

<b>Reference:</b> 21/02004/FUL	<b>Site:</b> Land Adjacent 13 To 29 Kipling Avenue Tilbury Essex
<b>Ward:</b> Tilbury St Chads	<b>Proposal:</b> Residential development of 8 no. 2-storey dwellings with private garden areas and shared parking area.

<b>Plan Number(s):</b>		
Reference	Name	Received
2609-1	Existing Plans	22nd November 2021
2609-2A	Proposed Site Layout	22nd November 2021
2609-3	Proposed Plans	22nd November 2021
2609-4	Proposed Plans	22nd November 2021
2609-5A	Proposed Plans	22nd November 2021
2609-6	Proposed Plans	22nd November 2021
2609-7	Proposed Plans	22nd November 2021
2609-8	Proposed Plans	22nd November 2021
C2632-01	Other	22nd November 2021
C2632-R2-REV-A_17_11_21	Other	22nd November 2021

<p>The application is also accompanied by:</p> <ul style="list-style-type: none"> <li>- Construction Management Plan</li> <li>- Design and Access Statement</li> <li>- Flood Risk Assessment</li> </ul>	
<p><b>Applicant:</b> C/O Ken Judge &amp; Associates Ltd</p>	<p><b>Validated:</b> 22 November 2021</p> <p><b>Date of expiry:</b> 17 June 2022 (Agreed extension of time)</p>
<p><b>Recommendation:</b> Approve, subject to conditions.</p>	

This application is scheduled for determination by the Council's Planning Committee because the application has been Called in by Cllrs K Raper, Mayes, Liddiard, Johnson, Watson and Worrall in order to consider the proposals on the basis of the properties not keeping with local area, the space being well used for children play area so would be a loss or amenity and that it will put strain on local narrow roads who already have issues with parking.

**1.0 DESCRIPTION OF PROPOSAL**

- 1.1 The application seeks planning permission for the erection of two pairs of terraced dwellings. The dwellings would be two-storey, running north to south on the site, backing towards one another towards the western and eastern sides of the site. The dwellings would be of a traditional design and would be constructed from brick with other finishing materials being render and timber cladding.
- 1.2 Each dwelling would have a private rear garden with outbuilding, bin store and separate rear access.
- 1.3 Fourteen (14) parking spaces would be provided to the southern boundary of the site and two (2) spaces would be provided to the north-eastern corner.
- 1.4 Planting and landscaping would take place between the frontages of each row of dwellings and the established dwellings to the east and west.

**2.0 SITE DESCRIPTION**

- 2.1 The application site is a green area located between two rows of terraced properties which sit perpendicular to Kipling Avenue.
- 2.2 The site is presently enclosed by a knee-high metal rail to the southern side adjacent to the pavement with Kipling Avenue, footpaths on the eastern and western side which serve the terraced dwellings and knee-high fence to the northern side which serves an accessway.
- 2.3 The site is flat and located in one of the more densely developed parts of Tilbury that was given planning consent in the 1980s.

**3.0 RELEVANT PLANNING HISTORY**

Application Reference	Description	Decision
83/00712/FUL	Proposed erection of 307 residential dwellings and 9 private garages including 3 new cul-de-sacs and landscaping scheme.	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](http://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. Seventeen (17) letters have been received objecting to the proposals on the following basis:

- Loss of open area;
- Children play on this area;
- Impact on parking;
- Site would be overdeveloped;
- Loss of outlook;
- Overlooking and loss of privacy.

A petition of 25 signatures objecting to the development has also been received.

#### 4.3 ENVIRONMENT AGENCY

No objection.

#### 4.4 ENVIRONMENTAL HEALTH:

No objections subject to conditions.

#### 4.5 FLOOD RISK MANAGER:

No comments received.

#### 4.6 HIGHWAYS:

No objections were raised.

#### 4.7 LANDSCAPE AND ECOLOGY ADVISOR

No objection, subject to conditions and RAMS payment.

### 5.0 POLICY CONTEXT

#### **National Planning Policy Framework (NPPF) 2021)**

5.1 The NPPF was published on 27th March 2012 with the most recent revision taking place on 20th 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 date<sup>1</sup>, 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 proposed<sup>2</sup>; 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.

<sup>1</sup> 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 ...

<sup>2</sup> 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
- 5. Delivering a sufficient supply of homes
- 9. Promoting sustainable transport
- 11. Making effective use of land
- 12. Achieving well designed places
- 13 Meeting the challenge of climate change, flooding and coastal change

## 5.2 Planning Policy Guidance

In March 2014 the Department for Communities and Local Government (now known as Ministry of Housing, Communities and Local Government) 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: process and tools
- Determining a planning application

- Flood Risk and Coastal Change
- Natural Environment
- Use of Planning Conditions

### 5.3 Local Planning Policy Thurrock Local Development Framework (2015)

The statutory development plan for Thurrock is the 'Core Strategy and Policies for Management of Development (as amended)' which was adopted in 2015. The Policies Map accompanying the Core Strategy allocates this site as a land without notation where broadly the same or similar uses would remain. As the site and the immediately surrounding area is residential it would be acceptable for the site to be used residential purposes. The following adopted Core Strategy policies would apply to any future planning application:

#### Spatial Policies:

- CSSP1 (Sustainable Housing and Locations)

#### Thematic Policies:

- CSTP1 (Strategic Housing Provision)
- CSTP22 (Thurrock Design)
- CSTP23 (Thurrock Character and Distinctiveness)
- CSTP27 (Management and Reduction of Flood Risk)

#### Policies for the Management of Development:

- PMD1 (Minimising Pollution and Impacts on Amenity)
- PMD2 (Design and Layout)
- PMD5 (Open Spaces, Outdoor Sports and Recreational Facilities)
- PMD8 (Parking Standards)
- PMD15 (Flood Risk Assessment)

### 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 principal considerations for this application are as follows:

- I. Principle of the development
- II. Design and Layout and Impact upon the Area
- III. Landscaping and Ecology
- IV. Traffic Impact, Access and Car Parking
- V. Flood Risk and Drainage

### I. PRINCIPLE OF THE DEVELOPMENT

- 6.1 Policy CSSP1 (Sustainable Housing and Locations) refers to the target for the delivery of new housing in the Borough over the period of the Development Plan. This policy notes that new residential development will be directed to previously developed land in the Thurrock urban area, as well as other specified locations. The policy aims to ensure that up to 92% of new residential development will be located on previously developed land.
- 6.2 The application site is located within a residential area and in a locality predominantly characterised by residential development
- 6.3 The site, whilst open and grassed, has no formal designation on the Core Strategy Proposals Map as "Open Space". The site is within the residential area of Tilbury. Therefore, whilst, as noted in the neighbour letters received, residents and their children may have enjoyed the land being available for recreational purposes, the land is privately owned and there is no protection offered to the via policies in the Core Strategy.
- 6.4 Paragraph 12 of the NPPF sets out a presumption in favour of sustainable development and, given that the Local Planning Authority is not able to demonstrate that a five-year house land supply exists, this indicate that planning permission for residential development should be granted unless the adverse impacts of doing so would significantly and demonstrably outweigh the benefits when assessed against the NPPF as a whole. As such, the provision of additional residential units would weigh in favour of the scheme, and it is considered the principle would be acceptable.

## II. DESIGN AND LAYOUT AND IMPACT UPON THE AREA

- 6.5 The NPPF attaches great importance to the design of the built environment as a key part of sustainable development. Although planning policies and decisions should not attempt to impose architectural styles or particular tastes, they should seek to promote or reinforce local distinctiveness. Policies CSTP22, CSTP23 and PMD2 of the Core Strategy 2015 accord with the NPPF in requiring development to have high quality design and to be well related to its surroundings.
- 6.6 The proposed layout appears to have been influenced by the existing layout in the immediate area, in respect of the formation of two terraces of properties. The new dwellings would have their 'public sides' facing towards existing dwellings and would be back with one another. This layout is considered and appropriate and acceptable.
- 6.7 Due to the constraints of the site, it has been necessary to accommodate 14 of the 16 car parking spaces adjacent to one another to the southern side of the site. Whilst this is perhaps not the most attractive form of parking in urban design terms, it is considered an objection to this element would nonetheless be difficult to substantiate.
- 6.8 The proposed design and form of the individual dwellings, (2 storey properties with a mix of brick, tile, render and boarding as finishing materials) is considered to be acceptable given the surrounding residential context.
- 6.9 Accordingly, the layout and design of the proposal is considered to comply with Policies PMD2 and CSTP22 of the Core Strategy and the relevant guidance in the NPPF.

## III. LANDSCAPING AND ECOLOGY

- 6.10 The site is currently used informally by residents as an amenity green, however as set out above, the land has no formal designation, features no play equipment and is within private ownership.
- 6.11 The Landscape and Ecology Officer indicates he has no objection on landscape grounds to its loss given the lack of facilities and landscaping. The site plan and elevations submitted show indicative planting associated with the areas between the new and existing houses and beside the car park spaces. The Landscape Officer indicates that the detail of the hard and soft landscaping including boundary treatments can be dealt with by condition.
- 6.12 The only tree on the site is a small Field Maple. The Officer notes that although the tree is in reasonable health there is some damage to the bark and it does not have particularly good form. Although it is proposed to retain the tree given its condition there would be no objection to its removal and replacement with a better-quality

specimen – a landscaping condition on any approval could require its replacement with better tree.

- 6.13 The site contains no features that would support protected species and is considered to have negligible ecological value.
- 6.14 The site is within the Essex Coast Recreational Avoidance Mitigation Strategy (RAMS) zone of influence and the proposed development falls within the scope of the RAMS as relevant development. Without mitigation the proposed development is likely to have a significant effect on the Thames Estuary and Marshes Special Protection Area. To avoid the developer needing to undertake their own individual Habitat Regulations Assessment the Essex Local Planning Authorities within the Zones of Influence have developed a mitigation strategy to deliver the measures to address direct and in-combination effects of recreational disturbance on SPA.
- 6.15 A tariff to fund the mitigation, which is payable for all additional new units is currently set at £127.30 per unit. Therefore, it is necessary for the LPA to apply a tariff of £1018.40 as the proposed scheme would result in the net increase of 8 units.
- 6.16 Subject to conditions and the payment of the RAMS contribution, the proposals would be acceptable in landscape and ecology terms.

#### IV. TRAFFIC IMPACT, ACCESS AND CAR PARKING

- 6.17 The Council's Highways Officer has raised no objection to the parking arrangements proposed.
- 6.18 The applicant's planning agent indicates that there is access for the freeholder of the land across the accessway which would be used for the north eastern spaces and that bins would be presented on the central footpath on the collection day. Details of the bin storage areas could be secured by condition.
- 6.19 Whilst the comments from residents are noted, in the absence of any objection from the Council's Highway Officer, and the matters discussed above, it is considered that the proposals would be satisfactory in relation to highways, access and parking matters, complying with Policies PMD2, PMD8 and PMD9, subject to conditions.

#### V. FLOOD RISK AND DRAINAGE

- 6.20 The site lies within Flood Zones 2 and 3. The proposal is for residential development, which is considered to be a 'more vulnerable' land use in Table 2: Flood Risk Vulnerability Classification of the Planning Practice Guidance. It is therefore necessary for the application to pass the Sequential and Exception Tests and to be supported by a site-specific Flood Risk Assessment (FRA) which would need to be agreed with the Environment Agency.



- 6.21 It is also considered to be appropriate to require a Flood Warning and Evacuation Plan set as a condition prior to the occupation of the site.
- 6.22 The Environment Agency was consulted and does not have any objection to the planning proposal, providing the development shall be carried out in accordance with the approved Flood Risk Assessment (FRA) C2632-R1-Rev-A November 2021 and the finished first floor levels are set no lower than 3.40m AOD. The finished floor levels are proposed at 3.47m AOD.
- 6.23 On the basis of the response from the EA, the Flood Risk Assessment is considered to be acceptable. Although the site does not constitute Previously Developed Land, in the NPPF the NPPF directs the best use of existing urban land, of which this site is a part. The provision of 8 new dwellings in this location is better than using land in the Green Belt and sequentially preferable. It is therefore considered that the proposal would pass the sequential and exception tests. Subject to conditions the proposal is considered to comply with Policies PMD15 and CSTP27 of the Core Strategy.

## VI. EFFECT ON NEIGHBOURING PROPERTIES

- 6.24 The proposed western dwellings would be 13m from the front (two storey) from the established dwellings to the west and the proposed eastern dwelling would be 12.3m from the front (two storey) from the established dwellings to the east.
- 6.25 It is appreciated that the development would represent a significant change in outlook to existing residents however the relationship between the proposed dwellings and the established dwellings is common in terms of an urban environment such as this and the proposals front onto 'public' sides of the established dwellings. Given the separation distance it is not considered the proposed dwellings would be dominating or overbearing to the existing residents or that they would result in a harmful level of overlooking especially as they are to the front of the existing properties.
- 6.26 There is no 'right to a view' in planning law and it would not therefore be possible to object to a change in outlook that would be experienced by residents. The impact of property values is not a material planning consideration that can be taken into account in the determination.

## 7.0 CONCLUSIONS AND REASON(S) FOR APPROVAL

- 7.1 The proposal is considered to be acceptable in principle and matters of detail and subject to conditions and payment of the RAMS tariff the proposal would be acceptable and in accordance with Policies in the Core Strategy and guidance in the NPPF.

**8.0 RECOMMENDATION**

8.1 Approve, subject to the following:

**Standard 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:** 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:

<b>Plan Number(s):</b>		
Reference	Name	Received
2609-1	Existing Plans	22nd November 2021
2609-2A	Proposed Site Layout	22nd November 2021
2609-3	Proposed Plans	22nd November 2021
2609-4	Proposed Plans	22nd November 2021
2609-5A	Proposed Plans	22nd November 2021
2609-6	Proposed Plans	22nd November 2021
2609-7	Proposed Plans	22nd November 2021
2609-8	Proposed Plans	22nd November 2021
C2632-01	Other	22nd November 2021
C2632-R2-REV-A_17_11_21	Other	22nd November 2021

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

**Details of Materials/Samples to be submitted**

3. 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 Core Strategy and Policies for the Management of

Development [2015]

### **Hours of Construction**

4. Unless in association with an emergency or the prior written approval of the local planning authority has been obtained, the hours of construction works (including any demolition) are limited to between 08:00 to 18:00 Monday to Friday, 08:00 to 13:00 Saturday with none on Sundays and public holidays.

No bonfires should be permitted during construction activities.

If impact piling is required, these operations shall only take place between the hours of 0900 - 1800 hours on weekdays.

Reason: In the interest of protecting surrounding residential amenity and in accordance with policy PMD1 of the adopted Thurrock Core Strategy

### **Removal of PD Rights**

5. Notwithstanding the provisions of Schedule 2, Part 1 Classes A, B, C, and E of the Town & Country Planning [General Permitted Development] Order 2015 [or any order revoking and re-enacting that Order with or without modification], no extensions, works to the roof, roof alterations, or outbuildings shall be carried out or take place at either the existing or proposed dwelling on the site without planning permission having been obtained from the local planning authority.

**Reason:** In order to safeguard the amenities of neighbouring occupiers and in the interests of visual amenity of the area in accordance with policies PMD1 and PMD2 of the adopted Thurrock Core Strategy and Policies for the Management of Development [2015].

### **Soft and Hard Landscaping Scheme – Detailed**

6. No development shall take place until full details of the provision and subsequent retention of both hard and soft landscape works on the site have been submitted to and approved in writing by the local planning authority. These details shall include:

#### Soft Landscape Works

- 1) Details of proposed schedules of species of trees and shrubs to be planted, planting layouts with stock sizes and planting numbers/densities.
- 2) Details of the planting scheme implementation programme, including ground protection and preparation, weed clearance, stock sizes, seeding rates, planting methods, mulching, plant protection, staking and/or other support
- 3) Details of the aftercare and maintenance programme
- 4) A replacement tree for the existing Field Maple.

The soft landscape works shall be carried out as approved within the first available planting season (October to March inclusive) following the commencement of the

development unless otherwise agreed in writing by the local planning authority. If within a period of five years from the date of the planting of any tree or plant, or any tree or plant planted in its replacement, is removed, uprooted, destroyed, dies, or becomes, in the opinion of the local planning authority, seriously damaged or defective, another tree or plant of the same species and size as that originally planted shall be planted in the same place, unless the local planning authority gives its written consent to any variation

#### Hard Landscape works

- 5) Details of walls/fences with details, construction design and dimensions
- 6) Details of paved surfacing, with materials finishing and edgings
- 7) Details of street furniture, with designs materials and dimensions

The hard landscape works shall be carried out as approved prior to the first use/ occupation of the development hereby approved and retained and maintained as such thereafter.

**Reason:** To secure appropriate landscaping of the site in the interests of visual amenity and the character of the area in accordance with policies CSTP18 and PMD2 of the adopted Thurrock Core Strategy and Policies for the Management of Development [2015].

#### **In accordance with Flood Risk Assessment & Flood Resilience Measures**

7. The measures contained within the Flood Risk Assessment, C2632-R1-REV-A November 2021 which forms part of this planning permission, shall be fully implemented and in place prior to the first occupation of the new dwellings and shall be retained and maintained as such thereafter.

The mitigation measures, including Finished Floor Levels, shall be fully implemented prior to occupation and subsequently in accordance with the timing / phasing arrangements embodied within the scheme, or within any other period as may subsequently be agreed, in writing, by the local planning authority.

**Reason:** To ensure that adequate flood protection measures are installed for the safety of the building and for the safety of all users of the development in accordance with policy PMD15 of the adopted Thurrock Core Strategy and Policies for the Management of Development [2015].

#### **Flood Warning and Evacuation Plan [FWEP] – details to be provided**

8. Prior to occupation of any dwelling a Flood Warning and Evacuation Plan [FWEP] for the development shall be submitted to the local planning authority for approval. The approved measures within the FWEP shall be implemented as approved and maintained thereafter, the FWEP shall be made available for inspection by all users

of the site and shall be displayed in a visible location all times thereafter.

**Reason:** To ensure that adequate flood warning and evacuation measures are available for all users of the development in accordance with policy PMD15 of the adopted Thurrock Core Strategy and Policies for the Management of Development [2015].

#### **Parking Provision – as shown on the approved plans**

9. The development hereby permitted shall not be first occupied until such time as the vehicle parking area shown on the approved plans, including any parking spaces for the mobility impaired, has been hard surfaced, sealed and marked out as shown on the approved plans/in parking bays. The vehicle parking area(s) shall be retained in this form at all times thereafter. The vehicle parking area(s) shall not be used for any purpose other than the parking of vehicles that are related to the use of the approved development.

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

#### **Refuse and Recycling Storage - Full**

10. Prior to the first occupation of the dwellings, plans detailing the number, size, location, design and materials of bin and recycling stores and bin set down points for the day of collection 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 any of the dwelling[s] 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 Core Strategy and Policies for the Management of Development [2015].

#### **Construction Environmental Management Plan [CEMP]**

11. No demolition or construction works shall commence until a Construction Environmental Management Plan [CEMP] has been submitted to and approved in writing by the local planning authority in writing. The CEMP should contain or address the following matters:
- (a) Wheel washing and sheeting of vehicles transporting loose aggregates or similar materials on or off site,
  - (b) Details of the method for the control of noise with reference to BS5228 together with a monitoring regime;

- (c) Measures to reduce vibration and mitigate the impacts on sensitive receptors together with a monitoring regime ;
- (d) Measures to reduce dust with air quality mitigation and monitoring,

Works on site shall only take place in accordance with the approved CEMP.

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

**Documents:**

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

[www.thurrock.gov.uk/planning](http://www.thurrock.gov.uk/planning)

