



Appeal Decision

Site visit made on 30 October 2025

by **C Hall BSc MPhil MRTPI**

an Inspector appointed by the Secretary of State

Decision date: 12 November 2025

Appeal Ref: APP/M1595/W/25/3371488

Street Record, Gunning Road, Grays, Thurrock RM17 6UQ

- 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 Gunning Road Thurrock Ltd against the decision of Thurrock Council.
 - The application Ref. is 24/01277/FUL.
 - The development proposed is for the erection of Use Class E Building (Commercial, Business and Service) with associated off-street car parking and secure cycle parking provision.
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Decision

1. The appeal is allowed and planning permission is granted for the erection of Use Class E Building (Commercial, Business and Service) with associated off-street car parking and secure cycle parking provision at Street Record, Gunning Road, Grays, Thurrock RM17 6UQ in accordance with the terms of the application Ref. 24/01277/FUL, subject to the conditions in the attached schedule.

Preliminary Matters

2. An application for costs was made by Gunning Road Thurrock Ltd against the decision of Thurrock Council. This application is the subject of a separate Decision.

Main Issue

3. The main issue is the effect on the living conditions of the occupants of local properties.

Reasons

4. The appeal site relates to an area of land fronting Towers Road. The neighbourhood comprises a mix of industrial uses broadly to the south and west, with residential buildings generally to the north and east, the nearest being those on Gunning Road.
 5. Reading the minutes that have been provided from the Committee meeting, it would appear that the Council's primary concern in respect of living conditions is from noise and disturbance. I am satisfied that due to the position and scale of the proposal relative to surrounding dwellings, there would be no adverse effects having regard to privacy, light, outlook or overbearing impact.
 6. The Committee report sets out the history of the buffer zone that was implemented between the residential development and the Globe Industrial Estate under application 98/00349/FUL. I saw at my visit that the appeal site is distinct from the majority of the zone as it does not contain mature vegetation, and has a boundary with the public highway.
 7. Immediately to the east of the site is a parking court and garages that serve houses in Gunning Road; the entrance to the land is from the residential street and there is a fence preventing access from Towers Road. The nearest dwelling at 1 Gunning Road is at a diagonal across the other side of the parking court, over 10 metres distant.
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8. The proposed plans demonstrate a building of two storeys in height with parking for two vehicles off-street in a tandem arrangement. Given the indicated Class E use and the modest extent of the internal commercial unit, I am satisfied that activity within the premises would not give rise to noise and disturbance to surrounding properties. Vehicles entering and exiting the land would be enclosed for the most part within an undercroft; I am cognisant that manoeuvres would be infrequent and at low speed, and such no detriment to local residents would occur.
9. Furthermore, I have no evidence from the Council's Environmental Health Department to suggest that the scheme would be prejudicial to living conditions, and I am aware that details of acoustic fencing and can be submitted and the boundary treatment installed to safeguard such matters in perpetuity.
10. Taken in the round, I conclude that the scheme would not result in adverse effects upon the living conditions of the occupants of local properties. It would comply with Policy PMD1 of the Thurrock Core Strategy (January 2015), which seeks to minimise pollution and impacts on amenity.

Other Matters

11. Local residents have expressed a range of other concerns over the impact of the proposal, in particular on the grounds of traffic, safety, accessibility, parking provision, maintenance and deliveries.
12. However, these issues would either be dealt with through the imposition of conditions, or have been previously addressed in the planning officer's Committee report or the appellant's submissions. Therefore, whilst I sympathise with the strength of local feeling on the development, there are no sound planning reasons for the appeal to be dismissed based on the policy provisions before me.

Conditions

13. I have considered the imposition of conditions in light of advice in Planning Policy Guidance and the Framework. I have altered some of the Council's suggested conditions for clarity and conciseness. In addition to the standard implementation condition, the approved plans are listed for certainty. A condition requiring external materials in accordance with those stated on the application form would provide for a satisfactory appearance.
14. The submission of a construction management plan would control site operation both in the interests of the living conditions of adjacent occupants and highway safety. It is necessary to impose conditions in relation to car parking, cycle storage and the access into the undercroft from the public highway to ensure the provision and retention of such facilities on site.
15. Restricting the Class E use and establishing its hours of operation is reasonable and necessary in the interests of local amenity, for the avoidance of doubt and to accord with the applicant's intentions. A Biodiversity Net Gain condition would achieve the relevant objectives set out in the Framework; I have removed the note and list of matters to be included in the Council's condition as they are not necessary to make the condition precise or enforceable.
16. Limiting the first-floor window in the eastern side elevation to glazing with opaque glass and of a non-openable design would assist in safeguarding the amenities and living conditions of the occupiers of neighbouring houses. Details of the reinstatement of the acoustic fencing on the site and the ground levels of the development are imposed for similar reasons.

Conclusion

17. Having regard to the above and all outstanding factors, the appeal is successful.

C Hall

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: B201 F, L201 E, SK3.01 K, SK3.02 K, SK3.03 E, SK3.04C.
- 3) The materials to be used in the construction of the external surfaces of the development hereby permitted shall be in accordance with those on the application form.
- 4) 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) Hours of use for the construction of the development;
 - (b) Dust mitigation and management measures; and
 - (c) Measure to reduce construction noise.

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

- 5) The development hereby permitted shall not be first occupied until such time as the vehicle and cycle parking area shown on the approved plans, including any parking spaces for the mobility impaired and EV parking, has been hard surfaced, sealed and marked out as shown on the approved plans/in parking bays. The vehicle parking area shall be retained in this form at all times thereafter. The vehicle parking area shall not be used for any purpose other than the parking of vehicles that are related to the use of the approved development.
- 6) The development shall not be occupied until details showing the layout, dimensions and construction specification of the proposed access to the highway have been submitted to the Local Planning Authority for approval in writing. Such details shall be implemented on site before occupation of the development hereby permitted and maintained thereafter.
- 7) The development hereby approved shall only be used for a uses falling within Use Class E(a) and E(c) of the Town and Country Planning Act (Use Classes) Order 1987 (updated 2021). The site shall be used for no other purpose.
- 8) The use hereby permitted shall only be undertaken between 08:00 hours and 19:00 hours on weekdays and between 09:00 hours and 13:00 hours on Saturdays and not at any time on Sundays or bank holidays.

- 9) Prior to the occupation of the development hereby approved, a Biodiversity Net Gain Plan setting out the measures that will provide net biodiversity gains of at least 10% shall be submitted to and approved in writing by the local planning authority. The development shall be carried out in accordance with the approved Biodiversity Net Gain Plan and any timescales therein. Thereafter, the approved measures shall be maintained and monitored in accordance with the Biodiversity Net Gain Plan.
- 10) Prior to the first occupation of the building hereby permitted, the first-floor window in the eastern side elevation shall be glazed with opaque glass and of a non-openable design with the exception of a top hung fanlight (which shall be at least 1.7m above internal floor level) and shall be retained as such thereafter.
- 11) Prior to the first occupation of the development hereby approved, details of the re-instatement of acoustic fencing including the layout, dimensions and specifications shall be approved by the Local Planning Authority, implemented on site and retained as such thereafter.
- 12) Prior to any works above ground level, details of the existing (prior to the development) and finishing ground levels of the area to the rear of the building hereby approved, as outline in red on the submitted location plan, shall be submitted to the Local Planning Authority, implemented on site prior to the first beneficial use of the development and retained as such thereafter.