



DELEGATED REPORT

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| Reference: 20/00108/FUL | Site: Tag Contract Services Ltd Whitehall Works Whitehall Lane Grays Essex RM17 6SS |
| Ward: Little Thurrock Rectory | Proposal: Erection of 7.no dwellinghouses with associated amenity space and parking following demolition of existing structures and removal of hardstanding. |

| Plan Number(s): | | |
|------------------------|---------------------------------------|-------------------|
| Reference | Name | Received |
| A3410 - 101 | Proposed House Type A Floor Plans | 30th January 2020 |
| A3410 - 102 | Proposed House Type B Floor Plans | 30th January 2020 |
| A3410 - 103 | Proposed Front Elevations | 30th January 2020 |
| A3410 - 104 | Proposed Rear Elevations | 30th January 2020 |
| A3410 - 105 | Proposed Side Elevations | 30th January 2020 |
| A3410 - 120 | Existing Drainage Plan | 30th January 2020 |
| A3410 - 121 | Proposed Drainage Plan | 30th January 2020 |
| A3410 | Existing Block Plan and Location Plan | 30th January 2020 |
| A3410 - 99 | Existing Site Layout | 30th January 2020 |
| A3410 - 100 | Proposed Site Layout | 24th April 2020 |
| SK01B7 | Visibility Splays | 24th April 2020 |
| 2004016 – TK02 | Swept Path Analysis | 21st May 2020 |

The application is also accompanied by:

- Design and Access Statement
- Noise Impact Assessment Report (ref. 16326.NIA.01) (22.09.2017)
- Transport Statement (10.05.2018)
- Transport Statement (13.04.2020)

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| Applicant: Mullet | Validated: 3 February 2020 Date of expiry: |
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| | 1 June 2020 (Extension of Time as agreed by Applicant) |
| Case Officer: Lottie Raper | |

1.0 DESCRIPTION OF PROPOSAL

The application seeks permission for the erection of 7no. 3-bedroom dwellinghouses with associated amenity space and parking. The existing industrial buildings and hardstanding on site would be removed to make way for the proposed development.

2.0 SITE DESCRIPTION

The application site is a largely rectangular plot currently used as light industrial (B1), accessed via nos 58 and 60 Whitehall Lane leading towards Whitehall Works, on the eastern side of Whitehall Lane.

3.0 RELEVANT HISTORY

| Application Reference | Description of Proposal | Decision |
|-----------------------|---|----------|
| 49/00411/FUL | Garage | Approved |
| 68/00687/FUL | Car Repair Workshop, Toilet and Restrooms (Details) - Rear of 36-58 Whitehall Lane | Refused |
| 68/00880/FUL | Alterations to Workshop, New Restroom and W.C. (Details) - Rear of 36 58 Whitehall Lane | Refused |
| 69/00645/FUL | Rebuilding of Garage. (Details) - Rear of 36 58 Whitehall Lane | Approved |
| 94/00507/FUL | Change of use from haulage/tyre sales/plant hire to light industrial | Approved |
| 98/00518/OUT | Residential Development | Refused |
| 99/00394/FUL | Change of use to a builders yard | Refused |
| 06/00254/OUT | 4 No 2 bedroom and 2 No 1 Bedroom flats in three storey block, with parking and amenity area | Refused |
| 07/00196/FUL | Change of use of existing unit within an industrial complex to an operational VOSA MOT testing centre. | Refused |
| 07/01113/FUL | Demolition of existing bungalow and erection of a three storey block of six two bedroom flats with associated parking and amenity area including part change of use of builders yard to residential use. | Refused |
| 08/00647/FUL | Demolition of existing bungalow and erection of a three storey block of six flats with associated parking and amenity area including part change of use of builders yard to the rear of no 60 Whitehall Lane to | Approved |

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 and a site notice which has been displayed nearby. 8 comments have been received from 5 addresses objecting to the proposal on the following grounds:

- Access to Site
- Disturbance
- Dust / Noise Impacts during Construction
- Impacts upon Commercial Activity
- Overdevelopment / Overcrowding
- Overlooking / Loss of Privacy
- Parking
- Possible Loss of Existing Rear Access
- Risk of Subsidence
- Security
- Strain on Local Infrastructure
- Unacceptable Living Conditions for Future Occupiers given close proximity of existing commercial uses

EMERGENCY PLANNING:

No objections.

ENVIRONMENTAL HEALTH:

No objections, subject to conditions requiring:

- Construction Environment Management Plan (CEMP)
- Intrusive investigation regarding land contamination
- Noise Mitigation Scheme

HIGHWAYS:

Further information required.

LANDSCAPE AND ECOLOGY:

No objections, subject to conditions requiring:

- Details of hard and soft landscaping with land specification for ground preparation.

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. A tariff to fund the mitigation, which is payable for all additional new dwellings is currently set at £125.58 per dwelling. This scheme will result in a net increase of 7 dwellings and the tariff applicable to fund appropriate mitigation is £879.06.

5.0 POLICY CONTEXT

National Planning Policy Framework (NPPF)

The revised NPPF was published on 19th February 2019. 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
- 6. Building a strong, competitive economy
- 12. Achieving well-designed places

National Planning Practice Guidance (PPG)

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:

- Air Quality
- Design: process and tools
- Determining a planning application
- Hazardous Substances
- Housing and economic land availability assessment
- Housing and economic needs assessment

- Housing needs of different groups
- Housing: optional technical standards
- Land affected by contamination
- Land Stability
- Noise
- Travel plans, transport assessments and statements in decision-taking
- Use of Planning Conditions

Local Planning Policy: Thurrock Local Development Framework (as amended) 2015

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

SPATIAL POLICIES

- CSSP1 (Sustainable Housing and Locations)
- CSSP2 (Sustainable Employment Growth)

THEMATIC POLICIES

- CSTP1 (Strategic Housing Provision)
- CSTP6 (Strategic Employment Provision)
- CSTP22 (Thurrock Design)

POLICIES FOR MANAGEMENT OF DEVELOPMENT

- PMD1 (Minimising Pollution and Impacts on Amenity)
- PMD2 (Design and Layout)
- PMD8 (Parking Standards)
- PMD9 (Road Network Hierarchy)

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.

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

The assessment below covers the following areas:

- I. Principle of the Development
- II. Design and Layout
- III. Neighbour Impact
- IV. Provision of a Suitable Living Environment
- V. Traffic Impact, Access and Car Parking
- VI. Impact Upon Ecology and Biodiversity
- VII. Ground Contamination
- VIII. Viability and Planning Obligations
- IX. Other Matters

I. Principle of the Development

The proposal seeks to change the use of this light industrial (B1) use commercial site to residential (C3) use and to erect 7 dwellings on a currently commercial site. The site is bounded by residential to the west and industrial/commercial to the north, east and south.

The site lies adjacent to commercial premises which are designated secondary commercial and industrial sites under CS Policies CSSP2 and CSTP6. As such, new development adjacent must be compatible with the commercial use.

Whilst there are no in principle policy restrictions on the use of this site for residential, it must be shown conclusively that residential development can be implemented in a way which gives optimum amenity to the occupiers without prejudicing the commercial activities.

II. Design and Layout

The massing of the proposed development is not dissimilar to the residential units directly to the west, situated along Whitehall Lane. The built footprint has been

moved towards the eastern boundary, increasing the separation from the neighbouring residential dwellings compared to the existing layout on site.

Aesthetically speaking, the proposed dwellings are of a good quality design. Whilst not mimicking the traditional character within Whitehall Lane, they are not unsympathetic, particularly in relation to newer development in the area. Moreover their location behind the principal building line on Whitehall Lane means there is limited visibility from the public realm to the west.

The rear gardens range in area from 28sq.m to 41.sq.m. Although an area of 41sq.m. is not dissimilar to those provided to the residential properties immediately to the west of the site along Whitehall Lane, the smaller gardens represent a layout that would be uncharacteristic within the wider area, appearing cramped and overdeveloped.

As such, the proposal is contrary to policies CSTP22 and PMD2 of the adopted Core Strategy.

III. Neighbour Impact

The scale of the buildings is proportionate to the existing properties along Whitehall Lane, and the distance between the public side windows of the proposal and the private side windows of existing dwellings exceeds 20 metres, in accordance with Annexe 1 of the Local Plan 1997. Given the intervening distance, it is considered that the proposal would not be harmful to the amenity of the neighbouring residential units, in accordance with policy PMD1. In order to protect amenity during construction conditions would be appropriate restricting hours of construction, and requiring a Construction Environment Management Plan.

IV. Provision of a Suitable Living Environment

The proposed dwellings provide 115sq.m and 119sq.m GIA, which would be considered reasonable in line with the technical space standards.

The design criteria within Annexe 1 and 2 have been retained by the Council until the adoption of the Layout and Standards SPD. Annexe 2 requires new developments to provide the following private amenity area:

- 0-74 sqm gross floor area – 75 sqm private garden
- 75 – 99 sqm gross floor area – 100 sqm private garden
- 100 sqm gross floor area or more – 125 sqm private garden

Private amenity areas provided range from 28sq.m to 41sq.m thus failing to meet the outlined standards. However, this policy should also be considered in its immediate context.

Although an area of 41sq.m. is not dissimilar to those provided to the residential

properties immediately to the west of the site along Whitehall Lane, amenity as low as 28sq.m would provide merely one-fifth of the minimum area required and would be unsuitable for a family-sized, three-bedroom property.

The proximity to commercial units and the implications for future occupiers must also be taken into consideration.

The application is supported by a Noise Impact Assessment Report. The Council's Environmental Health Officer has raised no objections to the proposal and agrees that the glazing specification stated in the document will meet the requirements of BS8233:2014. However, a condition requiring a scheme of noise mitigation is appropriate to ensure that all habitable rooms will achieve the internal noise criteria in BS8233:2014 based on the values given in the above report.

This report however refers only to internal noise levels as a result of glazing, and as such this mitigation would only be effective during winter months. In warmer weather it is not possible to ensure these windows remain closed and therefore the Council is not satisfied that the proposal would provide a suitable level of mitigation between the proposed residential development and the existing commercial units, being a potential source of disturbance. It is likely that future residents would complain about the adjoining commercial uses, which could impact upon the commercial operations of their businesses.

It is therefore considered that the proposal fails to provide suitable living environments for future occupiers, contrary to policy PMD1. It is also considered that mitigation measures would be insufficient to allow the two uses to co-exist and could result in an adverse impact upon the neighbouring commercial operations, contrary to policies CSSP2 and CSTP6

V. Traffic Impact, Access and Car Parking

The proposal would utilise the existing vehicle access, Whitehall Works, serving the site from White hall Lane. Whilst mainly a residential road, Whitehall Lane also links two urban distributor roads and is traffic calmed. The development would result in the intensification of vehicular and pedestrian traffic accessing the site via Whitehall Lane by virtue of introduced residential units. There are also concerns about the existing narrow substandard width of the access which cannot be significantly improved through this development.

Through ongoing discussions with the Council's Highways Department, concerns have been raised regarding safe access to the site, particularly by emergency services and refuse vehicles, and a shared access by vehicles and pedestrians. Concerns have also been raised regarding the provision of covered cycle spaces and electric charging points.

Plans have been amended throughout the process however significant concerns remain regarding provision of an adequate and safe means of access, visibility both

externally and internally, access and arrangements associated with refuse collection and servicing from the highway.

The proposal does not satisfactorily demonstrate that the accessway would ensure safe movements of vehicles and pedestrians, nor sufficient visibility sight lines. The result would be an unacceptable risk to pedestrian and highway safety, contrary to policy PMD2.

The access to the Globe Industrial Estate is situated along the Broadway and as such would not be impacted by the access to the application site.

VI. Impact Upon Ecology and Biodiversity

The site is currently used as a builders' yard and comprises hard surfacing, small buildings and material storage. There are no trees or vegetation of any quality that would be affected by the proposed scheme.

The site plan refers to removing the existing hard surface from the garden areas and replacing with a minimum of 200mm of topsoil.

The Council's Landscape and Ecology Advisor has raised no objections to the proposal, however a condition requiring a more detailed landscape specification has been requested.

A similar condition requiring details of hard and soft landscape elements together with a landscape specification which includes details of ground preparation in the soft landscape areas is also appropriate.

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. A tariff to fund the mitigation, which is payable for all additional new dwellings is currently set at £125.58 per dwelling. This scheme will result in a net increase of 7 dwellings and so it is necessary to apply a tariff of £879.06 to fund appropriate mitigation. Given the recommendation to refuse the proposal, the applicant has not been invited at this point to provide such mitigation via the securing of a legal agreement.

VII. Ground Contamination

Due to the site's history, an intrusive investigation is necessary to determine the degree of land contamination. Dependent upon the results of the investigation a remediation strategy may also prove necessary.

VIII. Viability and Planning Obligations

Comments have been received regarding the impact of additional residential units upon existing infrastructure in the area, and Policy PMD16 states 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.

However, there are no planning contributions or affordable housing required as the proposal falls short of the central government threshold of 10 units or more and no contribution requirements have been identified through the consultation process.

IX. Other Matters

Neighbour objections received in relation to the potential loss of the existing rear access is considered a civil matter, and the risk of subsidence falls to building control. As such these do not constitute material planning considerations and have no weight in determining this application.

7.0 RECOMMENDATION

Refuse, for the following reasons:

- 1 The proposed development would, by reason of its mass, bulk, scale, layout, substandard private amenity area provision and lack of cycle storage provision, be likely to result in the overdevelopment of the site leading to a cramped form of development in relation to the surrounding area. The proposal is therefore contrary to policies PMD2, CSTP22, and CSTP23 of the adopted Thurrock Core Strategy and Policies for Development DPD (as amended) 2015 and the National Planning Policy Framework 2019.
- 2 The proposed development would, by reason of its close proximity to existing commercial uses and businesses, be likely to result in a poor residential environment and it is likely that residents would complain about the adjoining commercial uses, which would impact upon the commercial operations of their businesses. As such, it is considered that proposal fails to justify that the proposed use would be compatible with the adjacent commercial uses, contrary to policies CSSP2 and CSTP6 of the adopted Thurrock Core Strategy and Policies for Development DPD (as amended) 2015.
- 3 The proposed development would, by reason of its close proximity to existing commercial uses and businesses and small garden sizes, be likely to result in unacceptable noise disturbance for occupiers when using their gardens, particularly during summer months and inadequate private amenity space. This would result in

an unacceptable living environment for future occupiers, harmful to their amenity. The proposal is contrary to policies PMD1 of the adopted Thurrock Core Strategy and Policies for Development DPD (as amended) 2015.

- 4 The proposed development would, by virtue of the intensification of the use of a narrow accessway and, its substandard emerging visibility, result in an unacceptable and harmful impacts upon pedestrian and highway safety including inadequate refuse collection and servicing. Furthermore the lack of covered cycle storage and electric charging points fail to meet the Council's draft parking standards. For these reasons the development is contrary to policies PMD2 and PMD8 of the adopted Thurrock Core Strategy and Policies for Development DPD (as amended) 2015.

Informative(s)

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

The Local Planning Authority has acted positively and proactively in determining this application by identifying matters of concern with the proposal and discussing with the Applicant/Agent. However, the issues are so fundamental to the proposal that it has not been possible to negotiate a satisfactory way forward and due to the harm which has been clearly identified within the reason(s) for the refusal, approval has not been possible.

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>

| | Report Author | Checked | Sign off |
|----------|---------------|---------|------------|
| Initials | LR | NJH | TS |
| Date | 26.05.2020 | 1.06.20 | 01.06.2020 |