

Thurrock: A place of opportunity, enterprise and excellence, where individuals, communities and businesses flourish

Planning Committee

The meeting will be held at **6.00 pm** on **23 February 2017**

Council Chamber, Civic Offices, New Road, Grays, Essex, RM17 6SL.

Membership:

Councillors Tom Kelly (Chair), Kevin Wheeler (Vice-Chair), Chris Baker, Colin Churchman, Steve Liddiard, Tunde Ojetola, Terry Piccolo, David Potter and Gerard Rice

Richard Bowyer, Thurrock Business Association Representative
Steve Taylor, Campaign to Protect Rural England Representative

Substitutes:

Councillors John Kent, John Allen, Jan Baker, Brian Little and Graham Snell

Agenda

Open to Public and Press

	Page
1 Apologies for Absence	
2 Minutes	5 - 8
To approve as a correct record the minutes of the Planning Committee meeting held on 19 January 2017.	
3 Item of Urgent Business	
To receive additional items that the Chair is of the opinion should be considered as a matter of urgency, in accordance with Section 100B (4) (b) of the Local Government Act 1972.	
4 Declaration of Interests	
5 Declarations of receipt of correspondence and/or any	

meetings/discussions held relevant to determination of any planning application or enforcement action to be resolved at this meeting

- | | | |
|-----------|--|-----------------|
| 6 | Planning Appeals | 9 - 16 |
| 7 | Public Address to Planning Committee | |
| | <p>The Planning Committee may allow objectors and applicants/planning agents, and also owners of premises subject to enforcement action, or their agents to address the Committee. The rules for the conduct for addressing the Committee can be found on Thurrock Council's website at https://www.thurrock.gov.uk/democracy/constitution Chapter 5, Part 3 (c).</p> | |
| 8 | 16/01115/DVOB: Former St Chad's School Site, St Chads Road, Tilbury | 17 - 38 |
| 9 | 16/00307/FUL - Land to rear & north of Bannatynes Sports Centre, Howard Road, Chafford Hundred, Grays | 39 - 84 |
| 10 | 16/01446/FUL - Former Harrow Inn, Harrow Lane, Bulphan, Essex, RM14 3RL | 85 - 108 |

Queries regarding this Agenda or notification of apologies:

Please contact Charlotte Raper, Senior Democratic Services Officer by sending an email to Direct.Democracy@thurrock.gov.uk

Agenda published on: **15 February 2017**

Information for members of the public and councillors

Access to Information and Meetings

Members of the public can attend all meetings of the council and its committees and have the right to see the agenda, which will be published no later than 5 working days before the meeting, and minutes once they are published.

Recording of meetings

This meeting may be recorded for transmission and publication on the Council's website. At the start of the meeting the Chair will confirm if all or part of the meeting is to be recorded.

Members of the public not wishing any speech or address to be recorded for publication to the Internet should contact Democratic Services to discuss any concerns.

If you have any queries regarding this, please contact Democratic Services at Direct.Democracy@thurrock.gov.uk

Guidelines on filming, photography, recording and use of social media at council and committee meetings

The council welcomes the filming, photography, recording and use of social media at council and committee meetings as a means of reporting on its proceedings because it helps to make the council more transparent and accountable to its local communities.

If you wish to film or photograph the proceedings of a meeting and have any special requirements or are intending to bring in large equipment please contact the Communications Team at CommunicationsTeam@thurrock.gov.uk before the meeting. The Chair of the meeting will then be consulted and their agreement sought to any specific request made.

Where members of the public use a laptop, tablet device, smart phone or similar devices to use social media, make recordings or take photographs these devices must be set to 'silent' mode to avoid interrupting proceedings of the council or committee.

The use of flash photography or additional lighting may be allowed provided it has been discussed prior to the meeting and agreement reached to ensure that it will not disrupt proceedings.

The Chair of the meeting may terminate or suspend filming, photography, recording and use of social media if any of these activities, in their opinion, are disrupting proceedings at the meeting.

Thurrock Council Wi-Fi

Wi-Fi is available throughout the Civic Offices. You can access Wi-Fi on your device by simply turning on the Wi-Fi on your laptop, Smartphone or tablet.

- You should connect to TBC-CIVIC
- Enter the password **Thurrock** to connect to/join the Wi-Fi network.
- A Terms & Conditions page should appear and you have to accept these before you can begin using Wi-Fi. Some devices require you to access your browser to bring up the Terms & Conditions page, which you must accept.

The ICT department can offer support for council owned devices only.

Evacuation Procedures

In the case of an emergency, you should evacuate the building using the nearest available exit and congregate at the assembly point at Kings Walk.

How to view this agenda on a tablet device



You can view the agenda on your [iPad](#), [Android Device](#) or [Blackberry Playbook](#) with the free modern.gov app.

Members of the Council should ensure that their device is sufficiently charged, although a limited number of charging points will be available in Members Services.

To view any “exempt” information that may be included on the agenda for this meeting, Councillors should:

- Access the modern.gov app
- Enter your username and password

DECLARING INTERESTS FLOWCHART – QUESTIONS TO ASK YOURSELF

Breaching those parts identified as a pecuniary interest is potentially a criminal offence

Helpful Reminders for Members

- *Is your register of interests up to date?*
- *In particular have you declared to the Monitoring Officer all disclosable pecuniary interests?*
- *Have you checked the register to ensure that they have been recorded correctly?*

When should you declare an interest *at a meeting*?

- **What matters are being discussed at the meeting?** (including Council, Cabinet, Committees, Subs, Joint Committees and Joint Subs); or
- If you are a Cabinet Member making decisions other than in Cabinet **what matter is before you for single member decision?**



Does the business to be transacted at the meeting

- relate to; or
- likely to affect

any of your registered interests and in particular any of your Disclosable Pecuniary Interests?

Disclosable Pecuniary Interests shall include your interests or those of:

- your spouse or civil partner's
- a person you are living with as husband/ wife
- a person you are living with as if you were civil partners

where you are aware that this other person has the interest.

A detailed description of a disclosable pecuniary interest is included in the Members Code of Conduct at Chapter 7 of the Constitution. **Please seek advice from the Monitoring Officer about disclosable pecuniary interests.**

What is a Non-Pecuniary interest? – this is an interest which is not pecuniary (as defined) but is nonetheless so significant that a member of the public with knowledge of the relevant facts, would reasonably regard to be so significant that it would materially impact upon your judgement of the public interest.

Pecuniary

If the interest is not already in the register you must (unless the interest has been agreed by the Monitoring Officer to be sensitive) disclose the existence and nature of the interest to the meeting

If the Interest is not entered in the register and is not the subject of a pending notification you must within 28 days notify the Monitoring Officer of the interest for inclusion in the register

Unless you have received dispensation upon previous application from the Monitoring Officer, you must:

- Not participate or participate further in any discussion of the matter at a meeting;
- Not participate in any vote or further vote taken at the meeting; and
- leave the room while the item is being considered/voted upon

If you are a Cabinet Member you may make arrangements for the matter to be dealt with by a third person but take no further steps

Non- pecuniary

Declare the nature and extent of your interest including enough detail to allow a member of the public to understand its nature



You may participate and vote in the usual way but you should seek advice on Predetermination and Bias from the Monitoring Officer.

Vision: Thurrock: A place of **opportunity**, **enterprise** and **excellence**, where **individuals**, **communities** and **businesses** flourish.

To achieve our vision, we have identified five strategic priorities:

1. Create a great place for learning and opportunity

- Ensure that every place of learning is rated “Good” or better
- Raise levels of aspiration and attainment so that residents can take advantage of local job opportunities
- Support families to give children the best possible start in life

2. Encourage and promote job creation and economic prosperity

- Promote Thurrock and encourage inward investment to enable and sustain growth
- Support business and develop the local skilled workforce they require
- Work with partners to secure improved infrastructure and built environment

3. Build pride, responsibility and respect

- Create welcoming, safe, and resilient communities which value fairness
- Work in partnership with communities to help them take responsibility for shaping their quality of life
- Empower residents through choice and independence to improve their health and well-being

4. Improve health and well-being

- Ensure people stay healthy longer, adding years to life and life to years
- Reduce inequalities in health and well-being and safeguard the most vulnerable people with timely intervention and care accessed closer to home
- Enhance quality of life through improved housing, employment and opportunity

5. Promote and protect our clean and green environment

- Enhance access to Thurrock's river frontage, cultural assets and leisure opportunities
- Promote Thurrock's natural environment and biodiversity
- Inspire high quality design and standards in our buildings and public space

Minutes of the Meeting of the Planning Committee held on 19 January 2017 at 6.00 pm

Present: Councillors Tom Kelly (Chair), Kevin Wheeler (Vice-Chair), Chris Baker, Colin Churchman, Terry Piccolo and David Potter and Brian Little (substitute for Tunde Ojetola)

Steve Taylor, Campaign to Protect Rural England Representative

Apologies: Councillors Steve Liddiard, Tunde Ojetola and Gerard Rice

In attendance: Andrew Millard, Head of Planning & Growth
Janet Clark, Strategic Lead Operational, Resources and Libraries Unit
Matthew Ford, Principal Highways Engineer
Nadia Houghton, Principal planner
Leigh Nicholson, Development Management Team Leader
Chris Purvis, Principal Planner (Major Applications)
Sarah Williams, School Capital and Planning Project Manager
Vivien Williams, Planning Lawyer
Charlotte Raper, Senior Democratic Services Officer

Before the start of the Meeting, all present were advised that the meeting may be filmed and was being recorded, with the audio recording to be made available on the Council's website.

76. Minutes

The minutes of the Planning Committee meeting held on 15 December 2016 were approved as a correct record, subject to clarification regarding the declaration of interests at Councillor Churchman's request.

Upon listening to the recording of the Planning Committee meeting (15 December 2016) it can be confirmed that the declaration of interest was made by Councillor Ojetola, not Councillor Churchman as the minutes state.

77. Item of Urgent Business

There were no items of urgent business.

78. Declaration of Interests

There were no declarations of interest.

79. Declarations of receipt of correspondence and/or any meetings/discussions held relevant to determination of any planning application or enforcement action to be resolved at this meeting

No Members declared receipt of any correspondence regarding any of the applications to be resolved at this meeting.

80. Planning Appeals

The report provided information regarding planning appeals performance.

RESOLVED:

The report was noted.

81. 16-01035-TBC - The Tops Social Club, Argent Street, Grays, Essex, RM17 6JU

The Chair reminded the Committee that this application had been deferred from a previous meeting at which Councillors Churchman and Little had not been present. These Members were therefore ineligible to join the debate or cast a vote on this item.

The Committee heard that the application had been deferred from the meeting of the Planning Committee held on 20 October 2016 to allow revisions regarding parking provision, the viability of the retail unit and the proposed layout of the playground. The revised plans offered increased parking provision and an improved play space. The ground floor retail unit featured within the previous application had now been omitted and replaced by a glazed entrance foyer. The Committee were advised that there were two updated plans received since the agenda was published, those ending in ref 1602 rev E and 1603 rev E instead of ending in revision D. Also an additional plan 1605 was included for the purposes of the plan list and condition 2.

Councillor Piccolo stated he was pleased to see that the revised application had resolved all the Committee's previous concerns and as a result he was now minded to support the application.

The Chair echoed these sentiments, agreeing that the revised application was much better than its predecessor. He added that it showed the potential of the Planning Committee to get positive changes, and offered thanks to the officers for their work. The application offered 100% affordable housing and the additional tree planting and increased parking was welcome.

It was proposed by Councillor Wheeler and seconded by Councillor Baker that the application be approved, subject to conditions, as per the Officer's recommendation.

For: Councillors Tom Kelly (Chair), Kevin Wheeler (Vice-Chair),
Chris Baker, Terry Piccolo and David Potter.

Against: (0)

Abstain: (0)

82. 16/01374/FUL - Barn To North East Of St Cleres Hall, Stanford Road, Stanford Le Hope, Essex, SS17 0LX

This application was withdrawn prior to the meeting of the Planning Committee.

83. 16/01499/TBC - Aveley Primary School, Stifford Road, Aveley, Essex, RM15 4AA

Members were informed that the application sought temporary planning permission for a period of 5 years for two demountable classroom buildings. Although the site was within the Green Belt, the additional buildings would only represent a 6% increase to the floor space which was considered proportionate and would not create any openness issues. The buildings were required to accommodate the increased number of children at the school.

Councillor Piccolo noted that the buildings were already on site and asked how long they had been there. The Committee heard that the buildings were not yet in use, but had been on site since October 2016. Councillor Piccolo accepted that this was not an unreasonable length of time prior to the application being heard by the Committee.

It was proposed by Councillor Kelly and seconded by Councillor Churchman that the application be approved, subject to conditions, as per the Officer's recommendation.

For: Councillors Tom Kelly (Chair), Kevin Wheeler (Vice-Chair), Chris Baker, Colin Churchman, Terry Piccolo and David Potter and Brian Little.

Against: (0)

Abstain: (0)

84. 16/01550/TBC - Belhus Park Leisure Complex, Belhus Park Lane, Aveley, Essex, RM15 4QR

Members were informed that the application sought planning permission for the re-roofing of the leisure building and provision of new air conditioning units. The change would be minimal. Although the site was within the Green Belt, the proposed development complied with local and national Green Belt policies, would occur entirely within the existing footprint and would improve the building's appearance.

It was proposed by Councillor Little and seconded by Councillor Churchman that the application be approved, subject to conditions, as per the Officer's recommendation.

For: Councillors Tom Kelly (Chair), Kevin Wheeler (Vice-Chair), Chris Baker, Colin Churchman, Terry Piccolo and David Potter and Brian Little.

Against: (0)

Abstain: (0)

The meeting finished at 6.17 pm

Approved as a true and correct record

CHAIR

DATE

Any queries regarding these Minutes, please contact Democratic Services at Direct.Democracy@thurrock.gov.uk

23 February 2017	ITEM: 6
Planning Committee	
Planning Appeals	
Wards and communities affected: All	Key Decision: Not Applicable
Report of: Leigh Nicholson, Development Management Team Leader	
Accountable Head of Service: Andy Millard, Head of Planning and Growth	
Accountable Director: Steve Cox, Director of Environment and Place	

Executive Summary

This report provides Members with information with regard to planning appeal performance.

1.0 Recommendation(s)

1.1 To note the report

2.0 Introduction and Background

2.1 This report advises the Committee of the number of appeals that have been lodged and the number of decisions that have been received in respect of planning appeals, together with dates of forthcoming inquiries and hearings.

3.0 Appeals Lodged:

3.1 Application No: 16/01311/HHA

Location: The Gables Brentwood Road Bulphan Essex

Proposal: Detached garage

3.2 Application No: 16/01270/HHA

Location: 55 Drake Road, Chafford Hundred

Proposal: First floor side and rear extension

3.3 Application No: 15/01423/HHA

Location: 13 Thames Close, Corringham

Proposal: Retrospective part two storey part single rear extension

3.4 Application No: 16/00992/FUL

Location: 3 Longley Mews, Grays Essex

Proposal: Proposed front extension and dormer to garage and subsequent conversion to self-contained annexe.

4.0 Appeals Decisions:

The following appeal decisions have been received:

4.1 Application No: 16/00036/FUL

Location: Stables Adjacent 81 Love Lane Aveley Essex

Proposal: Removal of existing caravan and replacement with one bedroom mobile home for the applicant to live on site

Decision: Appeal Dismissed

Summary of decision:

4.1.1 The Inspector considered the main issues to be:

- I. Whether the proposal would be inappropriate development in the Green Belt;
- II. The effect of the development on the openness of the Green Belt; and
- III. If the development would be inappropriate, whether the harm by reason of inappropriateness, and any other harm, would be clearly outweighed by other considerations, so as to amount to the very special circumstances necessary to justify it.

4.1.2 In relation to (I), all parties agreed that the siting of the mobile home would be inappropriate development. The Inspector stated that 'great weight should be given to that harm'.

- 4.1.3 In relation to (II), the Inspector took the view that the development would give rise to conflict with paragraphs 79 of the NPPF and LDF CS Policy PMD6.
- 4.1.4 In relation to (III), the Inspector considered the appellant's case for the development but did not find there to be sufficient functional need to warrant the mobile home. The Inspector concluded that the matters raised by the appellant in support of the development did not outweigh the substantial harm to the Green Belt by reason of the inappropriateness of the development and the harm that would be caused to the Green Belt's openness. The Inspector accordingly dismissed the appeal.
- 4.1.5 The full appeal decision can be found [here](#)

4.2 Application No: 16/00057/FUL

Location: Five Acres, 66 Church Lane, Bulphan

Proposal: Retention of a 3 bedroom detached family annexe.

Decision: Appeal Dismissed

Summary of decision:

- 4.2.1 The Inspector considered the main issues to be:
- I. Whether the proposal would be inappropriate development in the Green Belt;
 - II. The effect of the development on the openness of the Green Belt; and
 - III. If the development would be inappropriate, whether the harm by reason of inappropriateness, and any other harm, would be clearly outweighed by other considerations, so as to amount to the very special circumstances necessary to justify it.
- 4.2.2 In relation to (I), the Inspector carefully considered the exceptions set out in paragraph 89 of the NPPF however found that the development would not come within the scope of the exceptions listed. The Inspector concluded that the development would be inappropriate development in the Green Belt and held that 'great weight should be given to that harm'.
- 4.2.3 In relation to (II), the Inspector took the view that the development would have a 'poor appearance' and concluded that it would be harmful to the character and appearance of the area. The Inspector found the development to be in conflict with Policy PMD2, CSTP22 and paragraphs 57 and 61 of the NPPF.
- 4.2.4 In relation to (III), the Inspector considered the appellant's case but found there to be insufficient evidence to justify a departure from national and local planning policies. Accordingly the Inspector dismissed the appeal.
- 4.2.5 The full appeal decision can be found [here](#)

4.3 Application No: 16/00740/FUL

Location: Westfield, Recreation Avenue, Corringham

Proposal: Utilisation of garden shed/hobby room/garage for age dependant relative accommodation

Decision: Appeal Allowed

Summary of decision:

4.3.1 This appeal related to conditions (2&3) imposed upon planning consent granted under 16/00740/FUL for the 'utilisation of garden shed/hobby room/garage for age dependant relative accommodation'.

4.3.2 The conditions in dispute concern the restriction of the annexe's occupation to the appellants mother (condition 2) and the requirement to remove the fencing separating the annexe from Westfield when the annexe ceases to be occupied by the appellant's mother (condition 3).

4.3.3 In allowing the appeal, the Inspector took the view that condition 2 should be deleted and replaced by a re-worded condition that would allow the annexe to be occupied as ancillary accommodation to Westfield. In relation to condition 3, the Inspector took the view that the fencing was discrete and its long term retention would not harm the character and appearance of the area.

4.3.4 The full appeal decision can be found [here](#)

4.4 Application No: 16/00420/HHA

Location: 24 Davis Road Chafford Hundred Grays

Proposal: Retrospective application for a 2m metal fence be erected around the drive to protect the car.

Decision: Appeal Dismissed

Summary of decision:

4.4.1 The Inspector considered the main issue to be the effect of the development upon the character and appearance of the surrounding area.

4.4.2 The Inspector found the fencing to be unsightly in appearance, prominent and incongruous. The Inspector concluded that the development conflicted with the aims and requirements of LDF CS policies PMD2 and CSTP22 and accordingly dismissed the appeal.

4.4.3 The full appeal decision can be found [here](#)

4.5 Application No: 16/00448/HHA

Location: 487 London Road South Stifford
Proposal: Front boundary wall, with a maximum height of 1.8m
(retrospective planning application)

Decision: Appeal Dismissed

Summary of decision:

- 4.5.1 The Inspector considered the main issue to be the effect of the development on the character and appearance of the surrounding area.
- 4.5.2 In dismissing the appeal, the Inspector noted the Council's concerns in relation to the height, design and appearance of the wall and agreed that the development would be harmful to the character and appearance of the area and would not accord with the aims of LDF CS policies PMD2 and CSTP22.
- 4.5.3 The full appeal decision can be found [here](#)

4.6 **Application No: 16/01110/FUL**

Location: 92 Thames Crescent Corringham
Proposal: First floor extension into existing loft space including extending front existing dormer and rear flat roof dormers and insertion of new first floor side window

Decision: Appeal Allowed

Summary of decision:

- 4.6.1 The Inspector considered the main issue to be the effect of the development on the character and appearance of both the host dwelling and the surrounding area.
- 4.6.2 The Inspector observed a number of other similar developments in the location and whilst the Inspector agreed with the Council's concerns in relation to the size of the dormer, it was considered that the development would not be harmful to the character and appearance of either the host dwelling or the wider area.
- 4.6.3 The full appeal decision can be found [here](#)

4.7 **Application No: 16/00963/HHA**

Location: 27 Fleming Road, Chafford Hundred
Proposal: Retention of rear garden shed

Decision: Appeal Allowed

Summary of decision:

- 4.7.1 The Inspector considered the main issue to be the effect of the development upon the living conditions of neighbouring occupiers, with particular regard to those at No.12 Francisco Close.
- 4.7.2 The Council's primary concern was that the development would give rise to a loss of light to the ground floor windows of No.12. The Inspector found there to be a small degree of overshadowing consequent from the structures height, but took the view that the building does not cause any serious or unacceptable effects in terms of a consequential loss of light to No.12's rear conservatory.
- 4.7.3 The full appeal decision can be found [here](#)

4.8 Application No: 16/00884/HHA

Location: 31 Chantry Crescent, Stanford Le Hope

Proposal: Rear extension, roof height alterations including rear facing dormers. Juliet balcony on the second floor. New ground floor basement room with raised patio area. New front porch and front wall.

Decision: Appeal Dismissed

Summary of decision:

- 4.8.1 The Inspector considered the main issue to be the effect of the proposal on the character and appearance of the appeal dwelling and the street scene.
- 4.8.2 The Inspector took the view that the development would appear excessive relative to the original house and the increased height and bulk would appear incongruous and visually intrusive in its context. The Inspector concluded that the development would be unacceptably harmful to the character and appearance of the appeal dwelling and the street scene and would conflict with the design aims of LDF CS policies PMD2 and CSTP22.
- 4.8.3 The full appeal decision can be found [here](#)

4.9 Application No: 16/01241/HHA

Location: 31 Chantry Crescent, Stanford Le Hope

Proposal: Rear extension, roof height alterations including rear facing dormers. Juliet balcony on the second floor. New ground floor basement room with raised patio area. New front porch and front wall.

Decision: Appeal Dismissed

- 4.9.1 The Inspector considered the main issue to be the effect of the proposal on the character and appearance of the appeal dwelling and the street scene.
- 4.9.2 As with the proposal submitted under 16/00884/HHA, the depth and width of the proposed rear extension and the creation of rooms in the roof space would result in a material increase in the height of the building. In this case, the roof proposed would have been ‘slacker’ than in the earlier proposal however the development was still considered to be excessive relative to the original house. The Inspector found the development to be unacceptable and in conflict with LDF CS policies PMD2 and CSTP22.
- 4.9.3 The full appeal decision can be found [here](#)

5.0 Forthcoming public inquiry and hearing dates:

- 5.1 The following inquiry and hearing dates have been arranged:
- 5.2 None.

6.0 APPEAL PERFORMANCE:

6.1 The following table shows appeal performance in relation to decisions on planning applications and enforcement appeals.

	APR	MAY	JUN	JUL	AUG	SEP	OCT	NOV	DEC	JAN	FEB	MAR	
Total No of Appeals	5	2	4	0	0	4	1	3	1	0	9	0	29
No Allowed	2	0	0	0	0	4	1	1	1	0	0	0	12
% Allowed													41%

7.0 Consultation (including overview and scrutiny, if applicable)

7.1 N/A

8.0 Impact on corporate policies, priorities, performance and community impact

8.1 This report is for information only.

9.0 Implications

9.1 **Financial**

Implications verified by: **Sean Clark**
Head of Corporate Finance

There are no direct financial implications to this report.

9.2 Legal

Implications verified by: **Vivien Williams**
Principal Regeneration Solicitor

The Appeals lodged will either have to be dealt with by written representation procedure or (an informal) hearing or a local inquiry.

Most often, particularly following an inquiry, the parties involved will seek to recover from the other side their costs incurred in pursuing the appeal (known as 'an order as to costs' or 'award of costs').

9.3 Diversity and Equality

Implications verified by: **Rebecca Price**
Community Development Officer

There are no direct diversity implications to this report.

9.4 Other implications (where significant) – i.e. Staff, Health, Sustainability, Crime and Disorder)

None.

10. Background papers used in preparing the report (including their location on the Council's website or identification whether any are exempt or protected by copyright):

- All background documents including application forms, drawings and other supporting documentation can be viewed online: www.thurrock.gov.uk/planning. The planning enforcement files are not public documents and should not be disclosed to the public.

11. Appendices to the report

- None

Report Author:

Leigh Nicholson

Development Management Team Leader

Reference: 16/01115/DVOB	Site: Former St Chad's School site St Chads Road Tilbury
Ward: Tilbury St. Chads	Proposal: Application for a Deed of Modification to the s106 legal agreement for planning permission reference 14/01274/FUL (Residential re-development of former St. Chads School site for 128 units, comprising two, three and four-bed houses plus new associated landscaping and infrastructure).

Plan Number(s):		
<u>Reference</u> N/A	<u>Name</u> N/A	<u>Received</u> N/A

<p>The application is also accompanied by:</p> <ul style="list-style-type: none"> • Financial Viability Assessment 	
Applicant: Gloriana Thurrock Limited	Validated: 9 August 2016 Date of expiry: 31 March 2017 (Requested Extension of Time)
Recommendation: That the existing s106 agreement be varied in accordance with paragraph 3.1 of this report.	

1.0 BACKGROUND

- 1.1 At the meeting of the Planning Committee held on 15th December 2016 Members considered a report for the above proposal. The report recommended that the existing s106 agreement be varied to delete the obligation for the provision of on-site affordable housing (as promoted by the applicant at that time).
- 1.2 A copy of the report presented to the 15th December 2016 meeting is attached as Appendix 1.

- 1.3 At the December meeting determination of the application was deferred to allow the applicant (Gloriana Thurrock Ltd.) to give due consideration to the possibility of an increased affordable housing figure.
- 1.4 Following the deferral, the applicant has considered its options and has responded as follows:

“Gloriana has re-assessed its financial model and although the return from the housing development will be lower, the company will offer to provide:

- *20% (26 units) of affordable housing and £640,000 financial contributions – based on some of the affordable housing being shared ownership; or*
- *22% (28 units) of affordable housing and £300,000 financial contributions – based on some of the affordable housing being shared ownership.*

The preference being the first option (i.e. 20% affordable housing and a £640,000 financial contribution).

The key principle of this project was to demonstrate to the market the type of high quality housing that Tilbury and Thurrock deserves and expects; the quality and design principles have not been compromised. This development is a real asset to the Tilbury landscape and community and will provide residential infrastructure to the wider economic development of the area. From a site that the Council could not sell, that was contaminated, vulnerable to fly tipping and a local eyesore, Gloriana has taken it on, met the substantial decontamination costs and built 128 high quality new family homes for Tilbury that will ready for occupation from January 2017.”

2.0 ASSESSMENT OF REVISED S106 CONTRIBUTIONS

- 2.1 In summary, the existing s106 agreement associated with the planning permission for the redevelopment of the former St. Chad’s school site (ref. 14/01274/FUL) places obligations upon Gloriana as follows:
- 35% affordable housing (45 no. dwellings);
 - financial contribution of £640,000 towards education and recreation;
 - management and maintenance of open space and SUDS; and
 - off-site highways works.
- 2.2 The report considered by Members in December 2016 noted that during construction of the development unforeseen asbestos contamination was

encountered. This contamination added c. £3.35 million to site development costs. Previous viability modelling revealed that the development was not financially viable with the affordable housing obligation, although the development returned a small profit (no more than 5% of development cost) if the requirement to provide affordable housing was deleted. The proposal considered in December 2016 was to delete the affordable housing obligation, whilst retaining the other obligations listed at paragraph 2.1. The recommendation placed before Committee in December concluded, on the basis of the information provided by the applicant and with regard to planning policy, that the s106 agreement should be varied as proposed.

2.3 The response from the applicant, set out at paragraph 1.4 above, essentially sets out two options for the delivery of on-site affordable housing, linked to the ability of the development to provide financial contributions towards education and recreation provision. These options are summarised in the table below:

<u>Option</u>	<u>% Affordable Housing</u>	<u>No. of Affordable Housing Units</u>	<u>Financial contribution (education and recreation)</u>
1	20%	26	£640,000
2	22%	28	£300,000

2.4 At the time when the application for full planning permission (ref. 14/01274/FUL) was considered by the Planning Committee in February 2015, the Planning Obligations Strategy (POS) was relevant and required a financial contribution of £640,000 (128 dwellings x £ 5,000) towards the costs of addressing infrastructure needs arising from the development.

2.5 However, due to changes to the Community Infrastructure Levy (CIL) Regulations which came into force on 1st April 2015, the Council can no longer rely on pooled financial contributions secured via the POS. The final s106 agreement, completed in June 2015, therefore ‘capped’ the total financial contribution at £640,000 as the figure considered by the Planning Committee in February 2015. The agreement splits this total figure between education and recreation provision.

2.6 It is clear from the applicant’s re-assessment of the financial model that some level of on-site affordable housing is viable, albeit with a lower level of financial return over a longer period. The judgement for Members of the Committee is to balance the desirability of delivering affordable housing against the need for financial contributions reasonably required to mitigate the impact of the development.

- 2.7 From the consultation responses that were received when the original planning application was submitted, it is apparent that the development will impact on education provision and recreational facilities locally. Although it may be tempting to maximise affordable housing as close as possible to the adopted Core Strategy target of 35%, Policy PMD16 of the Strategy also requires that development proposals mitigate their impacts, including impact on education provision and recreational facilities.
- 2.8 The Infrastructure Requirement List (IRL) identifies extensions to existing nursery, primary and secondary schools as infrastructure projects and it would therefore be legitimate to seek a financial contribution to these projects. Policy PMD5 of the Core Strategy is also relevant and requires that new open spaces or sports and recreational facilities are provided in order to meet the requirements of new development. In response to the original planning application, Sport England sought a financial contribution in accordance with the POS. Indeed, Sport England would have objected to the planning application without a financial contribution. In light of this response and the requirements of policy PMD5, a financial contribution towards recreational facilities is still relevant. To this end, the enhancement of existing facilities at King George's playing fields has previously been identified as an infrastructure project.
- 2.9 Accordingly, it is considered that the existing 'capped' financial contribution of £640,000 should be maintained and, as such, option 1 (above) offers the best solution in delivering some on-site affordable housing, whilst ensuring that the identified impacts of the development are adequately mitigated.

3.0 CONCLUSION

- 3.1 The applicant has presented two options for the delivery of on-site affordable housing and financial contributions towards infrastructure provision. It is considered that the option of maintaining the existing agreed level of financial contributions (£640,000) whilst delivering 20% affordable housing represents the most balanced option.

4.0 RECOMMENDATION

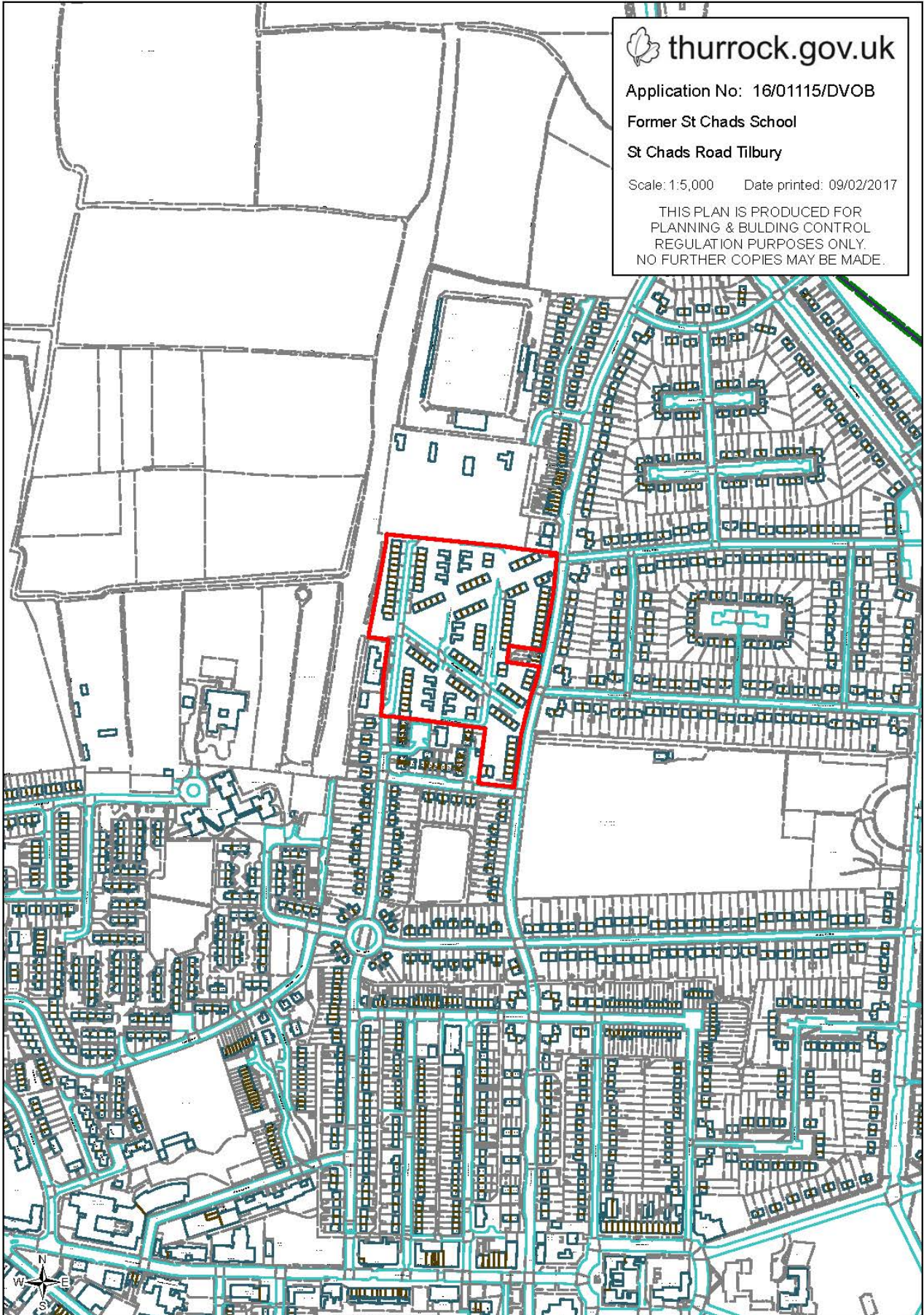
- 4.1 **A** – that the existing s106 agreement be varied as follows:
- (i) to reduce the affordable housing provision from the agreed proportion of 35% to 20% (26 dwellings) with the mix of two, three or four-bedroom properties and the mix of social rented and shared ownership properties to be negotiated and agreed between the parties;

- (ii) that the financial contributions towards education and recreation remain unchanged at £640,000 (subject to indexation from the date of the original s106 agreement) less any payments already received;
 - (iii) that the reasonable legal costs incurred by the local planning authority in negotiating and completing the deed of modification are paid by the applicant;
- B** – that authority is delegated to the Head of Planning and Growth to negotiate and complete any consequential changes to the s106 agreement resulting from the proposed deed of modification.

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/16.01115.DVOB



Reference: 16/01115/DVOB	Site: Former St Chad's School site St Chads Road Tilbury
Ward: Tilbury St. Chads	Proposal: Application for a Deed of Modification to the s106 legal agreement for planning permission reference 14/01274/FUL (Residential re-development of former St. Chads School site for 128 units, comprising two, three and four-bed houses plus new associated landscaping and infrastructure). Proposed removal of the requirement to deliver affordable housing units.

Plan Number(s):		
Reference	Name	Received
N/A	N/A	N/A

The application is also accompanied by: <ul style="list-style-type: none"> • Financial Viability Assessment 	
Applicant: Gloriana Thurrock Limited	Validated: 9 August 2016 Date of expiry: 31 December 2016 (Agreed Extension of Time)
Recommendation: That the existing s106 agreement be varied to delete the obligation to the provision of on-site affordable housing.	

This application is scheduled for determination by the Council's Planning Committee because the original planning application [14/01274/FUL] was determined by the Council's Planning Committee.

1.0 DESCRIPTION OF PROPOSAL

1.1 This application is made under s106A of the Town and Country Planning Act 1990 (and in accordance with the Town and Country Planning (Modification and Discharge of Planning Obligations) Regulations 1992)) and seeks to modify the s106 planning obligation attached to application reference 14/01274/FUL.

Appendix 1	
Planning Committee 15.12.2016	Application Reference: 16/01115/DVOB

1.2 By way of background, planning application reference 14/01274/FUL (residential re-development of 128 dwellings) was submitted in November 2014. At that time the Council owned the site and was the applicant. A report assessing the application was presented to Planning Committee in February 2015 where the Committee resolved to grant planning permission subject to:

- completion of a s106 agreement relating to the heads of terms set out in the report to Committee; and
- planning conditions.

1.3 Because at the time when the Planning Committee considered the application the land was within the ownership of the Council, it was not possible for the Council to enter into a s106 legal agreement with itself. Therefore, a transfer of the site to Gloriana Thurrock Limited was arranged and completed.

1.4 The s106 agreement between the Council and Gloriana Thurrock Limited (the owner) for the development was completed in June 2015. The principal obligations upon Gloriana within the agreement comprise:

1. Affordable housing:

- Affordable Units (34no. two-bed, 9 no. three-bed and 2 no. four-bed dwellings – Total 45 no. units = 35% affordable provision) developed in accordance with the planning permission;
- construction of Affordable Units prior to completion / occupation of 60% of Full Market Value dwellings;
- Affordable Units to be occupied only by a Qualifying Person and / or a person with Housing Need;
- Affordable Units to be used as affordable housing in perpetuity;
- Affordable Units only to be let at the Affordable Rent;
- Affordable Rent not to increase without Council agreement.

2. Education and recreation contributions (total £640,000):

- payment of 25% of both the education and recreation contributions prior to commencement of development;
- remaining 75% of contributions payable per calendar quarter based on dwellings completed;
- level of payments may be varied prior to commencement subject to viability review and any material change in circumstances.

3. Management and maintenance of open space and SUDS:

- submission and approval of details for the provision and maintenance of on-site open space, SUDS and equipped play space.

4. Highways works:

- prior to commencement of development submission of a scheme (including costings and timetable for implementation) for the following highways works-
 - alterations to Central Avenue / St. Chad's Road junction;
 - reduction in width of Northview Avenue;
 - relocation of bus shelter to south of access;
 - parking restrictions and traffic regulation orders;
 - highway works within St. Chad's Road.

1.5 The current application seeks consent to vary the s106 agreement to remove the requirement to deliver the "Affordable Units" within the development, as defined within the obligation. The applicant's reason for seeking this change is that it is considered "*unviable to deliver the requested levels of affordable housing within current market conditions*". The applicant further advises that:

"Gloriana is bringing forward a deliberately high quality scheme of 128 new homes on a site which has lain vacant for some time. We have consciously set the bar in terms of design, sustainability and materials well above what is currently being delivered by the wider private sector in the area and are keen to support the broader regeneration and growth ambitions in Tilbury ... delivering this level of quality comes at a cost. At the time of our original submission we had taken account of the likely costs of the project but these have subsequently been significantly increased following the discovery of contamination on site which has cost more than £3.3 million to remediate. Whilst the housing market has improved over the lifetime of the scheme it has not translated into sufficiently high values to account for this level of additional costs. On this basis, the scheme is no longer financially viable for Gloriana and, based upon the financial viability analysis, is likely to generate a loss to the company. We are very keen not to dilute the quality of the project which we believe will be counter-productive to what we are collectively trying to achieve in the area. As the viability analysis demonstrates, the existing s106 requirements in respect of 35% affordable housing have a significant impact on the overall financial viability of the project. We have examined the potential to provide reduced levels of affordable housing but have been unable to find a viable way forward. Removing the affordable housing commitment completely puts the project into profit, but only just. The figures suggest that with no affordable housing Gloriana can expect to generate 5% profit on cost. Whilst

Appendix 1	
Planning Committee 15.12.2016	Application Reference: 16/01115/DVOB

this is well below standard benchmark it is a level which Gloriana would find acceptable and would allow the quality of the project to be retained.”

- 1.6 Officers have raised the issue of unforeseen ground contamination with the applicant and have referred to the ground investigation report which accompanied the 2014 planning application. In response, the applicant has stated that, although the initial investigations found no contamination on the site, contamination “*was discovered as we started groundworks and is at a depth that suggests that it was contained within the material historically used to reclaim the marshes*”.
- 1.7 In support of the application the applicant has provided a financial viability report produced by Gloriana’s retained advisors.

2.0 SITE DESCRIPTION

- 2.1 The former St Chads Secondary School is located in the northern part of Tilbury. The original school buildings were developed in the 1930s and subsequently extended. The 3.25ha site is situated approximately 1km to the north-east of Tilbury Town rail station. The site, which is accessed via Northview Avenue to the south, lies adjacent to St Chads Road (A126) which joins the A1089(T) to the west.
- 2.2 Secondary education provision for the area is now provided by The Gateway Academy. Following the opening of The Gateway Academy, the former school buildings on the St Chads site were demolished between 2008 and 2010.
- 2.3 Existing vehicular access to the site is from Northview Avenue at the south-western corner. A track within the site adjoins the full length of the northern boundary and links St Chads Road with Tilbury Marshes. It is understood that this is a private access which affords access to both the Environment Agency and Thurrock Council land at Tilbury Marshes.
- 2.4 The area in which the site is located is characterised by a variety of differing uses. There is a mixture of semi-detached, two storey housing to the south and east and 3 no. sixteen storey residential tower blocks to the south-west. A travelling show person’s site abuts the site’s northern boundary and to the north of that is the Tilbury Football Club ground. Land to the west of the site also includes the Hobart Road community allotments, the Jack Lobley County Primary School and informal green space with marshland beyond. Adjacent to the south west corner of the site is the Little Pirates children’s nursery and Sea Scout’s meeting hall. The residential properties and shops at 157-161 St Chads Road do not form part of the development site.

3.0 RELEVANT HISTORY

3.1 The relevant planning history for the former school site is set out in the table below:

Reference	Description	Decision
11/50321/TTGOUT	Development of up to 133 residential dwellings with associated car parking, landscaping and access	Approved subject to conditions and following completion of s106 unilateral undertaking
14/01274/OUT	Residential re-development of former St. Chad's School site for 128 units, comprising two, three and four-bed houses, plus new associated landscaping and infrastructure	Approved subject to conditions and following completion of s106 agreement
15/00854/CONDC	Application for the approval of details reserved by condition nos. 2 (landscaping), 3 (play equipment), 5 (remediation), 15 (lighting), 15 (materials), 20 (flood management), 21 (flood resistance), 22 (surface water), 23 (CEMP), and 32 (road layout) of planning permission ref. 14/01274/FUL	Advice Given
15/00893/NMA	Non-material amendment to planning permission ref. 14/01274/FUL – amendments to sub-station, re-siting of plots, amended boundary treatments, amended door and window patterns and amended house types	Approved
15/00930/DVOB	Application for the modification of planning obligations: proposed removal of obligations requiring education and recreation financial contributions regarding planning permission ref. 14/01274/FUL	Withdrawn
16/00444/CV	Application for the removal of condition no. 28 (Code for Sustainable Homes) and no. 29 (provision of solar PV arrays) of planning permission ref. 14/01274/FUL	Withdrawn
16/01076/NMA	Non-material amendment to planning permission ref. 14/01274/FUL: change	Approved

	bi-fold refuse storage doors to type F1 and F2 properties to single leaf paired doors	
--	---	--

4.0 CONSULTATIONS AND REPRESENTATIONS

4.1 A site notice publicising the application has been displayed. No replies have been received.

5.0 POLICY CONTEXT

5.1 National Planning Guidance

National Planning Policy Framework

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.

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

- *delivering a wide choice of high quality homes* – under this heading paragraph 50 of the NPPF states that in order to deliver a wide choice of high quality home, widen opportunities for home ownership and create sustainable, inclusive and mixed communities, local planning authorities should (inter-alia) “where they have identified that affordable housing is needed, set policies for meeting this need on site, unless off-site provision or a financial contribution of broadly equivalent value can be robustly justified (for example to improve or make more effective use of the existing housing stock) and the agreed approach contributes to the objective of creating mixed and balanced communities. Such policies should be sufficiently flexible to take account of changing market conditions over time”.

5.3 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 48 subject areas, with each area containing several sub-topics. The topic of particular relevance to the determination of this planning application comprises

- *Viability* – under the heading of the consideration of viability for brownfield sites paragraph 026 (ref. ID 10-026-20140306) refers to the NPPF core planning principle that in decision-taking local planning authorities should encourage the effective use of land by re-using land that has been previously developed (brownfield land), provided that it is not of high environmental value. To incentivise the bringing back into use of brownfield sites, local planning authorities should (inter-alia) take a flexible approach in seeking levels of planning obligations and other contributions to ensure that the combined total impact does not make a site unviable.

5.4 Local Planning Policy

Thurrock Local Development Framework (2011)

The Council adopted the “Core Strategy and Policies for the Management of Development Plan Document” in December 2011. The Adopted Interim Proposals Map shows the site as ‘white land’ i.e. land without a specific policy allocation. Nevertheless, residential redevelopment has been found acceptable via the grant of planning permission. The following Core Strategy policies apply to the proposals:

Spatial Policies:

- CSSP1 (Sustainable Housing and Locations); and
- OSDP1 (Promotion of Sustainable Growth and Regeneration in Thurrock)¹

Thematic Policies:

- CSTP1 (Strategic Housing Provision); and
- CSTP2 (The Provision of Affordable Housing)

[Footnote: ¹New Policy inserted by the Focused Review of the LDF Core Strategy.]

6.0 ASSESSMENT

- 6.1 The background to the case is set out above. The extant s106 agreement places obligations on the owner in relation to the provision of affordable housing on-site. For reference, the details of the obligations are set out in the table below:

Ref	Obligation
1.1	Affordable units (34 no. two-bed, 9 no. three-bed and 2 no. four bed houses – total 45 dwellings (35%)) to be developed and built in accordance with the planning permission
1.2	Not to allow disposal or occupation of more than 60% of the full market value units until the affordable units have been constructed and made ready for occupation
1.3	Any owner of an affordable unit shall reside in the unit as a main residence and shall not allow any other person (other than a household member) to live in the unit.
1.4	The affordable units shall only be occupied by a qualifying person and / or a person with housing need and members of their household.
1.5	Affordable units to be used as affordable housing in perpetuity.
1.6	Not to allow disposal of any affordable unit other than by letting or other terms approved by the Council at the affordable rent.
1.7	Not to increase the affordable rent without Council agreement
2.1	Prior to marketing an affordable unit for letting to confirm that the Council's lettings policy will be used
2.2	Whenever an affordable unit is marketed for letting to advise potential applicants to register with the Council and join the housing register
2.3	On the initial letting of an affordable unit to give the Council 13 weeks' notice of the letting availability and provide a rental valuation
2.4	On subsequent lettings to give the Council 4 weeks' notice of the letting availability
2.5	To accept the Council's nomination of a qualifying person and / or person with housing need for occupation save where there is a legitimate commercial or legal reason
2.6	Affordable units to be first offered to persons at least one of whom is a qualifying person and / or person with a housing need in the locality (Tilbury / Chadwell / Grays)
2.7	If no qualifying person and/or person with housing need in the locality has agreed terms for letting, affordable units to be offered to persons at least one of whom is a qualifying person and / or person with a housing need in the borough of Thurrock
2.8	If no qualifying person and/or person with housing need in the borough has agreed terms for letting, affordable units to be offered to persons at least one of whom is a qualifying person and / or person with a housing need in adjoining boroughs within Essex

3	The owner may transfer the affordable units to a registered provider, in which case 3.1, 3.2, 3.3 and 3.4 (below) apply
3.1	No more than 49 full market value units to be completed until the owner has contracted to dispose of the affordable units to a registered provider
3.2	The affordable units shall be rented by the registered provider to qualifying persons and / or persons with a housing need as follows 3.2.1 affordable units to be initially offered to qualifying persons and / or persons with a housing need in the locality 3.2.2 If no qualifying person and/or person with housing need in the locality is identified, affordable units to be offered to qualifying persons and / or persons with a housing need in the borough of Thurrock 3.2.3 If no qualifying person and/or person with housing need in the borough is identified, affordable units to be offered to qualifying persons and / or persons with a housing need in the adjoining boroughs within Essex 3.2.4 In the first instance the Council shall be invited to nominate a qualifying person and / or person with a housing need for occupation
3.3	In the event that an affordable unit could be occupied by either a qualifying person and / or person with a housing need, the person with housing need shall take priority
3.4	If the owner agrees the transfer of the affordable units to a registered provider but the agreement terminates the owner shall use best endeavours to secure a second or further agreements
4	The owner agrees to provide, on request, information to determine whether the affordable housing obligations are being observed.

6.2 The extant obligations therefore establish comprehensive provisions for the provision of affordable housing on-site and the long term management and occupation of the affordable housing units.

6.3 At the time when the application for full planning permission (ref. 14/01274/FUL) was presented to Planning Committee in February 2015 the Officer's report noted (at paragraph 6.29) that: *"LDF-CS Policy CSTP2: (The Provision of Affordable Housing) seeks the minimum provision of 35% of the total number of residential units built to be provided as Affordable Housing. The applicant has agreed to meet these standards."* However later in the same report it is noted at paragraph 6.34, under the heading of financial contributions towards education and recreation facilities that: *"The applicant has requested that a clause be inserted into the legal agreement that would allow the quantum of developer contribution to be flexed in the event that the developments viability is threatened as demonstrated by a viability assessment."*

- 6.4 Therefore, at the time when the Planning Committee considered the full planning application there was an assumption that the scheme would deliver policy-compliant affordable housing, but that there may be some flexibility in the level of infrastructure contribution dependent on viability. The current proposals involve the retention of the infrastructure contribution (c.£640,000 index-linked), however the obligation to provide affordable housing would be removed.
- 6.5 Policy CSTP2 of the LDF Core Strategy (as amended) 2015 sets out the Council's planning policy for the provision of affordable housing. Those elements of the policy relevant to the current case are:
1. In order to address the current and future need for Affordable Housing in Thurrock, the Council will seek the minimum provision of 35% of the total number of residential units built to be provided as Affordable Housing;
 2. The Council will seek Affordable Housing to meet local needs on qualifying sites subject to (inter-alia):
 - ii. the economics of providing affordable housing;
 3. The Council recognises that the majority of Thurrock's identified housing land supply is on Previously Developed Land often subject to a variety of physical constraints. The capacity of a site to deliver a level of Affordable Housing that can be supported financially will be determined by individual site 'open book' economic viability analysis where deemed appropriate. This analysis will take into consideration existing use values, as well as other site-specific factors.
- 6.6 Policy CSTP2 therefore clearly recognises that financial viability and the associated physical constraints which may affect a site (e.g. remediation / land-raising etc.) are factors which will affect the ability of a development to deliver affordable housing. In this regard "abnormal" site development costs can be taken into consideration when assessing the financial viability of development. Paragraph 022 of the national Planning Policy Guidance document (PPG) (ref ID: 10-022-20140306) provides guidance on development costs and notes that abnormal costs include *"those associated with treatment for contaminated sites or listed buildings, or historic costs associated with brownfield, phased or complex sites"*.
- 6.7 National guidance within PPG provides specific advice on the matter of viability and decision taking. Paragraph: 016 (ref. ID: 10-016-20140306) notes that *"where the deliverability of the development may be compromised by the scale of planning obligations and other costs, a viability assessment may be necessary. This should be informed by the particular circumstances of the site and proposed development in question"*. Paragraph 026 (ref. ID 10-026-20140306) refers specifically to viability issues for brownfield sites and notes that the *"National Planning Policy*

Framework sets out a core planning principle that in decision-taking local planning authorities should encourage the effective use of land by re-using land that has been previously developed (brownfield land), provided that it is not of high environmental value ... To incentivise the bringing back into use of brownfield sites, local planning authorities should take a flexible approach in seeking levels of planning obligations and other contributions to ensure that the combined total impact does not make a site unviable”.

6.8 Both local and national planning policies therefore generally link the deliverability of brownfield redevelopment with financial viability and Policy CSTP2, in particular, states that it is legitimate for the level of affordable housing to be determined via viability analysis.

6.9 In this case a financial viability analysis has been prepared by the applicant’s retained advisors. Although the detailed content of this analysis is commercially sensitive, the headline conclusions are:

- development costs exceed the income generated from the development;
- development loss based on Gross Development Value is -10% (benchmark profit values = +12 to +20%);
- development loss based on cost is -9.1% (benchmark profit values = +15% to +25%);
- project Internal Rate of Return is negative (benchmark values +10% to +15%).

The development is therefore modelled as financially unviable with the level of contributions set out in the s106 planning obligations.

6.10 The applicant’s analysis models an alternative scenario where no affordable housing is delivered and the financial contribution towards education and recreation infrastructure is retained by the owner. The headline conclusions of this ‘no affordable housing and no financial contributions’ scenario are:

- the income generated from the development exceeds development costs;
- development profit on based Gross Development Value is +4.8% (benchmark profit values = +12 to +20%);
- development profit based on cost is +5% (benchmark profit values = +15% to +25%);
- project Internal Rate of Return is +2.35% (benchmark values +10% to +15%).

This alternative scenario models a profit, albeit below the ‘normal’ commercial returns which a developer would target. It should be noted that the applicant is only seeking to remove the affordable housing obligations and the education and recreation contribution would remain unaffected by the current proposal. The

alternative scenario summarised above assumes no affordable housing and no financial contributions and therefore the actual level of 'profit' is likely to be below the figures given above.

- 6.11 As is normal practice, Officers have instructed an independent consultant to appraise the applicant's viability analysis on behalf of the local planning authority. The conclusions of the independent appraisal are:
- the site is currently unable to viably deliver affordable housing at a policy compliant level on the basis of the applicant's analysis.
 - whilst the original contingency allowance on the evidence of the applicant's figures would be totally used up, the scheme would not be loss-making if it were all open market sale
- 6.12 A key element of the applicant's submission is the reference to *"the discovery of contamination on site which has cost more than £3.3 million to remediate"* and the statement that this contamination *"was discovered as we started groundworks and is at a depth that suggests that it was contained within the material historically used to reclaim the marshes"*. The applicant's viability analysis confirms that this contamination comprised asbestos which was not encountered by the initial ground investigation of the site.
- 6.13 The application for full planning permission (14/01274/FUL) was accompanied by a 'Phase I & II Geoenviromental and Geotechnical Ground Investigation Report'. This report confirmed that intrusive investigation of ground conditions (both made ground and natural soils), comprising a series of boreholes and pits, was undertaken in 2014. The soil and groundwater assessment results recorded elevated concentrations of vanadium and some PAH (polycyclic aromatic hydrocarbons), however asbestos was absent from the samples obtained in 2014. The investigation report recommended mitigation measures to deal with the encountered contamination and these measures were secured by condition no. 5 of the full planning permission.
- 6.14 Documentary evidence has been provided to verify the existence of the unforeseen asbestos contamination encountered on the site. It is apparent from documentation provided by the applicant that construction works commenced on-site in summer 2015. During a ground penetration test to establish the mechanical strength of ground beneath the proposed carriageways (a CBR test) asbestos was encountered. The occurrence of asbestos required the appointment of a specialist contractor to deal with the asbestos, the preparation of a plan of works for asbestos removal, notification to the Health and Safety Executive, a revised remediation strategy for the site and post-remediation validation. Evidence suggests that two

areas of asbestos contaminated soils on-site and the presence of asbestos insulating board and sheeting located below the floor slab of the former school buildings and around floor ducts.

6.15 In addition to the documentation to demonstrate the presence of unforeseen asbestos contamination, the applicant has been asked to provide evidence of the provenance of costs associated with dealing with the asbestos. In response, the applicant has provided a detailed breakdown of the remediation costs, including the costs involved in the following activities:

- air monitoring;
- soil sampling and testing;
- soil stripping and removal of contaminated soils to licensed landfill;
- break-up and removal of asbestos boards and sheeting;
- importation of clean top-soil.

6.16 The removal and remediation programme associated with asbestos ran for a period of 24 weeks between September 2015 and February 2016. The details provided by the applicant's contractor confirm a total cost of c.£3.35 million for dealing with the asbestos on-site.

6.17 It is concluded on this point that the applicant has provided detailed evidence to firstly confirm the presence of unforeseen asbestos contamination on the site and secondly justify the provenance of the asbestos remediation costs.

6.18 As noted above, the applicant's viability assessment models a 5% profit on development cost if the requirement for provision of affordable housing is deleted as proposed. As noted in paragraph 6.10 above, this modelled 5% profit assumes that the s106 financial contribution towards education and recreation infrastructure is not provided. The applicant does not intend any changes to the obligation for this payment and therefore the modelled 5% profit will be lower. It is also the case that tax and interest payments will be likely to further reduce the profit on development cost still further. Therefore, although the development with no affordable housing provision provides a small profit, this profit is not sufficient (after payment of tax, interest and s106 financial contributions) to provide any affordable housing provision on-site.

7.0 CONCLUSIONS AND REASONS FOR RECOMMENDATION

7.1 The extant s106 agreement includes obligations, inter-alia, for the provision of on-site affordable housing and a financial contribution towards education and recreation infrastructure. Construction activities commenced in the summer of 2015 and at this time unforeseen asbestos contamination was encountered below

ground level, despite an investigation of the site in 2014. The presence of asbestos on the site required a variation to the already agreed remediation strategy and the appointment of a specialist contractor. The applicant has been requested to provide evidence of the previously un-encountered asbestos and the provenance of the additional costs associated with dealing with the asbestos. Satisfactory documentation has been provided as requested and it is apparent that the asbestos contamination has added considerable cost and delay to the construction programme.

- 7.2 Both national and local planning policies generally link the deliverability of brownfield redevelopment with financial viability and Core Strategy Policy CSTP2, in particular, states that it is legitimate for the level of affordable housing to be determined via viability analysis. The applicant's viability analysis (which has been independently appraised) confirms that, due to the costs associated with the remediation of asbestos, it is not viable to provide the on-site affordable as originally intended. Indeed, it is not financially viable to provide any level of affordable housing on-site. Although it is unfortunate that no affordable housing will be provided, the applicant's submission confirms that it is no financially viable to do so.
- 7.3 This application is submitted under s106a of the Town and Country Planning Act 1990 which provides that planning obligations can be renegotiated at any point, where the local planning authority and developer wish to do so. Whether the local planning authority wishes to vary the planning obligations as proposed is at their discretion. However, on the basis of the information provided by the applicant and with regard to planning policy, no objections are raised to the proposal.
- 7.1 In light of the above considerations, the proposed variation to the s106 is considered to be acceptable.

8.0 RECOMMENDATION

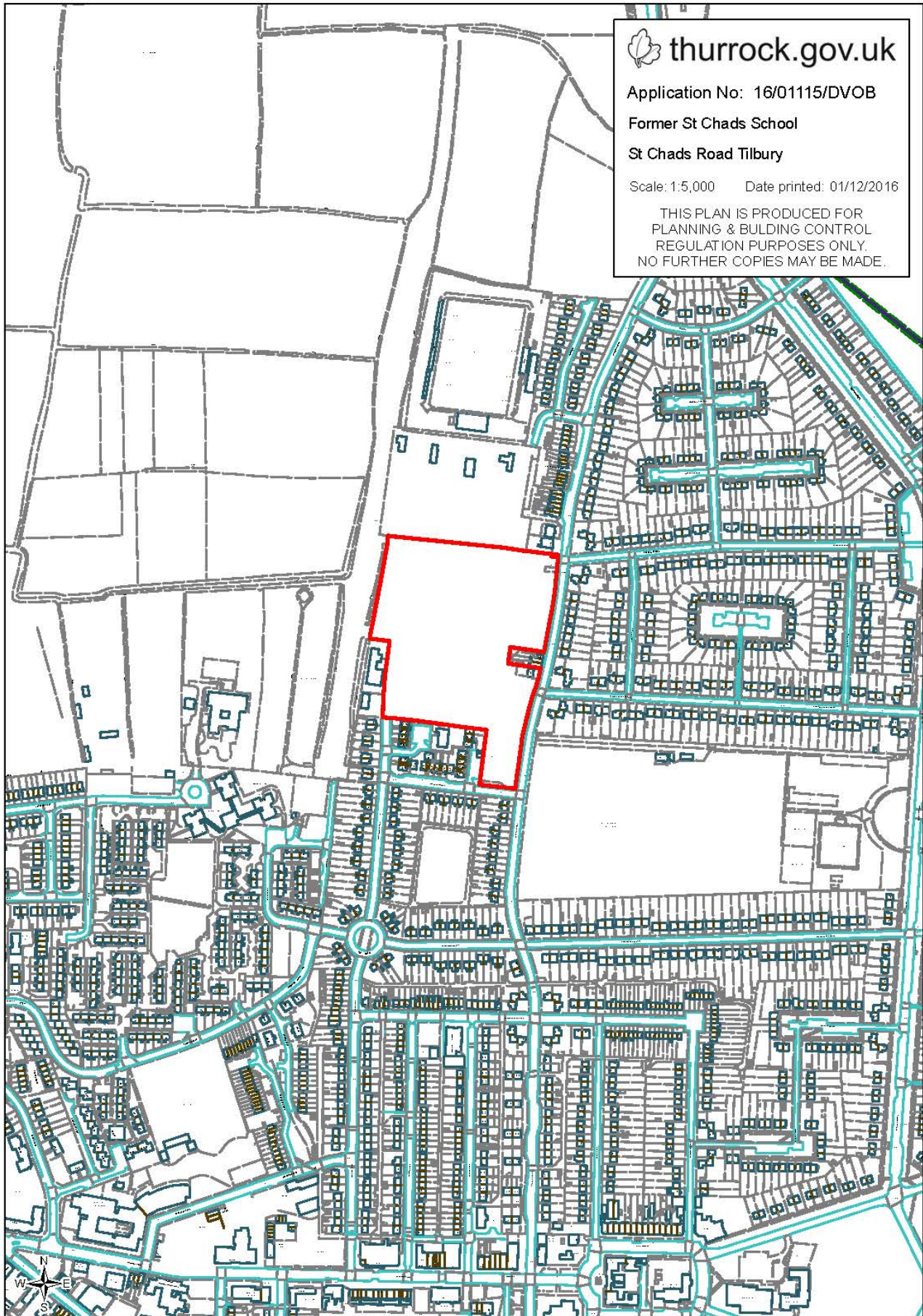
- 8.1 That the existing s106 agreement be varied to delete the obligation to the provision of on-site affordable housing.

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/16.01115.DVOB

Appendix 1	
Planning Committee 15.12.2016	Application Reference: 16/01115/DVOB



 **thurrock.gov.uk**
Application No: 16/01115/DVOB
Former St Chads School
St Chads Road Tilbury
Scale: 1:5,000 Date printed: 01/12/2016
THIS PLAN IS PRODUCED FOR
PLANNING & BUILDING CONTROL
REGULATION PURPOSES ONLY.
NO FURTHER COPIES MAY BE MADE.

Agenda Item 9

Planning Committee 23.02.17	Application Reference: 16/00307/FUL
-----------------------------	-------------------------------------

Reference: 16/00307/FUL	Site: Land to rear & north of Bannatynes Sports Centre Howard Road Chafford Hundred Grays
Ward: South Chafford	Proposal: Mixed use development to provide 203 no. residential units, landscaping, car/cycle parking, commercial units (370sq.m.) comprising Class A1 (shops) / Class A2 (financial and professional services) / Class A3 (food and drink) / Class A4 (drinking establishments) / Class A5 (hot food takeaways) / Class D1 (non-residential institutions) floorspace and a doctor's surgery (280sq.m.).

Plan Number(s):		
Reference	Name	Received
823-SLP.01	Site Location Plan	19.09.16
823-S.01 Rev. C	Proposed Ground Floor Building Footprint Plan	19.09.16
823-S.02 Rev. C	Proposed Roof Plan	19.09.16
823-S.03 Rev. E	Proposed Basement Plan	19.09.16
823-S.04 Rev D	Proposed Ground Floor Plan	19.09.16
823-S.05 Rev. C	Proposed First Floor Plan	19.09.16
823-S.06 Rev. B	Key Amendments	19.09.16
823-S.11 Rev. C	Illustrative Masterplan	19.09.16
823-S.12 Rev. C	Illustrative Masterplan in Context	19.09.16
823-SS.01 Rev. A	South Elevations	19.09.16
823-SS.02 Rev. A	West Elevations	19.09.16
823-SS.03 Rev. A	Mid and East Street Elevation	19.09.16
823-SS.04 Rev. A	North Elevation	19.09.16
823-SS.11 Rev. A	South Elevations	19.09.16
823-SS.12 Rev. A	South Elevations with Bannatyne Centre and West Elevation Showing Blocks E1 and D	19.09.16
823-SS.13 Rev. A	Mid and East Elevation	19.09.16
823-SS.14 Rev. B	North Elevations	19.09.16
823-A1.01 Rev. B	Block A1 Plans.01	19.09.16
823-A1.02 Rev. A	Block A1 Plans.02	19.09.16
823-A1.11 Rev. C	A1:Elevations	19.09.16
823-A2.01 Rev. B	Block A2 Plans.01	19.09.16
823-A2.02 Rev. A	Block A2 Plans.02	19.09.16
823-A2.03	Block A2 Plans.03	19.09.16
823-A2.11 Rev. C	A2: Elevations	19.09.16
823-B.01 Rev. C	B: Ground Floor Plan	19.09.16

823-B.02 Rev. B	B: First Floor Plan	19.09.16
823-B.06	B: Fifth Floor Plan	19.09.16
823-B.07 Rev. A	B: Sixth Floor Plan	19.09.16
823-B.09 Rev. A	B: Roof Plan	19.09.16
823-B.11 Rev. C	B: Elevations	19.09.16
823-C.01 Rev. C	C: Ground Floor Plan	19.09.16
823-C.02 Rev. B	C: First Floor Plan	19.09.16
823-C.03	C: Second Floor Plan	19.09.16
823-C.08 Rev. A	C: Roof Terrace Plan	19.09.16
823-C.09 Rev. A	C: Roof Plan	19.09.16
823-C.11 Rev. C	C: Elevations	19.09.16
823-D.01 Rev. C	Block D Plans.01	19.09.16
823-D.02 Rev. B	Block D Plans.02	19.09.16
823-D.11 Rev. B	D: Elevations	19.09.16
823-E1.01 Rev. B	Block E1 Plans.01	19.09.16
823-E1.02 Rev. A	Block E1 Plans.02	19.09.16
823-E1.11 Rev. C	E1: Elevations	19.09.16
823-E2.01 Rev. B	Block E2 Plans.01	19.09.16
823-E2.02 Rev. A	Block E2 Plans.02	19.09.16
823-E2.11 Rev. C	E2: Elevations	19.09.16
823-F.01 Rev. B	Block F Plans.01	19.09.16
823-F.02 Rev. A	Block F Plans.02	19.09.16
823-F.03 Rev. A	Block F Plans.03	19.09.16
823-F.11 Rev. C	F:Elevations	19.09.16

The application is also accompanied by:

- Air Quality Assessment;
- Design and Access Statement;
- Energy and Water Statement;
- Extended Phase 1 Habitat Survey;
- Flood Risk and Drainage Assessment;
- Noise Assessment;
- Planning Statement with Statement of Community Involvement;
- Services Appraisal;
- Sunlight and Daylight Assessment;
- Transport Assessment; and
- Travel Plan

Applicant:

Sutherland House Limited

Validated:

11th March 2016

Date of expiry:

10th June 2016

Recommendation: Grant planning permission subject to completion of a s106 legal

agreement and planning conditions.

The application is scheduled for determination by the Planning Committee because of the scale and strategic nature of the proposals and the level of response to the public consultation exercise.

1.0 DESCRIPTION OF PROPOSAL

1.1 In summary, this application proposes a residential-led mixed use redevelopment of the site. The principal elements of the proposals are summarised in the table below:

Site Area	1.1 Ha
Residential Uses	<u>Block A1:</u> 15 no. one-bed flats / 10 no. two-bed flats Total – 25 no. flats
	<u>Block A2:</u> 6 no. one-bed flats / 15 no. two-bed flats / 8 no. three-bed flats Total – 29 no. flats
	<u>Block B (Affordable Housing):</u> 18 no. one-bed flats / 18 no. two-bed flats Total – 36 no. flats
	<u>Block C:</u> 14 no. one-bed flats / 21 no. two-bed flats Total – 35 no. flats
	<u>Block D:</u> 12 no. one-bed flats / 6 no. two-bed flats Total – 18 no. flats
	<u>Block E1:</u> 14 no. one-bed flats / 4 no. two-bed flats Total – 18 no. flats
	<u>Block E2:</u> 11 no. one-bed flats / 11 no. two-bed flats Total – 22 no. flats
	<u>Block F (Affordable Housing):</u> 9 no. one-bed flats / 11 no. two-bed flats Total – 20 no. flats
	TOTAL: 99 no. one-bed flats (27 affordable) 96 no. two-bed flats (29 affordable) 8 no. three-bed flats
	203 no. one, two and three bed flats (56 no. affordable – 27.6%)

Non-Residential Uses	<u>Ground Floor Block B:</u> 2 x commercial / non-residential institutions units (Use Classes A1 / A2 / A3 / A4 / A5 / D1). Total: c.133 sq.m.
	<u>Ground Floor Block C:</u> 4 x commercial / non-residential institutions units (Use Classes A1 / A2 / A3 / A4 / A5 / D1). Total: c. 237 sq.m.
	Total Floorspace Use Classes A1 / A2 / A3 / A4 / A5 / D1 – 370 sq.m. (Blocks B & C)
	<u>Ground Floor Block D:</u> Concierge – 63.8 sq.m. Surgery (Use Class D1) – 280 sq.m.
Building Height	Block A1 – Five storeys
	Block A2 – Part six / part seven storeys
	Block B – Part six / part seven storeys
	Block C – Five storeys
	Block D – Four storeys
	Block E1 – Part four / part five storeys
	Block E2 – Part five / part six storeys
Parking	Car Parking: Basement – 148 no. car parking spaces (including 6 no. spaces for disabled users) Ground floor – 22 no. car parking spaces (including 3 no. spaces for disabled users)
	Cycle Parking: Ground floor cycle storage to Blocks B and E2

- 1.2 As noted in the ‘Relevant History’ section below, planning permission was granted in 2009 for residential development on the site by the Thurrock Thames Gateway Development Corporation (ref. 08/01156/TTGFUL). Construction works commenced shortly after consent was issued, however building works were abandoned because the developer experienced financial difficulties. As the 2009 planning permission was implemented, the scheme could be lawfully completed, subject to compliance with relevant planning conditions and s106 obligations. The site has however lain dormant for several years. The site was acquired by the present applicant in 2014.
- 1.3 The current application proposes a predominantly residential development using the existing basement car park and foundations to the various building blocks which have already been constructed pursuant to 08/01156/TTGFUL. The various elements of the proposals are described in more detail below.

1.4 Residential Development:

The existing partially completed dwellings would be demolished and the site redeveloped to provide a total of 203 one, two and three bedroom flats. The mix between different sizes of dwelling is provided in the table at paragraph 1.1 above. Dwellings would be arranged within 8 no. blocks, referred to as A1, A2, B, C, D, E1, E2 and F. Blocks A2 and E2 are physically connected, although there is no internal connection between the two.

1.5 The majority of the residential units (147 no. / 72.4%) are proposed to be let and managed through a private rented sector (PRS) model, rather than built for sale. The applicant states that these private rented units would be operated by MiFlats, who are described as one of the UK’s leading managed private rented sector operators. Information from the MiFlats web-site (miflats.com) shows that the company has a portfolio of over 3,100 units either occupied, under construction or in the planning stage. The majority of this property portfolio is based in central London, although the company operates Trafford House located opposite Basildon railway station (384 units). The remainder of the proposed dwellings (56 no. / 27.6%) are proposed as affordable units to be operated by Family Mosaic.

1.6 The arrangement of building blocks follows the pattern established by the extant planning permission (08/01156/FUL) with a row of blocks arranged parallel with the alignment of the A1306 across the northern part of the site (Blocks A1, A2, E1, E2 and F). Blocks B, C and D would be aligned north-south and perpendicular to the northern row of blocks. A description of the proposed residential accommodation per block is provided in the table below:

Block	Accommodation	Floorspace (GIA)	Height
A1	15 no. one-bed 10 no. two-bed	44.4 sq.m. to 53.8 sq.m. 66.2 sq.m. to 68.5 sq.m.	Five storeys
A2	6 no. one-bed 15 no. two-bed 8 no. three-bed	41.0 sq.m. to 49.4 sq.m. 55.1 sq.m. to 79.2 sq.m. 80.8 sq.m. to 85.9 sq.m.	Part six / part seven storeys
B	18 no. one-bed 18 no. two-bed	50.2 sq.m. to 57.9 sq.m. 70.2 sq.m. to 78.2 sq.m.	Part six / part seven storeys
C	14 no. one-bed 21 no. two-bed	49.4 sq.m. to 56.0 sq.m. 60.2 sq.m. to 75.0 sq.m.	Five storeys
D	12 no. one-bed 6 no. two-bed	45.0 sq.m. to 61.3 sq.m. 66.9 sq.m. to 69.3 sq.m.	Four storeys
E1	14 no. one-bed 4 no. two-bed	46.4 sq.m. to 60.8 sq.m. 63.9 sq.m. to 67.3 sq.m.	Part four / part five storeys
E2	11 no. one-bed 11 no. two-bed	57.1 sq.m. to 61.6 sq.m. 63.0 sq.m. to 70.9 sq.m.	Part five / part six storeys
F	9 no. one-bed 11 no. two-bed	50.2 sq.m. to 59.3 sq.m. 66.8 sq.m. to 75.5 sq.m.	Part six / part seven storeys

1.7 The residential blocks would be modern in appearance with the majority of units having access to a balcony area. Proposed finishing materials are not specified on the submitted drawings, however the Design and Access Statement refers to a palette of brick and coloured render. All blocks incorporate a “zig-zag roof character” with roofing materials comprising seamed metal or other similar roof sheeting.

1.8 Non-Residential Floorspace:

Alongside the residential development, the application proposes a limited amount of non-residential / commercial development arranged at ground floor level. A proposed doctor’s surgery (Use Class D1) would be located on the ground floor of Block D (sited at the south-western corner of the site, closest to the point of access). The surgery would total 280 sq.m (GIA) and, in describing this use, the applicant’s Planning Statement notes that:

“The previously approved development (ref. 08/01156/TTGFUL) also included provision of a doctors surgery. We have also conducted our own research and found that the current provision of local doctors surgeries is oversubscribed. Therefore, the applicant has included the space necessary to host a doctors surgery on the ground floor of block D.”

1.9 Adjacent to this surgery within Block D, the proposals include floorspace (63.8 sq.m. GIA) for use as concierge space serving the residential units.

1.10 The proposals also include the provision of 6 no. commercial units located on the ground floor of Block C (4 no. units) and Block B (2 no. units). The composition of the proposed commercial units by Block is shown in the table below:

Block C	Unit 1	76.3 sq.m. (GIA)
	Unit 2	26.8 sq.m. (GIA)
	Unit 3	58.6 sq.m. (GIA)
	Unit 4	75.0 sq.m. (GIA)
Block B	Unit 5	62.0 sq.m. (GIA)
	Unit 6	71.3 sq.m. (GIA)
		TOTAL 370 sq.m. (GIA)

1.11 Permission is sought for a range of uses across Use Classes A1, A2, A3, A4, A5 and D1. For reference, a guide to the Use Classes sought is provided below:

Use Class	Use
A1 - Shops	Shops, retail warehouses, post offices, tick and travel agencies, sale of cold food for consumption off premises,

	hairdressers, funeral directors, hire shops, dry cleaners, internet cafes.
A2 – Financial and Professional Services	Banks, building societies, estate and employment agencies, professional services (not health or medical services)
A3 – Food and Drink	Restaurants and cafes
A4 – Drinking Establishments	Public houses, wine bars or other drinking establishments
A5 – Hot Food Takeaways	Use for the sale of hot food for consumption off the premises
D1 – Non-Residential Institutions	Clinics, health centres, creches, day nurseries, schools, non-residential education and training centres, museums, public libraries, public halls, exhibition halls, places of worship

1.12 The proposals for commercial floorspace can be considered as speculative as there are no identified end-users for the floorspace. The size and arrangement of the proposed commercial units may also influence the type of businesses which could occupy the floorspace.

1.13 Access / Parking:

Access to the site for vehicles, pedestrians and cyclists would be via an existing point of access located at the south-western corner of the site which links to Howard Road. Currently Howard Road is effectively a cul-de sac with a ‘hammerhead’ turning area at its northern-end. The western spur of this hammerhead provides access to Trelawney Court whereas the eastern spur accesses both the application site and the parking area for Bannatynes health club. Although not within the red-line defined by the application site, the submitted plans show alterations to the hammerhead to form a mini-roundabout junction. The plans also show that access to the car parking spaces for the health club would be moved a short distance to the south.

1.14 The proposals include the provision of 170 no. car parking spaces, the majority of which (148 no.) would be at basement level with the remaining 22 no. spaces at ground floor level close to the site access and southern boundary. The proposed allocation of the basement and ground floor car parking is described in the table below:

<u>Basement Car Parking</u>	
Residential (affordable)	50 no. spaces
Residential (affordable – disable users)	6 no. spaces
Residential (private)	47 no. spaces
Residential (visitor)	12 no. spaces

Car Club	25 no. spaces
Staff (surgery / commercial units)	8 no. spaces
	Sub total – 148 no. spaces
<u>Ground Level Car Parking</u>	
Multi-function	19 no. spaces
Multi-function (disabled users)	3 no. spaces
	Sub-total – 22 no. spaces
	Grand total – 170 no. spaces

- 1.15 The above table includes an allocation of parking spaces for use by members of a proposed car club. The applicant has also offered to contribute financially towards a controlled parking zone, if this is considered to be necessary, in order to prevent overspill parking from the development. The applicant has also confirmed that future residents will be unable to apply for residential parking permits as part of any planning condition imposed. .
- 1.16 The proposals include a new footpath link through the site to connect Howard Road (at the south-western corner of the site) with the A1306 Arterial; Road (at the site's north-eastern corner). At ground floor level, and above the basement car park, two areas of public open space are proposed comprising a 'Main Square' located in between Block C and D, and a 'Garden Courtyard' located in between Blocks B and C.

2.0 SITE DESCRIPTION

- 2.1 The application site comprises a broadly rectangular-shaped plot of land located to the rear of the Bannatynes health club, at the northern end of Howard Road and immediately south of the A1306 Arterial Road. The area of the site is 1.1 hectares and has maximum dimensions of approximately 150m (measured east-west) and 73m (measured north-south). The western part of the site formerly comprised car parking associated with the adjacent health club. However, as noted in the 'Relevant History' set out below, the site has been partially developed pursuant to a planning permission for residential development (ref. 08/01156/TTGFUL). At the eastern-end of the site an approved four-storey residential block has been partially constructed, whilst adjacent to the site's northern boundary 3no. separate three-storey terraces of townhouses have been partly constructed. However, all of these residential buildings have not been fully completed and, as a result of their exposure to weather, have become dilapidated. A basement car park has been excavated and a reinforced concrete deck covers a section of this car park. The remaining parts of the site are vacant and becoming overgrown with vegetation.
- 2.2 Ground levels across the site are generally flat, aside from the exposed area of basement car parking which sits below adjoining levels. The A1306 Arterial Road adjacent to the northern boundary of the site is located on an embankment between 2.5m and 5m above ground levels on-site. The site is located within the

low risk flood zone (Zone 1). The site formed part of a gravel pit which was worked during the 1960's and 1970's.

2.3 The site is adjoined to the east by the service yard and HGV loading area serving the Sainsbury's supermarket. South of the site is the Bannatynes health club with ancillary parking areas and outdoor tennis courts. Immediately to the west of the site is Trelawney Place, a development of 64 no. flats within three and four-storey buildings constructed in the early 2000's. The site, along with the health club, Trelawney Court, the Chafford Hundred public house and adjoining Premier Inn hotel are accessed from Howard Road, which forms the northern arm of the Fleming Road / Burghley Road / Fenner Road roundabout junction.

3.0 RELEVANT HISTORY

Reference	Description	Decision
08/00152/TTGFUL	Redevelopment of site to provide 153 residential units including doctor's surgery, with provision of basement and surface parking, associated servicing and landscaping, works to fitness centre nursery and alterations to fitness centre car park layout, together with other works incidental to the proposals and associated works.	Approved, subject to s106 legal agreement
08/01156/TTGFUL	Redevelopment of site to provide 140 residential units including doctor's surgery, with provision of basement and surface parking, associated servicing and landscaping, works to fitness centre nursery and alterations to fitness centre car park layout, together with other works incidental to the proposals and associated works.	Approved, subject to s106 legal agreement
09/50060/TTGDCCD	Discharge of conditions.	Withdrawn
09/50080/TTGDCCD	Discharge of conditions 2, 3, 4, 5, 9, 11, 12, 13, 15, 17, 18, 19, 20, 22, 23, 24, 25, 26, 29, 30, 31, 32, 34, 35, 36, 38 and 39 (of planning permission ref. 08/01156/TTGFUL).	Part discharged
11/50301/TTGNMA	Revision of external materials: 1) House type first and second storey's amended from blue engineering brick to light grey render on rear and side elevations. 2) House type balcony party walls amended from blue engineering brick to Siberian larch cladding.	Withdrawn
11/50316/TTGNMA	Revision of external materials: 1) House type first and second storeys amended from blue	Approved

	engineering brick to light grey render on rear and side elevations. 2) House type balcony party walls amended from blue engineering brick to Siberian larch cladding.	
16/00349/SCR	Request for Environmental Impact Assessment (EIA) screening opinion - proposed development comprising 239 no. residential units, landscaping, car / cycle parking and a doctor's surgery (206 sq.m.).	EIA not required

4.0 CONSULTATIONS AND REPRESENTATIONS

4.1 Detailed below is a summary of the consultation responses received. Full text versions are available on the Council's web-site at: www.thurrock.gov.uk/planning

4.2 PUBLICITY:

The application, as first submitted in March 2016, was publicised by the display of site notices, a newspaper advertisement and consultation with neighbouring properties. Following the receipt of revised plans in September 2016 the application was re-advertised via press and site notice and re-consultation with neighbours. The proposals have been advertised as a major development.

4.3 In March 2016 neighbour consultation letters were sent to 92 surrounding properties. 50 letters objecting to the application were received in response to the March 2016 consultation, raising the following concerns:

- parking problems;
- inadequate access;
- traffic congestion;
- pollution;
- litter;
- proposals out of character;
- overlooking / loss of privacy;
- increased noise;
- loss of views;
- security concerns; and
- disturbance during construction.

A number of the above letters, although objecting, support the proposed doctor's surgery. An anonymous objection letter has also been received. The letters of objection have been sent from a range of addresses across Chafford Hundred and as far away as Grays.

4.4 Two letters have also been received from a local ward Councillor which neither

support nor object to the proposals but note local highway conditions etc.

4.5 An on-line petition containing 831 names was established on the “38 Degrees” web-site (38degrees.org.uk). A sample of comments submitted to this web-site has been provided by the lead petitioner, which contains names, postcodes and an extract of comments.

4.6 In response to the revised plans consultation in September 2016, 36 letters of objection have been received from 30 different addresses objecting on the following grounds:

- disturbance from proposed drinking establishments;
- development would be out of character;
- excessive height of development;
- additional traffic;
- loss of views;
- inadequate access;
- traffic congestion
- pollution;
- pressure on local school places;
- litter;
- cooking smells; and
- increased noise.

4.7 The following consultation replies have been received:

4.8 ANGLIAN WATER:

No objections.

4.9 ESSEX COUNTY COUNCIL (ARCHAEOLOGY):

No objections.

4.10 ESSEX & SUFFOLK WATER:

No objections.

4.11 ENVIRONMENT AGENCY:

No reply received.

4.12 NHS ENGLAND:

In response to the application as first submitted, the NHS advised that the doctor's surgery proposed (206 sqm) would not align with current NHS England and CCG requirements. The NHS requested a capital contribution towards a project to increase capacity in the area.

The plans have since been revised, increasing the floorspace of the doctor's surgery to 280 sq.m however no further comment has been provided.

4.13 EDUCATION:

A financial contribution of £354,917 would be required to mitigate the increased pressure on nursery, primary and secondary school places locally.

4.14 ENVIRONMENTAL HEALTH:

Noise: road traffic noise (A1306) is the dominant noise source affecting the site and noise mitigation will be required to provide a reasonable internal noise environment. The required internal noise levels can be achieved by standard thermal double glazing and acoustic ventilation. Planning conditions are required to require submission of a scheme of noise mitigation and soundproofing for fixed plant.

Construction: planning conditions are required to limit hours of working, hours of piling and to require a Construction Environment Management Plan.

Air Quality: no objections.

Contaminated Land: no objection subject to gas monitoring, details of any piling and measures to deal with any unforeseen contamination.

4.15 FLOOD RISK MANAGER:

A surface water drainage strategy is required for the site.

4.16 HOUSING:

No reply received.

4.17 HEALTH & WELL BEING ADVISORY GROUP:

Offer general comments on the impacts and benefits of the proposals.

4.18 HIGHWAYS:

No objections, subject to planning conditions and a legal agreement

4.19 DESIGN COUNCIL / CABE:

Following submission of the original proposals (for 239 no. dwellings) in March 2016, those proposals were subject to a Design Review Panel in April 2016. The summary of the Panel comments noted that the current design approach is more successful compared to the uncompleted scheme. However, it was recommended that the proposed number of dwellings (239 no.) was reduced and that a wider mix of uses introduced.

5.0 POLICY CONTEXT

5.1 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:

1. Building a strong, competitive economy;
4. Promoting sustainable transport;
6. Delivering a wide choice of high quality homes;
7. Requiring good design;
8. Promoting healthy communities; and
10. Meeting the challenge of climate change, flooding and coastal change.

5.2 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 48 subject areas, with each area containing several sub-topics. Those of particular relevance to the determination of a future planning application comprise:

- Air quality;
- Climate change;
- Design;
- Determining a planning application;
- Flood risk and coastal change;
- Noise;
- Planning obligations;

- Renewable and low carbon energy;
- Travel plans, transport assessments and statements in decision-taking; and
- Use of planning conditions.

5.3 Local Planning Policy

Thurrock Local Development Framework (as amended) (2015)

The Council originally adopted the “Core Strategy and Policies for the Management of Development Plan Document” in December 2011. The Core Strategy was updated in 2015 following an independent examination of the Core Strategy focused review document on consistency with the NPPF. The Adopted Interim Proposals Map accompanying the LDF shows the site as land with no specific notation. However, as noted above, the site benefits from an extant planning permission for residential development which has been commenced. The following Core Strategy policies apply to the proposals:

SPATIAL POLICIES

- CSSP1: Sustainable Housing and Locations
- CSSP3: Sustainable Infrastructure
- OSDP1: Promotion of Sustainable Growth and Regeneration in Thurrock

THEMATIC POLICIES

- CSTP1: Strategic Housing Provision
- CSTP2: The Provision of Affordable Housing
- CSTP9: Well-being: Leisure and Sports
- CSTP10: Community Facilities
- CSTP11: Health Provision
- CSTP14: Transport in the Thurrock Urban Area: Purfleet to Tilbury
- CSTP18: Green Infrastructure
- CSTP20: Open Space
- CSTP22: Thurrock Design
- CSTP23: Thurrock Character and Distinctiveness
- CSTP25: Addressing Climate Change
- CSTP26: Renewable or Low-Carbon Energy Generation
- CSTP27: Management and Reduction of Flood Risk

POLICIES FOR MANAGEMENT OF DEVELOPMENT

- PMD1: Minimising Pollution and Impacts on Amenity
- PMD2: Design and Layout
- PMD3: Tall Buildings
- PMD5: Open Spaces, Outdoor Sports and Recreational Facilities
- PMD8: Parking Standards
- PMD9: Road Network Hierarchy
- PMD10: Transport Assessments and Travel Plans
- PMD12: Sustainable Buildings

- PMD13: Decentralised, Renewable and Low Carbon Energy Generation
- PMD15: Flood Risk Assessment
- PMD16: Developer Contributions

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. It is currently anticipated that consultation on an Issues and Options (Stage 2 Spatial Options and Sites) document will be undertaken in the spring of 2017.

6.0 **ASSESSMENT**

6.1 The planning issues to be considered in this case are:

- I. Development plan designation & principle of development
- ii. Site layout & design
- iii. Landscape & visual impact
- iv. Impact on amenity
- v. Highways & transportation issues
- vi. Noise & air quality
- vii. Flood risk
- viii. Sustainability
- ix. Viability & planning obligations

6.2 It is relevant that the planning permission for residential redevelopment of the site (ref. 08/01156/TTGFUL) has been implemented and, as such, could be completed subject to compliance with the associated planning conditions and s106 obligations. The comparison between the extant consented scheme and the current proposals therefore forms part of the analysis below.

I. DEVELOPMENT PLAN DESIGNATION & PRINCIPLE OF DEVELOPMENT:

6.3 The principle of the re-development of this site for residential development has been established by the grant of planning permission under 08/01156/TTGFUL. As that planning permission has been implemented and the consent remains live, there can be no objection to the principle of residential redevelopment. Building works on-site ceased several years ago and the above ground structures are in a dilapidated condition. These dilapidated structures are visible from a prominent road frontage in this part of the Borough (A1306) which is elevated above ground levels at the site. In broad terms, the principle of removing the part-built structures and completing development of the site is supported.

- 6.4 In addition to the proposed residential development, the application includes a number of commercial, (Use Classes A1 / A2 / A3 / A4 / A5) and non-residential institutional uses (Use Class D1). As first submitted in March 2016, the application proposed a doctor's surgery (Use Class D1) with a gross internal area (GIA) of 206 sq.m. The current proposals retain the doctor's surgery with an increase of the GIA to 280 sq.m. In justifying this floorspace, the applicant's planning statement notes that the previously approved development (ref. 08/01156/TTGFUL) included provision of a doctor's surgery. Furthermore, the statement explains that the applicant has *"conducted our own research and found that the current provision of local doctor's surgeries is oversubscribed. Therefore, the applicant has included the space necessary to host a doctor's surgery on the ground floor of block D."*
- 6.5 In their consultation response to the application dated 28th April 2016 NHS England states that:
- "...the intention of NHS England is to promote Primary Healthcare Hubs with co-ordinated mixed professionals ... The planning application includes provision of a doctor's surgery of 206m² to mitigate the healthcare impacts arising from the proposed development. However, a provision of this size does not align with current NHS England and CCG Estates Strategies to create care hubs. NHS England would be happy to engage with the developer if they would like to discuss the potential provision of a larger facility at this site. Alternatively, a capital contribution would be required towards a project to increase capacity in the area."*
- 6.6 The proposed provision of a doctor's surgery at this site formed part of the first approval for residential development (ref. 08/00152/TTGFUL). The applicant's Planning Statement, dated January 2008, supporting that application noted that the doctor's surgery was *"introduced following pre-application consultation with local residents and stakeholders who identified a need within the local area"*. During the consideration of 08/00152/TTGFUL a letter was submitted from the Chafford Hundred Medical Centre (Drake Road) which stated that partners at the Centre were *"committed to the proposed project contained within the new development at Howard Road"*. The consultation response (dated May 2008) from the then South West Essex Primary Care Trust (PCT) for 08/00152/TTGFUL confirmed that the PCT had been working with the Medical Centre *"to identify premises to enable the practice to extend the surgery"* and that the PCT was committed to working with the practice in developing a branch surgery in Howard Road should the development proceed.
- 6.7 The subsequent s106 agreement placed obligations on the developer to provide a doctor's surgery of not less than 182 sq.m. (GIA) plus ancillary car parking prior to the completion of 50 no. private residential dwellings. The agreement also required the developer to submit the heads of terms for the surgery tenancy etc. agreed with the end user.

- 6.8 The revised planning permission (ref. 08/01156/TTGFUL) essentially left the proposals for a doctor's surgery unchanged. However, after the application was considered at the Planning Committee of the former Development Corporation a letter was received from the PCT confirming that the *"PCT pulled out of discussions with this developer earlier this year due to the need to undertake a full health review for the Chafford Hundred area before being able to confirm the PCT's support for such an inclusion to the proposed development"*. Nevertheless, planning permission was granted for 08/01156/TTGFUL with the accompanying s106 agreement securing similar obligations for the provision of the surgery as the earlier agreement.
- 6.9 The Planning Statement accompanying the current application refers to the consultation response from NHS England (para. 6.5 above) and states that *"despite this response ... the applicant is dedicated to delivering a new surgery as part of this scheme. The applicant has therefore increased the area allocated to the doctor's surgery from 206 sq.m. to 280 sq.m. ... it is our understanding that Dr Abela's surgery (Chafford Hundred Medical Centre) is interested in running the new surgery."*
- 6.10 Both NHS England and the Chafford Hundred Medical Centre have been consulted in relation to the revised plans increasing the floorspace of the proposed surgery, however no responses have been received. Notwithstanding the original consultation response from NHS England, the planning application including the proposed doctor's surgery, should be considered on its planning merits. Adopted Core Strategy CSTP11 (Health Provision) states, inter-alia, that the Council will work with partners to deliver:
- III. Health care facilities that are located according to need, and which are accessible to all people in the Borough, including by public transport, cycling or walking.
 - IV. Health care facilities that meet existing and future community needs, including those needs arising from the new housing and employment that will be developed in the Borough over the lifetime of the plan.

At face value the proposals to include a doctor's surgery comply with the broad intentions of Thematic Policy CSTP11. Nevertheless, as the current position of NHS England is that the proposed surgery provision does not align with their strategy of creating care hubs, consideration does need to be given to alternative scenarios. For example, if planning permission were to be granted for the development as proposed and if the doctor's surgery floorspace was to be provided, it could be the case that the floorspace would remain unoccupied as it is not considered 'fit for purpose' by NHS England. If this situation were to occur any s106 agreement would need to include the flexibility to secure a financial contribution towards healthcare provision as an alternative to built floorspace.

- 6.11 Recent revisions to the application have also introduced a number of ground floor commercial uses (Use Classes A1 / A2 / A3 / A4 / A5 / D1) within the development. These additional uses respond to comments raised during a CABA design review of the application, where the applicant was encouraged to introduce a mix of uses into the development in order to create a 'destination' and encourage activity. At present there are no end-users for the 6 no. commercial units and the applicant seeks permission for a wide range of uses. If approved as submitted, the development would allow for all of the units to be used for any use within the Use Classes sought or any combination across the Use Classes. In reality, the various sizes of the commercial units, their proximity to residential uses and amenity implications could limit the operation of individual uses.
- 6.12 The proposed mix of uses would be classed as "main town centre uses" as defined by the NPPF and paragraph 24 of the NPPF requires the application of a sequential test whereby main town centre uses should be located in town centres, then in edge of centre locations and only if suitable sites are not available should out-of-centre sites be considered. In this case, the site of the Sainsbury's store immediately east of the site is defined as a 'Shopping Centre'. Given this location and as the total of proposed commercial floorspace falls well below the threshold where a retail impact assessment is required, it is considered that the sequential test is passed in this instance. It is also of note that under the heading of 'Promoting healthy communities' paragraph 69 of the NPPF states that planning decisions should aim to achieve places which promote, inter-alia "opportunities for meetings between members of the community who might not otherwise come into contact with each other, including through mixed-use developments, strong neighbourhood centres and active street frontages which bring together those who work, live and play in the vicinity".
- 6.13 Accordingly, under this heading it is concluded that principle of the proposed land uses are acceptable. In particular, the proposals would make a valuable contribution towards new housing supply.

II. SITE LAYOUT & DESIGN

- 6.14 The implemented planning permission for residential development (ref. 08/01156/TTGFUL) included the entire site area of the health club (approximately 2.5 hectares). This was because the description of development included works to the fitness centre nursery (currently operated by Busy Bees) and alterations to the health club and nursery car park. The approved works to the nursery and car park alterations have been largely implemented although a number of former nursery car parking spaces remain within the site area of the current application. For reference, the amendments to the car park layout which have been implemented have led to a small increase in the number of spaces available for the health club and nursery.
- 6.15 The proposed layout of the site largely corresponds to the approved and implemented development of the site (ref. 08/01156/TTGFUL) and in particular to

the site access and basement parking area. The partly implemented development on-site involves a vehicular access from Howard Road at the south-western corner of the site. This approved access ramps down to a basement parking level providing a total of 146 parking spaces. The approved basement car park has been largely excavated and partially covered with a concrete podium. The current proposals retain the existing basement parking level, with adaptations and amendments to increase the number of spaces to 148, to accommodate a basement-level energy centre and to provide additional access stairwells to ground floor level.

- 6.16 At ground floor level, the approved scheme comprises a series of terraced houses and flat blocks aligned east-west along the northern part of the site (parallel with the A1306), with 3no. flat blocks aligned north-south. The approved building footprint can therefore be described as an inverted 'E' shape. Of these approved residential blocks, the 3 no. terraces of houses (totalling 16 no. 3/4/5-bed units) and Block B (22 no. 1/2/3-bed units) were progressed above ground level before building works ceased.
- 6.17 The proposed arrangement of building blocks would closely resemble the approved footprint in terms of both the position and extent of buildings. Although, with the proposed deletion of houses and substitution with flats there is some increase in built footprint on the northern part of the site, compared to the approved scheme. Nevertheless, the proposed position of buildings in relation to the boundaries of the site remains substantially unchanged compared with the approved development.
- 6.18 With regard to the density of residential development the current proposals would result in a density of approximately 184 dph (dwellings per hectare), compared to approximately 127 dph for the approved and implemented development (ref. 08/01156/TTGFUL) and 139 dph for the previously approved but unimplemented development of 153 dwellings (ref. 08/00152/TTGFUL). National planning policy and guidance within the NPPF and PPG does not contain details of density ranges which may be considered appropriate and it may be stated that the measure of density, on its own, is a crude measure of assessing the acceptability of development proposals. Under the heading of "Requiring good design", paragraph 58 of the NPPF states that planning decisions should aim to ensure that developments:
- will function well and add to the overall quality of the area;
 - establish a strong sense of place;
 - optimise the potential of the site to accommodate development, create and sustain an appropriate mix of uses (including incorporation of green and other public space as part of developments) and support local facilities and transport networks;

- respond to local character and history, and reflect the identity of local surroundings and materials, while not preventing or discouraging appropriate innovation;
- create safe and accessible environments; and
- are visually attractive as a result of good architecture and appropriate landscaping.

Paragraph 65 of the NPPF goes on to states that *“local planning authorities should not refuse planning permission for buildings or infrastructure which promote high levels of sustainability because of concerns about incompatibility with an existing townscape, if those concerns have been mitigated by good design”*. The NPPF is therefore principally concerned with the quality of a development rather than relying on a measure of quantity, such as density, to determine acceptability.

6.19 Advice within PPG amplifies and expands upon the core principle of the NPPF that development should seek to secure high quality design. Paragraph 015 (ref. ID: 26-015-20140306) of PPG defines a well-designed place as:

- functional;
- supporting mixed uses and tenures;
- including successful public spaces;
- adaptable and resilient;
- having a distinctive character;
- attractive; and
- encouraging ease of movement.

An assessment of the proposals against these heading is provided below:

6.20 Functional – in order to be functional PPG advises that a development should be fit for purpose, designed and delivered in a way that delivers the intended function and achieves value for money in terms of lifetime costs. The proposed units are purpose-built and would provide satisfactory gross internal areas as follows:

One-bedroom units:	41.0 sq.m. – 61.6 sq.m.
Two-bedroom units:	55.1 sq.m. – 75.5 sq.m.
Three-bedroom units:	80.8 sq.m. – 85.9 sq.m.

The vast majority of proposed dwellings (200 of the 203 flats) would have access to a private balcony area and Block C would incorporate a roof terrace area. The proposals provide for convenient access to the basement car park and cycle storage areas via a number of service cores. Further cycle storage and refuse storage areas are located at ground floor level within Blocks B, C, D, E1 and E2, consequently there are no proposed external bin enclosures, a feature which can be unsightly. The proposals also provide floorspace for a concierge, located at the entrance to the site within Block D, which would assist in the function of the

development. An Energy and Water Strategy accompanies the submission to demonstrate compliance with the Council's environmental sustainability targets. The proposals include a gas fired CHP plant located within the basement. Under this heading it is considered that the development meets the functional test for a well-designed place.

- 6.21 Supporting mixed uses and tenures – revisions to the scheme which were submitted in September 2016 introduced 6 no. ground floor commercial units into the development. Although the potential occupiers of these units is unknown, the range of use classes for which permission is sought have the potential to provide facilities to future residential occupiers, as well as the wider community. As noted above, the proposals would provide for affordable housing as well as managed private sector rented dwellings. Accordingly, a range of residential tenures would be supported.
- 6.22 Including successful public spaces – PPG makes reference to public spaces (streets, squares and parks) which are available for everyone for use and enjoy. The proposals include two landscaped squares referred to as the 'Garden Courtyard' located in between Blocks B and C and the 'Main Square' located in between Blocks C and C. These two areas are described as incorporating formal tree planting, lawn and space for seating. The applicant does not intend that these spaces are used for active outdoor play and relies on proximity to the health club to satisfy these requirements. The two squares would more likely provide both an informal sitting out area to be used in good weather and a setting for the adjacent building blocks. Compared to the approved development, the proposals for these two squares have the potential to provide better public spaces, subject to further details reserved by planning condition. Routes available to motor vehicles within the site would provide access to a small number of ground floor level parking spaces at the site's southern boundary and access to refuse stores. Therefore, streets within the site would be pedestrian friendly. Consequently it is considered that, subject to suitable conditions, the public spaces within the site would add to the design quality of the development.
- 6.23 Adaptable and resilient – PPG advises that well designed places are able to respond to a range of future needs and are practical to manage. With regard to the adaptability of a design there is a balance to be struck with the way in which a development functions and the fact that the development principally comprises purpose-built flats intended for the private rented sector market. Nevertheless, the development includes two wheelchair designed units to be located within one of the affordable housing blocks. Furthermore, it is possible that future sub-division or combination of the 6 no. ground floor commercial units could occur to meet the potential demands of future occupiers. Within the constraints of a purpose-built residential redevelopment it is considered that some adaptability in the design of the proposals is possible. PPG notes that resilient designs are easily managed and supported, for example, by natural surveillance. The arrangement of building blocks across the site and the position of window openings on all elevations results

in public spaces and access routes being overlooked. The applicant's Design and Access Statement supporting the submission includes reference to 'Secured by Design' and on this point it is concluded that the design of the development would be resilient.

- 6.24 Distinctive character – PPG states that a well-designed place has a distinctive character with reference to, inter-alia, building form, details, materials, style and vernacular. At this point it is worth emphasising the 'backland' nature of the application site which is located on the northern edge of the Lakeside basin, below the level of the A1306 to the north, west of the Sainsburys superstore service yard, rear (north) of the health club and east of the flats at Trelawney Place and the Premier Inn hotel. The site is therefore located within a range of large-footprint commercial and residential buildings, which are detached from the suburban residential form of development to the south of Burghley Road / Fleming Road (B186). Although the residential development south of the B186 displays a defined form and character of predominantly two-storey, 1990's-constructed dwellinghouses, the site sits with a different context and the principle of flatted development on a larger footprint and scale has already been established. It is worth noting that existing three and four-storey flats are located close to the site at Trelawney Place and Nightingale Court. It is considered that the built form of the development, architectural detailing (such as the recessed balconies, 'zig-zag' roof form and variation in the size of window openings) and the modern style of the development would result in a distinctive character.
- 6.25 Attractive – PPG defines a well-designed place as attractive with reference to streetscapes, landscapes, buildings and elements within them. The judgement as to whether a development is 'attractive' is to a degree subjective and is based on a correlation between the elements which make up a development (principally the buildings and spaces in-between). Advice at paragraph 60 of the NPPF clearly states that planning decisions should not attempt to impose architectural styles or particular tastes and paragraph 61 goes on to state that, although visual appearance and the architecture of individual buildings are important factors, "securing high quality and inclusive design goes beyond aesthetic considerations". The proposals comprise a purpose-built, predominantly residential development with a modern appearance. The proposed public squares within the site have the potential to provide a high quality setting for the building blocks and streetscapes within the development would provide pedestrian-friendly and landscaped routes. Therefore, as assessed against the guidance within the NPPF and PPG, it is considered that the development would meet the description of a well-designed place with regard to its attractiveness.
- 6.26 Ease of movement – PPG refers to the success of a development with reference to safe, convenient and efficient movement through the site, as well as legibility and connections. Currently, due to the position of the site south of the A1306 embankment, adjacent to the Sainsbury's service yard, private flats at Trelawney Place and north of the health club, the site is effectively a cul-de-sac with only one

possible connection to the road network at the site's south-western corner. It is neither possible nor desirable to connect the site to adjacent sites to the east and west. Similarly, due to the change in levels between the site and the A1306, it is not possible to provide a vehicle connection to the north. However, the proposals accommodate a footpath connection from the Howard Road access to the A1306 at the north-eastern corner of the site (where the embankment to the Arterial Road is at its lowest). Routes through the site and to the various building block entrances are clear and it is considered that the development would be easy to navigate for occupiers and users. Within the context of the constraints operating upon the site, it is considered that the development would promote ease of movement.

III. LANDSCAPE & VISUAL IMPACT

- 6.27 Due to the height of the proposed buildings, the potential impact of the development on landscape and visual receptors is an important consideration.
- 6.28 With regard to landscape impact, the site is located within the 'Grays / Chadwell St. Mary Urban Area' landscape character type, as defined by the Thurrock Landscape Capacity Study 2005. The Study clearly places the site within an urban, built-up landscape character area. However, land to the north of the A1306 is defined as an urban fringe landscape character area (North Stifford Corridor) which displays key characteristics including the visual clutter of pylons and an extensive road network. Overhead high voltage power lines and pylons are positioned to the north and west of the site and views of the site from a number of vantage points are seen in the context of this electrical infrastructure. The A1306 immediately north of the site is elevated approximately 5m above ground levels at the western end of the site, and approximately 2.5m above ground levels at the site's eastern boundary. The embankment between the A1306 carriageway and the site is vegetated and provides a visual screen at lower levels.
- 6.29 As noted in the table at paragraph 1.1 above the proposals involve building heights ranging between four and seven-storeys. The approved and implemented development (ref. 08/01156/TTGFUL) comprised a small number of dwellinghouses between two and three-storeys high, although the majority of development comprised four and five-storey buildings. Compared with the implemented scheme, the current proposals generally increase buildings heights across the site, although Block D (located at the south-western corner) would remain unchanged at four-storeys. For the purposes of comparison, the health club to the south of the site is approximately the equivalent height of a three-and-a-half storey residential building and the Sainsbury's superstore is the approximate equivalent height of a four-storey residential building. Trelawney Place to the west is a three and part four-storey high residential block.
- 6.30 Policy PMD3 of the adopted Core Strategy (as amended) (2015) refers to tall buildings and defines such structures as:

- I. *buildings of more than six storeys or a height of two storeys above the prevalent form of development, whichever is the lesser, within an established primarily residential area; or*
- II. *buildings of more than six storeys in other locations including recently developed, predominantly residential neighbourhoods.*

Judged against these criteria, those elements of the development which are seven-storeys in height should be considered as 'tall buildings' under PMD3. The policy goes on to state that the Council will assess applications for tall buildings based on evaluation criteria set out in CABE / English Heritage guidance dating from 2007. This 2007 guidance was superseded in 2015 by an advice note published by Historic England. This updated guidance refers principally to the impact of development proposals on designated heritage assets and so is not directly applicable to the current case. However, the 2015 guidance notes that "*where full planning permission for a tall building is to be sought, suitable planning conditions and obligations can be used for the detailed design, materials and finishes, and treatment of the public realm*". It is relevant that the Historic England guidance does not provide a definition of a tall building but instead notes that what might be considered a tall building will vary according to the nature of the local area. Given the wording of PMD3 referred to above, it is considered that only part of the development, namely the seven storey elements of Blocks A2, B and F, which should be considered as 'tall'.

6.31 Notwithstanding the fact that the 2007 guidance referred to by Policy PMD3 is no longer relevant, the Policy states, inter-alia, that:

- i. *The Council will only support those applications, which respond positively to all the relevant criteria. The relevant criteria in Thurrock are:*
 - a) *the relationship to context*
 - b) *the effect on historic assets*
 - c) *the relationship to transport infrastructure*
 - d) *the architectural quality of the proposal*
 - e) *the sustainable design and construction of the proposal*
 - f) *the credibility of the design, both technically and financially*
 - g) *the contribution to public space and facilities*
 - h) *the effect on the local environment*
 - i) *the contribution made to permeability*
 - j) *the provision of a well-designed environment*

6.32 An assessment against these criteria is provided as follows:

- a) the site is adjoined by the elevated A1306 Arterial Road to the north and by large-footprint commercial uses to the east and south. The site lies within an urban landscape character area, with an urban fringe landscape to the north

which is partly characterised by electricity pylons and overhead lines. Although generally taller than existing surrounding buildings, the proposals are not considered to be materially harmful to the character of surrounding area and would offer the benefit of regenerating an abandoned building site;

- b) the proposals would not impact on any designated heritage assets;
- c) the transportation implications of the development are considered more fully elsewhere in this report. However, the site access is located approximately 740m walking distance to Chafford Hundred railway station and bus services are routed along both the B186 and A1306. The site is therefore conveniently located for access to public transport.
- d) the architectural quality of the development is considered in more detail from paragraph 6.14 above. It is concluded that the proposals comprise a modern, purpose-built development which, subject to relevant planning conditions, would achieve architectural quality. It is of note that the dwellings have been designed for the private rented sector, rather than for general sale by, for example a volume housebuilder. The applicant has instructed an architectural practice to prepare drawings rather than relying on 'standard' housing typologies.
- e) an energy and water strategy accompanies the planning application which confirms that the proposals would comply with relevant development plan policies for energy efficiency and use of renewable or decentralised energy generation.
- f) the design of the development is considered credible and would create a distinct "place". Financial viability is considered later in this report.
- g) although a predominantly residential development, the proposals include commercial floorspace and provide accommodation for a potential healthcare provision. Two areas of public realm are included within the proposals.
- h) the effect of the proposals on the local environment is a wide-ranging judgement taking into account all of the chapter headings set out in this report. In summary, it is considered that the proposals would not be materially harmful to the local environments and in a number of respects would be of benefit.
- i) although the site is essentially in a cul-de-sac location, the proposals include for a footpath connection across the site to the benefit of permeability.
- j) as assessed by the analysis set out earlier in this report, it is considered that the development would be a well-designed place.

It is considered therefore that the scheme would generally score positively as assessed against the Policy PMD3 criteria.

- 6.33 Nevertheless, parts of the development are tall and a planning judgement needs to be reached as to whether part-seven storey development is acceptable in this location. The Council's general planning policy for design and layout (PMD2 – as amended) requires proposals to respond to the sensitivity of a site and its surroundings and to optimise the potential of the site to accommodate development. As ever, a balanced judgement is required to weigh the visual impact of the proposals.
- 6.34 Views of the site from the A1306 to the north are limited to road and cyclepath / footway users on this heavily trafficked route. As noted above, the A1306 is between approximately 2.5m and 5m above ground levels on-site and there is existing planting on the embankment which provides a low-level screen. On the western part of the site, where the embankment is at its greatest height, building heights on those blocks closest to the A1306 would be four to five storeys (blocks E1, A1 and E2). Due to the mitigating impact of the change in levels and existing planting, the visual impact of development on the western part of the site as seen from the north would not be harmful. As seen from the A1306 the eastern part of the development (blocks A2, F and part of block E2) would be six to seven storeys high. However, the height of the A1306 embankment reduces to the east such that the full height of these blocks would be more apparent. Although the eastern part of the development would be more visually prominent this impact needs to be seen in the context of the busy A1306 and adjoining Sainsbury's superstore. As a matter of balanced judgement it is not considered that the six and seven storey height of the proposals would be materially harmful to visual amenity as seen from the north of the site. Indeed, there could be benefits in the presence of a modern, well-designed building as a visible feature on a main route in this part of the Borough.
- 6.35 The Sainsbury's store service yard adjoins the site to the east and as such public views of the development from this direction are at distance. Views from Burghley Road east of the site are influenced by the power lines and pylons, the Sainsbury's building and car park and tree planting around the perimeter of the superstore site. As a matter of judgement, it is considered that the proposed height of the development would not be visually prominent from public vantage points to the east of the site.
- 6.36 To the south-east of the site there would be a largely unimpeded view from the Burghley Road / Gilbert Road / Sainsbury's store roundabout of the six and seven storey elements of the development. Although at this point the development would be taller than the implemented four and five storey development, public views from the footpath on the northern side of this junction are some 90m from the development. Furthermore, views from this vantage point would be within the context of the health club and superstore buildings in the foreground and overhead

electricity lines in the background. On balance it is considered that the development would not be visually intrusive as seen from the south east.

- 6.37 Views of the development from the south and south-west (Burghley Road and Howard Road) are also within the context of the health club building and associated car park in the foreground. Consequently the development would not be visually intrusive from this viewpoint.
- 6.38 Given the presence of the private Trelawney Place development with the Ockendon to Chafford Hundred railway line beyond, there are no public views of the site from the west.
- 6.39 In summary under this heading the development would involve higher buildings compared to the implemented scheme and elements of the proposals would comprise “tall buildings” are defined by policy PMD3. A balanced judgement assessing the visual impact of the proposals in the context of the surrounding area and the policy requirement to maximise the development potential of the site is required. The proposals would not be harmful to the urban landscape character south of the A1306 or the urban fringe landscape character to the north. As a matter of balanced judgement it is also concluded that there would be no material harm by way of visual impact.

IV. IMPACT ON AMENITY

- 6.40 Impact on surrounding amenity is confined to the potential impacts on existing residential occupiers at Trelawney Place to the west of the site.
- 6.41 Primary windows at ground, first, second and part-third floor level within the east-facing elevation of Trelawney Place face towards the site. There is a minimum distance of approximately 10m between these windows and the site boundary and there would be an approximate minimum distance of 19m between existing windows and new development. As noted above, the proposed position of residential blocks in relation to Trelawney Place is very similar to the implemented development.
- 6.42 The application is accompanied by a Daylight / Sunlight Assessment, produced to appraise the impact of the development on adjacent buildings in accordance with the Building Research Establishment (BRE) report, “Site layout planning for daylight and sunlight” Second Edition 2011. Although this document is not specifically referred to by national or local planning policies, it is accepted as the industry-standard measure of good practice. The applicant’s assessment identifies east facing windows at Trelawney Court as potentially affected and therefore assesses impact on daylight and sunlight to windows, as well as the potential effect of overshadowing on outdoor amenity space. The conclusions of the daylight assessment are that all modelled windows will continue to receive the minimum recommended 27% VSC (vertical sky component) and/or the proposed level of

daylight would be greater than 0.8 times the former level. Assessed against the BRE guidance the impact upon daylight would be “negligible”. As none of the potentially affected windows face within 90° of due south, in accordance with BRE guidance the assessment of sunlight is not required. Regarding the potential overshadowing of outdoor amenity space, with the proposed development in place, over 50% of the adjoining amenity space will continue to receive at least two full hours of direct sunlight on the 21st March. Therefore, whilst there will be an increase in shadowing to the amenity space at Trelawney Place, according to the BRE Guidance this increase is considered to be insignificant.

- 6.43 Distances between existing windows at Trelawney Place and proposed windows within the development would be similar to relationships within the approved development. It is considered that there would be sufficient separation to ensure a reasonable degree of privacy

V. HIGHWAYS & TRANSPORTATION ISSUES

- 6.44 With regard to car parking provision the arrangements for the implemented development and the current proposals are set out in the table below:

<u>08/01156/TTGFUL</u>	
Basement	146 spaces (including 6 disabled user spaces and 6 surgery staff spaces)
Ground Level	14 residential visitor spaces 8 surgery visitor spaces
TOTAL	168 spaces
<u>16/00307/FUL</u>	
Basement	148 spaces (including 6 disabled user spaces)
Ground Level	22 spaces (including 3 disabled user spaces)
TOTAL	170 spaces

The applicant has submitted a ‘Parking Management Plan’ which states that 140 of the proposed 148 basement spaces will be allocated for residential users (either general purpose residential spaces, spaces for car-club users or spaces for residential visitors). The applicant also proposes that the 22 ground floor parking spaces would operate as multi-function spaces to provide visitor parking and / or loading facilities for the non-residential uses as required. Consequently a maximum of 162 parking spaces would be potentially available to the residential use at a ratio of 0.8 spaces per dwelling. The Parking Management Plan confirms that the enforcement of parking spaces would be managed by a parking management company. The proposals therefore involve a small increase of two parking spaces compared to the implemented scheme. However, in comparison with 08/01156/TTGFUL the current proposals involve both an increase in residential units and non-residential floorspace. A summary of proposed car parking spaces by land use is provided below:

Land Use	Units / Floorspace	Proposed Parking
Residential (C3)	Affordable	56
	Private	47
	Visitors	12
	Car club	25
Commercial (A1-A5, D1)	370 sq.m.	30*
Surgery (D1)	280 sq.m.	
Total		170

* 8 parking spaces at basement level allocated for the GP surgery and commercial staff with 22 multi-function visitor spaces available at ground floor level.

6.45 The draft ‘Thurrock Parking Standards and Good Practice’ (2012) document includes a range of suggested parking provision for proposed residential and commercial land uses. Proposed flats in a high accessibility area (defined as within 1km walking distance of a rail station and within an existing or proposed controlled parking zone) attract a suggested range of 0 – 1.0 spaces per dwelling and 0.25 spaces per dwelling for visitors. As noted in paragraph 6.32 above the site is comfortably within a 1km walking distance from Chafford Hundred railway station. In addition, existing waiting restrictions apply on Burghley Road, Fenner Road and Fleming Road south of the site and the applicant has offered a contribution towards implementation of a controlled parking zone in the immediate vicinity of the site (i.e. Howard Road). Consequently, the site can be considered as a high accessibility location. For residential developments the draft standards promote the use of car clubs, where appropriate. With regard to commercial floorspace, the draft 2012 document suggests parking provision based on floorspace or staff numbers. However, it is recognised that lower car parking provision may be appropriate in areas where there is good access to alternative forms of transport. The range of suggested parking standards (2012) as applied to the development proposals is set out in the table below:

Proposed Use	Units / floorspace	Suggested parking range	Minimum parking	Maximum parking
Residential	203 flats	0 – 1.0 space per dwelling 0.25 visitor spaces per dwelling	0 spaces 51 spaces Total 51 spaces	203 spaces 51 spaces Total 254 spaces
Class A1*	370 sq.m.	1 space per 20 sq.m.	19 spaces	19 spaces
Class A2*				
Class A5*				
Class A3*	370 sq.m.	1 space per 5 sq.m.	74 spaces	74 spaces
Class A4*				

Class D1**	370 sq.m.	Dependent upon employees etc.		
Surgery***	280 sq.m.	Dependent upon employees / consulting rooms		
<p>* The split between proposed Class A1/A2/A3/A4/A5 uses is unknown. Therefore the broad range of 19 to 74 spaces reflects the conceivable maximum range without taking public transport accessibility into account.</p> <p>** The 370 sq.m. commercial floorspace could be occupied by a Class D1 use. Parking standards for this Use Class depend upon staff, accommodation etc. and these details are currently unknown.</p> <p>*** The draft parking standard for the proposed surgery is dependent upon staff and consulting rooms. These details are currently unknown.</p>			TOTAL 124 spaces	TOTAL 328 spaces

Assessed against the draft 2012 parking standards the proposed provision of 170 car parking spaces exceeds the suggested minimum.

6.46 Paragraph 39 of the NPPF refers to parking standards and states that, if setting local parking standards, local planning authorities should take into account (inter-alia):

- the accessibility of the development;
- the type, mix and use of development; and
- the availability of and opportunities for public transport.

Advice within PPG notes that local planning authorities should seek to ensure that “parking provision is appropriate to the needs of the development and not reduced below a level that could be considered reasonable”. (Ref. ID: 42-008-20140306). Therefore, although national planning policy requires that local parking standards should take locational factors and the characteristics of a proposal into account, a judgement is required as to what is “reasonable” parking provision for an individual development.

6.47 Comments received from the Highways Officer raise no objections to the proposals, subject to appropriate s106 obligations and planning conditions. With regard to car parking, the Officer notes that the site is relatively close to the railway station and local amenities and that a relaxation of maximum standards could be agreed to reflect these local circumstances. In particular, the Highways Officer notes the applicant’s intention to implement a car club scheme which is seen as an attractive alternative to car ownership.

6.48 In forming a view whether the proposed level of car parking is “reasonable”, Members are reminded that two residential schemes (153 and 140 dwellings) with a doctor’s surgery have been approved with a parking provision at the lower-end of the possible range of parking standards. The number of car parking spaces

previously approved and currently proposed is similar and reflects the physical capabilities of the site to accommodate car parking. If the overall quantum of parking which the site can accommodate is 'fixed' the judgement is whether the impact of additional dwellings and non-residential floorspace as proposed can be adequately mitigated. In this case, Officers are satisfied that the combination of the site location, the availability of public transport, the nature of the proposals (i.e. the nature of tenancies and management of the car parking areas) and the proposed parking measures (i.e. car club, parking management plan, funding for potential extension to the controlled parking zone) adequately mitigate the impact of the additional development compared to the approved development. Consequently the level of car parking provision is considered to be reasonable.

- 6.49 With reference to potential impact on the surrounding road network, the Highways Officer concludes that, with mitigation to be secured through a s106 planning obligation, the proposals are acceptable. The extant s106 (ref. 08/01156/TTGFUL) includes an obligation securing a financial contribution of £77,500 (index linked) towards the former 'West Thurrock Strategy', which principally addressed highways infrastructure improvements. The Infrastructure Requirement List effectively replaces the Strategy and identifies Pilgrims Lane / A1306 junction capacity improvements as a highways infrastructure requirement within the South Chafford ward. Applying indexation to the original £77,500 contribution (which was not paid by the then developer of the site) results in a current figure of £95,354. The applicant has agreed to this financial contribution.
- 6.50 It is concluded that, subject to mitigation to be secured through the above planning obligations and suitable planning conditions, there are no highways objections to the proposals.

VI. NOISE & AIR QUALITY

- 6.51 A noise assessment accompanies the planning application which includes the results of a noise monitoring survey. The survey concludes that noise from road traffic on the A1306 is the primary noise source affecting the site and that, based on the noise level recorded, mitigation will be required to achieve a reasonable internal noise level. The assessment recommends that standard thermal double glazing and acoustic ventilation is required to achieve reasonable internal noise levels and this matter can be addressed via a standard planning condition. The Environmental Health Officer has confirmed that the position of the buildings will act as a noise barrier such that noise levels at the proposed landscaped squares are reasonable. A planning condition can also address the issue of soundproofing to items of fixed external plant associated with the commercial uses. Therefore, subject to planning conditions, there are no objections to the proposals on noise grounds.
- 6.52 An air quality assessment of the proposals concludes that there would be a negligible increase in levels of nitrogen dioxide (NO₂) at receptors close to Howard

Road. The EHO agrees with this conclusion and confirms that there would be no breach in air quality objectives as a result of the development.

VII. FLOOD RISK

- 6.53 The site is located within the low risk flood zone (Zone 1) and therefore the requirement for the local planning authority to apply the sequential test does not apply. Residential development is classified as “more vulnerable” within the flood risk vulnerability classification set out by Table 2 of PPG and therefore this land use is “appropriate” as defined within Table 3 of PPG (flood risk vulnerability and flood zone compatibility). Although the site is within the low risk flood zone, as the site area exceeds 1 hectare the application is accompanied by a flood risk assessment (FRA).
- 6.54 The implemented planning permission (ref. 08/01156/TTGFUL) was subject to a planning condition requiring submission an approval of foul and surface water drainage details. Details pursuant to this condition were submitted and approved, and it is evident that elements of the approved drainage infrastructure have been installed on-site. Nevertheless, the current proposals are materially different from the implemented scheme and both Anglian Water and the Flood Risk Manager have requested updated details of the surface water drainage strategy. This matter can be addressed by planning condition.

VIII. SUSTAINABILITY

- 6.55 Adopted Core Strategy policies PMD12 and PMD13 provide the local policy context for assessing the development proposals. PMD12 states that “proposals for new or conversion to residential development must achieve a “Code for Sustainable Homes” level 4 rating, except in respect of any of the Code’s requirements that have been officially superseded by mandatory national standards”. In March 2015 the Government withdrew the Code for new developments. Accordingly the requirements of PMD12 no longer apply to new residential developments.
- 6.56 Despite the withdrawal of the Code requirements, the applicant has submitted an Energy and Water Strategy which refers to measures to reduce energy demand and water usage.
- 6.57 Policy PMD13 requires that from the year 2015 major residential developments secure, as a minimum, 15% of their predicted energy from decentralised and renewable or low-carbon sources. The applicant’s Strategy proposes a gas-fired combined heat and power (CHP) system for the development. The plant associated with the CHP would be located within the basement and it is estimated that the 15% target figure would be exceeded.

IX. VIABILITY & PLANNING OBLIGATIONS

- 6.58 Policy CSTP2 of the adopted Core Strategy (amended 2015) states that the Council will seek the minimum provision of 35% of the total number of residential units built to be provided as affordable housing. However, this target is subject to, inter-alia, the economics of providing affordable housing. The policy goes on to state that “the Council recognises that the majority of Thurrock’s identified housing land supply is on previously developed land often subject to a variety of physical constraints. The capacity of a site to deliver a level of affordable housing that can be supported financially will be determined by individual site ‘open book’ economic viability analysis where deemed appropriate”.
- 6.59 The applicant has submitted draft heads of terms for a s106 agreement as follows:
- provision of 56 affordable housing units (28% rounded of total dwellings);
 - affordable housing mix of 27no. one-bedroom units and 29no. two-bedroom units (including two wheelchair units);
 - education contribution of £354,917.00;
 - Pilgrims Lane / A1306 junction capacity improvements contribution of £95,354,00; and
 - controlled parking zone funding (unspecified – but assumed to be no more than c. £10,000
- 6.60 The applicant has also submitted a financial viability assessment which concludes that the development is unable to support any additional s106 contributions above those set out in the paragraph above. As is usual practice, the applicant’s assessment has been independently appraised on behalf of the local planning authority. The conclusions of the independent appraisal are that the inputs and assumptions used by the applicant in assessing viability are on the whole reasonable. The independent viability review concludes that the development would generate a negative residual land value and with an “optimistic” assessment of values and costs the site is not considered to be viable to provide any additional affordable housing or s106 contributions.
- 6.61 As noted earlier in this report, the applicant is proposing the provision of floorspace for a doctor’s surgery within the development, although NHS England’s stated position is that a financial contribution towards improved facilities at Chafford Hundred medical centre and St. Clement’s Health centre is preferable. As NHS England has identified that the proposals would impact on healthcare provision, it would be undesirable for the applicant to provide surgery accommodation and for that accommodation to remain vacant. Any s106 agreement will therefore need to include provision for a financial contribution if the surgery were not to be occupied within a reasonable timeframe.
- 6.62 The Infrastructure Requirement List includes capacity improvements at the Pilgrims Lane / A1306 junction and any contribution from the current scheme would be within the five permissible contributions for this infrastructure item. With reference to education contributions, Warren Primary (Grays primary planning area) and

Harris Academy (central planning area) schools have been identified as the catchment schools for this development. The list identifies extensions to existing nursery, primary and secondary schools within the relevant education planning areas as infrastructure items (references IRL 0041 / 0057 / 0059) within the permissible five contributions.

7.0 CONCLUSIONS AND REASONS FOR RECOMMENDATION

- 7.1 The principle of residential development on the site has been established and an existing planning permission has been implemented but not completed. Compared to the approved development the current proposals introduce a greater range of land uses, however the principle of a residential-led, mixed use development is supported. The proposed layout of the development would be similar to the existing planning permissions and assessed against national planning guidance it is considered that the proposals would result in a high quality development. Elements of the proposals comprise 'tall buildings' as defined by Core Strategy policy. The landscape and visual impact of the development is therefore an important consideration. However, as assessed against detailed policy criteria, it is considered that the height of the buildings would not be materially harmful to landscape character or visual receptors. No objections to the proposals are raised on the grounds of impact on amenity, flood risk, noise, air quality or sustainability.
- 7.2 Compared to the approved development, the current proposals increase both the number of dwellings and non-residential floorspace with only a marginal increase in the number of parking spaces available. Nevertheless, the proposed car parking provision is above the minimum level suggested in the Council's draft standards (2012). The applicant proposes a range of measures to mitigate the highways impact of the development, including use of a car club, parking management and contributions towards junction improvement and a controlled parking zone. Subject to these measures, no objections are raised on highways grounds.
- 7.3 Accordingly, subject to planning obligations to be secured by a s106 agreement and planning conditions, the application is recommended for approval.

8.0 RECOMMENDATION

Grant planning permission subject to:

A: the applicant and those with an interest in the land entering into an obligation under section 106 of the Town and Country Planning Act 1990 with the following heads of terms:

- (a) the provision of 56 units as affordable housing in perpetuity, in accordance with the mix set out in the 'Schedule of Accommodation – Rev.D';
- (b) 70% of the affordable housing referred to by (a) above to be provided as

social rented accommodation and the remaining 30% affordable housing to be provided as intermediate housing tenures;

- (c) the transfer of 56 no. allocated parking spaces within the basement to the affordable housing provider for use by occupiers of the affordable housing,
- (d) financial contribution of £95,354.00 (subject to indexation) payable prior to first occupation towards the cost of capacity improvements at the Pilgrims Lane / A1306 junction;
- (e) financial contribution of £354,917.00 (subject to indexation) payable prior to first occupation towards the cost of additional nursery and primary school places within the Grays primary planning area and secondary school places within the central planning area;
- (f) financial contribution of £10,000 (subject to indexation) payable prior to first occupation towards the costs extended controlled parking zones in the immediate vicinity of the site;
- (g) the submission to the local planning authority for approval of full details of the proposed Car Club, the establishment and operation of the approved Car Club on first occupation of the development and the maintenance of Car Club throughout the lifetime of the development;
- (h) prior to the construction of Block D (as identified on the approved plans) to provide full details to the local planning authority for approval of the proposed specification, occupation and timescales thereof of the proposed ground floor doctor's surgery. To provide the surgery accommodation in accordance with the agreed details;
- (i) in the event that the approved accommodation for the doctor's surgery is not occupied for its intended purposes within a timescale to the agreed with the local planning authority, to pay a financial contribution of £41,000 (index linked) towards the enhancement of existing medical facilities locally.
- (j) in the event that development has not been commenced and completed above slab level within 2 years of the grant of planning permission, a financial viability review shall be undertaken by the applicant / developer / owner to assess whether the development can generate a commuted sum towards affordable housing and / or relevant infrastructure.

B: The following planning conditions:

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.

Accordance with Plans

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

823-SLP.01	Site Location Plan
823-S.01 Rev. C	Proposed Ground Floor Building Footprint Plan
823-S.02 Rev. C	Proposed Roof Plan
823-S.03 Rev. E	Proposed Basement Plan
823-S.04 Rev D	Proposed Ground Floor Plan
823-S.05 Rev. C	Proposed First Floor Plan
823-S.06 Rev. B	Key Amendments
823-S.11 Rev. C	Illustrative Masterplan
823-S.12 Rev. C	Illustrative Masterplan in Context
823-SS.01 Rev. A	South Elevations
823-SS.02 Rev. A	West Elevations
823-SS.03 Rev. A	Mid and East Street Elevation
823-SS.04 Rev. A	North Elevation
823-SS.11 Rev. A	South Elevations
823-SS.12 Rev. A	South Elevations with Bannatyne Centre and West Elevation Showing Blocks E1 and D
823-SS.13 Rev. A	Mid and East Elevation
823-SS.14 Rev. B	North Elevations
823-A1.01 Rev. B	Block A1 Plans.01
823-A1.02 Rev. A	Block A1 Plans.02
823-A1.11 Rev. C	A1:Elevations
823-A2.01 Rev. B	Block A2 Plans.01
823-A2.02 Rev. A	Block A2 Plans.02
823-A2.03	Block A2 Plans.03
823-A2.11 Rev. C	A2: Elevations
823-B.01 Rev. C	B: Ground Floor Plan
823-B.02 Rev. B	B: First Floor Plan
823-B.06	B: Fifth Floor Plan
823-B.07 Rev. A	B: Sixth Floor Plan
823-B.09 Rev. A	B: Roof Plan
823-B.11 Rev. C	B: Elevations
823-C.01 Rev. C	C: Ground Floor Plan
823-C.02 Rev. B	C: First Floor Plan
823-C.03	C: Second Floor Plan
823-C.08 Rev. A	C: Roof Terrace Plan

823-C.09 Rev. A	C: Roof Plan
823-C.11 Rev. C	C: Elevations
823-D.01 Rev. C	Block D Plans.01
823-D.02 Rev. B	Block D Plans.02
823-D.11 Rev. B	D: Elevations
823-E1.01 Rev. B	Block E1 Plans.01
823-E1.02 Rev. A	Block E1 Plans.02
823-E1.11 Rev. C	E1: Elevations
823-E2.01 Rev. B	Block E2 Plans.01
823-E2.02 Rev. A	Block E2 Plans.02
823-E2.11 Rev. C	E2: Elevations
823-F.01 Rev. B	Block F Plans.01
823-F.02 Rev. A	Block F Plans.02
823-F.03 Rev. A	Block F Plans.03
823-F.11 Rev. C	F:Elevations

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

Landscaping

3. Prior to the commencement above ground level of the development a scheme of proposed hard and soft landscaping of the development, including details of the proposed roof terrace to Block C, shall be submitted to and approved in writing by the local planning authority. All planting, seeding or turfing etc. comprised in the approved scheme shall be carried out in the first planting and seeding season following completion of the development or part thereof and any trees or plants which within a period of 5 years from the completion of the development die, are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of similar size and species, unless the local planning authority gives written consent to any variation.

Reason: To ensure that the proposed development is satisfactorily integrated with its immediate surroundings and provides for landscaping as required by policies CSTP18 and PMD2 of the adopted Thurrock LDF Core Strategy and Policies for the Management of Development DPD (amended 2015).

Boundary Treatments

4. No occupation of any part of the development shall take place until details of the locations, heights, designs and materials of all boundary treatments to be erected on site have been submitted to and agreed on writing by the local planning authority. The boundary treatments shall be completed in

accordance with the agreed details before the first occupation of the development, unless otherwise agreed in writing by the local planning authority.

Reason: In the interests of visual amenity, privacy and to ensure that the proposed development is satisfactorily integrated with its immediate surroundings as required by policies CSTP22 and PMD2 of the adopted Thurrock LDF Core Strategy and Policies for the Management of Development DPD (as amended 2015).

Opening Hours – Class A3/A4/A5 Uses

5. Notwithstanding the terms of any licence issued for premises within the development, any premises used within Use Classes A3, A4 or A5 shall not be open to customers outside of the following times 0800-2200 hours Monday to Saturdays and 1000-2100 on Sundays, Bank and Public Holidays.

Reason: In the interests of amenity in accordance with policy PMD1 of the adopted Thurrock LDF Core Strategy and Policies for the Management of Development DPD (as amended 2015).

Extract Ventilation Equipment

6. Prior to the first operational use of any premises to be used within Use Classes A3, A4 or A5, details of the siting, design and technical specification of any fume extraction and ventilation systems to serve the premises together with details of any external flue(s) or ducting, specification of filtration, deodorising systems (where applicable), noise output and termination points shall be submitted to and agreed in writing with the local planning authority. Installation shall be undertaken in accordance with the agreed details prior to the first operation of the use and the extraction and ventilation system shall thereafter be retained in the agreed form and maintained in proper working order thereafter throughout the occupation of the premises for Use Class A3, A4 or A5 purposes. The extraction equipment shall be operated at all times when cooking is being carried out on the premises.

Reason: In the interests of residential amenity in accordance with policy PMD1 of the adopted Thurrock LDF Core Strategy and Policies for the Management of Development DPD (as amended 2015).

External Materials

7. Notwithstanding the information on the approved plans, no development above ground level shall take place until samples of the materials to be

used in the construction of the external surfaces of the development have been submitted to and agreed in writing by the local planning authority. Development shall be carried out in accordance with the approved details, unless otherwise agreed in writing by the local planning authority.

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

Noise Insulation

8. Prior to the commencement of development above ground level a scheme for noise insulation of the proposed dwellings shall be submitted to and agreed in writing with the local planning authority. The scheme shall include appropriate measures to ensure that all habitable rooms will achieve reasonable internal noise levels as specified by BS8233:2014. The scheme shall identify the locations and state the specification for acoustic ventilation, where appropriate. The approved measures shall be incorporated into the residential units in the manner detailed prior to their residential occupation and shall thereafter be permanently retained as agreed, unless otherwise agreed in writing with the local planning authority.

Reason: To protect the amenities of future residential occupiers 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 DPD (as amended 2015).

Noise from Plant

9. Prior to the first operational use of any of the non-residential floorspace a scheme of soundproofing of any fixed plant and / or machinery, to ensure that the installed plant and / or machinery produces a predicted noise rating level of no more than 43dB L_{Aeq} at night and 51dB L_{Aeq} during the day at the nearest residential receptor shall be submitted to and agreed by the local planning authority. The agreed scheme shall be implemented before the first use of the plant and / or machinery and shall be permanently retained in the agreed form, unless otherwise agreed in writing with the local planning authority.

Reason: In the interests of amenity and to ensure that the proposed development is integrated within its immediate surroundings as required

by policy PMD1 of the adopted Thurrock LDF Core Strategy and Policies for the Management of Development DPD [2011].

Working Hours

10. No demolition or construction works in connection with the development shall take place on the site at any time on any Sunday or Bank / Public Holiday, nor on any other day except between the following times:

Monday to Friday 0800 – 1800 hours

Saturdays 0800 – 1300 hours.

If impact piling or the removal of the existing foundations is required, these operations shall only take place between the hours of 0900 - 1700 hours on Monday to Friday.

Reason: In the interest of protecting surrounding residential amenity and in accordance with policy PMD1 of the Adopted Thurrock Local Development Framework Core Strategy and Policies for the Management of Development DPD (as amended 2015).

CEMP

11. No demolition or construction works shall commence until a Construction Environmental Management Plan [CEMP] has been submitted to and agreed in writing by the local planning authority. 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) measures for dust suppression;
- (c) a procedure to deal with any unforeseen contamination, should it be encountered during development.

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 Local Development Framework Core Strategy and Policies for the Management of Development DPD (as amended 2015).

Access

12. Prior to the first occupation or operation of any part of the development details showing the layout, dimensions and construction specification of

the proposed access to the highway shall be submitted to and agreed in writing by the local planning authority. The agreed details shall be completed prior to the first occupation or operation of any part of the development.

Reason: In the interests of highways safety and efficiency in accordance with policy PMD2 of the Adopted Thurrock Local Development Framework Core Strategy and Policies for the Management of Development DPD (as amended 2015).

Estate Roads etc.

13. Prior to the first occupation of any dwelling or non-residential floorspace the proposed estate road(s), footways, footpaths and turning areas shall be properly consolidated and surfaced in accordance with the details of hard landscaping pursuant to condition number 3 of this permission.

Reason: In the interests of highways safety and residential amenity in accordance with policy PMD2 of the Adopted Thurrock Local Development Framework Core Strategy and Policies for the Management of Development DPD (as amended 2015).

Retention of Parking Spaces

14. Prior to the first occupation or operational use of the development, the car parking spaces shown on approved plan numbers 823-S.03 Rev. E and 823-S.04 Rev. D shall be provided and delineated on-site in accordance with the approved plans. The car parking spaces shall be available for occupiers, users and visitors to the development in their entirety during the lifetime of the development, unless otherwise agreed in writing by the local planning authority.

Reason: In the interests of highway safety and amenity and to ensure that reasonable car parking provision is available in accordance with policy PMD8 of the Thurrock Core Strategy and Policies for the Management of Development DPD (as amended 2015).

Decentralised, Renewable or Low Carbon Energy

15. The proposed measures for energy and water efficiency set out within the submitted 'Energy and Water Planning Statement' (ref. 15535 Rev. B) shall be implemented and operational of first occupation of any part of the development and shall be maintained thereafter, unless otherwise agreed in writing by the local planning authority.

Reason: To ensure that development takes place in an environmentally sensitive way in accordance with Policy PMD13 of the adopted Thurrock LDF Core Strategy and Policies for the Management of Development DPD (as amended 2015).

Landscape Management

16. Prior to the first occupation of any of the development a scheme to describe the proposals for the management and maintenance of the areas of public open space and public realm within the development shall be submitted to and agreed in writing by the local planning authority. These areas shall be permanently managed and maintained in accordance with the agreed scheme from first occupation of the development, unless otherwise agreed in writing by the local planning authority.

Reason: In order to ensure the appropriate management and maintenance of open space on the site in accordance with Policy PMD5 of the adopted Thurrock LDF Core Strategy and Policies for the Management of Development DPD (as amended 2015).

Surface Water Drainage

17. Prior to the commencement of development a surface water management strategy shall be submitted to and agreed in writing by the local planning authority. The agreed surface water drainage scheme shall be constructed in accordance with the approved strategy and maintained thereafter. There shall be no occupation of the development until the approved surface water drainage system is operational, unless otherwise agreed in writing by the local planning authority.

Reason: To ensure that adequate measures for the management of surface water are incorporated into the development in accordance with policy PMD15 of the Thurrock Core Strategy and Policies for the Management of Development DPD (as amended 2015).

Use of Surgery

18. The area shown on the approved plans as a 'surgery' within Block D shall only be used for purpose and for no other purpose (including any purpose in Class D1 of the Schedule to the Town and Country Planning (Use Classes) Order 1987 (as amended), or in any provision equivalent to that Class in any statutory instrument revoking and re-enacting that Order with or without modification).

Reason: In the interests of amenity and to ensure that the development remains integrated with it's immediate as required by policy PMD1 of the

adopted Thurrock LDF Core Strategy and Policies for the Management of Development DPD (as amended 2015).

Site Levels

19. Prior to the commencement of the development, details showing the existing and proposed site levels and the proposed finished ground floor levels of the buildings hereby permitted shall be submitted to and agreed in writing by the local planning authority . The development shall be completed in accordance with the agreed details, unless otherwise agreed in writing by the local planning authority.

Reason: In the interest of protecting adjoining amenity in accordance with policy PMD1 of the Thurrock Core Strategy and Policies for the Management of Development DPD (as amended 2015).

Basement Parking Access

20. Prior to the first occupation of any of the development, a scheme detailing measures for the control of access to the basement car parking area shall be submitted to and agreed in writing by the local planning authority. The agreed scheme shall be implemented upon first occupation of the development and shall thereafter be permanently retained and maintained in the agreed form, unless otherwise agreed in writing by the local planning authority.

Reason: In order to control access to the basement car parking spaces in the interests of highways safety and amenity in accordance with policy PMD2 of the Thurrock Core Strategy and Policies for the Management of Development DPD (as amended 2015).

Parking Management Plan

21. The measures set out within the submitted 'Parking Management Plan' (report no. 15-168-04 September 2016), including arrangements for review and revision shall be implemented and operational upon first occupation of any of the development. The measures within the Plan shall be maintained thereafter throughout the lifetime of the development, unless otherwise agreed in writing by the local planning authority.

Reason: In order to ensure the efficient and effective use of the on-site car parking spaces in the interests of highways safety and amenity in accordance with policy PMD2 of the Thurrock Core Strategy and Policies for the Management of Development DPD (as amended 2015).

Delivery Hours

22. No deliveries shall be taken at or dispatched from any of the non-residential floorspace on the site outside of 0800-2200 hours on Mondays to Saturdays and 1000-2100 hours on Sundays, Bank or Public Holidays.

Reason: In the interests of amenity and to ensure that the proposed development is integrated within its surroundings as required by policy PMD1 of the adopted Thurrock LDF Core Strategy and Policies for the Management of Development DPD (as amended 2015).

INFORMATIVE:

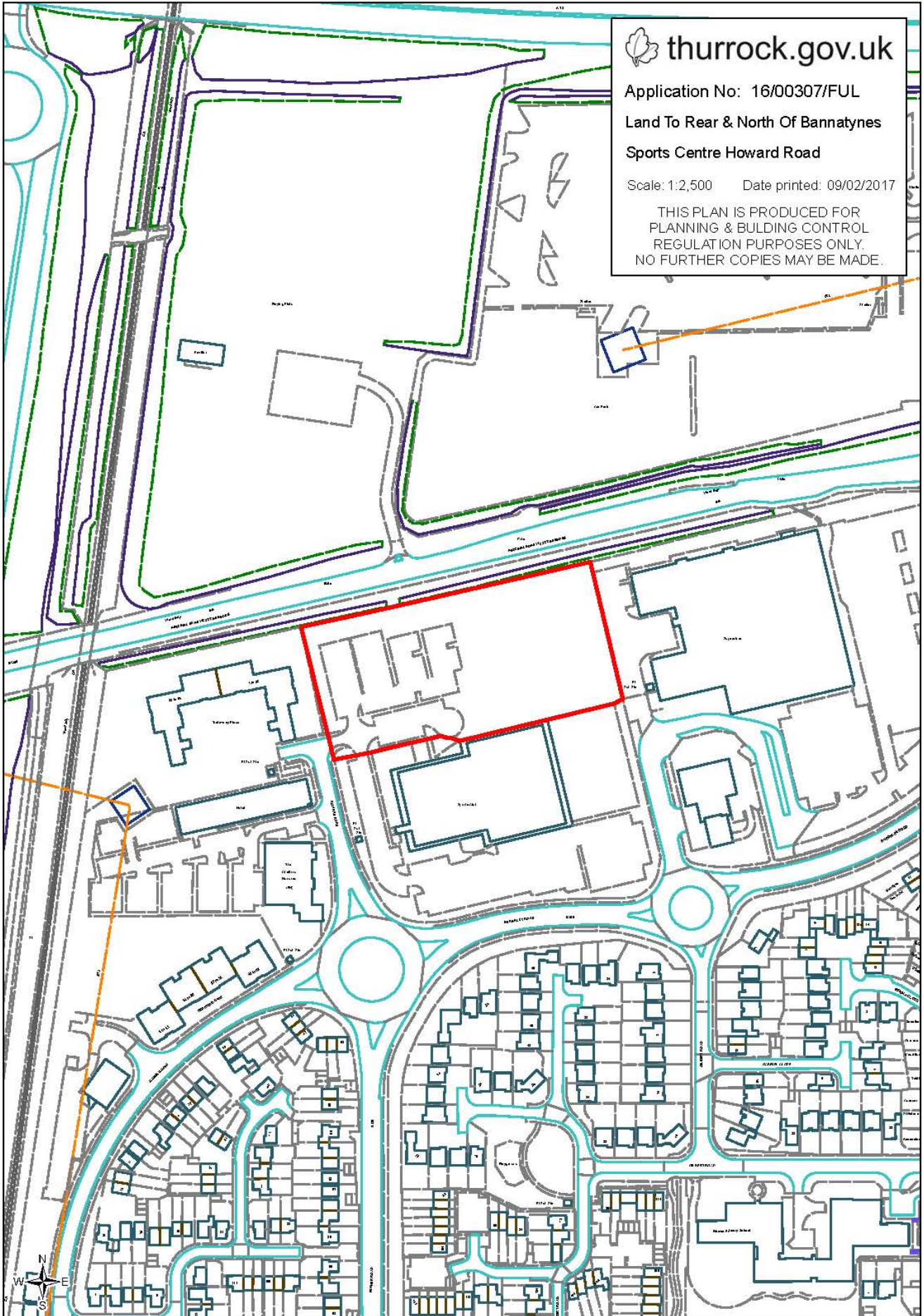
1. The applicant is reminded that under the Wildlife and Countryside Act 1981 (section 1) it is an offence to take, damage or destroy the nest of any wild bird while the nest is in use or being built. Planning consent for a development does not provide a defence against prosecution under this Act. Trees and scrub are likely to contain nesting birds between 1 March and 31 July. Any trees and scrub present on the application site should be assumed to contain nesting birds between the above dates unless survey has shown it is absolutely certain that nesting birds are not present.
2. 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 within the application (as originally submitted) and negotiating, with the Applicant/Agent, acceptable amendments to the proposal to address those concerns. As a result, the Local Planning Authority has been able to grant planning permission for an acceptable proposal, 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



 **thurrock.gov.uk**
Application No: 16/00307/FUL
Land To Rear & North Of Bannatynes
Sports Centre Howard Road
Scale: 1:2,500 Date printed: 09/02/2017
THIS PLAN IS PRODUCED FOR
PLANNING & BUILDING CONTROL
REGULATION PURPOSES ONLY.
NO FURTHER COPIES MAY BE MADE.

This page is intentionally left blank

Reference: 16/01446/FUL	Site: Former Harrow Inn Harrow Lane Bulphan Essex RM14 3RL
Ward: Orsett	Proposal: Demolition of former public house and restaurant and erection of a weight loss and wellness centre (with 21 guest rooms) and associated access improvements, parking and landscaping.

Plan Number(s):		
Reference	Name	Received
WCB.01	Location Plan	21st October 2016
WCB.02	Proposed Site Layout	21st October 2016
WCB.03	Proposed Floor Plans	21st October 2016
WCB.04	Proposed Floor Plans	21st October 2016
WCB.05	Proposed Floor Plans	21st October 2016
WCB.06	Proposed Floor Plans	21st October 2016
WCB.07	Proposed Floor Plans	21st October 2016
WCB.08	Proposed Elevations	21st October 2016
WCB.09	Proposed Elevations	21st October 2016
WCB.10	Proposed Elevations	21st October 2016
WCB.11	Proposed Elevations	21st October 2016
WCB.12	Sections	21st October 2016
WCB.13	Drawing	21st October 2016
WCB.14	Drawing	21st October 2016
WCB.15	Drawing	21st October 2016

<p>The application is also accompanied by:</p> <ul style="list-style-type: none"> - Design and Access Statement - Flood Risk Assessment - Drainage Strategy - Landscape Design Statement - Landscape Masterplan - Transport Statement

Applicant: Joy Jarvis	Validated: 9 November 2016 Date of expiry: 1 March 2017 [Extension of time agreed with applicant]
Recommendation: Approve, subject to conditions.	

This application is scheduled for determination by the Council's Planning Committee because the application is of a major scale and has strategic implications based upon its location in the Green Belt.

1.0 DESCRIPTION OF PROPOSAL

- 1.1 This application seeks planning permission for the demolition of the existing fire damaged buildings and removal of hardstanding and the erection of a health and wellness centre with 21 guest bedrooms gymnasium, swimming pool, dance studio, treatment rooms and manager accommodation.
- 1.2 The application also proposes improved access and parking arrangements, and additional landscaping to the site.
- 1.3 A summary of the proposals is provided in the table below:

Site Area:	2.15 hectares	
Layout	Ground floor	Reception, office, 5 treatment rooms, swimming pool, dance studio, boot room, lounge, dining room, kitchen, biomass building, garage for manager's flat, a plant room and a service building house refuse storage and other storage areas.
	First Floor	14 guest bedrooms with ensuite bathrooms and site manager's two bedroom flat
	Second Floor	7 guest bedrooms with ensuite bathrooms
	One lift and one stairwell would connect all levels along with internal and external hallways/walkways	
Building Height:	Part 3 storey(10.7m)/part 2 storey (approximately 6.7m) and with a contemporary flat roof finish	
Car Parking:	34 parking spaces in the northern half of the site and 12 cycle spaces.	

2.0 SITE DESCRIPTION

- 2.1 This 2.15 Ha site comprises the former Harrow Inn and restaurant in two separate buildings. Both buildings are extensively fire damaged. The site is relatively flat with two bridges over a ditch forming access into the site from Harrow Lane. The northern access leads to an overgrown impermeable parking area whilst the southern provides access to the former Harrow Inn, restaurant and smaller car park.
- 2.2 The site is found within the Bulphan Fenland and is bounded to the north by Fen Lane, west by Harrow Lane, east and south by pasture land.
- 2.3 The site is located within the Metropolitan Green Belt and also lies within Flood Zone 3a and fluvial Flood Zone 2.

3.0 RELEVANT HISTORY

Application Reference	Description of Proposal	Decision
10/50196/TTGFUL	New detached dwelling house and detached garage block to replace the Harrow Inn (The Harrow House)	Refused
10/50192/TTGFUL	New detached dwelling house and detached garage block to replace The Fen Restaurant (The Fen House)	Refused
11/00084/FUL	New detached dwelling house and detached garage block to replace The Fen Restaurant.	Refused
11/00085/FUL	New detached dwelling house and detached garage block to replace The Harrow Inn	Refused
14/00064/FUL	Demolition of former public house and restaurant and construction of a new dwelling and block of three stables with tack room.	Approved
15/30085/PMAJ	Pre-Application advice regarding proposed development of the site as a wellness centre	Advice Given

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

PUBLICITY:

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

No written comments have been received.

- 4.3 ENVIRONMENT AGENCY:

No objections.

- 4.4 NHS ENGLAND:

No objections.

- 4.5 FLOOD RISK MANAGER:

No objections, subject to conditions.

- 4.6 EMERGENCY PLANNING OFFICER:

No objections, subject to conditions

- 4.7 LANDSCAPE AND ECOLOGY ADVISOR:

No objections, subject to conditions.

- 4.8 URBAN DESIGN OFFICER:

No objections, subject to conditions.

- 4.9 HIGHWAYS:

No objections, subject to conditions.

- 4.10 PUBLIC RIGHTS OF WAY:

No objections, subject to conditions.

- 4.11 HEALTH AND WELL BEING:

No objections.

4.12 ENVIRONMENTAL HEALTH:

No objections, subject to conditions.

5.0 POLICY CONTEXT

National Planning Guidance

National Planning Policy Framework (NPPF)

- 5.1 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.
- 5.2 The following headings and content of the NPPF are relevant to the consideration of the current proposals:
4. Promoting sustainable transport
 6. Delivering a wide choice of high quality homes
 7. Requiring good design
 8. Promoting healthy communities
 9. Protecting Green Belt land
 10. Meeting the challenge of climate change, flooding and coastal change
 11. Conserving and enhancing the natural environment

Planning Practice Guidance

- 5.3 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:
- Climate change
 - Conserving and enhancing the historic environment

- Design
- Determining a planning application
- Flood Risk and Coastal Change
- Health and wellbeing
- Natural Environment
- Travel plans, transport assessments and statements in decision-taking
- Use of Planning Conditions

Local Planning Policy

Thurrock Local Development Framework (2011)

5.4 The Council adopted the “Core Strategy and Policies for the Management of Development Plan Document” in December 2011. The following Core Strategy policies apply to the proposals:

Spatial Policies:

- OSDP1 (Promotion of Sustainable Growth and Regeneration in Thurrock)¹
- CSSP2 (Sustainable Employment Growth)

Thematic Policies:

- CSTP9 (Well-being: Leisure and Sports)
- CSTP19 (Biodiversity)
- CSTP22 (Thurrock Design)
- CSTP23 (Thurrock Character and Distinctiveness)²
- CSTP25 (Addressing Climate Change)²
- CSTP26 (Renewable or Low-Carbon Energy Generation)²
- CSTP27 (Management and Reduction of Flood Risk)²

Policies for the Management of Development:

- PMD1 (Minimising Pollution and Impacts on Amenity)²
- PMD2 (Design and Layout)²

- PMD6 (Development in the Green Belt)
- PMD5 (Open Spaces, Outdoor Sports and Recreational Facilities)³
- PMD7 (Biodiversity, Geological Conservation and Development)²
- PMD8 (Parking Standards)³
- PMD9 (Road Network Hierarchy)
- PMD12 (Sustainable Buildings)²
- PMD13 (Decentralised, Renewable and Low Carbon Energy Generation); and
- PMD15 (Flood Risk Assessment)²

[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].

Focused Review of the LDF Core Strategy (2014)

- 5.5 This Review was commenced in late 2012 with the purpose to ensure that the Core Strategy and the process by which it was arrived at are not fundamentally at odds with the NPPF. There are instances where policies and supporting text are recommended for revision to ensure consistency with the NPPF. The Review was submitted to the Planning Inspectorate for independent examination in August 2013. An Examination in Public took place in April 2014. The Inspector concluded that the amendments were sound subject to recommended changes. The Core Strategy and Policies for Management of Development Focused Review: Consistency with National Planning Policy Framework Focused Review was adopted by Council on the 28th February 2015.

Draft Site Specific Allocations and Policies DPD

- 5.6 This Consultation Draft "Issues and Options" DPD was subject to consultation commencing during 2012. The Draft Site Specific Allocations DPD 'Further Issues and Options' was the subject of a further round of consultation during 2013. The Planning Inspectorate is advising local authorities not to continue to progress their Site Allocation Plans towards examination whether their previously adopted Core Strategy is no longer in compliance with the NPPF. This is the situation for the Borough.

Thurrock Core Strategy Position Statement and Approval for the Preparation of a New Local Plan for Thurrock

- 5.7 The above report was considered at the February meeting 2014 of the Cabinet. The report highlighted issues arising from growth targets, contextual changes, impacts of recent economic change on the delivery of new housing to meet the

Borough's Housing Needs and ensuring consistency with Government Policy. The report questioned the ability of the Core Strategy Focused Review and the Core Strategy 'Broad Locations & Strategic Sites' to ensure that the Core Strategy is up-to-date and consistent with Government Policy and recommended the 'parking' of these processes in favour of a more wholesale review. Members resolved that the Council undertake a full review of Core Strategy and prepare a new Local Plan

6.0 ASSESSMENT

6.1 The assessment below covers the following areas:

- I. Principle of the Development
- II. Harm to the Green Belt and 'other' harm and whether the harm is clearly outweighed by other circumstances, so as to amount to Very Special Circumstances
- III. Design, Layout and Sustainability
- IV. Traffic Impact, Access and Car Parking
- V. Amenity, Landscape and Ecology Impacts
- VI. Flood Risk and Site Drainage
- VII. Ground Contamination
- VIII. Infrastructure

I. PRINCIPLE OF THE DEVELOPMENT

6.2 The Adopted Interim Proposals Map accompanying the LDF Core Strategy (2011) designates the site as being within the Metropolitan Green Belt.

6.3 The NPPF states that a Local Planning Authority should regard the construction of new buildings in the Green Belt as 'inappropriate' unless the proposal involves (amongst other things) limited infilling or the partial or complete redevelopment of previously developed sites (Brownfield land) whether redundant or in continuing use (excluding temporary buildings), which would not have a greater impact on the openness of the Green Belt and the purpose of including land within it than the existing development.

6.4 The NPPF defines "Previously developed land" to be: *Land which is or was occupied by a permanent structure, including the curtilage of the developed land (although it should not be assumed that the whole of the curtilage should be developed) and any associated fixed surface infrastructure. This excludes: land that is or has been occupied by agricultural or forestry buildings; land that has been developed for minerals extraction or waste disposal by landfill purposes where provision for restoration has been made through development control procedures; land in built-up areas such as private residential gardens, parks, recreation grounds and allotments; and land that was previously-developed but where the remains of*

the permanent structure or fixed surface structure have blended into the landscape in the process of time.

- 6.5 The principle assessment to be made with this application is whether the proposal would have greater impact upon the openness of the Green Belt in comparison to the existing development on the site.
- 6.6 A calculation of the floor space and volume of the existing building with a comparison of the proposed development has been undertaken so that a comparison of the impact upon the Green Belt can be considered.

	Footprint	Floorspace	Volume
Existing pub / restaurant building	500 sqm	800 sqm	4500 cubic metres
Current area of hardstanding	4000 sqm	N/A	N/A
Proposed building	880 sqm	1900 sqm	5600 cubic metres
Proposed hardstanding	3000 sqm	N/A	N/A
Difference between existing building & proposed building	380sqm increase	1100sqm increase	1100 cubic metres increase
Difference between existing hardstanding and proposed hardstanding	1000 sqm reduction	N/A	N/A

- 6.7 As can be seen from the above table, while the development proposal would reduce the amount of hardstanding across the site, it would represent an increase in floor area, volume and height above the existing buildings on site. Consequently, the proposed development would have a greater impact upon the openness of the Green Belt than the existing development. It follows that the proposed wellness centre constitutes inappropriate development in the Green Belt.

II. HARM TO THE GREEN BELT AND ‘OTHER’ HARM AND WHETHER THE HARM IS CLEARLY OUTWEIGHED BY OTHER CIRCUMSTANCES, SO AS TO AMOUNT TO VERY SPECIAL CIRCUMSTANCES

- 6.8 Having established that the proposal constitutes inappropriate development in the Green Belt, it is necessary to consider the matter of harm and whether there are any very special circumstances in favour of this development. Inappropriate development is, by definition, harmful to the Green Belt, but it is also necessary to

consider whether there is any other harm to the Green Belt and the purposes of including land therein.

- 6.9 At paragraph 79, the NPPF states that the fundamental aim of Green Belt policy is to prevent urban sprawl by keeping land permanently open; the essential characteristics of Green Belts are their openness and their permanence.
- 6.10 The site is located on Previously Developed Land (PDL) as defined within Annex 2 of the NPPF but would have a greater visual impact upon the openness of the Green Belt by virtue of the floor area and volume proposed. It is considered that the loss of openness, which is contrary to the NPPF, should be afforded substantial weight in consideration of this application.
- 6.11 Paragraph 80 of the NPPF sets out five purposes which the Green Belt serves:
- i. to check the unrestricted sprawl of large built-up areas;*
 - ii. to prevent neighbouring towns from merging into one another;*
 - iii. to assist in safeguarding the countryside from encroachment;*
 - iv. to preserve the setting and special character of historic towns; and*
 - v. to assist in urban regeneration, by encouraging the recycling of derelict and other urban land.*
- 6.12 The proposal would contravene the NPPF as the development would lead to encroachment into the countryside (iii). CS Policy PMD6 seeks to maintain the openness of the Green Belt. By replacing the vacant buildings on site with a larger building of greater volume and floor area the proposal would reduce the openness of this rural fenland location.
- 6.13 In light of the above, it is a straight forward matter to conclude that the proposals would be contrary to purpose (iii) of paragraph 80 of the NPPF and the objectives of Policy PMD6. The proposal is therefore both inappropriate development and harmful by reason of a loss of openness.
- 6.14 Paragraph 87 of the NPPF states that *'inappropriate development is, by definition, harmful to the Green Belt and should not be approved except in very special circumstances'*. Paragraph 88 goes on to state; *'When considering any planning application, local planning authorities should ensure that substantial weight is given to any harm to the Green Belt. 'Very special circumstances' will not exist unless the potential harm to the Green Belt by reason of inappropriateness, and any other harm, is clearly outweighed by other considerations'*.
- 6.15 Notwithstanding the NPPF's presumption in favour of sustainable development (para 14), Policies in the NPPF clearly indicate that development in the Green Belt should be restricted and sets out the test by which inappropriate development should be judged.
- 6.16 Neither the NPPF nor the LDF-CS provide guidance as to what can comprise 'very special circumstances', either singly or in combination. Some interpretation of very special circumstances has been provided by the Courts. The rarity or uniqueness

of a factor may make it very special, but it has also been held that the aggregation of commonplace factors could combine to create very special circumstances.

6.17 The Design and Access Statement submitted by the applicant to accompany the planning application sets out the applicant's case for development. This can be summarised under six headings;

- a) *Pre-application history and CABE review;*
- b) *Opportunity to benefit Thurrock residents and general public;*
- c) *Uniqueness of the proposal and the site location;*
- d) *The need for a site manager's accommodation;*
- e) *Providing employment opportunities;*
- f) *The opportunity to improve the appearance and conditions on site;*

6.18 The section below summarises and considers the arguments advanced by the applicant. The conclusions of this report will assess whether the harm to the Green Belt is clearly outweighed by other considerations, either collectively or individually.

a) Pre-application history and CABE review

6.19 The applicant states that they have spent considerable time working with officers to find a suitable solution to re-develop the site. As part of the pre-application submission, the scheme was subject to a Commission of Architecture and Built Environment (CABE) Design Review.

6.20 In its review, CABE advised against the reuse, extension or conversion of the existing buildings on the site given their fire damaged state, commenting that this would limit the design potential for the centre given its unique nature and likely requirements. CABE took the view that it would be more appropriate to redevelop the site in a holistic manner which may necessitate an increase in floor area, volume and footprint but would result in a higher quality development which could enhance the immediate environment.

6.21 This factor, when taken alone, should be afforded little weight in consideration of this planning application.

b) Opportunity to benefit Thurrock residents and general public

6.22 Under this heading, the applicant states:

"[The] Wellness Centre will promote and deliver direct and positive health answers to the community. Major health problems such as obesity can be individually assessed at the Centre, on a one-to-one basis by qualified and specialised staff. It will be a place where appropriate exercise and relaxation can be provided under positive supervision through dance moves and floor exercises, swimming and carefully controlled gym training that would be tailored to suit all individuals and capabilities...Improving public health awareness and assisting those on the verge of developing serious health issues as a result of being obese, for example, cannot be ignored. Its effect on national and local services is pushing public facilities

beyond breaking point. Individuals must take more responsibility for their own welfare and not totally rely on society. The proposed Wellness Centre will provide a means for the public to obtain personal dignity and have a way to take control of their lives and be less of a burden, not only to themselves, but to society as a whole."

- 6.23 Policy CSTP9 (Well-being: Leisure and Sports) states that the Council and partners will support the delivery of a physically active, socially inclusive and healthy community through the provision of high quality sports and leisure facilities and appropriate spaces for those that live, work, and visit the borough. Leisure and sport facilities have an important role in improving the wellbeing of the community. This includes ensuring the physical and mental health of individuals, preventing disease and reducing the health inequalities that exist across the Borough.
- 6.24 The applicant's argument in favour of the proposal benefitting the health and wellbeing of residents of Thurrock is supported by Development Plan policies however it can only be given limited weight to support Inappropriate Development in the Green Belt.

c) Uniqueness of the proposal and the site location

- 6.25 Under this heading the applicant has argued that there are no other facilities in UK that offer the same services as currently proposed. The applicant considers the site's location in flat fenland surrounded by public footpaths to provide the perfect environment for the facility; the topography of the site and improvements in the landscaping proposed as part of the application would enable guests to be more active, increase their mobility address their health issues.

- 6.26 The applicant states:

"The Wellness Centre will provide care and wellbeing for sectors of the public. It will provide for those who need solace, understanding, and a way to remove themselves from everyday matters not necessarily through direct medication but concentrating on exercise, self-healing, fitness and self-control. The intention of the Wellness Centre is to provide a framework of support to enable people to potentially get their lives back into shape through activity. The access to the outdoors is vital for this proposal and the flat open landscape and the public footpaths lend the site to being the ideal location for the proposal"

- 6.27 The opportunities provided by the site's location and the uniqueness of the proposed facility is noted and understood. It is clear that the success of the facility is linked to an isolated and peaceful environment and the Fenland location would provide a suitable environment for the development. On balance, it is considered that some weight should be given to this argument in favour of the development by the applicant.

d) The need for a site manager's accommodation

- 6.28 Under this heading, the applicant states:

“To maintain on site 24/7 security, safety and maintenance for the guests it is necessary to have a site manager with accommodation. This takes the form of a two bedroom apartment in the north eastern corner of the [building]...the managers apartment is designed as an integral part of these proposals. It becomes, for comparison purposes, what is the farmers cottage to the farm scenario. One of vital importance to the everyday functioning of the Wellness Centre.”

- 6.29 The applicant’s argument for the need for a manager to live on site is understood. Given the needs of the guests it would be expected that a member of staff would be available at all times and that some accommodation for the member of staff would be reasonable to be expected. However, the proposal seeks to provide 21 rooms for guests based upon their business model. It is possible that the manager’s accommodation could be provided in lieu of one of two of the guest rooms however this has not been explored by the applicant. This factor should be given no weight in support of the proposal.

e) Providing employment opportunities;

- 6.30 Under this heading the applicant suggests that the centre would require 12 members of staff. Whilst the creation of employment opportunities is welcomed the numbers are not significant and accordingly this factor should not be given any weight.

f) The opportunity to improve the appearance and conditions on site;

- 6.31 Under this heading, the applicant states:

“The site is derelict and renewed growth in this location will invigorate land of the right type, that is, previously developed land, back into the community use by providing a new public utility.” The proposal would be open to all members of the public as guests could book for short of longer periods of stay at the centre.

- 6.32 Since the submission of the planning application, the applicant has additionally advised that the site has suffered from fly-tipping and a JCB digger has been stolen. The fly-tipping has cost the applicant in the region of £186,000 and this does not include the cost of the digger that was stolen and which was worth £35,000. The applicant will also have to re-build the bridge which was destroyed at a cost of £8,000. The applicant has reiterated their desire to improve the site conditions through the re-development proposals.

- 6.33 From a pragmatic point of view, the applicant’s plans are welcomed; the burnt out buildings are long standing eyesores in the landscape and the introduction of a high quality bespoke development would clearly improve the appearance and function of the site. Acts of vandalism and theft would also be controlled via the redevelopment. This matter should be given moderate weight in favour of the development proposal.

- 6.34 In concluding this section, the crucial consideration here is whether the applicant’s case for very special circumstances clearly outweighs the in-principle harm due to the inappropriateness of the development and the harm arising from the loss of

openness resulting from an increase in the built form on the site.

- 6.35 It is important to note that the NPPF encourages the redevelopment of derelict, previously developed land in the Green Belt however in this case the applicant's replacement buildings would exceed the size of the existing buildings on site. In the event that the buildings were reduced in size to be no greater than the existing, the development would not represent 'Inappropriate Development' and the applicant would not be required to submit a case for very special circumstances. The consideration for Members is whether the circumstances put forward by the applicant are sufficient to *clearly* outweigh the harm that would be caused by the increase in footprint, floor space and volume highlighted in the table at 6.6.
- 6.36 On balance, it is considered that the matters put forward by the applicant can be collectively seen as very special circumstances in favour of the development.

III. DESIGN, LAYOUT AND SUSTAINABILITY

- 6.37 Section 7 of the NPPF sets out the need for new development to deliver good design. Paragraph 57 specifies that it is important to plan positively for the achievement of high quality and inclusive design for all development, including individual buildings, public and private spaces and wider area development schemes. Paragraph 61 states that although visual appearance and the architecture of individual buildings are very important factors, securing high quality and inclusive design goes beyond aesthetic consideration.
- 6.38 The centre would be located slightly north of the position of the existing restaurant and public house, with a building of modern, contemporary design over two storeys with a central three storey element. The concept of the building is to utilise vertical planes that are both rectangular and square yet off set against each other in plan form and stepped in height. Sustainable materials are proposed to be used that would absorb sunlight and reflect the sky and the surrounding countryside. The Council's Urban Design Officer has been involved in the pre-application discussions with the applicant and has provided guidance as to the most appropriate way forward following the CABE review.
- 6.39 The proposed building would consist of three blocks (labelled B1, B2 and B3 each colour coded on the submitted plans). All three blocks are equally square-sided, identical in plan form size. It is a concept of using simple, but intriguing geometry to draw the eye to an object in a flat wide landscape like a piece of sculpture. The flat elevations are then punctuated by cut outs, shadows and projections.
- 6.40 The maximum height of the proposal would be 10.7m for the three storey element and approximately 6.7m for the two storey elements. A biomass facility is also proposed as part of the development which would incorporate a flue with a maximum height of approximately 11.5m.
- 6.41 The ground floor would provide the kitchen and office accommodation, reception, main entrance and dining room. Five private treatment rooms would also be

provided on the ground floor alongside a dance studio and swimming pool. The biomass facility and garage serving the manager's flat would also be at the located on the ground floor. The first floor would encompass a two bedroom flat for use of the site manager in the north eastern corner of B1. The remainder of the first floor would be occupied by 14 guest rooms. The second floor would comprise the remaining 7 guest rooms.

- 6.42 The CABA Design Review referred to maximising natural heat sources and utilising those within the architectural language of the proposal where possible. The proposal utilises solar array systems located on the elevations as part of a functional design ethic. The provision of solar arrays would provide the energy requirements of the building and supply any surplus to the National Grid overriding the need to disturb the land further with ground heat source pumps and their pipes.
- 6.43 Three sides of the elevations would have the PhotoVoltaic solar arrays as described, off set from the main face walls. The elevations show blue coloured PhotoVoltaic tiles, however, the Council's Urban Design Officer has advised that this may be somewhat utilitarian in colour and that black or opaque tiles, with a blue accent, would be more appropriate. This could be dealt with via a suitable planning condition.
- 6.44 The centre would be generally orientated to face the road by presenting the most positive facades surrounded by generous landscaping. The Urban Design Officer has provided detailed comments in relation to the proposal and is broadly content with the latest set of plans. Some further detailed changes have been suggested by the Urban Designer which can be addressed via suitable planning conditions as these principally relate to the internal layout, circulation space, and internal floor to ceiling heights of the upper floor guest rooms.
- 6.45 In light of the above, and subject to conditions, the proposal is considered to comply with the objectives of CS Policies CSTP22, CSTP23, PMD1 and PMD2.

IV. TRAFFIC IMPACT, ACCESS AND CAR PARKING

- 6.46 The Council's Highway Officer has advised that given the location, small staffing numbers and limited traffic movements expressed within the submitted transport statement, no travel plan will be required for the proposal. Subject to planning conditions relating to the technical access details and layout, the Council's Highway Officer has no objections to the parking and access arrangements for the site. The proposal would comply with CS Policy PMD8 and PMD1 in this regard.

V. AMENITY, LANDSCAPE AND ECOLOGY IMPACTS

- 6.47 The application site is remote from residential development. The immediate locality is flat fenland and the development will be visible however it is recognised that the existing fire damaged buildings are also prominent in the landscape. As discussed above, the development is considered to represent high quality development which would improve and enhance the appearance of the site. The Council's Landscape and Ecology Advisor has raised no objection to the proposed development.

- 6.48 Stone Hall is the closest neighbour lying to the immediate north east of the application site along Fen Lane. The other closest neighbours are situated at the southern end of Harrow Lane at Judds House and Judds Farm. It is not considered that the proposal would adversely impact upon the amenities enjoyed by these neighbours by virtue of noise, loss of privacy or overlooking. The proposal would comply with CS Policy PD1 with regards to its visual and amenity impacts.
- 6.49 The landscape strategy has sought to respect the sensitive setting of the site within the extensive fenland landscape. It proposes the removal of the poor quality conifers that currently screen the site which is welcomed. The strategy does not propose excessive new tree planting which again would have been out of character with the fenland landscape. Close to the buildings it is proposed to have a formal, well-maintained landscape with natural stone paving, clipped hedges, avenues and formal lawns. It is considered that the proposed landscape strategy is appropriate for the site and reflects the points raised during the pre-application meetings and CABE Design Review.
- 6.50 In conclusion under this heading, the proposal would accord with the aims and objectives of Policies CSTP19, PMD7 and PMD2 of the Core Strategy and Section 11 of the NPPF.

VI. FLOOD RISK AND SITE DRAINAGE

- 6.51 The site lies within tidal Flood Zone 3a and fluvial Flood Zone 2 defined by the 'Planning Practice Guidance: Flood Risk and Coastal Change' as having a high and medium probability of flooding. The proposal is classified as a 'more vulnerable' development. The Environment Agency has no objections to the proposal provided the Council is satisfied that the development will be safe for its lifetime.
- 6.52 A Site Specific Flood Warning and Evacuation plan (FWEP) that can be maintained for the lifetime of the development has been proposed for the development and an appropriate condition has been included. The Council's Flood Risk Manager has no objections to the proposal given the submission of information regarding surface water drainage and is satisfied subject to appropriate conditions being included in relation to surface water drainage. The proposal would comply with CS Policies PMD15 and CSTP25 and CSTP27 in relation to flood risk and drainage.

VII. GROUND CONTAMINATION

- 6.53 The Council's Environmental Health Officer (EHO) has commented that it is not anticipated that the proposal would generate any contaminative issues affecting the proposed development but due to the past history, however, the site has been heavily fly tipped. The EHO has therefore recommended a watching brief be kept during ground works for any unforeseen contamination that may be encountered.

IX. INFRASTRUCTURE

- 6.54 Policy PMD16 of the Core Strategy indicates 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 contribute to proposals to deliver 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. Changes to Government policy in April 2015 mean that the Council can no longer use a tariff based approach to s106 (as was the case with the former Planning Obligation Strategy). Consequently, the Council has developed an Infrastructure Requirement List (IRL) that identifies specific infrastructure needs on an area basis.
- 6.55 The response from the Council's Highway Officer does not identify the need for any requirement for contributions towards items on the Infrastructure Requirement List arising from this proposal. It is not therefore necessary to secure financial contributions to mitigate the impact of this development.

7.0 CONCLUSIONS AND REASON(S) FOR APPROVAL

- 7.1 The NPPF sets out that the redevelopment of PDL is acceptable provided that the development proposed does not have a greater impact on openness than the existing development. In this case, the wellness centre would result in a larger building on site which would have a greater impact on openness than the existing fire damaged public house and restaurant. The proposal must therefore considered to be 'Inappropriate Development' which is harmful to the Green Belt, by definition. Significant weight should be attributed to this harm and the applicant is required to demonstrate very special circumstances to justify the development. In accordance with the NPPF, the harm has to be *clearly* outweighed by very special circumstances.
- 7.2 The case is finely balanced, however it is considered that the package of circumstances presented by the applicant and assessed above would clearly outweigh the harm to the Green Belt. All other matters are considered to be acceptable, subject to planning conditions.

8.0 RECOMMENDATION

- 8.1 Approve, subject to the following conditions:

Condition(s):

Standard Time

- 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.

Use

- 2 The development hereby permitted shall be used as a health and wellness centre as described in the planning application and for no other purposes whatsoever.

Reason: For the avoidance of doubt and to further define the scope of this permission given the site’s sensitive location within the Green Belt.

Samples of Materials

- 3 Samples of all materials to be used in the construction of the external surfaces of the building(s) hereby permitted, shall be submitted to and approved in writing by, the Local Planning Authority, before any part of the development is commenced.

Reason: To ensure that the proposed development does not prejudice the appearance of the locality in accordance with Policy PMD2 of the Thurrock LDF Core Strategy and Policies for Management of Development 2015.

Accordance with Plans

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

Plan Number(s):		
Reference	Name	Received
WCB.01	Location Plan	21st October 2016
WCB.02	Proposed Site Layout	21st October 2016
WCB.03	Proposed Floor Plans	21st October 2016
WCB.04	Proposed Floor Plans	21st October 2016
WCB.05	Proposed Floor Plans	21st October 2016
WCB.06	Proposed Floor Plans	21st October 2016
WCB.07	Proposed Floor Plans	21st October 2016
WCB.08	Proposed Elevations	21st October 2016
WCB.09	Proposed Elevations	21st October 2016
WCB.10	Proposed Elevations	21st October 2016
WCB.11	Proposed Elevations	21st October 2016
WCB.12	Sections	21st October 2016
WCB.13	Drawing	21st October 2016

WCB.14	Drawing	21st October 2016
WCB.15	Drawing	21st October 2016

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

Design Details

- 5 Notwithstanding the submitted plans, prior to the commencement of development details shall be submitted to the Local Planning Authority showing the following:
- Window design, including recesses and cills;
 - Door design, including any recesses;
 - Gutters, fascia and soffits;
 - internal layout of the building including circulation routes;
 - floor to ceiling heights for the first and second floors.

Thereafter, development shall be carried out strictly in accordance with the details approved.

Reason: In the interests of the character and visual amenities of the area, in accordance with Policies PMD2 and CSTP22 of the Thurrock Core Strategy and Policies for the Management of Development DPD 2015.

Landscaping Plan

- 6 No construction works in association with the development hereby permitted shall commence on site until a scheme of hard and soft landscaping has been submitted to and approved in writing by the Local Planning Authority, the details of which shall include:
- a. All species, planting sizes and planting densities, spread of all trees and hedgerows within or overhanging the site, in relation to the proposed buildings, roads, and other works;
 - b. Finished levels and contours;
 - c. Means of enclosure;
 - d. Minor artefacts and structures (e.g. furniture, activity equipment, refuse and other storage units including any cycle store, signs and lighting);
 - e. External surface material for parking spaces, pedestrian accesses.
 - f. Tree protection measures and details of the proposed management of the retained trees and hedges
 - g. Any preserved trees which it is proposed to remove and their suitable replacement elsewhere within the site

All soft landscaping comprised in the approved details of landscaping shall be carried out in the first planting and seeding season following the first occupation of the building(s) or the completion of the development whichever is the sooner. All shrubs, trees and hedge planting shall be maintained free from weeds and shall be protected from damage by vermin and stock. Any trees or plants which, within a period of five years, die, are removed, or become seriously damaged or diseased

shall be replaced in the next planting season with others of a similar size and species, unless otherwise agreed in writing by the Local Planning Authority. All hard landscaping shall also be carried out in accordance with the approved details prior to the occupation of any part of the development or in accordance with a programme to be agreed in writing with the Local Planning Authority.

Reason: In the interests of the character and visual amenities of the area in accordance with Policy PMD2 of the Thurrock Core Strategy and Policies for the Management of Development DPD 2015.

Sight Splays

- 7 Sight splays of 2.4 metres x 43 metres shall be provided at the proposed access and thereafter maintained at all times so that no obstruction is present within such area above the level of the adjoining highway carriageway.

Reason: In the interests of highway safety and efficiency in accordance with Policy PMD2 of the Thurrock Core Strategy and Policies for the Management of Development DPD 2015.

Parking Layout

- 8 Prior to the occupation of the buildings hereby approved, the proposed parking area, as indicated on Drawing No WCB.14, shall be suitably surfaced, laid out and drained in accordance with details to be previously submitted to and approved in writing by the Local Planning Authority and constructed concurrently with the remainder of the development hereby approved.

Reason: To ensure that satisfactory off-street car parking provision is made in accordance with the Local Planning Authority's standards and in the interests of highway safety as identified under CS Policies PMD2 and PMD8 of the Thurrock Core Strategy and Policies for the Management of Development DPD 2015.

Construction Management Plan

- 9 Prior to the commencement of the works subject to this consent hereby approved, a Construction Management Plan shall be submitted to and agreed in writing prior to the commencement of the works hereby approved. The details shall include;
- (a) Hours and duration of works on site;
 - (b) Wheel washing and sheeting of vehicles transporting aggregates on to or off of the site;
 - (c) Details of construction access;
 - (d) Details of temporary hardstanding;
 - (e) Details of temporary hoarding;
 - (f) Water management including waste water and surface water drainage;
 - (g) Road condition surveys before demolition and after construction is completed, with assurances that any degradation of existing surfaces will be remediated as part of the development proposals. Extents of road condition surveys to be agreed as part of this CEMP;

- (h) Details of measures to minimise fugitive dust during construction demolition and stockpiling of materials;
- i) A Waste Management Plan;
- j) Details of any security lighting or flood lighting proposed including mitigation measures against light spillage outside the site boundary;
- k) Details of crushing and/or screening of demolition and excavation materials including relevant permits;
- l) Contingency plan, remediation scheme and risk assessment for any unforeseen contamination found at the site;

Once submitted to and agreed in writing by the Local Planning Authority the works shall be undertaken in strict accordance with the agreed details, unless otherwise agreed in writing by the Local Planning Authority.

Reason: To ensure that the proposed development does not cause pollution in and to ensure the construction phase does not materially affect the free-flow and safe movement of traffic on the highway, in the interests of highway efficiency, safety and amenity and to ensure the development is in accordance with Policy PMD1 in of the Thurrock Core Strategy and Policies for the Management of Development DPD 2015 and in accordance with NPPF.

FWEP

- 10 Prior to the [first operational use / occupation] of any building located within Environment Agency Flood Zones 2 and 3, as detailed in the submitted flood risk assessment and supporting documentation [ref. T1655.L.23.01.2017] or as detailed in any subsequent amendment to the extent of these Flood Zones published by the Environment Agency, a Flood Evacuation and Emergency Response Plan for the development shall be submitted to and approved in writing by the local planning authority. The approved measures within the Plan shall be operational upon first [use / occupation] of the development and shall be permanently maintained thereafter.

Reason: In order 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 LDF Core Strategy and Policies for the Management of Development DPD [2015].

Drainage Strategy

- 11 No works shall take place until a detailed surface water drainage scheme for the site, based on sustainable drainage principles and an assessment of the hydrological and hydro geological context of the development, has been submitted to and approved in writing by the local planning authority. The scheme should include but not be limited to:
- Limiting discharge rates to the greenfield 1 in 1 year rate for all storm events up to an including the 1 in 100 year rate plus 40% allowance for climate change.
 - Provide sufficient storage to ensure no off site flooding as a result of the development during all storm events up to and including the 1 in 100 year plus 40% climate change event.

- Final modelling and calculations for all areas of the drainage system.
- The appropriate level of treatment for all runoff leaving the site, in line with the CIRIA SuDS Manual C753.
- Detailed engineering drawings of each component of the drainage scheme.
- A final drainage plan which details exceedance and conveyance routes, FFL and ground levels, and location and sizing of any drainage features.
- A written report summarising the final strategy and highlighting any minor changes to the approved strategy.

The scheme shall subsequently be implemented prior to occupation.

Reason: To ensure that adequate measures for the management of [surface / foul] water are incorporated into the development in accordance with policy PMD15 of the Thurrock Core Strategy and Policies for the Management of Development DPD [2015].

Surface Water Maintenance Plan

- 12 No works shall take place until a Maintenance Plan detailing the maintenance arrangements including who is responsible for different elements of the surface water drainage system and the maintenance activities/frequencies, has been submitted to and agreed, in writing, by the Local Planning Authority. Should any part be maintainable by a maintenance company, details of long term funding arrangements should be provided.

Reason: To ensure appropriate maintenance arrangements are put in place to enable the surface water drainage system to function as intended to ensure mitigation against flood risks are incorporated into the development in accordance with policy PMD15 of the Thurrock Core Strategy and Policies for the Management of Development DPD [2015].

Annual Logs of Surface Water Maintenance Plan

- 13 The applicant or any successor in title must maintain yearly logs of maintenance which should be carried out in accordance with any approved Maintenance Plan. These must be available for inspection upon a request by the Local Planning Authority.

Reason: To ensure the SuDS are maintained for the lifetime of the development as outlined in any approved Maintenance Plan under condition 12 development in accordance with policy PMD15 of the Thurrock Core Strategy and Policies for the Management of Development DPD [2015].

INFORMATIVES:

1. The applicant's attention is drawn to the list of Informatives provided by the Flood and Water Management Team at Essex County Council in their letter dated 7th February 2017.

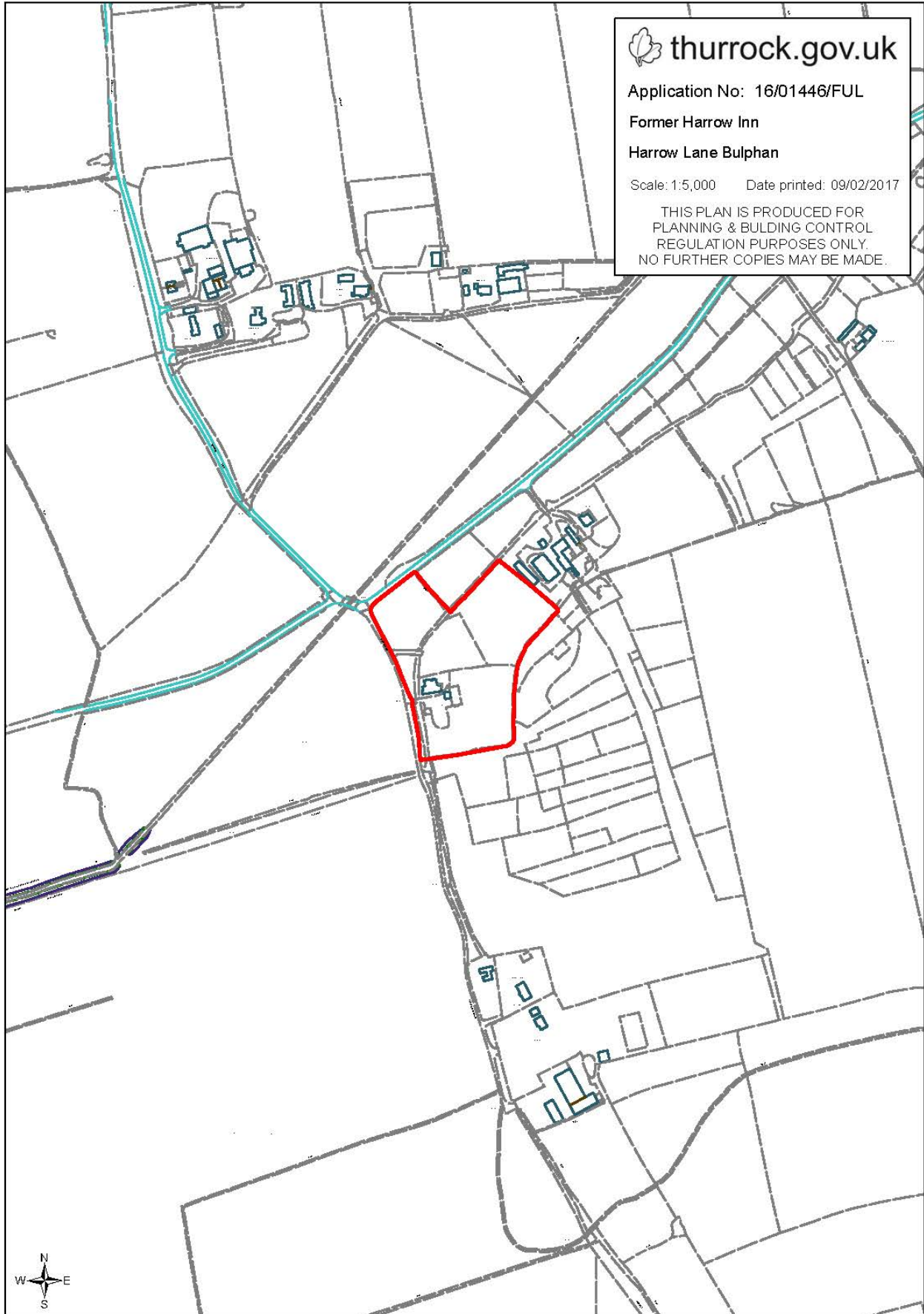
2. Town and Country Planning (Development Management Procedure) (England) Order 2015 - Positive and Proactive Statement

In determining this planning application, the Local Planning Authority has worked with the applicant in a positive and proactive manner based on seeking solutions to problems arising in relation to dealing with the planning application by liaising with consultees, respondents and the applicant/agent and discussing changes to the proposal where considered appropriate or necessary. This approach has been taken positively and proactively in accordance with the requirement in 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



© Crown copyright and database rights 2017 Ordnance Survey 100025457