

Planning Committee 07.06.2018

Application Reference: 18/00343/FUL

Reference: 18/00343/FUL	Site: Stanford Tyres And Servicing Rear Of 16 London Road Stanford Le Hope Essex SS17 0LD
Ward: Stanford Le Hope West	Proposal: Two storey block for A1 retail use, storage and office space

Plan Number(s):		
Reference	Name	Received
01A	Existing Floor Layout	15 May 2018
02A	Location Existing Roof Layout	15 May 2018
03	Existing Elevations	15 May 2018
04E	Proposed Ground Floor Layout	15 May 2018
05C	Proposed Roof Layout	15 May 2018
06C	Proposed Elevations	15 May 2018
07C	Location Plan	2 March 2018

The application is also accompanied by:

Applicant: Merwin Amirtharaja	Validated: 5 March 2018 Date of expiry: 14 June 2018 (Extension of Time agreed)
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 Ojetola, Little, Gledhill, Piccolo and Hebb in accordance with Part 3 (b) 2.1 (d)(i) of the Council's constitution for considerations relating to amenity and of car parking.

1.0 DESCRIPTION OF PROPOSAL

This application seeks planning permission to remove the present workshop on the site and build a part single/part two storey building. The ground floor area would be split between an A1 retail use and store use with an office use on the first floor.

2.0 SITE DESCRIPTION

The site is to the rear of a petrol station and a shop. The lawful use of the site is as a car garage which operated within two single storey buildings. There are commercial uses to the north of the site and residential uses to the south.

3.0 RELEVANT HISTORY

Application Reference	Description of Proposal	Decision
17/00596/FUL	Demolition of workshop and construction of two storey – A1 (retail) use on ground floor and office use on first floor with parking	Refused – due to the scale, form, massing and unsympathetic design of the proposal which was determined as likely to have an obtrusive, overbearing impact, resulting in a loss of outlook and amenity
17/01349/FUL	Demolition of workshop and construction of two storey building – A1 (retail) use on ground floor and office use on first floor with parking (resubmission of 17/00596/FUL)	Refused - due to the scale, form, massing and unsympathetic design of the proposal which was determined as likely to have an obtrusive, overbearing impact, resulting in a loss of outlook and amenity

4.0 CONSULTATIONS AND REPRESENTATIONS

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

PUBLICITY:

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

One letter has been received objecting to the application for the following reasons:

- Inaccurate drawings, no height levels shown and incorrect building line;
- Increased parking problems;
- Overlooking, overbearing, overshadowing, loss of light;

- Excessive bulk, scale;
- Design looks like a house.

HIGHWAYS:

No objection

ENVIRONMENTAL HEALTH:

No objection subject to a condition

5.0 POLICY CONTEXT

National Planning Guidance

National Planning Policy Framework (NPPF)

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.

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

- Building a strong competitive economy
- Requiring good design

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 42 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

6.0 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 apply to the proposals:

Spatial Policies:

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

Thematic Policies:

- CSTP10 (Community Facilities)
- CSTP11 (Health Provision)
- CSTP14 (Transport in the Thurrock Urban Area: Purfleet to Tilbury)³
- 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

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

Thurrock Local Plan

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

Options (Stage 2 Spatial Options and Sites) document will be undertaken in the summer of 2018.

Thurrock Design Strategy

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

7.0 ASSESSMENT

The assessment below covers the following areas:

- I. Principle of the Development (Conformity with Planning Policies)
- II. Design and Layout
- III. Amenity Issues
- IV. Traffic Impact, Access and Car Parking
- V. Other Matters

I. PRINCIPLE OF THE DEVELOPMENT

The site is within a mixed residential and commercial area in Stanford Le Hope and presently comprises two buildings with a commercial use. Therefore, the principle of further commercial use of this site is acceptable subject to other policy criteria being met.

II. DESIGN AND LAYOUT

The NPPF focuses on the importance of good design. Paragraph 64 of the NPPF states that permission should be refused for development of poor design that fails to take the opportunities available for improving the character and quality of an area and the way it functions.

Policy CSTP22 of the Core Strategy (as amended) 2015 indicates that development proposals must demonstrate high quality design founded on a thorough understanding of, and positive response to, the local context.

Policy PMD2 of the Core Strategy (as amended) 2015 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 application site is set away from the road; nonetheless it is visible within the street scene. The proposed building would include an additional floor to the western section of the site compared to the present building on the site.

The previous application (planning application ref. 17/01349/FUL) was refused due to the scale, form, massing and unsympathetic design of the proposal which was determined as likely to have an obtrusive, overbearing impact, resulting in a loss of outlook and amenity. A comparison of the scale of the scale has been carried out between the most recently refused application and the current proposal:

Application Reference	17/01349/FUL	Current Scheme
Overall height of single storey element	4.1m to ridge	4m
Height on boundary with Hollis House	2.65 eaves height	2.7m
Overall height of two storey element	6.6m to ridge	5.65m to ridge
Height of closest point on boundary with Hollis House	5.2m to eaves	Height of mono pitched roof varies as follows: 4.65m lowest point rising to 5.65m highest point

The proposed two storey building would be larger than the existing building but it includes a mono pitched roof that helps to minimise the sense of size and scale. Since the previous application was refused the front elevation of the building has been revised to incorporate a better quality design. Thus the first floor would include 5 windows with rendering either side and cedar timber cladding above and below the windows.

The ground floor shopfront would be fully glazed with eight panels, with fascia above along with doors either end serving the proposed retail unit on the ground floor and office to the first floor of the building.

The design of the proposed building represents a significant improvement on the previous proposal and is considered to be of satisfactory appearance creating a degree of visual interest and contributing to local distinctiveness.

With regard to the single storey element of the building, this would be used in conjunction with the retail premises number 16 London Road. The proposed building would have the appearance of a large garage as it includes roller shutters and an entrance door. This part of the building would include a pitched roof with four roof lights; two on the front roof slope and two on the roof slope to the rear of the building.

The proposed design, appearance, mass and scale of the building overall is considered acceptable, overcoming the previous design reasons for refusal, and would comply with Council policy.

III. AMENITY ISSUES

Policy PMD1 of the Core Strategy (as amended) 2015 states that development will not be permitted where it would have an unacceptable impact on the amenity of neighbouring occupiers.

The proposed use is for A1 use, retail storage and offices, which would arguably have less of an effect on nearby residential uses than a vehicle garage in terms of noise and general disturbance.

The previous application was refused on the basis that the form, massing and unsympathetic design of the proposal was determined likely to have an obtrusive, overbearing impact, resulting in a loss of outlook and amenity. The current application has been amended with the view to overcoming these concerns, particularly in relation to the height and mass of the building.

The proposed single storey element would be comparable in height to the existing single storey building. It would have a maximum height of 4m to its ridge compared to the 3.6m height of the existing flat roofed building. It should be noted however that the eaves height of the proposed pitched roof would be 3.6m and it would be pitched away from the boundary with the neighbouring properties to the immediate East, Priors Lodge and Hollis House, on Ruskin Road.

It is considered that the impact of this element of the building on the amenities of the neighbouring occupiers would be similar to that of the existing building and it would not have a harmful impact in terms of loss of light or visual intrusion.

The proposed two storey element would be larger than the existing building. However, it includes a mono pitched roof which slopes up and away from nearby residential properties which serves to minimise its overall impact and scale.

The overall height of the single storey element has been reduced by 0.1m compared to the existing building with the highest part of the overall roof being reduced by 0.05m. While the reduction is modest the single storey building was not considered to be the most harmful aspect of the previous proposal. It is not considered that the single storey element of the building would result in any significant loss of light, outlook or overshadowing.

In relation to the two storey element of the building, this has been revised to include a mono pitched roof which descends to its lowest height of 4.65m. It is considered that the overall impact of the building in terms of bulk and scale is significantly reduced when compared to previous proposal.

Moreover, it is considered that concerns raised about excessive bulk scale and house design have been addressed; the building as revised includes varied height and bulk with the overall scale having been reduced with a commercial appearance which is considered appropriate.

Concerns about loss of privacy have also been addressed. The proposals do not include any windows to the side or rear elevation and the roof lights would face skyward.

Turning to the matter of opening times, the proposal seeks to operate during the following times:

06:00 to 21:00 hours Mondays to Saturdays and 07:00 to 09:00 hours Sundays and Bank Holidays. Given the site's location in relation to nearby residential properties it is recommended that the hours of operation are restricted to opening no later than 19:00 hours Mondays to Saturdays in the interests of neighbour amenity. An appropriate condition has been included.

On balance, and via the imposition of appropriate conditions, it is considered that the proposed building and use and the relationship between the proposed buildings and the neighbouring dwellings would not be so harmful as to justify refusal on amenity grounds. Therefore, the current proposal is considered to have overcome the previous concerns regarding amenity impacts and is considered to comply with Policy PMD1 of the Core Strategy.

IV. TRAFFIC IMPACT, ACCESS AND PARKING

Policy PMD2 of the Core Strategy (as amended) 2015 indicates that all development should allow safe and easy access while meeting appropriate standards.

Policy PMD8 of the Core Strategy (as amended) 2015 requires all development to provide a sufficient level of parking.

The Council's Highways Officer has indicated that although no parking is proposed, it is not considered that the impact would be severe enough to impact on the highway or justify a reason for refusal, given the existing use of the premises.

In addition the site is within an accessible location that benefits from a range of transport facilities and is close to the town centre and as such and given the nature of the use the proposal is considered acceptable in terms of traffic impact access and car parking.

V. OTHER MATTERS

The neighbour comment received has raised concerns about loss of amenity from the proposed uses. Amenity impacts have been considered earlier in the report and the Environmental Health Officer has raised no objections to the proposal subject to limiting the hours of construction and demolition. This is considered to be acceptable and accordingly the proposal is considered to be acceptable in regards to neighbour amenity impact, complying with Policy PMD1.

In relation to accuracy of the drawings, the applicant’s agent has revisited the site and has amended the drawings to reflect the relationship of the existing buildings on site. It is considered that the drawings now reflect the circumstances on site. Furthermore, the applicant has indicated within the application form that the relevant certificate of ownership notifications have been carried out in respect of land ownership.

8.0 CONCLUSIONS

It is considered that the proposed development would be acceptable in terms of design, appearance and relationship to neighbouring occupiers overcoming the previous reasons for refusal. In addition it is considered that the proposed mix of uses would not result in adverse amenity impacts or conditions relating to car parking given the restrictions within the area and the accessible nature of this location. The proposal would be acceptable and planning permission is therefore recommended.

9.0 RECOMMENDATION

Approve subject to condition(s):

TIME LIMIT

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

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

PLANS

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

01A	Existing Floor Layout	15 May 2018
02A	Location Existing Roof Layout	15 May 2018
03	Existing Elevations	15 May 2018
04E	Proposed Ground Floor Layout	15 May 2018
05C	Proposed Roof Layout	15 May 2018
06C	Proposed Elevations	15 May 2018

07C

Location Plan

2 March 2018

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

DETAILS OF MATERIALS/SAMPLES TO BE SUBMITTED

- 3 Notwithstanding the information on the approved plans, no development shall commence above ground level until written details or samples of all materials to be used in the construction of the external surfaces of the development hereby permitted have been submitted to and approved in writing by the local planning authority. The development shall be carried out using the materials and details as approved.

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

REFUSE AND RECYCLING STORAGE

- 4 Prior to the commencement of development detailed plans detailing the number, size, location, design and materials of bin and recycling stores to serve the development together with details of the means of access to bin and recycling stores shall be submitted to and agreed in writing with the local planning authority. The approved bin and recycling stores shall be provided prior to the first occupation of the buildings and permanently retained in the form agreed.

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

ANCILLARY OFFICES

- 5 The proposed first floor offices shall be used only for purposes in conjunction with and ancillary to the primary use of the main building at 16 London Road and shall not be used separately as an independent business.

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 OPENING

- 6 Ground Floor A1 Retail Unit and Storage Unit

The ground floor A1 retail and storage uses hereby permitted shall only be undertaken between 06:00 hours and 19:00 hours from Monday to Saturday and between 07:00 hours and 09:00 hours on Sundays and Bank Holidays.

First Floor Office Unit

The first floor office use hereby permitted shall only be undertaken between 06:00 hours and 19:00 hours from Monday to Saturday and between 07:00 hours and 09:00 hours on Sundays and 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 LDF Core Strategy and Policies for the Management of Development [2015].

7 USE OF PREMISES

The ground floor retail unit shall only be used for A1 retail purposes and for no other purpose including any purpose as defined within Class A1 of the Schedule to the Town & Country Planning [Use Classes] Order 1987 [as amended] [or in any provision equivalent to that Class in any statutory instrument revoking or re-enacting that Order with or without modification].

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

Informative(s)

- 1 No bonfires should be permitted during construction and demolition activities.
- 2 The applicants are reminded that any asbestos containing materials in the existing tyre and services office building must be removed by a competent person prior to the commencement of the development.
- 3 **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

