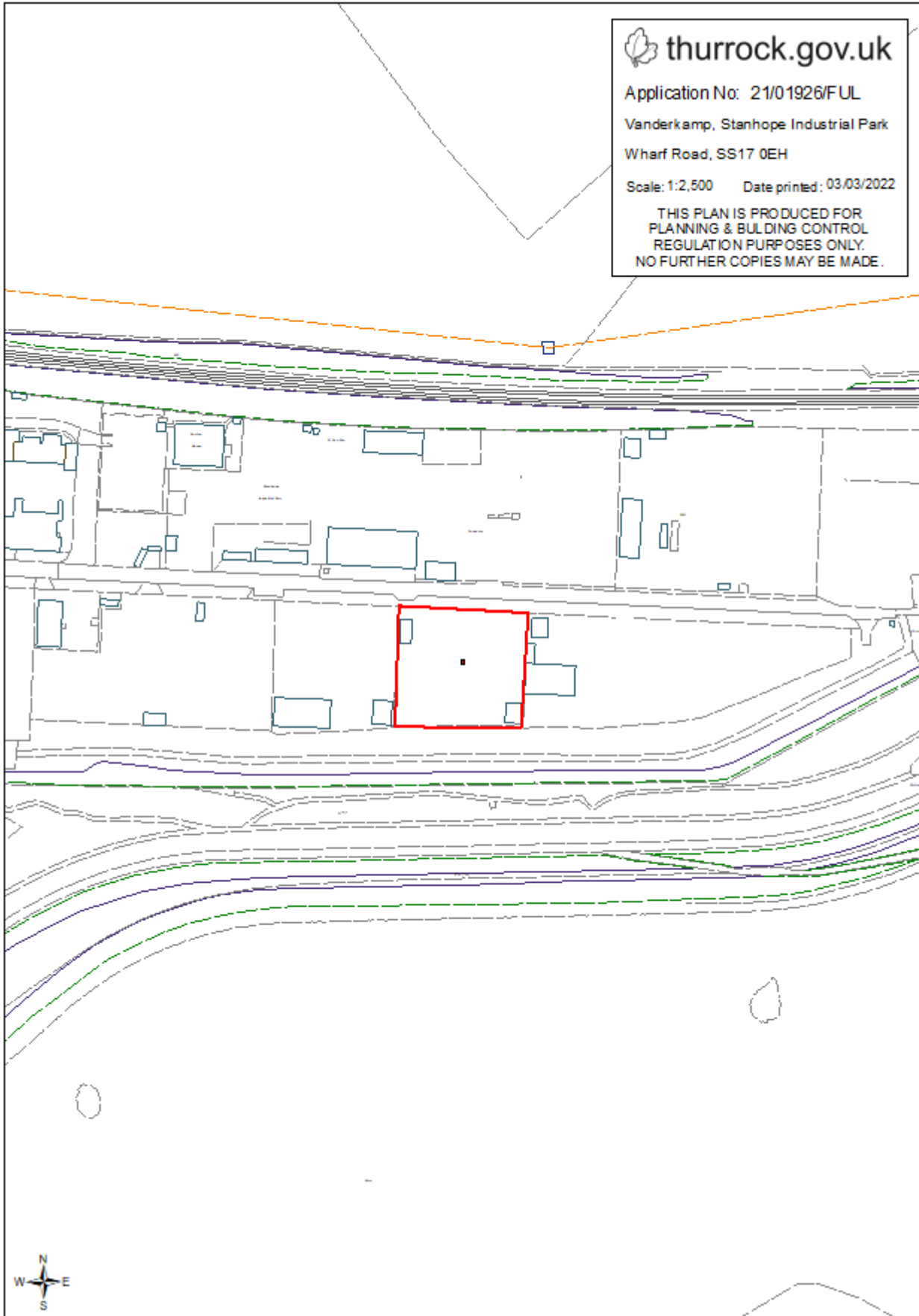
- 1 Town and Country Planning (Development Management Procedure) (England) Order 2015 (as amended) - Positive and Proactive Statement:

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



Reference: 21/02116/FUL	Site: Balkan Bites 206 London Road Grays Essex RM17 5YP
Ward: Grays Riverside	Proposal: Change of use from Sui Generis (Launderette) to use class E(b) (sale of food and drink for consumption on the premises)

Plan Number(s):		
Reference	Name	Received
1368_02 P3	Ground Floor Plan, Elevations, Block Plan and Location Plan as Proposed.	13 December 2021
1368_04 P2	Ground Floor Plan, Elevations, Block Plan and Location Plan as Existing	13 December 2021

The application is also accompanied by:

- Transport Statement (Dated 21 January 2022)
- Application Form

Applicant: Mr Sabah Sokolaj	Validated: 13 December 2021 Date of expiry: 21 March 2022 (Extension of Time Agreed)
Recommendation: Refuse	

This application is scheduled for determination by the Council’s Planning Committee because it has been Called in by Councillors Huelin, Jefferies, Onoaji, Spillman and Thandi. (in accordance with Part 3 (b) 2.1 (d) of the Council’s constitution) because *“there is a petition of approx 600 local Grays residents that would like to see this approved due to it being an empty shop for 6+ years. It is our understanding that there has been an independent highway review and residents are keen to attend and be able to speak on behalf of the application.”*

1.0 DESCRIPTION OF PROPOSAL

1.1 The application seeks planning permission for the change of use of the building from the existing lawful use as a launderette to a restaurant. The

applicant's submissions indicate that the intention is for food and drink to be consumed on the premises. The applicant's submissions state that the premises would be open between 10:00 and 22:00 on weekdays and between 08:00 and 22:00 at weekends and on bank holidays.

- 1.2 Three car parking spaces, four cycle parking spaces and a refuse store are proposed at the rear of the site.

2.0 SITE DESCRIPTION

2.1 The application site is located at the junction of London Road and Castle Road within the settlement of Grays. The site features an end-terrace building that was formerly used as a launderette at ground floor. A forecourt at the front of the building features a raised and enclosed platform has recently been built and retrospectively granted planning permission. At the rear of the building is a recently built single storey extension and a service area.

2.2 The adjacent premises of 204 London Road was most recently used as a hairdressers. All other properties within the immediate vicinity of the site are in residential use, but there are intermittent commercial properties, such as the property as application site, within the residential area of London Road.

2.3 The site is located within Flood Zone 3. However, as the application relates to a change of use only, it is not necessary for a Flood Risk Assessment to have been submitted and flood risk need not be considered in any further detail.

3.0 RELEVANT PLANNING HISTORY

3.1 The following table provides the planning history:

Reference	Description	Decision
21/00896/FUL	Change of use from Sui Generis (Launderette) to E1 (b) cafe restaurant and single storey rear extension.	Withdrawn
21/00895/FUL	Retrospective planning application for decking area to front of 204+206 and single storey rear extension for 206 London Road.	Approved
21/00369/FUL	Change of use from Sui Generis (Launderette) to E1 (b). (Cafe & restaurant) Single storey rear extension.	Withdrawn
20/01619/FUL	Change of use from Sui Generis (Launderette) to use class E(b) (sale of food and drink for consumption (mostly)	Refused

	on the premises) and single storey rear extension.	
03/01065/FUL	Change of use from laundrette to A3 (hot food takeaway)	Refused and Appeal Dismissed.

3.2 As application 20/01619/FUL is the only recent application that has been determined that related to the use of the premises, it is considered relevant that that application was refused for the following reasons:

1. Policy PMD1 of the Core Strategy states that development will not be permitted where it would have an unacceptable impact on the amenity of neighbouring occupiers.

Policy PMD2 of the Core Strategy requires that all design proposals should respond to the sensitivity of the site and its surroundings and must contribute positively to the character of the area in which it is proposed and should seek to contribute positively to local views, townscape, heritage assets and natural features and contribute to the creation of a positive sense of place.

The proposal would introduce a restaurant/café within a predominantly residential area, which would lead to unacceptable effects to amenity. The hours of operation would make the site busier in the evenings and later at night. The proposal would lead to increased noise, smells and number of visitors to the site at times in which residents would reasonably expect a lower level of activity. The proposal is contrary to Policies PMD1 and PMD2 of the Core Strategy.

2. Policy PMD2 of the Core Strategy indicates that all development should allow safe and easy access while meeting appropriate standards.

Policy PMD8 of the Core Strategy requires all development to provide a sufficient level of parking.

Policy PMD9 of the Core Strategy ensures that proposals for development affecting highway will be considered in relation to the road network hierarchy and the function of each level of that hierarchy. The aim is to enhance the street scene and to mitigate adverse impacts on the transport system, which includes impacts on capacity, safety, air quality, and noise.

The proposal would provide deficient vehicle parking in an area already heavily oversubscribed for parking. Failure to provide adequate parking

provision within the site will result in vehicles being displaced on-street to the detriment of highway safety and efficiency.

The intensification of vehicles around the proposal would affect free and safe flow of traffic on London Road which is one of the main routes into Grays. As such, proposal would impact on road safety and pedestrian safety.

4.0 CONSULTATION 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 a site notice.

Nine (9) representations have been received which object to the application on the following grounds:

- Inadequate parking available within the area to accommodate the proposal in addition to all existing land uses around the site.
- Parking will block emergency access.
- Vehicle movements will reduce highway safety.
- Noise pollution
- Odour from cooking equipment and extraction.
- Additional litter.
- Sale of alcohol would lead to additional disturbance, nuisance and anti-social behaviour.
- Out of character.
- Overlooking.
- Additional restaurants are not needed, particularly in a residential area, as Grays is well catered for in the Town Centre and throughout the area.
- Previous refusals at this site and 229 London Road should be repeated.
- Submitting repetitive applications might have caused a reduction of objections through apathy.
- Lack of emergency access to the flat above the premises.
- Many supporters are not local residents.

Thirty-nine (39) representations have been received which support the application on the following grounds:

- Much needed facility and community asset.
- Enabling the use of a vacant building
- The condition of the building and site has been improved.
- Future users of the building will ensure that there is no litter.
- Creation of jobs.
- There is enough car parking, especially as parking is available at the Morison's car park and other public car parks within Grays.
- Well located for local residents and for people to be able to walk to.
- Wheelchair access created under the terms of other permission.
- The cuisine would be different to all other food premises.
- Pleased that consultation has occurred with the applicant.
- The sale of alcohol would be to a limited extent.
- On-street parking, access and highway safety would be no worse than the existing situation.
- Most grounds of objection have been challenged.

A petition signed by 268 people has also been received in support.

Two representations have been received where it is indicated that they do not support the proposal, albeit their names appear on the petition that has been submitted. It has been clarified that they do not support the proposal and their objections have been included above.

THURROCK COUNCIL ENVIRONMENTAL HEALTH OFFICER:

- 4.3 No objection subject to a condition restricting construction hours.

THURROCK COUNCIL HIGHWAYS:

- 4.4 Recommend Refusal.

It is considered that the provision of 3 parking spaces does not meet the requirement for 15 parking spaces to be provided, based on the standard parking provision of 1 space per 5 square metres of restaurant floorspace.

There is likely to be an increase of vehicle movements which could cause conflict in an area that is over-subscribed in terms of on-street parking. On-street parking within the evenings as a result of the proposed use would

heighten the existing difficulties of parking in evenings when parking demand in the residential area is greatest.

The impact on road and pedestrian safety, the effect on the free flow of traffic and the effect of increased on-street parking would be contrary to Policy PMD9 of the Thurrock Local Development Framework Core Strategy and Policies for Management of Development 2015.

Although a takeaway facility is not proposed, if it were this would heighten the concerns that have been raised.

5.0 POLICY CONTEXT

5.1 National Planning policy Framework

The revised NPPF was published on 20th July 2021. The NPPF sets out the Government's planning policies. Paragraph 11 of the Framework expresses a presumption in favour of sustainable development. Paragraph 2 of the NPPF 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 chapter headings and content of the NPPF are particularly relevant to the consideration of the current proposals:

6. Building a strong, competitive economy.
7. Ensuring the vitality of town centres;
8. Promoting healthy and safe communities;
9. Promoting sustainable communities;
11. Making effective use of land;
12. Achieving well-designed places;

5.2 National 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 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
- Effective use of land
- Making an application
- Noise
- Travel Plans, Transport Assessments and Statements
- Use of planning conditions

5.3 Local Planning Policy 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 following Core Strategy policies in particular apply to the proposals:

Overarching Sustainable Development Policy:

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

Thematic Policies:

- CSTP8: Vitality and Viability of Existing Centres
- CSTP15: Transport in Greater Thurrock
- CSTP22: Thurrock Design
- CSTP23: Thurrock Character and Distinctiveness

Policies for the Management of Development

- PMD1: Minimising Pollution and Impacts on Amenity
- PMD2: Design and Layout
- PMD8: Parking Standards
- PMD9: Road Network Hierarchy
- PMD10: Transport Assessments and Travel Plans

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. In December 2018 the Council began consultation on an Issues and Options (Stage 2 Spatial Options and Sites) document, this consultation has now closed and the responses have been considered and reported to Council. On 23 October 2019 the Council agreed the publication of the Issues and Options 2 Report of Consultation on the Council’s website and agreed the approach to preparing a new Local Plan.

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.

6.0 **ASSESSMENT**

6.1 The material considerations for this application are as follows:

- I. Principle of the development.
- II. Traffic Impact, Access and Car Parking
- III. Effect on Neighbouring Properties
- IV. Design and Layout and Impact upon the Area
- V. Other Matters

I. PRINCIPLE OF THE DEVELOPMENT

6.2 Policy CSTP8 of the Thurrock Local Development Framework Core Strategy and Policies for Management of Development 2015 states that the Council will maintain and promote the retail function of existing centres, going on to state that the Council will resist proposals for main town centre uses in out of centre locations and edge of town centre locations if sequentially preferable locations for that development are preferable. This approach is consistent with the NPPF.

6.3 The application would involve the provision of a main town centre use outside of the town centre and it has not been demonstrated that other sequentially preferable locations are not available. However, the proposal would replace an existing use that would also be expected to be located within a main town centre and, as such, the proposed change of use would not further undermine the objectives of promoting the vitality and viability of existing centres. This is particularly the case given the small size of the property and the nature of the use. It is noted that no objection was raised to the overall principle of the use previously and, subject to the matters of detail that are set out below, it is considered appropriate and reasonable to take the same stance in respect of this application.

II. TRAFFIC IMPACT, ACCESS AND CAR PARKING

- 6.4 The Council's Highways Team have identified that the site is located within an area where there is significant levels of on-street parking and they have also noted that, whilst 3 parking spaces are proposed, this falls significantly short of that which would be expected of this type. In this regard, the Council's Draft Parking Standards set out that parking should be provided for uses of this type at a rate of 1 space per 5 square metres of floorspace and, therefore, 15 parking spaces should be provided.
- 6.5 The advice received is that the need for staff parking would lead to this parking provision being inadequate, particularly as the site is quite remote from any public car parks. Therefore, whilst it is noted that it has been demonstrated within the applicant's Transport Statement that the parking would be accessible, it would not be adequate. Furthermore, although the applicant and local residents have cited the presence of car parks within Grays Town Centre, they are at least 500 metres from the application site and, as such, are not likely to be regularly used by the staff and customers of the premises.
- 6.6 The Highways Team have stated that the potential increase in vehicle trips to the site is likely to cause conflict with the already over-subscribed on-street parking on London Road and surrounding roads and that this is likely to be further exacerbated by the proposed use operating into the evenings and at weekends, where traditionally and currently on-street parking would be used by local residents only. It is considered likely that the proposed use would lead to an increase in parking and traffic movements at this location and it has been suggested that this would be a concern, particularly as the site is located at the junction of Castle Road and London Road and as London Road is one of the main routes of the locality.
- 6.7 As set out above, the previous comparable application was refused on the grounds of parking provision and the effects on the highway and, whilst the applicant's Transport Statement has been reviewed, it does not address the concerns that have been raised consistently by the Highways Team. Even if takeaways or deliveries are prohibited under the terms of a condition, this would not overcome the concerns that have been raised.
- 6.8 Furthermore, whilst it is noted that the site is accessible on foot, by regular bus services and by bike, with cycle parking being provided, it is considered that this does not address the concerns that have been set out above.
- 6.9 Overall, it is considered that the inadequate parking provision and the intensified use of the roads around the site would affect the free and safe flow of traffic, to the detriment of highway and pedestrian safety. The proposal is,

therefore, unacceptable and contrary to Policies PMD2, PMD8 and PMD9 of the Thurrock Local Development Framework Core Strategy and Policies for Management of Development 2015 and the NPPF.

III. EFFECT ON NEIGHBOURING PROPERTIES

- 6.10 As set out above, the previous comparable application at this site was refused on the grounds that introducing a restaurant/café within a predominantly residential area would lead to unacceptable effects on residential amenity. It was deemed that the hours of operation would make the site busier in the evenings and later at night and the proposal would lead to increased noise, smells and number of visitors to the site at times in which residents would reasonably expect a lower level of activity.
- 6.11 In reaching that conclusion, it was identified that the proposal would result in a marked change in use and pattern of use and activity across the day. It was noted that a launderette would be likely to have a continuous level of activity across the day with a small number of customers at any one time and no significant peaks and troughs of activity. Conversely, a café / restaurant use would be busier over the lunch time period and markedly busy in the evenings and later into the night.
- 6.12 Accordingly, as the site is in a predominantly residential area and nearby residential occupiers would reasonably expect noise levels to be lower in the evening, the proposed use was deemed to be at odds with the local environment and incongruous within this predominantly residential area. It was also noted that the unit is not within a designated commercial/shopping area and would lead to unacceptable disturbance to nearby residential properties, most notably the residential flat directly above the unit and the nearby adjoining properties.
- 6.13 The applicant's submissions state that the premises would be open between 10:00 and 22:00 on weekdays and between 08:00 and 22:00 at weekends and on bank holidays. The only change to the hours of use in comparison to the previous application would be that the premises would now open later on weekdays. However, in respect of the evening opening times, the hours of use would remain as previously proposed and, as such, it is considered that it would remain the case that the premises would cause more activity in a largely residential area at times when residents would expect there to be less activity.
- 6.14 No details of the provision of cooking equipment and it is noted that the Environmental Health Team have raised no concerns in relation to the

proposal. As such, it is considered that it could be possible to impose a condition to require details of cooking equipment and odour escape prevention to be provided to address the concern that was raised before. However, even if this matter is resolved in that way, it is considered that the proposed use would still cause activity that would be likely to lead to disturbance to the detriment of the amenities of neighbouring residents.

6.15 Whilst it is noted that some commercial premises can change use to a restaurant or café use without needing planning permission, those rights are not applicable to premises that were formerly used as launderettes and, as such, do not provide a fallback position in this case.

6.16 For these reasons, it is considered that the effect of the development on the living conditions of nearby residents and the amenity of the local area would be unacceptable and contrary to Policies PMD1 and PMD2 of the Thurrock Local Development Framework Core Strategy and Policies for Management of Development 2015 and the NPPF.

IV. DESIGN AND LAYOUT AND IMPACT UPON THE AREA

6.17 Building operations have been approved at the site under the terms of another recent application and no further exterior works are proposed as part of this application. As such, no objections are raised in this regard. Whilst some interested parties have identified that these retrospectively approved works should be taken to represent a benefit of the proposal, as those works have already occurred and fall outside the scope of this application, it is not considered that they should carry weight in the assessment of the acceptability of the proposed use. Those works were considered in the context of the existing lawful use of the premises and there is no reason to conclude that the proposed use would be the only use that could bring about such benefits.

V. OTHER MATTERS

6.18 Some interested parties have identified that the proposed use would represent an asset to the local community and would meet a demand that is currently unmet. These factors are recognised and no objection is raised to the proposal in terms of its location outside a town centre, but there is no evidence base available that leads to a conclusion that this is the only location where this suggested need could be met. Furthermore, whilst it has been suggested that the proposed use would offer a cuisine that is not provided elsewhere in the local area, as the type of food sold cannot reasonably be the subject of a condition, this is not a factor that can be given any weight.

- 6.19 The vacant premises being put to use would be a benefit of the proposal but it is not considered that it has been demonstrated that the proposed use would be the only means of putting the building to use and, as such, this benefit does not outweigh the harm that has been identified above.

7.0 CONCLUSIONS AND REASONS FOR APPROVAL/REFUSAL

- 7.1 The proposed development would create additional activity at the site and within the local area which would be likely to detract from the living conditions of the amenities of the area and also lead to the intensified use of the roads within the surrounding area and an increased demand for parking which would be unmet. The harm arising in both of these respects would outweigh the benefits of the proposal that have been identified by the applicant and some interested parties.

8.0 RECOMMENDATION

- 8.1 Refuse for the following reasons:

- 1 The proposed development would, by virtue of the nature of the proposed use and the hours of opening, cause an increased level of activity at the site and within the vicinity of the site in a manner that would detract from the living conditions of local residents and the amenity of the area. The proposal is, therefore, unacceptable and contrary to Policies PMD1 and PMD2 of the Thurrock Local Development Framework Core Strategy and Policies for Management of Development 2015 and the National Planning Policy Framework.
- 2 The proposed development would, by virtue of the nature of the proposed use and the hours of opening, cause intensified vehicle movements and cause an increased demand for parking that would not be met at the site and within the local area. This would be likely to cause harm to pedestrian and road safety in a manner that is unacceptable and contrary to Policies PMD2, PMD8 and PMD9 of the Thurrock Local Development Framework Core Strategy and Policies for Management of Development 2015 and the National Planning Policy Framework.

Positive and Proactive Statement

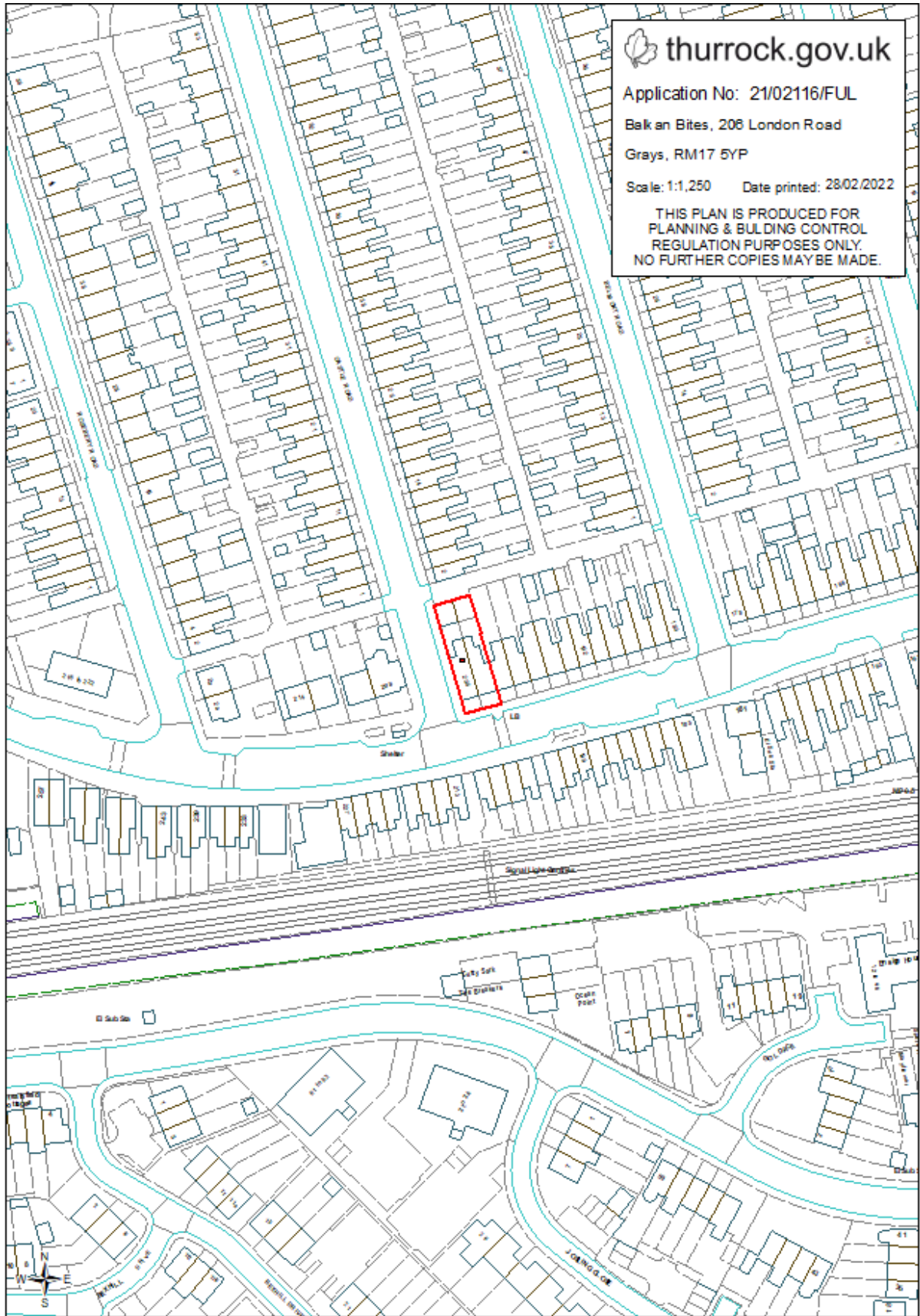
The Local Planning Authority has acted positively and proactively in determining this application by identifying matters of concern with the proposal and determining the application within a timely manner, clearly setting out the

reason(s) for refusal, allowing the Applicant/Agent the opportunity to consider the harm caused and whether or not it can be remedied by a revision to the proposal. The Local Planning Authority is willing to liaise with the Applicant/Agent to discuss the best course of action and is also willing to provide pre-application advice in respect of any future application for a revised development.

Documents:

All background documents including application forms, drawings and other supporting documentation relating to this application can be viewed online:

<http://regs.thurrock.gov.uk/online-applications>



Reference: 22/00098/HHA	Site: 33 Cherry Walk Chadwell St Mary Grays Essex RM16 4UN
Ward: Chadwell St Mary	Proposal: (Retrospective) Extension to existing outbuilding and roof and fenestration alterations to the outbuilding which is to be used for ancillary purposes associated with the main dwelling.

Plan Number(s):		
Reference	Name	Received
3301	Location Plan	25th January 2022
3302	Existing Plans	25th January 2022
3303	Pre-Existing Plans	23 February 2022

The application is also accompanied by:	
<ul style="list-style-type: none"> - Email dated the 18.02.2022 confirming the use of the outbuilding for utility and storage purposes 	
Applicant: Mr Abdul Quddoos	Validated: 26 January 2022 Date of expiry: 23 March 2022
Recommendation: Approve	

This application has been Called In for determination by the Council's Planning Committee by Cllrs Muldowney, Fletcher, Chukwu, C Kent and Watson to consider concerns regarding the potential use of the outbuilding and potential overdevelopment of the site.

1.0 DESCRIPTION OF PROPOSAL

- 1.1 This application has been submitted following enforcement complaint and investigation.
- 1.2 The application seeks retrospective planning permission for the extension and alteration of an outbuilding located within the rear of the application site. The pre-existing paint-rendered outbuilding had a sloping roof which had an overall height

ranging from 2.7m to 2.9m. The existing outbuilding has been extended by 1.5m in length and has been converted to have a flat roof with an overall maximum height of 3.1m from ground level. The pre-existing window and door have been replaced with a window of the same size and a pair of French doors located in the flank of the outbuilding facing into the garden of the site. There are no other windows in the outbuilding.

- 1.3 The outbuilding is yet to be fully finished and is currently partly rendered however the applicant has confirmed their intention to fully render the building if approved. The outbuilding consists of a single room and the applicant has confirmed the outbuilding is to be used for utility and storage purposes associated with the main use of the dwelling.

2.0 SITE DESCRIPTION

- 2.1 The application site is a detached bungalow located within Cherry Walk. The site is situated within a residential area.

3.0 RELEVANT PLANNING HISTORY

There is no recent planning application history, however, the following enforcement history is of relevance:

Enforcement Reference	Complaint	Outcome
21/00490/BUNWKS	Breeze block building in the garden without the benefit of planning permission	Investigated, established a planning application is required. Application submitted.

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

4.2 PUBLICITY:

This application has been advertised by way of individual neighbour notification letters. One letter of objection has been received, raising the following concerns:

- The outbuilding occupies 25% of the rear garden;
- The outbuilding exceeds the eaves height of the main dwelling ;

- The elevation of the outbuilding that faces onto No.52 and 54 Heath Road is breezeblock which is an unacceptable external finish;
- The outbuilding is now a habitable room.

4.3 CADENT GAS:

No Objection

5.0 POLICY CONTEXT

National Planning Policy Framework (NPPF)

5.1 The revised NPPF was published on 20 July 2021 and sets out the Government's planning policies. Paragraph 2 of the Framework confirms the tests in s.38 (6) of the Planning and Compulsory Purchase Act 2004 and s.70 of the Town and Country Planning Act 1990 and that the Framework is a material consideration in planning decisions. Paragraph 11 states that in assessing and determining development proposals, local planning authorities should apply the presumption in favour of sustainable development. The following headings and content of the NPPF are relevant to the consideration of the current proposals:

4. Decision making
12. Achieving well-designed places

National Planning Practice Guidance (NPPG)

5.2 In March 2014 the former 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. NPPG contains a range of subject areas, with each area containing several sub-topics. Those of particular relevance to the determination of this planning application include:

- Design
- Determining a planning application
- Enforcement and post-permission matters
- Use of planning conditions

Local Planning Policy

Thurrock Local Development Framework (as amended) (2015)

5.3 The Core Strategy and Policies for Management of Development was adopted by Council on the 28th February 2015. The following policies apply to the proposals:

THEMATIC POLICIES

- CSTP22 (Thurrock Design)
- CSTP23 (Thurrock Character and Distinctiveness)

POLICIES FOR MANAGEMENT OF DEVELOPMENT

- PMD1 (Minimising Pollution and Impacts on Amenity)
- PMD2 (Design and Layout)
- PMD8 (Parking Standards)

Thurrock Local Plan

5.4 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. In December 2018 the Council began consultation on an Issues and Options [Stage 2 Spatial Options and Sites] document, this consultation has now closed and the responses have been considered and reported to Council. On 23 October 2019 the Council agreed the publication of the Issues and Options 2 Report of Consultation on the Council's website and agreed the approach to preparing a new Local Plan.

Thurrock Design Strategy

5.5 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.

Thurrock Residential Alterations and Extensions Design Guide (RAE)

5.6 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 Layout and Impact upon the Area
- III. Effect on Neighbouring Properties

- I. PRINCIPLE OF THE DEVELOPMENT

- 6.2 The application site is located within a residential area and as such the principle of development is acceptable, subject to compliance with relevant planning policies.

- II. DESIGN AND LAYOUT AND IMPACT UPON THE AREA

- 6.3 The retrospective works carried out have resulted in an outbuilding that has been lengthened by 1.5m to a length of 6.2m, and with an overall height of 3.1m following a modest increase in height and change to the roof design to a flat roof. The extension of the outbuilding to the northern end has brought it closer to the main dwelling. The width of the outbuilding has not changed. Alterations have been carried out to the fenestration of the outbuilding in the form of the installation of a set of French doors and a window within the elevation that faces onto the garden of the application site. The exterior of the outbuilding has not been fully finished and the applicant intends to fully render the outbuilding. An external materials condition should be included to ensure the development is appropriately finished.
- 6.4 While the outbuilding is slightly larger in its scale and mass in comparison to the previous outbuilding, within both the immediate and wider locality, there are a number examples of similar outbuildings located within the rear curtilage of dwellings and the development is not considered to be out of character by virtue of its size. The outbuilding is not visible from the public realm but is clearly visible from neighbouring rear gardens. The overall scale and footprint of the outbuilding is considered acceptable against the guidance within the adopted Residential Alterations and Extensions Design Guide (RAE).
- 6.5 The rear garden depths along this immediate western half of Cherry Walk, between numbers 27 and 37 Cherry Walk, are shallower in depth than other surrounding gardens in Cherry Walk. However, many of these neighbours have similar sized outbuildings. In particular, the outbuilding sits immediately adjacent to a detached garage and shed at the neighbouring dwelling at no. 31 Cherry Walk; this neighbouring garage and shed extend from the rears of both no 31 and 33 for the full depth of the rear garden, similar to the outbuilding under consideration. As a consequence, it is not considered that the development adversely impacts upon the character and appearance of the property or immediate area and is considered to

be acceptable in design terms complying with Policies CSTP22, PMD2 and the RAE.

- 6.6 With respect to the use of the outbuilding, the applicant has confirmed the outbuilding is to be used for utility and storage purposes associated with the main use of the dwellinghouse. This would be reasonable given the footprint of the building. A planning condition is recommended to ensure the outbuilding is not used as separate dwelling or for commercial uses which might conflict with Council policy and for which planning consideration has not been sought or given. The use of the outbuilding would comply with Policies CSTP22, PMD2 and the RAE.

III. EFFECT ON NEIGHBOURING PROPERTIES

- 6.7 The outbuilding is located close to the shared boundary with no.31 Cherry Walk with the extension to the outbuilding bringing the structure 1.5m closer to the main dwellinghouse on the site. Due to the siting of the existing detached garage serving no. 31 Cherry Walk along this boundary, it is considered that the outbuilding has no detrimental impact upon the amenity of this neighbouring property and neither does the outbuilding represent an overbearing feature.
- 6.8 In relation to the other surrounding neighbours, including those at 52 and 54 Heath Road, given the separation distance between the outbuilding and the orientation of outbuilding to surrounding neighbours, it is not considered the building results in any unacceptable overbearing impacts or loss of privacy, light or amenity. The use of the outbuilding as ancillary to the main use for the dwellinghouse would be unlikely to result in any detrimental impact upon neighbouring amenity and the development complies with Policy PMD1.

7.0 CONCLUSIONS AND REASON FOR APPROVAL

- 7.1 The development is considered acceptable with regards design, scale and appearance and impact to neighbour amenity complying with policies CSTP22, PMD1, PMD2 and the RAE.

8.0 RECOMMENDATION

Approve, subject to the following condition(s);

Retrospective Time Limit

1. Notwithstanding the time limits given to implement planning permission as prescribed by Sections 91 and 92 of the Town and Country Planning Act 1990 (as amended), this permission in so far as it relates to the development (being granted under section 73A of the Act in respect of development already carried out) shall have effect from the date of this decision notice.

Reason: To ensure clarification of the works commenced in accordance with Section 73A of Chapter 8, Part III, of the Town and Country Planning Act 1990 (as amended).

Approved Plans

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

Plan Number(s):		
Reference	Name	Received
3301	Location Plan	25th January 2022
3302	Existing Plans	25th January 2022
3303	Pre-Existing Plans	23 February 2022

Reason: For the avoidance of doubt and to ensure the development accords with the approved plans with regard to policies PMD1 and PMD2 of the adopted Thurrock LDF Core Strategy and Policies for the Management of Development [2015].

Render Material Finish

3. Within 3 months of the date of this decision, the exterior of the outbuilding shall be fully rendered to match the remainder of the outbuilding rendering and permanently retained as such thereafter.

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

No Subdivision Or Creation Of Separate Dwelling

4. The outbuilding hereby permitted, shall only be used for purposes ancillary to the residential use of the main dwelling known as 33 Cherry Walk. The outbuilding shall remain within the same planning unit and shall not be subdivided physically with fences, walls or other means of enclosure. Under no circumstances shall any part of the development hereby permitted be used as a separate unit of residential accommodation, or for any form of commercial use whatsoever.

Reason: To ensure that the accommodation remains ancillary to the existing dwellinghouse and does not create a separate or independent unit to safeguard the amenities of neighbouring occupiers, occupiers of the dwelling and in the interests of visual amenity of the area and highway safety in accordance with policies PMD1, PMD2 and PMD8 of the adopted Thurrock LDF Core Strategy and Policies for the Management of Development [2015].

Informative:

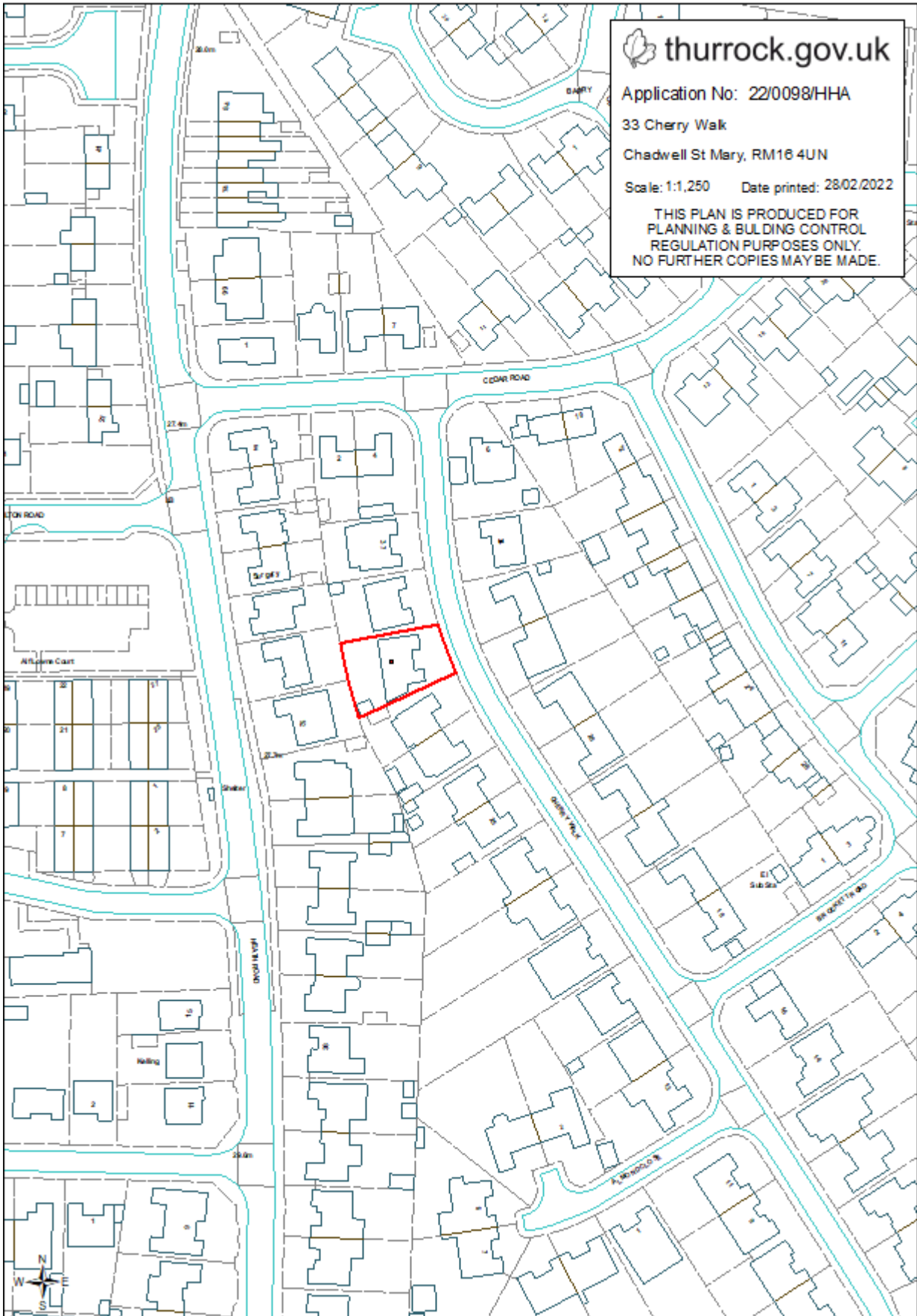
Town and Country Planning (Development Management Procedure) (England) Order 2015 (as amended) - Positive and Proactive Statement:

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



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