

<b>Reference:</b> 17/01165/FUL	<b>Site:</b> Alexandra Lake West Thurrock Way West Thurrock Essex
<b>Ward:</b> West Thurrock And South Stifford	<b>Proposal:</b> Installation of a new 'Flying Fox' adventure course at Alexandra Lake, comprising the installation of start and finish platforms on the Boardwalk; connected by zip line to 5 station structures positioned around the lake, together with associated fencing and hardstanding; and a new 'floating maze' platform

<b>Plan Number(s):</b>			
Reference	Name	Received	Title
EPSP A2	Proposed Plans	30th August 2017	Boardwalk as Proposed
EPSP-C	Proposed Plans	30th August 2017	Roof Plan
EPSP-D	Proposed Plans	30th August 2017	West Elevation
EPSP-E	Proposed Plans	30th August 2017	South Elevation
EPS1 B	Proposed Plans	30th August 2017	Plan Elevation
EPS1 C	Proposed Plans	30th August 2017	North and South Elevations
EPS1 D	Proposed Plans	30th August 2017	East and West Elevations
EPS2 B	Proposed Plans	30th August 2017	Plan Elevation
EPS2 C	Proposed Plans	30th August 2017	North and South Elevations
EPS2 D	Proposed Plans	30th August 2017	East and West Elevations
EPS3 B	Proposed Plans	30th August 2017	Plan Elevation
EPS3 C	Proposed Plans	30th August 2017	North and South Elevations
EPS3 D	Proposed Plans	30th August 2017	East and West Elevations
EPS4 B	Proposed Plans	30th August 2017	Plan Elevation
EPS4 C	Proposed Plans	30th August 2017	North and South Elevations
EPS4 D	Proposed Plans	30th August 2017	East and West Elevations

EPS5 B	Proposed Plans	30th August 2017	Plan Elevation
EPS5 C	Proposed Plans	30th August 2017	North and South Elevations
EPS5 D	Proposed Plans	30th August 2017	East and West Elevations
EPS6 B	Proposed Plans	30th August 2017	Plan Elevation
EPS6 C	Proposed Plans	30th August 2017	North and South Elevations
EPS6 D	Proposed Plans	30th August 2017	East and West Elevations
FMRC B	Proposed Plans	30th August 2017	Plan Elevation
FMRC C	Proposed Plans	30th August 2017	North and South Elevations
FMRC D	Proposed Plans	30th August 2017	East and West Elevations
161 - B	Location Plan	30th August 2017	
HM18684-03	Landscaping	30th August 2017	
HM18684-01B	Landscaping	30th August 2017	
18453/Eco/01-00	Drawing	30th August 2017	
EPSE-A	Drawing	30th August 2017	Station Elevations
A01	Drawing	30th August 2017	Layout

The application is also accompanied by:

- Arboricultural Impact Assessment
- Operational Statement
- Tree Survey
- Ecological Appraisal
- Flood Risk Assessment
- Noise Assessment
- Planning Statement
- Station Height Comparison information

**Applicant:** Intu Lakeside Ltd

**Validated:**

25 August 2017

**Date of expiry:**

7 November 2017

**Recommendation:** Approve

This application has been requested to be determined by the Planning Committee by Cllr G Rice, Cllr Gerrish, Cllr B Rice, Cllr Kent and Cllr Okunade in accordance with the Constitution Chapter 5, Part 3 (b), 2.1 (d) (ii) to consider the issue of noise

and inconvenience of the zip wire passing the windows of the office located next to the lake.

## **1.0 DESCRIPTION OF PROPOSAL**

- 1.1 Full planning permission is sought for the installation of a new 'Flying Fox' zip wire adventure course above Lake Alexandra. This would comprise of the installation of start and finish platforms on the Boardwalk connected by a zip line to 5 landing station structures positioned around the lake, with the exception of station 2 which would be located on the existing island within the northern part of the lake. Visitors would move between the stations via the zip wire with the exception of station 4 where visitors would have to walk via the existing public footpath around the lake to station 5 which would be positioned at the top of the multi-storey car park [no.12]. The stations would vary in height between 14.6 A.O.D to 6.4m A.O.D and would be constructed of steel with timber cladding/decking and canvas sail canopies. The existing paths around the lake would be retained.
- 1.2 In addition to the zip wire adventure course a new 'floating maze' high ropes adventure course would form a floating platform on Lake Alexandra but would be anchored to the lake bed. The 'floating maze' would be in 9.94m height and would be accessed from a new platform linked to the existing pontoon which is connected to the Boardwalk.
- 1.3 Associated fencing and hardstandings would be created as ancillary and security elements to the development.
- 1.4 Both developments would be open all year round with tickets available from a ticket office to be located in Brompton Walk. The course will allow up to a maximum of 480 visitors per day in groups of 16 with 2 instructors.

## **1.1 SITE DESCRIPTION**

- 1.2 Lake Alexandra forms part of the Lakeside Shopping Centre [LSC] area in the Lakeside Basin area as defined on the LDF Proposals Map. The lake is located to the western side of the shopping mall. The site is accessed from the road links around the shopping centre and via the closest connections being the pedestrian walkways that also access the Boardwalk area. To the western side of the lake are the outlet retail parks and a supermarket. Along the northern side of the lake is the northern link road, which is used by buses linking the LSC to the retail parks and supermarket to the western side of the lake. Beyond the northern side of the link road are the former quarry chalk cliff walls. On the southern banks of the lake is a recently completed hotel development and West Thurrock Way beyond.

1.3 The proposal would be located on and around location points at Lake Alexandra with access to the proposed leisure facility from the Boardwalk area.

**1.4 RELEVANT PLANNING HISTORY**

1.5 For this proposal the following history is relevant:

Planning Reference	Description of Application	Decision
17/00352/FUL	Installation of a new 'Flying Fox' adventure course at Alexandra Lake, comprising the installation of start and finish platforms on the Boardwalk; connected by zip line to 5 station structures positioned around the lake, together with associated fencing and hardstanding; and a new 'floating maze' platform	Approved 24.05.2017  Application subject to a Judicial Review process, which was lodged with the high court on 04.07.2017.

1.6 The recently approved 'Lakeside Leisure' development is relevant and its planning history is listed below:

Planning Reference	Description of Application	Decision
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<p>13/00880/OUT</p>	<p>Part demolition/reconfiguration of existing western entrance to shopping centre (adjacent to Marks and Spencer unit), external entrances to Marks and Spencer unit and associated structures, and cinema. Demolition of bridge link between car parks 10 and 12 and associated external lift and stair cores. Erection of new buildings within use classes A1, A3, A4, A5, C1 and D2 together with ancillary facilities and alterations to existing cinema and Marks and Spencer unit including replacement entrances. Formation of replacement western entrance to shopping centre at ground and first floor levels including change of use of retail floorspace at first floor level (use class A1) to mall space (sui generis). Provision of new public realm and landscaped areas, including a new town square, new external pedestrian walkway at first floor level, and alteration of existing and creation of new boardwalk areas adjacent to the lake. Alterations to existing and creation of new vehicular, pedestrian and cycle access and egress arrangements and other ancillary works and operations.</p>	<p>Approved 01.04.2014</p>
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<p>16/01228/REM</p>	<p>Reserved matters for Phase 1 and associated interim landscaping following outline planning permission 13/00880/OUT (Part demolition/reconfiguration of existing western entrance to shopping centre (adjacent to Marks and Spencer unit), external entrances to Marks and Spencer unit and associated structures, and cinema. Demolition of bridge link between car parks 10 and 12 and associated external lift and stair cores. Erection of new buildings within use classes A1, A3, A4, A5, C1 and D2 together with ancillary facilities and alterations to existing cinema and Marks and Spencer unit including replacement entrances. Formation of replacement western entrance to shopping centre at ground and first floor levels including change of use of retail floorspace at first floor level (use class A1) to mall space (sui generis). Provision of new public realm and landscaped areas, including a new town square, new external pedestrian walkway at first floor level, and alteration of existing and creation of new boardwalk areas adjacent to the lake. Alterations to existing and creation of new vehicular, pedestrian and cycle access and egress arrangements and other ancillary works and operations.)</p>	<p>Approved 25.11.2016</p>
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**1.7 CONSULTATION AND REPRESENTATIONS**

1.8 Detailed below is a summary of the consultation responses received. The full version of each consultation response can be viewed on the Council’s website via public access at the following link: [www.thurrock.gov.uk/planning](http://www.thurrock.gov.uk/planning)

1.9 BUG LIFE:

No response.

1.10 EMERGENCY PLANNER:

No objection subject to a condition requiring a Flood Warning and Evacuation Plan.

1.11 ENVIRONMENT AGENCY:

No objection.

1.12 ENVIRONMENTAL HEALTH:

No objections and agree with the conclusions of the noise assessment that the attraction is not expected to have an adverse impact from a noise perspective upon the nearest sensitive receptors.

1.13 ESSEX FIELD CLUB:

No response.

1.14 FLOOD RISK MANAGER

No comments.

1.15 HIGHWAYS:

No objection.

1.16 LANDSCAPE AND ECOLOGY ADVISOR:

No objection as the development would have limited ecological effects due to the limited quality of the existing habitat features. Conditions required to confirm further details of the mitigation measures and habitat management and enhancement that will be undertaken. With regard to the landscape and visual receptors: based on the Landscape Institute's 'Guidelines for Landscape and Visual Assessment' people in their place of work are identified by the 'less sensitive' to change than local residents or people engaged in countryside recreation. Therefore in the context of the overall lakeside development it would not be considered that the effects on any visual receptor of this scheme would be significant.

1.17 NATURAL ENGLAND:

No comments to make for this application.

1.18 RSPB:

No response.

1.19 PUBLICITY:

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

Two representations received raising the following objections:

- Excessive noise impact upon occupiers of the Alexandra House office located on the western side of the lake from the users of the zip wire and from the zip wire's operation;
- Applicant has not given consideration to the impact of the development upon the Alexandra House office located on the western side of the lake;
- Visual impact of users of the zip wire passing the office windows of Alexandra House;
- Overlooking impact;
- Unacceptable use of materials;
- Out of character;
- Contrary to LDF Core Strategy and Development Management Policies;
- Detrimental impact upon ecology and habitats;
- Inadequate consideration of noise impacts;

## **1.20 POLICY CONTEXT**

### **1.21 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. The following headings and content of the NPPF are relevant to the consideration of the current proposals.

- Core Planning Principles
- 1. Building a strong, competitive economy
- 4. Promoting sustainable transport
- 7. Requiring good design
- 8. Promoting healthy communities
- 10. Meeting the challenge of climate change, flooding and coastal change
- 11. Conserving and enhancing the natural environment

### **1.22 Planning Policy Guidance**



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 subtopics. Those of particular relevance to the determination of this planning application comprise:

- Climate change
- Design
- Determining a planning application
- Flood Risk and Coastal Change
- Health and wellbeing
- Natural Environment
- Noise
- Open space, sports and recreation facilities, public rights of way and local green space
- Planning obligations
- Transport evidence bases in plan making and decision taking
- Travel plans, transport assessments and statements in decision-taking
- Use of Planning Conditions

#### 1.23 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 following Core Strategy policies also apply to the proposals:

##### OVERARCHING SUSTAINABLE DEVELOPMENT POLICY

- OSDP1 (Promotion of Sustainable Growth and Regeneration in Thurrock)<sup>1</sup>

##### SPATIAL POLICIES

- CSSP5 (Sustainable Greengrid)<sup>3</sup>

##### THEMATIC POLICIES

- CSTP7 (Network of Centres)
- CSTP9 (Well-being: Leisure and Sports)
- CSTP14 (Transport in the Thurrock Urban Area)<sup>3</sup>
- CSTP18 (Green Infrastructure)
- CSTP19 (Biodiversity)

- CSTP20 (Open Space)
- CSTP22 (Thurrock Design)
- CSTP23 (Thurrock Character and Distinctiveness)<sup>2</sup>
- CSTP27 (Management and Reduction of Flood Risk)<sup>2</sup>

#### POLICIES FOR MANAGEMENT OF DEVELOPMENT

- PMD1 (Minimising Pollution and Impacts on Amenity)<sup>2</sup>
- PMD2 (Design and Layout)<sup>2</sup>
- PMD5 (Open Spaces, Outdoor Sports and Recreational Facilities)<sup>3</sup>
- PMD7 (Biodiversity, Geological Conservation and Development)<sup>2</sup>
- PMD8 (Parking Standards)<sup>3</sup>
- PMD9 (Road Network Hierarchy)
- PMD10 (Transport Assessments and Travel Plans)<sup>2</sup>
- PMD15 (Flood Risk Assessment)<sup>2</sup>
- PMD16 (Developer Contributions)<sup>2</sup>

[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].

#### 1.24 Focused Review of the LDF Core Strategy (2014)

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.

#### 1.25 Draft Site Specific Allocations and Policies DPD

The 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.

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

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.

1.27 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 withan 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 late 2017 / early 2018.

**1.28 ASSESSMENT**

BACKGROUND

1.29 This application follows the approval of an almost identical scheme in May this year [17/00352/FUL]. In processing the application, the Council advertised the proposal by the display of public site notices, notification letters and press advert. The development proposal was found to comply with the relevant Development Plan policies and was approved on 25.05.2017.

1.30 Following the approval of the application, the occupiers of a neighbouring office unit (Alexandra House) raised concern that they were not notified of the application by letter. Whilst procedurally, the Council carried out sufficient levels of publication for the type of application, the occupiers of Alexandra House commenced a Judicial Review (JR) process shortly afterwards. The grounds for the JR are that the Council did not carry out sufficient consultation prior to making its decision in respect of planning application 17/00352/FUL.

1.31 The applicant, INTU, have submitted this further planning application and the comments and objections raised by the occupiers of Alexandra House are summarised above and considered in the assessment below.

1.32 The main issues to be considered with this case are:

- I. Principle of the Development
- II. Design and Layout and Impact upon the Area
- III. Impact Upon Ecology and Biodiversity
- IV. Impact upon Trees
- V. Impact upon Amenity
- VI. Access, Traffic Impact and Car Parking
- VII. Flood Risk
- VIII. Other Matters

#### I. PRINCIPLE OF THE DEVELOPMENT

1.33 The proposal crosses over various land use designations identified on the LDF Proposals Map. The entire Lake Alexandra area is covered by policies CSSP5, CSTP18, CSTP19 and PMD7 on the LDF Proposals Map, which recognise the lake as part of the Greengrid/Green Infrastructure and for biodiversity protection and enhancement opportunities. A large area of the lake is identified on the LDF Proposals Map as a land use designation for 'Water Sports' where additional policies CSTP20 and PMD5 apply, in addition to policies CSSP5, CSTP18, CSTP19 and PMD7. Beyond the lake, on both the east and western sides of the lake and within part of the site the LDF Proposals Map identifies the land use for 'Shopping Centres and Parades' where policy CSTP7 applies.

1.34 Policy CSTP20 (Open Space) states that 'the Council will seek to ensure that a diverse range of accessible public open spaces, including natural and equipped play and recreational space is provided'. Policy PMD5 recognizes the opportunities for new development including outdoor sports and recreational facilities. The principle of the proposal would therefore accord with these policies and is therefore considered acceptable for the 'Water Sports' land use designation as shown on the LDF Proposals Map.

1.35 For the areas outside of the 'Water Sports' designation there are no objections to the development within the 'Shopping Centres and Parades' designation on the LDF Proposals Map. The proposal would introduce development within the northern and western part of the lake where policies CSSP5, CSTP18, CSTP19 and PMD7 seek to preserve biodiversity and green infrastructure. Within this area would be landing station 4 and the zip wires connecting to this landing station and part of the zip wires connecting landing station 5 to landing station 1. All the zip wires would be located above the lake and the landing stations have been designed to occupy

minimal ground coverage to protect areas subject to biodiversity. The 'Impact Upon Ecology and Biodiversity' section below considers this in more detail. The previous application determined that the impact of the development was acceptable.

- 1.36 Taking into account the above it is considered that the the principle of the development is acceptable.

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

- 1.37 The layout of the development for the zip wire shows three landing stations located next to the lake along with the start and finish platforms located on the Boardwalk. One landing station would be located on the island in the lake. The other landing station [no.5] would be located at the top of the multi storey car park [car park 12] next to the lake. The floating maze would be located close to the Boardwalk. There are no objections to these layout arrangements in design terms.

- 1.38 The landing stations vary in height between 14.6m to 6.4m. The gravity dependent operational functions of the zip wire facility require the 'take off' and 'landing' to be above ground level. The design of the 'landing stations' have been well considered and would appear as treehouse type structures that would be constructed of metal with lightweight canvas used for the elevations along with timber decking and cladding. The proposed green and timber colour scheme would help soften the appearance of the structures and would help them blend in more with the tree and vegetation cover in this area. The scale and design of the structures is acceptable.

- 1.39 The design and scale of the floating maze would appear similar to play equipment found in local parks and activities centres and its design is acceptable.

- 1.40 The overall design impact upon the surrounding Lakeside Basin and wider area is acceptable and accords with policies CSTP22, CSTP23 and PMD2.

## III. IMPACT UPON ECOLOGY AND BIODIVERSITY

- 1.41 The proposal would need to ensure that biodiversity impact is minimal to safeguard the habitats and ecological value around and within the lake area.

- 1.42 The proposal would result in the loss of some semi-natural habitat for the location of the landing stations for the zip wire course; however, overall the Ecological Appraisal considers the impact to be low. Only landing stations 1 and 2 would be located in dense scrub according to the Ecological Appraisal with station 2 located on the island within the lake. Landing stations 3 and 4 would be positioned in grassland areas and all other landing stations would be located within built environment locations. Therefore the overall impact has been judged as 'low' in the Ecological Appraisal. The Council's Landscape and Ecology Advisor considers the

development would have 'generally limited ecological effects due to the limited quality of the existing habitat features' and therefore no objections are raised.

- 1.43 In terms of protected species, the Ecological Appraisal identifies that there is potential for adverse impacts upon breeding birds and bats that were identified in the ecological survey work, although it is stated that the zip wire's high position would not affect foraging routes which have been identified to be closer to the lake's surface. With regard to nesting birds, the Council's Landscape and Ecology Advisor has identified that clearance works shall need to be carried out outside of the nesting season but the development's impact upon birds flying over the lake was not considered significant due to the relatively low numbers of birds flying over the lake.
- 1.44 From the Ecological Appraisal the proposal includes mitigation measures such as additional landscape planting to compensate for any lost habitat, and to offer new nesting and roosting locations for specific species. Additional enhancements would include sparrow boxes, duck boxes and bat boxes. The location of such arrangements has been provided on an amended plan [ref: 18453/Eco/01] and will be conditioned for implementation to meet the consultation response of the Council's Landscape and Ecology Advisor and to accord with policy PMD7.

#### IV. IMPACT UPON TREES

- 1.45 The Arboricultural Assessment identifies that the proposal would involve the loss of 10 trees rated within category B and C, which are 'moderate to low quality' valued trees based on British Standard 5387:2012. These trees are not protected through Tree Preservation Orders [TPO's]. Whilst the loss of these trees is unfortunate there are a large number of trees located around the lake and it is not considered that the loss of these trees would result in any significant loss of amenity and/or ecological value to the lake/area. Replacement trees could be conditioned to be planted to ensure compliance with policy PMD2 [which identifies that features in the natural landscape, such as trees/hedging will be 'protected and where appropriate enhanced to maintain their landscape and wildlife value']. The planting of replacement trees would lead to enhancements to the natural landscape and contribute to the aims of policies CSSP5, CSTP18 and CSTP23 and therefore no objections are raised by the Council's Landscape and Ecology Advisor.

#### V. IMPACT UPON AMENITY

- 1.46 To the east, south and west of the site there are commercial developments/operators that are significantly distant and would not be adversely affected by this development. However, there is an office building located on the western side of the lake [Alexandra House] which would be the closest building to

the zip wire assault course. There are two different business occupiers within this building and they have both objected to the application. The grounds of objection are the visual impact, noise, overlooking from users of the zip wire facility, the development being out of character and the impact upon ecology and habitats.

- 1.47 Based on the layout plan the zip wire course would be between 16m to 23m from the glazed east elevation of the office building so the occupiers would see users of the equipment passing by the office window. Whilst this would be result in a change to the current view from the office across the lake, the structures would be lightweight. It should also be noted that in assessing planning applications the Courts have held that there is no right to a view. The main difference would be when an individual is travelling past the office when using the zip wire. In this location the course would include two separate wired connections passing in different directions. The passing of individuals intermittently may appear as distracting to users of this building, however, the Council's Landscape and Ecology Advisor has identified that based on the Landscape Institute's 'Guidelines for Landscape and Visual Assessment' people in their place of work are identified as 'less sensitive' to change than local residents or people engaged in countryside recreation. The Council's Landscape and Ecology Advisor concludes that in the context of the overall lakeside development it would not be considered that the effects on any visual receptor of this scheme would be significant. Therefore the proposal is not considered to result in a significant loss of amenity to warrant grounds for refusal.
- 1.48 One of the objections from the neighbouring Alexandra House office has submitted a noise assessment of the development in response to the applicant's noise assessment. The applicant's noise assessment identifies the nearest sensitive receptors [including Alexandra House] and identifies that the predicted noise levels for the zip wire assault course would be below the British Standards [BS:8233] and World Health Organisation [WHO] criteria with windows open or closed. The neighbour's noise assessment challenges the applicant's noise assessment and a rebuttal noise statement from the applicant has been provided. The Council's Environmental Health Officer has reviewed these noise assessments and raises no objections to the application on noise grounds. As such, and in accordance with NPPF, it is considered that there would not be any significant adverse impact upon the amenities of any of the nearest sensitive receptors, which includes the occupiers of Alexandra House.
- 1.49 With regard to overlooking from the users of the zip wire this would be limited because the user will be travelling at speed in a straight line so are likely to be facing the direction of travel and are therefore unlikely to have time to overlook the neighbouring office building. The comments regarding character and ecology are

assessed in the 'Design and Layout and Impact upon the Area' and 'Impact Upon Ecology and Biodiversity' sections of this report.

## VI. ACCESS, TRAFFIC IMPACT AND CAR PARKING

- 1.50 The site is located in a sustainable location with good access links via the road and rail network to the wider area. There are regular bus services to the bus station at the Lakeside Shopping Centre and a railway station at Chafford Hundred with a dedicated covered pedestrian link. From the local area the site can be accessed by walking and cycling.
- 1.51 The proposal would lead to additional visitors and can be linked to the wider leisure proposals for this area. Some of these visitors will be solely for these attractions but there are also likely to be a number of linked trips with visitors from users of the shopping centre, leisure attractions and the wider retail and food outlets. Highways have noted that the area can get congested but have not raised any objections on highway grounds for this relatively small scale development. The proposal is not considered to have any detrimental impact upon the existing highway network with regard to policy PMD9.
- 1.52 It is identified that 12 parking spaces would be lost from the multi storey car park (car park no.12) but this would not have a significant impact upon the car parking capacity at the shopping centre which has approximately 12,500 parking spaces. There are also existing cycle parking arrangements within the nearby car parks and these would be increased through the leisure development proposals to this area. There are no policy conflicts with policy PMD8 or the draft Parking Standards.

## VII. FLOOD RISK

- 1.53 The site is located within the highest risk flood zone (flood zone 3a) as identified on the Environment Agency flood maps and as set out in the PPG's 'Table 1 - Flood Zones'. This means that the site is subject to a high probability of flooding and the PPG provides guidance on flood risk and vulnerability. The proposal would fall within the 'Water Compatible Development' use category of the PPG's 'Table 2 - Flood Risk Vulnerability Classification' where development is 'appropriate' for this flood zone as identified in the PPG's 'Table 3 – Flood Risk Vulnerability and Flood Zone Compatibility' table.
- 1.54 The Environment Agency's consultation advises that the Sequential Test is applicable. This appears to be basis that the proposal would not fall within the 'minor development' classification as stated in the PPG. The proposal would create a unique sports/leisure/recreational use in the Borough which has been identified to fall within the 'Water Compatible Development' use category of the PPG's 'Table 2 -



Flood Risk Vulnerability Classification'. In terms of applying the Sequential Test there are no allocated sites identified in the LDF in a lower flood category for this type of development. The proposal offers economic and social benefits to meet the sustainability requirements of the NPPF in terms of further visitors to this area for retail or other leisure uses/linked trips. The proposal is therefore considered acceptable with regard to the Sequential Test.

- 1.55 The Flood Risk Assessment (FRA) identifies the ground level around the lake to be 1.19m (AOD), which is low lying but the site is within a former quarry and the natural ground level is much higher to the north where the Arterial Road is located. The main risk of flood would be from tidal flooding from the River Thames but the site is protected by flood defences and is significantly distant from River Thames and where there are existing development/uses located in a more vulnerable position. The risk of flooding is a 1 in 1000 year scenario and therefore the FRA concludes this risk to be 'low'. The FRA also identifies that groundwater emergence as a potential problem but Lake Alexandra has continued to be used for the controlling of groundwater emergence. For surface water management and run off the proposal would not increase the levels of impermeable surfacing as the landing stations are structures with only their foundations constructed into the ground. The proposal is therefore considered acceptable with regard to policies CSTP27 and PMD15.

#### VIII. OTHER MATTERS

- 1.56 Policy PMD16 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.
- 1.57 In this case, there are no planning contributions required from the development.

#### **1.58 CONCLUSIONS AND REASONS FOR APPROVAL**

- 1.59 In summary, the proposal would be beneficial to the area providing further leisure activities complimenting the recently approved large scale leisure development in this part of the Lakeside Basin. The proposal would have social benefits in terms of the leisure/recreational benefits but would also result in the creation of a number of employment opportunities and increased financial benefits to the local economy. The proposal would lead to some minor disruption during the construction to existing ecology and wildlife, and the loss of a small number of trees in the area, but mitigation measures could be secured as beneficial environmental

improvements after the construction phase to offset this minor disruption. The design of the development has been carefully considered especially with regard to the lakeside landing station platforms in regard to the environmental considerations. There are no objections with regard to any other material consideration.

7.2 The objections raised by interested parties have been carefully considered but are not considered to clearly outweigh the prevailing factors that support the proposal.

**1.60 RECOMMENDATION**

8.1 Approve, subject to the following conditions:

**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.

**Approved Plans**

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

<b>Plan Number(s):</b>			
Reference	Name	Received	Title
EPSP A2	Proposed Plans	30th August 2017	Boardwalk as Proposed
EPSP-C	Proposed Plans	30th August 2017	Roof Plan
EPSP-D	Proposed Plans	30th August 2017	West Elevation
EPSP-E	Proposed Plans	30th August 2017	South Elevation
EPS1 B	Proposed Plans	30th August 2017	Plan Elevation
EPS1 C	Proposed Plans	30th August 2017	North and South Elevations
EPS1 D	Proposed Plans	30th August 2017	East and West Elevations
EPS2 B	Proposed	30th August 2017	Plan Elevation

	Plans		
EPS2 C	Proposed Plans	30th August 2017	North and South Elevations
EPS2 D	Proposed Plans	30th August 2017	East and West Elevations
EPS3 B	Proposed Plans	30th August 2017	Plan Elevation
EPS3 C	Proposed Plans	30th August 2017	North and South Elevations
EPS3 D	Proposed Plans	30th August 2017	East and West Elevations
EPS4 B	Proposed Plans	30th August 2017	Plan Elevation
EPS4 C	Proposed Plans	30th August 2017	North and South Elevations
EPS4 D	Proposed Plans	30th August 2017	East and West Elevations
EPS5 B	Proposed Plans	30th August 2017	Plan Elevation
EPS5 C	Proposed Plans	30th August 2017	North and South Elevations
EPS5 D	Proposed Plans	30th August 2017	East and West Elevations
EPS6 B	Proposed Plans	30th August 2017	Plan Elevation
EPS6 C	Proposed Plans	30th August 2017	North and South Elevations
EPS6 D	Proposed Plans	30th August 2017	East and West Elevations
FMRC B	Proposed Plans	30th August 2017	Plan Elevation
FMRC C	Proposed Plans	30th August 2017	North and South Elevations
FMRC D	Proposed Plans	30th August 2017	East and West Elevations
161 - B	Location Plan	30th August 2017	
HM18684-03	Landscaping	30th August 2017	
HM18684-01B	Landscaping	30th August 2017	
18453/Eco/01-00	Drawing	30th August 2017	

EPSE-A	Drawing	30th August 2017	Station Elevations
A01	Drawing	30th August 2017	Layout

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

### **Notification of implementation of this permission**

3. The Local Planning Authority shall be notified in writing within 7 days of the date implementation of this planning permission.

**Reason:** To enable the Local Planning Authority to control and monitor the site to ensure compliance with the planning permission.

### **Ecological mitigation, management and enhancement measures**

4. Prior to first use of the development hereby permitted the 'Ecological Compensation and Enhancement' details as stated in section 6 of the 'Ecological Appraisal' dated 10 March 2017 and as shown in locations on drawing reference '18453/Eco/01' dated 8 May 2017 shall be implemented and retained as such thereafter.

**Reason:** To ensure adequate ecological mitigation, compensation and enhancement measures are implemented for the benefit of ecology and biodiversity in accordance with Policy PMD7 of the adopted Thurrock LDF Core Strategy and Policies for the Management of Development DPD.

### **Replacement trees**

5. Prior to first use the development hereby permitted until details of replacement trees to be located within site or within land owned by the applicant (blue line) shall be submitted to and approved by the local planning authority. The details shall include names of the species of trees to be planted, location of the new trees shown on a plan, proposed numbers/densities and details of the planting scheme's implementation, aftercare and maintenance programme. All planting, seeding or turfing comprised in the approved scheme shall be carried out in the first planting and seeding season following commencement of the development [or such other period as may be agreed in writing by the local planning authority] and any trees 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 replacement trees are planted to compensate for the loss of trees from the proposed development in the interest of amenity and

ecology/biodiversity benefit as required by policies CSTP18 and PMD2 of the adopted Thurrock LDF Core Strategy and Policies for the Management of Development DPD.

### **External lighting**

6. Details of any external illumination of the site shall be submitted to and approved in writing by the local planning authority prior to commencement of the development. All external illumination within the site shall be installed, maintained and retained in accordance with the approved details. There shall be no other lighting of the external areas of the site.

**Reason:** In the interests of minimizing external illumination to safeguard biodiversity and ecological in this location in accordance with Policy PMD7 of the adopted Thurrock LDF Core Strategy and Policies for the Management of Development DPD.

### **Informative:**

#### **Positive and Proactive Statement**

The Local Planning Authority has acted positively and proactively in determining this application by assessing the proposal against all material considerations, including planning policies and any representations that may have been received and subsequently determining to grant planning permission 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: <http://regs.thurrock.gov.uk/online-applications>