

Reference: 18/00986/CV	Site: Former Harrow Inn Harrow Lane Bulphan Essex RM14 3RL
Ward: Orsett	Proposal: Application for the variation of condition no. 4 (Accordance with Plans) of planning permission ref. 16/01446/FUL (Demolition of former public house and restaurant and erection of a weight loss and wellness centre (with 21 rooms))

Plan Number(s):		
Reference	Name	Received
C100.B	Proposed Floor Plans	11th July 2018
C101.B	Proposed Floor Plans	11th July 2018
C102.B	Proposed Floor Plans	11th July 2018
C200.B	Proposed Elevations	11th July 2018
C201.B	Proposed Elevations	11th July 2018
C250.B	Proposed Elevations	11th July 2018
C251.B	Proposed Elevations	11th July 2018
C252.B	Proposed Elevations	11th July 2018
S01.A	Location Plan	24th September 2018
S05	Proposed Site Layout	24th September 2018

The application is also accompanied by:	
- Planning Statement / Cover letter	
Applicant: Mr & Mrs B & J Jarvis	Validated: 12 July 2018 Date of expiry: 31 October 2018 (Extension of time agreed with Applicant)
Recommendation: Approve	

This application is scheduled for determination by the Council's Planning Committee because the previous associated application (planning application ref.

16/01446/FUL) was determined at Planning Committee due to its major scale and strategic implications for the Green Belt.

1.0 DESCRIPTION OF PROPOSAL

- 1.1 The application seeks planning permission to vary the details of the approved plans on the consented scheme (application ref. 16/01446/FUL) under section 73 of the Town and Country Planning Act 1990. The approved scheme granted permission to redevelop the site to erect a weight loss and wellness centre (with 21 guest rooms) and associated access improvements, parking and landscaping. Work on site is well underway and some minor non-material amendments to the previously approved scheme have been previously sought and agreed under reference 17/00864/NMA.
- 1.2 The current proposals seek to amend the internal layouts of some of the rooms, uses and facilities.
- 1.3 The primary proposed changes are the removal of the proposed 2 bedroom Manager’s flat on the first floor of the consented scheme to be replaced with a staff room, staff kitchen, separate sex staff showers and further staff w/c facilities. There are also other alterations to the window sizing and alterations to the floor plans and internal layout.
- 1.4 There would be no material change to the size of the external footprint, the amount of floor area provided and the overall volume of the development would remain as previously consented.
- 1.5 A summary of the current proposal is provided in the table below:

Site Area:	2.15 hectares	
Layout	Ground floor	Internal configuration to the ground floor, 8x treatment rooms, including areas allocated areas for Cardio Scan and Assessment Room, Cryotherapy Ice Lab, Gravity Colonic Irrigation; 2x Consultation Rooms; First Aid Room, swimming pool with associated w/c and changing facilities;, sauna; steam room; , lobby, 1x office dance studio, boot room/store room, 1x W/C (adj to office), lounge, dining room, kitchen, undercover parking space, plant room and service building, house refuse storage and other storage areas.
	First Floor	14 Guest bedrooms with ensuite bathrooms and proposed staff welfare facilities to replace managers apartment

	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 The application site is located on the southern side Fen Lane, west of Harrow Lane. Until recently, the 2.15Ha site consisted of the fire damaged Harrow Inn public house and restaurant in two separate buildings. Following the grant of planning permission in 2017 for the construction of a Wellness Centre, the original buildings have been demolished. At the time of publication, construction works were well underway on the Wellness Centre.
- 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 in the Metropolitan Green Belt and is surrounded by open fenland. The majority of the site is located within the highest Flood Risk Zone 3, with the most easterly half of the site located in flood zones 2 and 1 moving eastwards, as identified on the Environment Agency flood maps.

3.0 RELEVANT HISTORY

Application Reference	Description of Proposal	Decision
18/00994/FUL	Proposed ancillary Manager's accommodation with double garage.	Pending Consideration and found elsewhere in the agenda
17/01506/FUL	Proposed ancillary residential detached dwelling with non-adjoining double garage.	Withdrawn (previously Deferred at Committee)
16/01446/FUL	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.	Approved (and implemented)

17/00854/NMA	Application for a proposed non-material amendment to amend of planning permission ref. 16/01446/FUL (Demolition of former public house and restaurant and erection of a weight loss and wellness centre (with 21 rooms) and associated access improvements, parking and landscaping.)	Approved
17/00376/CONDC	Discharge of conditions 3[Samples of Materials], 5[Design Details], 6[Landscaping Plan], 7[Sight Splays], 9 [CEMP], 10[FWEP], 11[Drainage Strategy], 12[Surface Water Maintenance Plan] from approved planning application 16.01446.FUL.	Approved

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 advertisement and public site notice which has been displayed nearby. No written comments have been received.

4.3 HIGHWAYS:

No objection.

4.4 ENVIRONMENT AGENCY:

No objection.

4.5 ENVIRONMENTAL HEALTH OFFICER:

No objection.

4.6 FLOOD RISK MANAGER:

No objection.

4.7 LANDSCAPE AND ECOLOGY:

No objection.

4.8 HEALTH AND SAFETY:

No objection.

4.9 PUBLIC RIGHTS OF WAY:

No objection, guidance in relation to the Public Right of Way.

4.10 EMERGENCY PLANNING

No objection.

5.0 POLICY CONTEXT

National Planning Guidance

5.1 National Planning Policy Framework (NPPF)

The revised NPPF was published on 24 July 2018. Paragraph 11 of the Framework sets out a presumption in favour of sustainable development. Paragraph 47 of the Framework confirms the tests in s.38 (6) of the Planning and Compulsory Purchase Act 2004 and s.70(2) of the Town and Country Planning Act.

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

- 8. Promoting healthy and safe communities
- 9. Promoting sustainable transport
- 12. Achieving well-designed places
- 13. Protecting Green Belt land
- 14. Meeting the challenge of climate change, flooding and coastal change
- 15. Conserving and enhancing the natural environment

5.2 Planning Practice 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 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

5.3 Thurrock Local Development Framework (2015)

The Council adopted the “Core Strategy and Policies for the Management of Development Plan Document” in December 2011 which was subsequently amended in 2015. 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)
- CSSP4 (Sustainable Green Belt)

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].

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 2018.

5.5 Thurrock Design Strategy

In March 2017 the Council launched the Thurrock Design Strategy. The Design Strategy sets out the main design principles to be used by applicants for all new development in Thurrock. The Design Strategy is a supplementary planning document (SPD) which supports policies in the adopted Core Strategy.

6.0 **ASSESSMENT**

- 6.1 This is an application under section 73 of the Town and Country Planning Act 1990 to vary conditions attached to a grant of planning permission. Where an application submitted under s.73 of the 1990 Act is approved, the legal effect is to issue a new grant of planning permission, whilst leaving the original planning consent unaffected. Accordingly, if the current application is approved both the original (ref.16/01446/FUL) and the current (ref.18/00986/CV) would comprise 'self-contained' planning permissions, although the latter permission can be assumed to represent the more up to

date consent and would meet the demands of user occupiers.

6.2 Accordingly, when considering an application under s.73, the Council as Local Planning Authority should consider matters related to the conditions only and not the planning permission(s) itself.

6.3 The assessment below covers the following areas:

- I. Principle of the Development
- II. Design and Layout
- III. Highways
- IV. Neighbour Amenity
- V. Surface Water Drainage and Flood Risk
- VI. Landscape and Ecology

I. PRINCIPLE OF THE DEVELOPMENT

6.4 This application seeks permission to vary Condition 4, relating to the approved plans, of the original planning approval ref. 16/01446/FUL. The principle of the development has been previously established.

6.5 The following shows a comparison of the floorspace and volume between the approved buildings and the new proposed plans:

	Area (Footprint)	Volume
Previously Approved Scheme (16/01446/FUL)	880 sqm	5600 cubic metre
Current Proposal	880 sqm	5600 cubic metre
Difference	0 sqm	0 cubic metre

6.6 As can be seen from the table above, there would be no change to the footprint or volume of the building and, therefore, the revised plans would not harm the character, openness and appearance of the Green Belt at this point beyond what has already been approved in the original permission (application ref.16/01446/FUL).

6.7 Accordingly the development is considered to be in accordance with policy, and it does not need to be justified further via the demonstration of very special circumstances.

- 6.8 The Council's Health and Safety Officer has confirmed that the proposed layout changes satisfy the Wellness Centre's Health and Safety requirements without the necessity of any expansion of the building. Additionally, there is capacity within the proposed layout for Duty Manager facilities and accommodation if required by the applicant.
- 6.9 In conclusion under this heading, the principle of the development has already been established and the proposed variation to the internal layout would not conflict with Core Strategy Policy PMD6 or the NPPF.

II. DESIGN AND LAYOUT

- 6.10 The application seeks to amend the internal layout mainly to accommodate the proposed staff welfare facilities on the first floor and reconfigured rooms to the ground floor. Minor alterations to doors and window heights to the ground floor are also proposed. In terms of overall design, the amended plans continue to show a crisply finished contemporary building that would be similar in approach to the previously approved scheme. The proposed changes would be considered appropriate to the context of the site. The proposal complies with policies PMD1 and PMD2 of the Core Strategy.

III. HIGHWAYS

- 6.11 The previously approved access and parking arrangements for the site would remain unchanged.
- 6.12 Furthermore condition 7 of 16/01446/FUL relating to sight splays, has been discharged and it is considered the matters related to parking provision at the site have already been resolved. The Council's Highways Officer consequently has no objections to the development and the proposal complies with policies PMD8 and PMD9 of the Core Strategy.

IV. NEIGHBOUR AMENITY

- 6.13 The site would be suitably distant from neighbours not to impact on the amenities that nearby occupiers presently enjoy. The proposed amendments to the proposals would not alter this position. Policy PMD1 is considered to be satisfied in this regard.

V. SURFACE WATER DRAINAGE AND FLOOD RISK

- 6.14 The Flood Risk Manager, the Emergency Planning Team and the Environment Agency have been consulted with regards to the current application and have made no further comment. Furthermore, conditions 10, 11 and 12 of the original consent have been discharged and it is considered these matters have already been resolved.

VI. LANDSCAPING AND ECOLOGY

- 6.15 There are no proposed changes to the previously approved landscaping for the scheme. The Landscape and Ecology Officer has also been consulted and raised no objections.

7.0 CONCLUSION

- 7.1 The application seeks, via s73, permission for a number of amendments to the approved scheme, necessitating changes to the wording of condition 4. These changes are considered to be acceptable.

8.0 RECOMMENDATION

- 8.1 Approve, subject to the following conditions.

Condition(s):

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.

MATERIALS

3. The materials to be used in the construction of the development hereby permitted shall be strictly in accordance with the details approved under reference 17/00376/CONDC 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 Local Development Framework Core Strategy and Policies for the Management of Development DPD [2015]

PLAN NUMBERS

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

Plan Number(s):		
Reference	Name	Received
C100.B	Proposed Floor Plans	11th July 2018
C101.B	Proposed Floor Plans	11th July 2018
C102.B	Proposed Floor Plans	11th July 2018
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C201.B	Proposed Elevations	11th July 2018
C250.B	Proposed Elevations	11th July 2018
C251.B	Proposed Elevations	11th July 2018
C252.B	Proposed Elevations	11th July 2018
S01.A	Location Plan	24th September 2018
S05	Proposed Site Layout	24th September 2018

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

DESIGN DETAILS

5. The design details of the development hereby permitted shall be strictly in accordance with the details approved under reference 17/00376/CONDC unless otherwise agreed in writing by the local planning authority.

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. The hard and soft landscaping scheme of the development hereby permitted shall be strictly in accordance with the details approved under reference 17/00376/CONDC unless other agreed in writing by 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. The sight splay details of the development hereby permitted shall be strictly in accordance with the details approved under reference 17/00376/CONDC unless other agreed in writing by the local planning authority.

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 ENVIRONMENT MANAGEMENT PLAN

9. The construction arrangements for the development hereby permitted shall be strictly in accordance with the CEMP details approved under reference 17/00376/CONDC unless other 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.

FLOOD WARNING EVACUTATION PLAN

10. The Flood Evacuation and Emergency Response Plan (FWEP) of the development hereby permitted shall be strictly in accordance with the FWEP details approved under reference 17/00376/CONDC unless other agreed in writing by the local planning authority.

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. The surface water drainage scheme details of the development hereby permitted shall be strictly in accordance with the surface water drainage scheme approved under reference 17/00376/CONDC unless other agreed in writing by the local planning authority.

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. The surface water maintenance plan for the development hereby permitted shall be strictly in accordance with the surface water maintenance plan approved under reference 17/00376/CONDC unless other agreed in writing by the local planning authority.

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].

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]

Informative:

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

The Local Planning Authority has acted positively and proactively in determining this application by 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:

www.thurrock.gov.uk/planning

