



Appeal Decision

Site visit made on 30 May 2017

by Chris Forrett BSc(Hons) DipTP MRTPI

an Inspector appointed by the Secretary of State for Communities and Local Government

Decision date: 5 July 2017

Appeal Ref: APP/M1595/W/17/3170360

587-589 London Road, Thurrock, West Thurrock, Essex RM20 4AR

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission.
 - The appeal is made by Mr Richard West of the Waltham Forest Friendly Society against the decision of Thurrock Borough Council.
 - The application Ref 16/00635/FUL, dated 1 May 2016, was refused by notice dated 17 November 2016.
 - The development proposed is the erection of a new mixed-use building comprising of a ground floor retail shop unit with a separate self-contained 2-bed flat on the upper floors (revised application).
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Decision

1. The appeal is allowed and planning permission is granted for the erection of a new mixed-use building comprising of a ground floor retail shop unit with a separate self-contained 2-bed flat on the upper floors at 587-589 London Road, Thurrock, West Thurrock, Essex RM20 4AR in accordance with the terms of the application, 16/00635/FUL, dated 1 May 2016 subject to the conditions set out in the schedule to this decision letter.

Application for costs

2. An application for costs was made by Mr Richard West of the Waltham Forest Friendly Society against Thurrock Borough Council. This application is the subject of a separate Decision.

Main Issue

3. The main issue is the effect of the development on highway safety.

Reasons

4. The appeal site is located on the South side of London Road and is currently an undeveloped grassed area and an existing commercial premise with residential accommodation above. There is also a parking area to the rear with access off a service road from Manor Road.
5. The submitted drawings indicate a total of 7 parking spaces to serve the existing and proposed developments. From my site visit I saw that this parking area was already in existence. The Council have not indicated that the level of parking provision is unacceptable.

6. In effect, the Council's concerns relates to whether the Appellant has a right of access to these spaces. Furthermore, it is indicated that one of the spaces is located on land controlled by the Council which is disputed by the Appellant.
7. From the evidence before me the proposed parking spaces, and the proposed building itself, are located on land in the ownership of the Appellant. To gain access to the parking spaces requires the use of the service road and car park isle which is in the ownership of the Council. However, to my mind, this is no different to the current established situation. Given all of the above, I give the Council's concerns over land ownership matters very little weight.
8. I have also had regard to the concerns raised in the representations from the Council's consultation period on the application and through the appeal consultation period. Whilst at my site visit I saw that demand for parking spaces at the adjoining heath centre, dentist and day nursery was high. However, there were spaces available within the appeal site to accommodate any additional traffic as a result of the development. Considering the above, I have no reason to disagree with the Council's highway assessment that the parking spaces on the site would be sufficient for the existing and proposed development at the appeal site.
9. For the above reasons, the development would provide an adequate level of parking provision to serve the existing and proposed development and would accord with Policies PMD2, PMD8 and CSTP22 of the Thurrock Local Development Framework Core Strategy and Policies for Management of Development (as amended) (2015) which amongst other matters seeks to ensure that development provides adequate parking facilities and has safe and easy access for all users.

Conditions

10. The Council has suggested a number of conditions that it considers would be appropriate. I have considered these in light of the Planning Practice Guidance (PPG). For clarity and to ensure compliance with the PPG, I have amended some of the Council's suggested wording.
11. Other than the standard time limit condition, it is necessary to ensure that the development is carried out in accordance with the approved plans for the reason of certainty. A condition relating to the submission of details of the materials is necessary in the interests of the character and appearance of the area.
12. For environmental reasons, a condition which makes provision for dealing with any unanticipated contamination is also necessary. In order to ensure that the occupants of the development are not subjected to an unacceptable risk from flooding, a condition requiring the development to be carried out in accordance with the submitted flood risk assessment is also necessary.
13. In order to ensure that the occupant of the flat have adequate storage facilities for refuse and recycling, and to ensure that the storage of such does not adversely affect the appearance of the area, a condition requiring the provision of suitable storage facilities is required.
14. The Council have also suggested conditions relating to details of the windows and recesses, door design, and guttering, fascia and soffits. Given the location of the site, away from any particularly sensitive areas, such details are not

necessary. Conditions relating to a Construction Management Plan and Waste Management Plan, hours of construction works are also unnecessary given the location of the site and the scale of the development proposed.

15. In respect of the suggested landscaping condition, I am conscious that the development, access and parking area almost entirely fills the appeal site. The condition also appears to be directed at works on land outside of the Applicants control. Consequently, I do not consider that such a condition is necessary or reasonable.
16. Finally, in relation to the suggested condition preventing new advertisement hoardings, such a condition is not necessary as this would be adequately controlled through The Town and Country Planning (Control of Advertisements) (England) Regulations 2007 (as amended).

Conclusion

17. Taking all matters into consideration, for the reasons given above I conclude that the appeal should be allowed.

Chris Forrett

INSPECTOR

SCHEDULE OF CONDITIONS

1. The development hereby permitted shall begin not later than 3 years from the date of this decision.
2. The development hereby permitted shall be carried out in accordance with the following approved plans – 1283/02 Revision C, 1283/03 revision B and 1283/04 revision A.
3. No development above ground floor slab level of the development hereby permitted shall take place until samples of all materials to be used in the construction of the external surfaces of the development have been submitted to and approved in writing by the local planning authority. The development shall be carried out in accordance with the approved details.
4. Prior to the first occupation of any part of the residential flat the details of structures for the storage of refuse and recycling containers to serve the residential development shall be submitted to and approved in writing by the local planning authority. The approved details shall be provided prior to the first occupation of the flat and retained as such for the life of the development.
5. If, during development, contamination not previously identified is found to be present at the site then no further development (unless otherwise first agreed in writing with the local planning authority) shall be carried out until the developer has submitted a remediation strategy to the local planning authority detailing how this unsuspected contamination shall be dealt with and obtained written approval from

the local planning authority. The remediation strategy shall be implemented as approved.

6. The development permitted by this planning permission shall be carried out in accordance with the approved Flood Risk Assessment (FRA) prepared by Herrington Consulting Limited, entitled 'Erection of a new mixed-use building comprising of a ground floor retail shop unit with a separate self-contained 2-bed flat on the upper floors', Issue 3, Revision 2 dated 7 July 2016 and the following mitigation measures detailed within the FRA:
 - i) Finished ground floor levels are to be set no lower than 4.29 metres above Ordnance Datum (AOD).
 - ii) Finished first floor levels are to be set no lower than 7.29 metres above AOD.

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