

Reference: 17/00099/FUL	Site: Church Hall Rigby Gardens Chadwell St Mary Essex RM16 4JJ
Ward: Chadwell St Mary	Proposal: Demolition of the existing pre fabricated concrete church hall and the construction of 2x four bedroom and 2x three bedroom houses with associated parking and landscaping

Plan Number(s):		
Reference	Name	Received
1209.01P2	Site Layout	25th January 2017
1209.02P2	Proposed Plans	25th January 2017
1209.03P2	Proposed Plans	25th January 2017

The application is also accompanied by: <ul style="list-style-type: none"> - Design and Access Statement - Reptile Survey - Asbestos Review 	
Applicant: Mr Joe Shack	Validated: 30 January 2017 Date of expiry: 27 March 2017
Recommendation: To Refuse	

This application is scheduled for determination by the Council's Planning Committee because the previous application [16/00593/FUL] was considered at Committee.

1.0 DESCRIPTION OF PROPOSAL

1.1 The application seeks planning permission for the redevelopment of the former church hall site to provide 2 x four bedroom and 2 x three bedroom houses with associated parking and landscaping.

1.2 The proposal principally differs from the previous submission in the following main aspects:

- Reduction in units proposed from six to four
- Finer details of design improved
- Bin stores to the rear of the properties
- Permeable blockwork for the parking area

2.0 SITE DESCRIPTION

2.1 The application site is presently occupied by a single storey pre-fabricated concrete church hall building and hardstanding previously used as a parking area for the hall. The remainder of the site is grassed with some overgrown vegetation on the boundaries. There is an existing vehicular access to the site off Rigby Gardens.

2.2 The site is situated within a cul-de-sac at the southern end of Rigby Gardens. The site is bordered to the east by residential properties in Rigby Gardens, including The Rectory to the immediate north. Properties on Cambridge Gardens lie to the immediate south of the site and land associated with Chadwell St Mary Cemetery lies to the immediate west.

3.0 RELEVANT HISTORY

Application Reference	Description of Proposal	Decision
16/00593/FUL	Demolition of the existing pre-fabricated concrete church hall and the construction of 4 three bedroom and 2 two bedroom houses with associated parking and landscaping	Refused on the basis of: 1) Loss of community facility and 2) Excessive areas of hardstanding, limited landscaping, car dominated environment, poorly placed bin stores which undermine the quality of the area and result in a cramped overdevelopment of the site.

4.0 CONSULTATIONS AND REPRESENTATIONS

Detailed below is a summary of the consultation responses received. The full version of each consultation response can be viewed on the Council’s website via public access at the following link: www.thurrock.gov.uk/planning

PUBLICITY:

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

4.2 EMERGENCY PLANNING:

No objection.

4.3 ENVIRONMENTAL HEALTH:

No objections, subject to conditions.

4.4 HIGHWAYS:

No objections, subject to conditions.

4.5 LANDSCAPE AND ECOLOGY:

No objections, subject to conditions.

5.0 POLICY CONTEXT

National Planning Guidance

National Planning Policy Framework (NPPF)

5.1 The NPPF was published on 27th March 2012. Paragraph 13 of the Framework sets out a presumption in favour of sustainable development. Paragraph 196 of the Framework confirms the tests in s.38 (6) of the Planning and Compulsory Purchase Act 2004 and s.70 of the Town and Country Planning Act 1990 and that the Framework is a material consideration in planning decisions. Paragraph 197 states that in assessing and determining development proposals, local planning authorities should apply the presumption in favour of sustainable development.

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

6. Delivering a wide choice of high quality homes

7. Requiring good design

Planning Practice Guidance

5.3 In March 2014 the Department for Communities and Local Government (DCLG) launched its planning practice guidance web-based resource. This was

accompanied by a Written Ministerial Statement which includes a list of the previous planning policy guidance documents cancelled when the NPPF was launched. PPG contains 42 subject areas, with each area containing several subtopics. Those of particular relevance to the determination of this planning application comprise:

- Design;
- Delivering a wide choice of high quality homes;
- Planning Obligations, and;
- The use of planning conditions.

Local Planning Policy

Thurrock Local Development Framework (2011)

- 5.4 The Council adopted the “Core Strategy and Policies for the Management of Development Plan Document” in December 2011. The following Core Strategy policies apply to the proposals:

Spatial Policies:

- CSSP1 (Sustainable Housing and Locations);

Thematic Policies:

- CSTP10 (Community Facilities)
- CSTP22 (Thurrock Design)
- CSTP23 (Thurrock Character and Distinctiveness)²

Policies for the Management of Development:

- PMD1 (Minimising Pollution and Impacts on Amenity)²
- PMD2 (Design and Layout)²
- PMD8 (Parking Standards)³
- PMD16 (Developer Contributions)²

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

Focused Review of the LDF Core Strategy (2014)

- 5.5 This Review was commenced in late 2012 with the purpose to ensure that the Core Strategy and the process by which it was arrived at are not fundamentally at odds with the NPPF. There are instances where policies and supporting text are recommended for revision to ensure consistency with the NPPF. The Review was submitted to the Planning Inspectorate for independent examination in August 2013. An Examination in Public took place in April 2014. The Inspector concluded that the amendments were sound subject to recommended changes. The Core Strategy and Policies for Management of Development Focused Review: Consistency with National Planning Policy Framework Focused Review was adopted by Council on the 28th February 2015.

Draft Site Specific Allocations and Policies DPD

- 5.6 This Consultation Draft "Issues and Options" DPD was subject to consultation commencing during 2012. The Draft Site Specific Allocations DPD 'Further Issues and Options' was the subject of a further round of consultation during 2013. The Planning Inspectorate is advising local authorities not to continue to progress their Site Allocation Plans towards examination whether their previously adopted Core Strategy is no longer in compliance with the NPPF. This is the situation for the Borough.

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

- 5.7 The above report was considered at the February meeting 2014 of the Cabinet. The report highlighted issues arising from growth targets, contextual changes, impacts of recent economic change on the delivery of new housing to meet the Borough's Housing Needs and ensuring consistency with Government Policy. The report questioned the ability of the Core Strategy Focused Review and the Core Strategy 'Broad Locations & Strategic Sites' to ensure that the Core Strategy is up-to-date and consistent with Government Policy and recommended the 'parking' of these processes in favour of a more wholesale review. Members resolved that the Council undertake a full review of Core Strategy and prepare a new Local Plan

6.0 ASSESSMENT

- 6.1 The assessment below covers the following areas:

- I. Plan designation and principle of the development (including the loss of the community facility)
- II. Design and relationship of the development with its surroundings
- III. Landscaping and Ecology

- IV. Impacts on amenity
- V. Amenity space
- VI. Parking and refuse collection
- VII. Infrastructure

I. PLAN DESIGNATION AND PRINCIPLE OF THE DEVELOPMENT
(INCLUDING THE LOSS OF THE COMMUNITY FACILITY)

- 6.2 Core Strategy Policy CSTP10 (Community Facilities), seeks 'to provide and maintain existing provision for community facilities to contribute towards meeting the varied needs of local people.'
- 6.3 In this case the Local Planning Authority must be provided with satisfactory evidence to be able to reasonably conclude whether there is a real demand for the community facility and, if there is not, whether the proposed development is appropriate in the context of the Council's Development Plan. The onus is on the applicant to provide evidence to demonstrate the demand, or lack thereof, for the site to be retained in community use.
- 6.4 It is a matter of fact that the children's activity centre ceased operating in May 2016 and was purchased by the applicant in March 2016. However, it is unclear to what extent the property has been marketed, notably in relation to D1 use.
- 6.5 The church hall has not been used as a meeting place for the church since the 1980s. The building was most used through the 1990s as Jungle Gym, a children's activity centre. Whilst the facility was in use into 2016, the applicant believes Jungle Gym was fairly under used in recent years. The applicant purchased the site in March 2016 and the tenants moved out in May 2016. The tenants were offered an option to extend the lease whilst development proposals were prepared and submitted, but they chose to close the business. The applicant has been unable to provide any evidence in relation to marketing which may have been carried out for the premises. The applicant has commented that the building has exceeded its life span and there is structural movement within the building. It was not financially viable for the users of the former church hall to build a replacement building.
- 6.6 The information provided by the applicant is limited and it is not considered sufficient to demonstrate that the hall has been properly advertised and marketed for alternative community uses since it became vacant. In the absence of any compelling evidence to justify the loss of the community facility, the proposal is considered to be contrary to Core Strategy Policy CSTP10.

II. DESIGN AND RELATIONSHIP OF THE DEVELOPMENT WITH ITS SURROUNDINGS

- 6.7 The proposal would provide four dwellings arranged in two areas; a pair of semi-detached houses would be located in the eastern half of the site with the principal elevations facing the highway in Rigby Gardens and two detached dwellings to the west of the site. The detached dwellings would be orientated at a 90 degree angle to the highway in Rigby Gardens with their principal elevations facing eastwards.
- 6.8 The new vehicular access to the site would be provided centrally within the site between both sets of buildings.
- 6.9 The dwellings would be two storeys in height and would be built with brick and tiled gable pitched roofs. The layout would make the best use of the site following the pattern of development in Rigby Gardens and with consideration to neighbour amenity. Plots 1 and 2, the pair of semi-detached dwellings, would be sited approximately 1.8m forward of the main front wall of no. 9 Rigby Gardens to the east. There would be a separation of approximately 1m between the garage of no. 9 and the flank of Plot 1. The flank wall of Plot 1 would be located approximately 3.5m away from the flank wall of the main dwelling at no. 9. There is an existing stagger in the notional building lines of the semi-detached properties in Rigby Gardens and the proposed position of Plots 1 and 2 would reflect the character of the street scene.
- 6.10 The two proposed detached dwellings would be sited approximately 3.5m set back from the front wall of the garage at the Rectory, the adjacent detached property. The proposed terrace would be located approximately 7.5m away from the flank wall of the garage of the Rectory, and approximately 3m off the boundary.
- 6.11 The plan form and proportions of the proposed dwellings would be appropriate for the location. Similarly the proposed scale of the development would be unlikely to lead to any detriment to the visual amenities of the street scene in Rigby Gardens. The proposal is, on the whole, an improvement to the previous scheme. Members are reminded that the previous reasons for refusal related to the extensive areas of hardstanding which could lead to a car dominated streetscape and lack of opportunity for meaningful landscaping. The other reasons related to the positioning of the refuse containers to the front of the properties and overdevelopment of the site. It is considered that the above matters have been addressed and there are less properties being proposed with less parking and opportunity for landscaping on the site (which could be secured by condition).
- 6.12 In respect of layout, appearance and design, the proposal is considered to be in accordance with the relevant criteria of Policies PMD1 and PMD2 of the Core Strategy and the NPPF.

III. LANDSCAPING AND ECOLOGY

- 6.13 The Council's Landscape and Ecology Advisor considers that the development would not have significant adverse effects on the landscape setting or visual amenity.
- 6.14 The site does not contain any trees or other vegetation of any significance however there are trees in third party gardens which will need to be adequately protected during construction. Of particular significance are the Copper Beech and the Cherry tree in the rear garden of the Rectory which are covered by TPO 35/2010. A condition has been included requiring details of how the trees in the neighbouring properties are to be protected during construction.
- 6.15 There would be scope to provide additional landscaped planting. Where some planting is shown next to the Copper Beech, careful consideration will need to be given to the choice of species due to the heavy shade that the tree casts. The detail of the landscape scheme can be dealt with by condition.
- 6.16 A reptile survey has been carried out which identified that the site contains a population of slowworms. It is considered unlikely that there will be sufficient suitable habitat retained on site to enable the population to remain. A suitable off-site receptor should therefore be identified. Details of this could be provided by planning condition imposed on any consent granted. Subject to condition, the proposed site clearance and translocation methodologies are considered appropriate.
- 6.17 In respect of matters associated with landscaping and ecology, the proposal is considered to be in accordance with the relevant criteria of Policies PMD1 and PMD2 of the Core Strategy and the NPPF.

IV. IMPACTS ON AMENITY

- 6.18 Due to the orientation of the fenestration and distance between windows of the proposed houses and the existing surrounding properties, the proposed houses would not overlook any nearby properties.
- 6.19 In respect of neighbour amenity impacts, the proposal is considered to be in accordance with the relevant criteria of Policies PMD1 and PMD2 of the Core Strategy and the NPPF.

V. AMENITY SPACE

- 6.20 The proposal includes approximately 515 sqm of private amenity area in total. This provision is in excess of the amenity space requirements stipulated within Annexe 1 of the Local Plan 1997 (450 sqm in this instance). Policy PMD2 of the Core Strategy is met.

VI. PARKING AND REFUSE COLLECTION

- 6.21 The Council's Highway Officer raises no objections to the level of parking provision for the development or the access arrangements. The proposal shows the existing vehicular access being repositioned slightly to the west to allow for the development, and open parking in a central parking area. A total of 11 car parking spaces are proposed for the development, equating to 2 spaces per dwelling plus 2 visitor spaces. The Highway Officer has recommended standard conditions relating to the access, car parking area and cycle storage all of which have been included in the recommendation. The proposal satisfies the relevant criteria of Policy PMD8 of the Core Strategy in relation to parking provision.
- 6.22 Refuse and recycling storage would be provided within the rear gardens of each dwelling. Refuse collection vehicles would not enter the site, but refused would be collected from Rigby Gardens; the carrying distances for refuse would comply with Council standards.

VII. INFRASTRUCTURE

- 6.23 Policy PMD16 of the Core Strategy indicates that where needs would arise as a result of development; the Council will seek to secure planning obligations under Section 106 of the Town and Country Planning Act 1990 and any other relevant guidance. The Policy states that the Council will seek to ensure that development proposals contribute to the delivery of strategic infrastructure to enable the cumulative impact of development to be managed and to meet the reasonable cost of new infrastructure made necessary by the proposal.
- 6.24 National Planning Practice Guidance states that local planning authorities must ensure that the obligation meets the relevant tests for planning obligations in that they are necessary to make the development acceptable in planning terms, directly related to the development, and fairly and reasonably related in scale and kind. Planning obligations should not be sought where they are clearly not necessary to make the development acceptable in planning terms. Planning obligations must be fully justified and evidenced.
- 6.25 The proposal is for a small scale development and no infrastructure requirements have been identified arising from this development. The site is also below the size

that would trigger the requirement for offsite affordable housing provision. Accordingly is not considered necessary for an s.106 contribution in this instance.

7.0 CONCLUSIONS AND REASON(S) FOR REFUSAL

- 7.1 The loss of the church hall which is seen as a community facility renders the application objectionable and contrary to adopted policy. Community facilities, such as church halls, contribute towards meeting the varied needs of local people to interact with other members of the community. In this instance, the applicant has not provided satisfactory justification to demonstrate that the church hall has been properly advertised and marketed. As such, despite other matters of detail being found to be acceptable, the application attracts a recommendation of refusal.

8.0 RECOMMENDATION

To Refuse for the following reason:

Reason(s):

1. Community facilities, such as church halls, contribute towards meeting the varied needs of local people to interact with other members of the community. Core Strategy Policy CSTP10, Community Facilities, seeks to ensure the delivery of community facilities within the Borough in order to address needs and to maintain existing provision.

The applicant has not provided sufficient evidence to demonstrate that the church hall was reasonably and robustly advertised and marketed since it became vacant in May 2016. The loss of this local amenity would be contrary to Policy CSTP10.

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 identifying matters of concern with the proposal and discussing those with the Applicant/Agent. Unfortunately, it has not been possible to resolve those matters within the timescale allocated for the determination of this planning application. However, the Local Planning Authority has clearly set out, within its report, the steps necessary to remedy the harm identified within the reasons for refusal - which may lead to the submission of a more acceptable proposal in the future. The Local Planning Authority is 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:

www.thurrock.gov.uk/planning

