

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

## Planning Committee

The meeting will be held at **7.00 pm** on **2 November 2017**

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

### Membership:

Councillors Tom Kelly (Chair), Steve Liddiard (Vice-Chair), Colin Churchman, Graham Hamilton, Roy Jones, Tunde Ojetola, Terry Piccolo, Gerard Rice and Graham Snell

Steve Taylor, Campaign to Protect Rural England Representative

### Substitutes:

Councillors Martin Kerin, Brian Little, David Potter, Joycelyn Redsell and Kevin Wheeler

### Agenda

Open to Public and Press

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<b>1 Apologies for Absence</b>	
<b>2 Minutes</b>	<b>5 - 14</b>
To approve as a correct record the minutes of the Planning Committee meeting held on 28 September 2017.	
<b>3 Item of Urgent Business</b>	
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.	
<b>4 Declaration of Interests</b>	
<b>5 Declarations of receipt of correspondence and/or any</b>	

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

**6 Planning Appeals 15 - 18**

**7 Public Address to Planning Committee**

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).

**8 17/01171/FUL: Smurfit Kappa Lokfast Site, London Road, Purfleet, RM19 1QY 19 - 62**

**9 17/01107/HHA: 18 Brookmans Avenue, Stifford Clays, Grays, Essex, RM16 2LW 63 - 72**

**10 17/01165/FUL: Alexandra Lake, West Thurrock Way, West Thurrock, Essex 73 - 96**

**Queries regarding this Agenda or notification of apologies:**

Please contact Lottie Raper, Senior Democratic Services Officer by sending an email to [Direct.Democracy@thurrock.gov.uk](mailto:Direct.Democracy@thurrock.gov.uk)

Agenda published on: **25 October 2017**

## **Information for members of the public and councillors**

### **Access to Information and Meetings**

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- 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.

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# 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 28 September 2017 at 6.00 pm

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**Present:** Councillors Tom Kelly (Chair), Steve Liddiard (Vice-Chair), Tunde Ojetola, Terry Piccolo, Gerard Rice, Graham Snell and Joycelyn Redsell (Substitute)

Steve Taylor, Campaign to Protect Rural England  
Representative

**Apologies:** Councillors Colin Churchman and Roy Jones

**In attendance:** Andrew Millard, Assistant Director Planning & Growth  
Matthew Ford, Principal Highways Engineer  
Matthew Gallagher, Principal Planner  
Jonathan Keen, Principal Planner  
Leigh Nicholson, Development Management Team Leader  
Sarah Williams, School Capital and Planning Project Manager  
Vivien Williams, Planning Lawyer  
Charlotte Raper, Democratic Services Officer

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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.

### **31. Minutes**

The minutes of the Planning Committee meeting held on 31 August 2017 were approved as a correct record.

### **32. Item of Urgent Business**

There were no items of urgent business.

### **33. Declaration of Interests**

The Chair disclosed a pecuniary interest in relation to item 11 17/00723/DVOB: DP World Development, London Gateway, Stanford Le Hope, in that it was his place of work. He would excuse himself from the chamber for that item.

### **34. 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**

The Chair declared receipt of correspondence, on behalf of the entire committee, regarding item 9 17/00772/FUL: The Ockendon Academy, Erriff

Drive, South Ockendon, Essex, RM15 5AN. The Cabinet Member for Education had sent a supporting letter to all Members of the Committee.

**35. Planning Appeals**

The report provided information regarding planning appeals performance.

**RESOLVED:**

**The Planning Committee noted the report.**

**36. 16/00923/FUL: Land to north of Rosebery Road, Castle Road and Belmont Road, Grays**

The application had been considered at the meeting of the Planning Committee held on 27 July 2017. The Committee had deferred determination of the application for details of access for construction traffic to be clarified. The Chair therefore reminded Members that those Members who had not participated in the original debate could not participate at this meeting either.

Since determination of the application was deferred, the applicant had commissioned a 'Construction Traffic Access Options' report. The Committee was reminded that the substantive issue for consideration remained the determination of the planning application for the residential development of the site and the recommendation to grant planning permission, subject to a S106 agreement and conditions, remained unchanged.

Councillor Ojetola was pleased that the applicant had acknowledged the concerns of the Committee. He asked whether Meeson's Lane (proposed option 4) was less busy than the existing roads to the south of the site (proposed option 3) and for clarification regarding the location of the link at the top of Meeson's Lane. The existing, unregistered land between Parker Road and the site also lay between 2 residential properties. The applicant had provided information around expected vehicle movements, at the initial stage movements would be highest, on average 17 a day falling to only 1-2 a day during later phases. Meeson's Lane had not been assessed as part of the initial application and separate planning consent would be needed but it was quite wide with no frontage of houses on the section in question. The implications would therefore be different for that route.

Councillor Piccolo queried whether it was intended for the planning permission for Meeson's Lane and Parker Road to be a delegated decision or brought back before the Committee. It was intended that the permission, on a temporary basis, to achieve development of the site should be straight forward and therefore would be a delegated decision. The Council as a Planning Authority would have to consult with the relevant residents, the highways department and those responsible for parks and open spaces and assess any concerns raised.



The Chair questioned the loss of amenity during the construction period given the play area and green space proposed for access. The site was fairly open and the swings were situated farther north therefore there would be no loss of equipment.

The Chair continued that the Committee would agree proposed Option 1 would be the preferable option, though it had been deemed unviable due to costs and negotiations with third parties. It was his view that Gloriana was, in a sense, a community project but residents would be unhappy about the impact during construction. He raised concern regarding the proposed access point in Option 4, as it lay between two residential properties and asked whether the Committee could indicate a preference for that option and retain the ability to stop it if it could not be done safely. There were only 2 commercially viable options presented and he wanted to take the burden away from residents of the three existing roads south of the site, but needed to ensure safety for Meeson's Lane. The Principal Planning Officer advised that the Committee was not determining the application based upon the preferred route, as it would form a later application, however an informative could be used to guide the applicant. Conditions would address issues around hours of construction, noise control, and dust.

Councillor Ojetola asked officers to verify that the temporary access route would cease to have access to the site after construction, and to confirm the expected duration of any parking restrictions. The access route would be temporary for use by construction traffic only. The land was unregistered and therefore could not be used otherwise. The build was expected to take 2 years with highest vehicle movements within the initial phase.

The Chair asked for clarification regarding proposals for additional parking, given the loss of turning heads in Belmont, Castle and Rosebery Road. The Senior Highways Engineer confirmed that the existing roads would remain as 2-way traffic. The new estate would follow a 1-way route. To mitigate the loss of parking there were proposals for parallel parking bays at the top of the three existing roads, these would be one way running from Belmont Road to Rosebery Road; residents of Rosebery Road would need to travel up Belmont or Castle road to access these. The rear service route between Belmont Road and Parker Road would remain 2-way. The Chair noted reference to parking management and asked what could be done to protect the existing residents. Following an informal consultation a parking management scheme was in development for the area and condition 11 concerned parking management.

Councillor Piccolo stated that the application had been deferred due to concerns regarding access and impact upon local residents. Of the two viable options he felt Option 4 seemed most resident friendly as it would cause very little inconvenience after the initial few months with no parking restrictions to residents. He had always been of the view that the scheme was positive there had just been issues to address.

The Vice-Chair noted that there were two possible options for access however they were not for determination by the Committee. He would support the application.

Councillor Ojetola recalled the Committee had raised a number of concerns initially. The reality was Thurrock would see a massive increase in houses on brown field sites and while he was sympathetic to the local residents he felt there was little that could be done given the demand for new houses. The Committee would seek to reduce the impact on residents and he appreciated the work of officers and the applicant to address Members' concerns. It was his view that option 1 would be preferential given the lack of impact to residents but he understood that it has been assessed as unviable. He therefore proposed option 4 and asked how this could be conveyed. The Chair clarified that an informative would be added, advising the Committee's preference for Option 4.

The Campaign to Protect Rural Essex representative felt Councillor Ojetola was correct. He was concerned that option 1 had been disregarded due to "additional costs" and felt the options should be costed fully. Although option 1 might prove more difficult and involve negotiations with third parties it should not be disregarded entirely as it would cause least disruption to residents.

It was proposed by the Vice-Chair and seconded by Councillor Piccolo that the application be approved subject to completion of a s106 legal agreement and planning conditions, as per the officers' recommendation, including an informative regarding the preferred option for construction access.

For: Councillors Tom Kelly (Chair), Steve Liddiard (Vice-Chair), Tunde Ojetola and Terry Piccolo.

Against: (0)

Abstain: (0)

**RESOLVED:**

**That the application be approved subject to completion of a s106 legal agreement and planning conditions, including an informative regarding the Committee's preferred option for construction access.**

**37. 17/00772/FUL: The Ockendon Academy, Erriff Drive, South Ockendon, Essex, RM15 5AN**

The application sought full planning permission for a new sports hall with associated facilities. The site was located within the Green Belt and constituted inappropriate development, however officers had assessed the Very Special Circumstances outlined by the applicant as outweighing the potential harm. The application was therefore recommended for approval, subject to referral to the Planning Casework Unit and conditions.

The Vice-Chair asked for confirmation that the proposal would allow for additional school places. The principal planning officer advised that the school roll was increasing, but that the building was to provide improved facilities.

Councillor Redsell asked how much space would be lost to the school, such as parking spaces or playground space. No parking would be lost. There would be a reduction in playground space however the proposal would provide sports facilities and therefore there would be no harm to the health and wellbeing of the children.

Councillor Piccolo asked officers to verify that the school would be under provisioned if nothing were done. The Committee heard that this was correct.

The applicant, Barbara King, was invited to the Committee to present her statement of support.

Councillor Ojetola queried the additional 240 students in each year, it was confirmed that there would be 240 pupils in total in each year group.

The Vice-Chair expressed his view that the proposal would offer an amazing opportunity and increased school places which was to be commended.

Councillor Rice echoed that the application would provide brilliant facilities in a somewhat deprived area and offered his full support.

Councillor Redsell admitted that while it was a brilliant scheme she was concerned that an increase in students would mean increased vehicle movements and there were problems throughout the borough around schools. The Senior Highways Engineer advised that there was a condition for the school to provide an updated Travel Plan. The Committee was also reminded that the application was for a replacement sports facility and would not directly increase vehicle movements at the school.

Councillor Ojetola agreed the suggestion was plausible however it would have been for consideration that the time when the increased roll was agreed. The application simply allowed provision for facilities for the agreed increased number of pupils. He was pleased that the Very Special Circumstances clearly outweighed the Green Belt issues and wished to support the school and the application.

Councillor Piccolo highlighted that the increase in numbers had already been agreed and therefore the application would simply increase the schools capacity for sport provision. He felt it was important to improve provision for schools and this was for sports facilities which would improve health and wellbeing and possibly tackle the issue of obesity. He noted that the facility was also intended for use by other groups and would therefore benefit the local community. He fully supported the application.

It was proposed by Councillor Rice and seconded by Councillor Ojetola that the application be approved, subject to referral to the Planning Casework Unit and conditions, as per the officers' recommendation.

For: Councillors Tom Kelly (Chair), Steve Liddiard (Vice-Chair), Tunde Ojetola, Terry Piccolo, Gerard Rice, Graham Snell and Joycelyn Redsell.

Against: (0)

Abstain: (0)

**RESOLVED:**

**That the application be approved, subject to referral to the Planning Casework Unit and conditions.**

**38. 17/00763/FUL: Barmoor House, Farm Road, Chadwell St Mary, Essex, RM16 3AH**

The application sought planning permission for extensions and alterations to the existing chalet bungalow to facilitate the subdivision into 5 residential dwellings.

Councillor Rice noted neighbour letters which cited poor quality of the access road. Since the road was private land he asked why the applicant had not been asked to improve the condition of the road by way of a contribution. The Highways Engineer advised that a site visit had been carried out by highways officers and while the road was somewhat in disrepair it was not so bad as to be in conflict with the disability discrimination act and therefore it was not suitable as a condition; however it was suggested that an informative be added advising the condition of the road be improved.

Councillor Piccolo asked whether the proposals decreased the overall footprint and therefore caused less impact to the Green Belt than the existing lay out. The principal planning officer confirmed there was a decrease in volume across the site and the built footprint also decreased within the proposals.

The Vice-Chair sought clarity around proposals and asked whether there would be 5 extra buildings. The Committee heard that the single building would be extended and become a terrace of 5 dwellings.

Councillor Ojetola asked officers to confirm the function of adding an informative. The principal planning officer clarified that it was not an enforceable condition, but a point of note to the applicant.

Councillor Redsell questioned the parking provision proposed. There would be 2 parking spaces per unit with an additional 3 spaces for visitor parking.

Councillor Rice reiterated his wish to include an informative regarding the condition of the access road.

Councillor Liddiard agreed, whilst he was minded to approve the application it would be good to add the informative as the road was in poor condition and the Committee might regret not requesting improvements in future.

Councillor Piccolo understood Members' concerns but felt prospective buyers would have more power to ensure the road was improved, given that it was private land and the Council could not enforce a condition. He added that Thurrock needed more homes and an additional four homes in a nice area, without affecting the Green Belt was an improvement. He was happy to include the informative but felt it would come down to prospective buyers.

Councillor Ojetola noted that the application outlined no objections from highways officers and the fact that the road was a private matter which could not be considered by the Committee. He agreed that market forces would determine the matter and Members had made their views clearly known.

The Assistant Director of Planning and Growth advised that the Committee could not insist upon improvements to the road and therefore an informative was the correct way to convey its wishes.

Councillor Snell echoed that it was important to note the difference between building five new homes and extending an existing building to create five dwellings. He agreed with the addition of an informative regarding the condition of the road so that it would be in a fit and proper state when the development was finished, after that it would be private land and the responsibility of the landowner.

The Campaign to Protect Rural Essex representative agreed with the recommendation. Although the site was within the Green Belt, the proposal essentially filled a gap between existing properties and would result in a reduced footprint and improved aesthetics.

It was proposed by Councillor Ojetola and seconded by Councillor Snell that the application be approved, subject to conditions as per the officer's recommendation, with the addition of an informative regarding the road condition.

For: Councillors Tom Kelly (Chair), Steve Liddiard (Vice-Chair), Tunde Ojetola, Terry Piccolo, Gerard Rice, Graham Snell and Joycelyn Redsell.

Against: (0)

Abstain: (0)

**RESOLVED:**

**That the application be approved, subject to conditions, with the addition of an informative regarding the road condition.**

**39. 17/00723/DVOB: DP World Development, London Gateway, Stanford Le Hope**

The Chair excused himself from the Chamber, given his pecuniary interest in this application.

The application sought a Deed of Variation to the s106 legal agreement relating to the London Gateway Logistics Park Local Development Order, dated 5 November 2013.

Councillor Rice sought clarification that the total amount paid would remain the same, and that the only change would be there would now be two payments made rather than one. Members were assured this was the case.

Councillor Ojetola asked the legal officer to verify that all amendments had been thoroughly checked and scrutinised to ensure there would be no future implications. It was confirmed that there was no issue regarding the detail of the agreement.

Councillor Redsell asked when the two payments would be received. Page 127 of the agenda outlined that; *“TBC may only issue a written demand for the First Contribution once TBC has obtained all necessary consents for the 3 lane widening of the A13 Link 5 (or the alternative measures) and is in a position to let a construction contract for the 3 lane widening of the A13 Link 5 (or alternative measures). The Second Contribution shall be paid on the first anniversary of the First Contribution”*.

Councillor Rice commended the variation and welcomed the assurances from Officers. He expressed he was happy to support the application.

It was proposed by Councillor Rice and seconded by Councillor Redsell that the existing s106 agreement be varied in accordance with the table set out in Appendix 1.

For: Councillors Steve Liddiard (Vice-Chair), Tunde Ojetola, Terry Piccolo, Gerard Rice, Graham Snell and Joycelyn Redsell.

Against: (0)

Abstain: (0)

**RESOLVED:**

**That the existing s106 agreement be varied in accordance with the table set out in Appendix 1.**

**The meeting finished at 7.39 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](mailto:Direct.Democracy@thurrock.gov.uk)**

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<b>2 November 2017</b>	<b>ITEM: 6</b>
<b>Planning Committee</b>	
<b>Planning Appeals</b>	
<b>Wards and communities affected:</b> All	<b>Key Decision:</b> Not Applicable
<b>Report of:</b> Leigh Nicholson, Development Management Team Leader	
<b>Accountable Assistant Director:</b> Andy Millard, Assistant Director Planning and Growth	
<b>Accountable Director:</b> 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:** 17/00033/BUNUSE

Location: The Old Chapel, Oxford Road Horndon, On The Hill

Alleged breach:

A large metal container has been placed onto an established drive way, completely blocking access for vehicles.

This area is green belt land.

#### 4.0 Appeals Decisions:

The following appeal decisions have been received:

#### 4.2 Application No: 16/00941/CONDC

Location: 76 High Street, Grays

Proposal: Application to discharge conditions 2 [Materials]; 3 [Landscaping]; 5 [Construction Management Plan and Waste Management Plan]; 6 [Highways Management Plan]; 7 [Ground Levels]; 10 [Surface Water Management Strategy]; 11 [Delivery & Servicing Strategy]; 15 [Waste Access & Management Strategy]; 16 [Archaeological Trial Trenching]; 17 [Archaeological Deposits]; 18 [Post Excavation Assessment]; 20 [Travel Plan] and 21 [Foundations Construction Methods and Tree Protection] from approved application 13/00480/FUL

**Decision: Part dismissed / Part allowed**

#### Summary of decision:

- 4.2.1 This appeal was submitted against the refusal of an application to discharge certain planning conditions which were imposed by the Council when approving the redevelopment of the site (13/00480/FUL).
- 4.2.2 The Council declined to approve the information submitted in respect of condition 2 (materials), 10 (surface water management) and 11 (delivery and servicing) on the basis that these conditions were pre-commencement conditions. The planning permission required the development to be implemented by 28 August 2016. The applicant argued that works commenced on the 24 August 2016 by the laying of a floor slab for a bin enclosure. The Inspector took a contrary view to the Council that work had commenced before the 28 August as the slab related to the development permitted.
- 4.2.3 The Inspector considered the main issue to be:
- I. Whether or not the conditions are 'true conditions precedent' (i.e. necessary to be approved prior to commencement),
  - II. If not, whether the submitted details would adequately safeguard the character and appearance of the area (condition 2) and ensure that the development proposed would be acceptable with regard to flood risk (condition 10) and highway safety (condition 11).
- 4.2.4 In relation to (i), the Inspector concluded that having regard to the context of the location, conditions 2, 10 and 11 did not go to the heart of the permission so could not be true condition precedents.

- 4.2.5 The Inspector however found the submitted materials to be unacceptable and took the view that the materials would not safeguard the character and appearance of the area. The Inspector refused the appeal on this basis and held that condition 2 is not discharged.
- 4.2.6 Similarly, the Inspector found the information submitted by the applicant in respect of condition 10 to be inadequate. The Inspector refused the appeal on this basis and held that condition 10 is not discharged.
- 4.2.7 With regard to condition 11, the Inspector took the view that the information supplied was sufficient and determined that condition 11 was partially discharged (full discharge of the condition requires the delivery and servicing operations to be undertaken in accordance with the approved strategy).
- 4.2.8 The full appeal decision can be found online.

**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	2	2	6	5	8	1							24
No Allowed	0	2	4	1	0	0							7
% Allowed													29%

**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](http://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

<b>Reference:</b> 17/01171/FUL	<b>Site:</b> Smurfit Kappa Lokfast Site London Road Purfleet RM19 1QY
<b>Ward:</b> West Thurrock and South Stifford	<b>Proposal:</b> Proposed construction of part three / part four-storey, 6-form entry secondary school for 1,150 students (including 250 sixth form pupils) in 8,850 sq.m. new school building

<b>Plan Number(s):</b>		
Reference	Name	Received
17075-LSI-A1-GF-DR-A-1170	Site Location Plan	30.08.17
17075-LSI-A1-GF-DR-A-1200	General Arrangement Plan Existing Site Plan	30.08.17
17075-LSI-A1-GF-DR-A-1300	General Arrangement Plan Proposed Ground Floor	30.08.17
17075-LSI-A1-01-DR-A-1301	General Arrangement Plan Proposed First Floor	30.08.17
17075-LSI-A1-02-DR-A-1302	General Arrangement Plan Proposed Second Floor	30.08.17
17075-LSI-A1-03-DR-A-1303	General Arrangement Plan Proposed Third Floor	30.08.17
17075-LSI-A1-RF-DR-A-1304	General Arrangement Plan Proposed Roof	30.08.17
17075-LSI-A1-ZZ-DR-A-1350	General Arrangement Elevations Proposed – Teaching Block 1 of 2	30.08.17
17075-LSI-A1-ZZ-DR-A-1351	General Arrangement Elevations Proposed – Teaching Block 2 of 2	30.08.17
17075-LSI-A1-ZZ-DR-A-1352	General Arrangement Elevations Proposed – Sports Block	30.08.17
17075-LSI-A1-ZZ-DR-A-1370	General Arrangement Sections Proposed – Teaching Block 1 of 2	30.08.17
17075-LSI-A1-ZZ-DR-A-1371	General Arrangement Sections Proposed – Teaching Block 2 of 2	30.08.17
17075-LSI-A1-ZZ-DR-A-1372	General Arrangement Sections Proposed – Sports Block	30.08.17
17075-LSI-A1-XX-DR-A-1400	Visualisations Key Views	30.08.17
D2505 L.001 Rev. A	Proposed Landscape Masterplan	30.08.17
D2505 L.002 Rev. A	BB103 Areas Calculation Plan	30.08.17

D2505 L.003 Rev. A	Landscape Access Strategy Plan	30.08.17
D2505 L.201 Rev. A	Proposed Landscape Boundaries and Fencing Plan	30.08.17
D2505 L.205 Rev. A	Hard Landscape General Arrangement Plan	30.08.17
D2505 L.300 Rev. A	Soft Landscape General Arrangement Plan	30.08.17
D2505 L.400 Rev. A	Landscape Site Sections Sheet 1 of 2	30.08.17
D2505 L.401 Rev. A	Landscape Site Sections Sheet 2 of 2	30.08.17

The application is also accompanied by:

- Acoustic Strategy Report;
- Construction Management Plan;
- Design Panel Review Feedback;
- Design and Access Statement;
- Flood Risk Assessment and Drainage Strategy;
- Interim School Travel Plan;
- Land Quality Statement and Controlled Waters Detailed Quantitative Risk Assessment;
- Noise Impact Assessment;
- Planning Statement;
- Preliminary Ecological Appraisal;
- Transport Assessment

**Applicant:**

Kier Construction Ltd.

**Validated:**

31 August 2017

**Date of expiry:**

30 November 2017

**Recommendation:** Grant planning permission subject to conditions.

## 1.0 DESCRIPTION OF PROPOSAL

1.1 In summary, this application proposes the redevelopment of the site to construct a 6 form entry secondary school for 1,150 pupils, including 250 sixth form pupils. The key components of the proposals are described in the table below:

Site Area	2.67Ha
Proposed Floorspace	Teaching block: 7,600 sq.m.
	Sports hall: 1,250 sq.m.
	TOTAL: 8,850 sq.m.
Height	Teaching block: four-storeys c.15.8m above finished ground level
	Sports hall: two-storeys c.10m above finished ground

	level
No. of staff	120 full time equivalent
Parking	76 car parking spaces (including 4 spaces for disabled users)
	Cycle parking
School Sports Areas	1 no. grass football pitch (c.82m x c.50m)
	3 no. external hardsurfaced multi use games areas (basketball, tennis etc.)
	Sports Hall: 4 courts

1.2 The proposed school, to be known as Harris Academy Riverside, would be operated by the Harris Federation who currently operates over 40 academy schools (primary, secondary and sixth form) throughout London and surrounding areas, including the Harris Academy and Harris Primary Academy, both at Chafford Hundred.

1.3 Site Layout:

Two buildings to serve the school are proposed to be broadly located in the centre of the site, east of the access onto London Road. The proposed part two-storey sports hall would be located closest to the London Road frontage, with the four-storey teaching block positioned approximately mid-way between the railway line and London Road. The existing point of vehicular access onto London Road would be re-located a short distance to the west and access for pedestrians into the site would be adjacent to the new vehicular access. A main car park would be located on the western part of the site and to the rear of existing dwellings at nos. 1-7 Southland Terrace. The far western corner of the site, which is a somewhat awkward triangular shape, would remain as a soft-landscaped area, with ecological enhancements.

1.4 The central part of the site, adjacent to the teaching block and sports hall would be occupied by the multi-use games area (MUGA) and a hard-surfaced area to be used as 'social space and external dining'. A soft-landscaped buffer is proposed adjacent to the railway line. The eastern part of the site would be occupied by a natural grass football pitch, with further soft landscaping adjacent to the boundary with London Road.

1.5 Proposed Buildings:

As noted above, two school buildings are proposed. A sports hall building would be positioned a minimum of c. 7.5m from the London Road frontage. This structure would measure c. 34m in length (as seen from London Road), with a width (measured north to south) of c. 29m. The proposed sports hall would be a

maximum c.10m in height above finished ground levels, incorporating a full-height, 4 court hall with part two-storey changing rooms, fitness studio etc. The sports hall would be a flat-roof building with finishing materials comprising facing buff-coloured brickwork, insulated light-coloured render and profiled metal cladding in an orange-colour to match elements of the school uniform.

1.6 The proposed teaching block would be sited c. 45m south of the London Road frontage and c. 22m east of the rear garden of no. 7 Southland Terrace. The external footprint of the building would measure c. 35m wide ( as seen from London Road) with a length (measured north to south) of c.63m. At ground floor level the main entrance would be positioned at the north-eastern corner of the block. This level would contain the larger spaces associated with the school such as assembly halls, dining hall, kitchen, drama, music and ancillary floorspace. At first floor level science teaching rooms would be arranged around the perimeter of the building with a central void over the ground floor assembly halls. Similarly teaching spaces at second and third floor levels would be generally arranged around a central void above the ground floor halls. Teaching spaces for 6th form students would be located on the third floor.

1.7 The teaching block would be a flat-roof building with a maximum height of c. 15.8m above finished ground levels. The entrance located at the building's north-eastern corner would be defined by a two-storey glazed, curtain wall feature. The ground floor 'plinth' of the block would be constructed from a buff-coloured brick, with upper floors finished with an insulated render system graded from dark grey (first floor) to light grey (third floor). The three full-height stairwells would be finished with insulated metal cladding in a colour to match the proposed sports hall. All elevations would incorporate regularly-spaced aluminium frame window openings with an integral louvre system.

1.8 Access and Parking:

As noted above, the proposed point of access for vehicles and pedestrians would be close to the existing access onto London Road. South of the new access a two-way road would lead to a main car parking area providing 68 car parking spaces and a refuse storage area. The proposed arrangement of this main car park would enable vehicles to turn. A smaller area of parking for 8 cars, including spaces for disabled users, would be positioned closer to the main entrance of the teaching block. A bicycle storage area would be positioned adjacent to the sports hall.

1.9 Associated Application:

The same applicant has submitted an associated full planning application (ref. 17/01176/FUL) proposing site enabling and preparation works to facilitate the



construction of the school, should planning permission be granted. The scope of this associated planning application includes:

- site investigation works comprising ground gas monitoring;
- monitoring and management of Japanese Knotweed on-site;
- construction of a haul road at the new site access;
- lifting of existing ground floor slabs and crushing for re-use on the site;
- remediation of any contaminated sub-soils; and
- ground re-profiling to achieve finished ground levels across the site of between +1.5m to +5m.

1.10 This associated planning application will be determined under delegated powers as the proposals do not raise any strategic issues which would require consideration by the Planning Committee.

## **2.0 SITE DESCRIPTION**

2.1 The application site comprises an irregular-shaped parcel of land located on the southern side of London Road (A1090), to the east of Purfleet railway station. The site covers an area of c.2.67 hectares, with a frontage to London Road (measured east to west) of c.190m and a maximum depth (measured north to south) of c.170m.

2.2 Historically the site formed the western part of the larger Thames Paper / Board Mills factory site and large areas of the application site were occupied by industrial / warehouse buildings and hardstandings associated with this former use. The majority of buildings associated with the former use were demolished in recent years. Historic mapping suggests that the far-western part of the site, although part of the former factory site, has always remained open. This western part of the site, which is triangular in shape, is currently overgrown with vegetation. The central part of the site comprises the ground slab and hardstandings associated with the former buildings occupying the site. The eastern part of the site is also hardsurfaced but is actively used for open storage by the adjoining occupier (International Timber).

2.3 London Road forms the northern boundary of the site. Residential uses, comprising two-storey terraces and three-storey flats are located on the northern side of London Road. To the west of the site and on the southern side of London Road are two-storey terraces of late Victorian / early 20<sup>th</sup> Century houses. The Purfleet to Grays railway line forms the southern boundary of the site. To the east of the site is the International Timber site, used for the storage and distribution of timber products. Two modern buildings associated with International Timber, comprising a sawmill and warehouse adjoin the site's eastern boundary.

- 2.4 The site is accessed via an existing crossover onto London Road located close to the western boundary. The site’s boundaries to London Road and the railway line are marked by trees and shrubs. The site is located within the high-risk flood zone (Zone 3a), although it benefits from flood defences adjacent to the River Thames. The site are generally flat and low-lying, although the ground slab of former buildings is elevated above the rest of the site and there is a pronounced drop between levels on London Road (c.3.5m – 3.8m) and the northern part of the site (c.1.0m – 1.1m).
- 2.5 The south-eastern corner of the site is within the ‘Outer Zone’ allocated around the Esso Purfleet Fuels terminal large scale petrol storage site. The site is allocated within an employment as defined by the Policies Map accompanying the adopted LDF Core Strategy.

**3.0 RELEVANT HISTORY**

- 3.1 The site has an extensive planning history associated with its historic use for commercial purposes. The most recent planning history is set out in the table below:

Application Reference	Description of Proposal	Decision
11/50401/TTGOUT	Demolition of existing buildings; site preparation; redevelopment of the application site for a mix of uses including; Residential (up to 3,000 units); Retail Floorspace - Use Class A1, Financial & Professional Services Floorspace - Use Class A2, Food & Drink Facilities - Use Classes A3, A4 & A5 (6,900sq.m.); Employment & Business Uses – Use Classes B1, B2 & B8 (31,000sq.m.); Hotel – Use Class C1 (3,300sqm); Community, School & Civic Facilities - Use Class D1 and Leisure Uses – Use Class D2 (6,500sq.m.); Car Parking Spaces; Relocation of Existing Station Ticket Hall; Public & Private Open Space and Landscaping, Highways, Access, Engineering and Associated Works.	Approved
14/01127/DMI	Demolition of former Smurfit Kappa	Lapsed

	factory and warehouse building.	
15/00009/FUL	Change of use of land and warehouse for the storage of plant, vehicles and building materials.	Approved
16/01368/SCO	Request for an Environmental Impact Assessment (EIA) Scoping Opinion: Proposed residential-led, mixed-use redevelopment comprising residential uses, community uses (including a new primary and secondary school), commercial floorspace including business and retail (including food and beverage retail), hotel floorspace, railway station, studio and energy centre uses together with associated infrastructure, amenity space and landscaping.	Advice Given
17/00080/DMI	Application for prior notification of proposed demolition: Demolition of the existing building on Former Smurfit Kappa site.	Approved.
17/01023/SCR	Request for EIA Screening Opinion - Proposed construction of a part three / part four-storey, 6-form entry secondary school for 1,150 students (including 250 sixth form pupils) in 8,820 sq.m. new school building.	EIA Not Required
17/01176/FUL	Enabling works (associated with the proposed development of Harris Riverside Academy - planning application ref. 17/01171/FUL) including site investigation works; Japanese knotweed management; haul road construction; the lifting and removing of ground obstructions; the crushing of concrete from slab and obstruction removal; remediation works; site profiling; and service disconnections and diversions.	Under consideration

3.2 This site is located within the larger Purfleet Centre regeneration masterplan area, promoted by Purfleet Centre Regeneration Ltd. (PCRL). Although there is an extant outline planning permission for the Purfleet Centre scheme (ref. 11/50401/TTGOUT) this permission is unlikely to be implemented. It is understood

that PCRL are working towards the future submission of a planning application based on revised parameters from the outline consent.

#### **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](http://www.thurrock.gov.uk/planning)

##### **PUBLICITY:**

4.2 This application has been advertised by way of individual neighbour notification letters (sent to 424 addresses), press advert and public site notices which have been displayed nearby. The application has been advertised as a major development and as a departure from the development plan. Two letters of objection have been received raising concerns regarding:

- potential overlooking;
- loss of views;
- additional traffic;
- increased pollution;
- litter; and
- noise.

One letter has been received expressing support for the principle of the development, but also raising concerns regarding:

- impact on air quality;
- increased traffic; and
- need for improved footpath / cycle links.

4.2 ANGLIAN WATER:

No objections.

4.4 ENVIRONMENT AGENCY:

No objections, subject to conditions addressing ground contamination and flood risk.

**4.7** ESSEX COUNTY COUNCIL (ARCHAEOLOGY):

No objections.

**4.8 ESSEX & SUFFOLK WATER:**

No objection.

**4.9 NETWORK RAIL:**

No response received.

**4.10 PURFLEET VILLAGE FORUM:**

No response received.

**4.11 SPORT ENGLAND:**

The principle of development is supported by Sport England as a non-statutory consultee. Advisory comments are offered regarding the design and layout of the proposed sports hall. The applicant is urged to consider providing an artificial grass pitch rather than a natural turf pitch. A number of conditions to be attached to any grant of planning permission are suggested.

**4.13 EDUCATION:**

No objection.

**4.14 ENVIRONMENTAL HEALTH:**

- Air Quality – no air quality issues;
- Land Contamination – the site will be suitable for the proposed use if the recommended measures are completed;
- Noise – no significant impacts;
- External Lighting – no objections, subject to condition;
- Construction Impacts – no objections, subject to implementation of a construction management plan.

**4.15 FLOOD RISK MANAGER:**

No objection subject to condition.

**4.16 HEALTH & WELLBEING:**

No response received.

**4.17 HIGHWAYS:**

No objections, subject to conditions and obligations.

#### 4.18 LANDSCAPE & ECOLOGY:

No objections. The conclusions of the applicant's ecological appraisal are considered to be appropriate. The proposals would not result in visual, landscape or ecological harm.

#### 4.24 SPORT & LEISURE:

Purfleet has extremely limited sports facilities and in particular sports fields. The proposed sports hall, fitness suite, pitch and MUGA which will be available for community use are welcomed. However, serious concerns are raised regarding the provision of a single grass pitch. This pitch will have limited ability to meet school needs and will be unusable at times. The pitch would have very limited community use. Provision of an artificial-surface floodlit pitch is suggested which could enable more intensive use, including community use. Although initially more expensive, an artificial pitch would provide income opportunities for the school.

## 5.0 POLICY CONTEXT

### National Planning Guidance

#### National Planning Policy Framework (NPPF)

- 5.1 The NPPF was published on 27<sup>th</sup> 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;
  7. Requiring good design
  8. Promoting healthy communities;
  10. Meeting the challenge of climate change, flooding and coastal change; and
  11. Conserving and enhancing the natural environment.

### 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 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;
- Land affected by contamination;
- Natural environment;
- Noise;
- Open space, sports and recreation facilities, public rights of way and local green space;
- Renewable and low carbon energy;
- Travel Plans, Transport Assessments and Statements; and
- Use of planning conditions

5.4 The 'Policy statement – planning for schools development' (2011) is also relevant to this case.

### **Local Planning Policy**

#### 5.5 Thurrock Local Development Framework

The Council adopted the "Core Strategy and Policies for the Management of Development Plan Document" (as amended) in 2015. The following Core Strategy policies apply to the proposals:

Spatial Policies:

- CSSP2 (Sustainable Employment Growth);
- CSSP3: Sustainable Infrastructure); and
- OSDP1 (Promotion of Sustainable Growth and Regeneration in Thurrock)

Thematic Policies:

- CSTP6: Strategic Employment Provision
- CSTP10 (Community Facilities)
- CSTP12 (Education and Learning)
- CSTP14 (Transport in the Thurrock Urban Area: Purfleet to Tilbury)
- CSTP19 (Biodiversity)
- CSTP22 (Thurrock Design)
- CSTP25 (Addressing Climate Change)
- CSTP26 (Renewable or Low-Carbon Energy Generation)
- CSTP27 (Management and Reduction of Flood Risk)

Policies for the Management of Development:

- PMD1 (Minimising Pollution and Impacts on Amenity)
- PMD2 (Design and Layout)
- PMD5 (Open Spaces, Outdoor Sports and Recreational Facilities)
- PMD7 (Biodiversity, Geological Conservation and Development)
- PMD8 (Parking Standards)
- PMD9 (Road Network Hierarchy)
- PMD10 (Transport Assessments and Travel Plans)
- PMD12 (Sustainable Buildings)
- PMD13 (Decentralised, Renewable and Low Carbon Energy Generation); and
- PMD15 (Flood Risk Assessment)
- PMD16 (Developer Contributions)

5.6 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 2014 meeting 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.

5.7 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 late 2017 / early 2018.

## 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 and design issues
- III. Impact on amenity
- IV. Highways & transportation
- V. Noise
- VI. Flood risk
- VII. Ground conditions
- VIII. Ecological considerations
- IX. Energy & sustainability.

### I. DEVELOPMENT PLAN DESIGNATION & PRINCIPLE OF DEVELOPMENT:

6.2 The 'Policies Map' accompanying the adopted Core Strategy and Policies for Management of Development (as amended) (2015) identifies the site as within a 'Primary Industrial and Commercial Area', reflecting the historic use of the site as part of the larger 'Thames Paper / Board Mills' site. For this reason the proposal has been advertised as a departure from the development plan. However, the Core Strategy defines Purfleet as a 'Regeneration Area' and makes the following references to its future growth and redevelopment:

- Chapter 3 – The Future of Thurrock (para.3.10) – *“Purfleet will have a new centre with a thriving community at its heart”*.
- Para.3.20 – *“(Purfleet) Regeneration will be founded on the development of a mix of dwellings, employment and community facilities focused around a new centre adjoining the railway station and riverside”*.
- Strategic Spatial Objectives: SS01 – *“Achieve sustainable communities in Thurrock with regeneration and growth focused in the existing urban areas (Purfleet ...)”*
- Strategic Spatial Objectives: SS06 – *“Secure and make provision for health and education, and other community facilities that will enhance Thurrock’s community wellbeing by addressing current deficits and the requirements arising from new development focused on the urban areas (Purfleet ...)”*

6.3 Policy CSSP3 (Sustainable Infrastructure) identifies a list of Key Strategic Infrastructure Projects which are essential to the delivery of the Core Strategy,

including (under the heading of “Secondary Education”) “new build, refurbishment and expansion of existing mainstream secondary schools”. This development plan policy therefore identifies the general need for new build secondary schools as items of key infrastructure. Data from the Council’s current ‘Pupil Place Plan 2017-2021’ indicates that only one of the two existing secondary schools in the ‘West Planning Area’ (Ormiston Park Academy) has available capacity. The other secondary school in this area (Ockendon Academy) experiences projected pupil numbers in excess of its published admission number. The five secondary schools within the adjoining ‘Central Planning Area’ are all projected to experience projected pupil numbers in excess of the published admission numbers in future years. The Pupil Place Plan therefore demonstrates a clear need for additional secondary school places in the centre and west of the Borough.

6.4 Policy CSTP12 (Education and Learning) sets out a general approach which includes:

- I. the Council’s objective and priority to maximise the benefit of investment in buildings, grounds and ICT, to achieve educational transformation;*
- II. the provision of pre-school, primary school, high school, further education and special education facilities meets current and future needs”.*

Under the heading of ‘Secondary Education’ CSTP12 goes on to state that *“To meet the educational, training and community needs of young people and their families for the period of this plan, the Council is committed to replace and improve mainstream secondary school provision and will work with partners to identify and/or confirm sites of an appropriate size and location for schools”.*

6.5 Therefore, in general terms Core Strategy policies support the provision of education facilities, including new build schools. As work on the Council’s emerging Site Specific Allocations Plan was suspended pending preparation of a new Local Plan, a specific location for a new secondary school in Purfleet has not been identified.

6.6 The planning history section of this report (above) includes reference to the extant outline planning permission for the Purfleet Centre regeneration scheme (ref. 11/050401/TTGOUT). Although it is unlikely that this permission will be implemented due to its replacement with a revised masterplan, the outline permission nevertheless established the principle of new education uses within the masterplan area. The extant permission included the provision of a new three-form entry primary school indicatively located within Botany Quarry on land which is also designated for employment uses by the Policies Map accompanying the Core Strategy.

6.7 Although a revised planning application for the Purfleet Centre masterplan is awaited, indicative land use parameters for the master plan which are publically available suggest the allocation of an education uses on the current application site. Consequently, there is a degree of comfort that this application is consistent with the expected Purfleet Centre submission.

6.8 Under the heading of 'Promoting healthy communities' paragraph NPPF para 72 of the NPPF states:

*"The government attaches great importance to ensuring that a sufficient choice of school places is available to meet the needs of existing and new communities. Local planning authorities should take a proactive, positive and collaborative approach to meeting this requirement, and to development that will widen choice in education. They should:*

- *give great weight to the need to create, expand or alter schools*
- *work with schools promoters to identify and resolve key planning issues before applications are submitted."*

6.9 Although not a part of either the NPPF or PPG, the national policy paper "Planning for Schools Development" (2011) is relevant to this application. This paper sets out a commitment to support the development and delivery of state-funded schools through the planning system. Furthermore the policy paper refers to the Government's belief that the planning system should operate in a "*positive manner*" when dealing with proposals for the creation, expansion and alteration of state-funded schools. Finally, the policy paper sets out the following principles:

- There should be a presumption in favour of the development of state-funded schools, as expressed in the National Planning Policy Framework;
- Local authorities should give full and thorough consideration to the importance of enabling the development of state-funded schools in their planning decisions
- Local authorities should make full use of their planning powers to support state-funded schools applications
- Local authorities should only impose conditions that clearly and demonstrably meet the tests set out in Circular 11/95
- Local authorities should ensure that the process for submitting and determining state-funded schools' applications is as streamlined as possible
- A refusal of any application for a state-funded school, or the imposition of conditions, will have to be clearly justified by the local planning authority
- Appeals against any refusals of planning permission for state-funded schools should be treated as a priority

- Where a local planning authority refuses planning permission for a state-funded school, the Secretary of State will consider carefully whether to recover for his own determination appeals against the refusal of planning permission.

6.10 In summary under this heading, the site is on land allocated as a 'Primary Industrial and Commercial Area' by the Policies Map accompanying the adopted Core Strategy. Nevertheless, the Core Strategy promotes a new town centre at Purfleet, with large-scale residential development and, as a consequence, the need for associated community uses including schools. Policies CSSP3 and CSTP12 generally support new and enhanced educational facilities. National planning policies also provide clear and strong encouragement to new school provision and set out a "presumption in favour of the development of state-funded schools". In light of the Development Plan and national planning policies set out above the principle of the proposed development is supported.

## II. SITE LAYOUT & DESIGN ISSUES

6.11 The site is irregular in shape and constrained by the railway line to the south, London Road to the north and the timber storage and processing buildings to the east. The footprint of the proposed school buildings broadly replicates the position of the recently demolished structures and the proposed point of access onto London Road is in a similar position to the existing crossover. The shape of the site and position of the access largely dictate the position of the car park and sports pitch. Furthermore, due to the presence of the 'outer consultation zone' around the Esso Purfleet Fuels Terminal it is not possible to locate the school buildings on the eastern part of the site. It is also the case that the available site area is, at 2.67 Ha, is small. Given these constraints, it is considered that the proposed arrangement of car parking on the western part of the site, school buildings at the centre of the site and open space to the east is logical and makes efficient use of the available space.

6.12 Prior to the submission of the planning application, the applicant sought advice from Officers and presented the emerging proposals to a CABA Design Review. The response from Officers included the following key points:

- car parking should be relocated from the London Road frontage to the western part of the site;
- the natural grass surface football pitch should be replaced by a more resilient synthetic surface; and
- the elevations of the buildings should be more distinctive.

6.13 The CABA Design Review of the emerging proposals was undertaken in July, with the salient points of the review comprising:

- the proposals should present a more distinctive identity (this is seen as particularly important as the school is likely to be the first building delivered in the Purfleet Centre Regeneration scheme;
- a joined-up approach to regeneration projects in Purfleet is required; and
- the proposed entrance to the site is car dominated and should operate as a civic space.

- 6.14 The current proposals have been revised, to a degree, since July, though within the budget constraints applying to the development of new schools. In particular, car parking has been relocated from the London Road frontage to a less prominent position on the western part of the site. A previously proposed separate in / out access arrangement for vehicles has also been replaced with a single two-way road, resulting in a less 'engineered' and parking dominated frontage to London Road.
- 6.15 With regard to the external appearance of the school buildings, the applicant's initial proposals involved a flat roof design, similar to the current proposals, with a simple white-coloured render to the upper floors of the teaching block and sports hall. This approach to finishing materials was proposed to reflect the appearance of the Harris Academy at Chafford Hundred. Members of the Committee will be aware that the Council adopted the Thurrock Design Strategy earlier this year. The key aims of the strategy are to ensure that new development is of the highest possible design quality and responds appropriately to the local context. It is considered unfortunate and perhaps a missed opportunity that the external appearance seeks to respond to the Harris Academy 'family' of buildings rather than adopting a bespoke design.
- 6.16 The current proposals now propose a graded three-tone render, ranging from mid-grey (first-floor) to light-grey (third-floor). This has assisted in providing some definition to the appearance of the teaching block. However, it is considered that the external appearance of the proposed buildings do not define a unique character for the Academy in this prominent location in Purfleet and fail to 'announce' the development as the first buildings within the new centre for Purfleet.
- 6.17 As a counter-argument to these shortcomings in the design of the proposals, it is clear that the applicant is working within the constraints of a fixed budget and timeframe for delivering the Academy. The applicant is also constrained by Education Funding Agency (EFA) guidance on baseline designs for schools. This guidance, dating from 2014, followed a 2011 review of education capital which called for a suite of standardised drawings and specifications which could be applied across a wide range of educational facilities. The baseline designs are costed on a fixed build cost per square metre of floorspace. In particular, the baseline designs incorporate:

- efficient wall to floor ratios within the parameters of the design solution (for example, ‘superblocks’ as opposed to ‘fingerblocks’);
- using orthogonal forms with no curves or ‘faceted’ curves, having minimal indents, ‘dog legs’ and notches in the plan shapes;
- maximising stacking where possible;
- design replication / repetition for example, limiting the range of window sizes/types;
- external envelope specifications (e.g. low cost envelope materials such as render or metal panel).

6.18 It is considered that these budget-driven design stipulations highlighted by the EFA will limit the ability of the design to respond to local context and to be truly distinctive. As an aside, there is perhaps a tension between paragraph 58 of the NPPF which aims to ensure that developments, inter-alia, *“establish a strong sense of place ... respond to local character and history, and reflect the identity of local surroundings and materials ...”* and the more standardised approach to new school design stipulated by the EFA’s baseline designs.

6.19 Although the layout of the development is logical and has responded to pre-submission comments from Officers and CABE, the external appearance of the school buildings is disappointing and these structures would not create the distinctive landmark which would ideally be required for the first buildings within the Purfleet Centre redevelopment. Nevertheless, there is clearly a limited budget for new school buildings, with a fixed build cost per square metre floorspace and a set of design guidelines required by the EFA. Although these guidelines arguably run contrary to elements of the NPPF, on balance it is not considered that an objection to the proposals could be sustained to the external appearance of the development.

6.20 At pre-submission stage the proposals presented to Officers included a single natural grass surface playing pitch measuring c.82m x c.50m (suitable for the under 13 / under 14 age group) to serve the school. Both Sport England and Officers commented at that stage that a synthetic surface would be more hardwearing and would offer opportunities for wider community use. In particular, Sport England considered it *“essential that any new secondary school sports facility provision is planned to help meet the needs of the wider community as this presents a rare opportunity for addressing facility deficiencies associated with both the existing population and the additional population associated with planned growth and regeneration ... due to the carrying capacity of natural turf pitches and the constraints imposed by the weather, surface conditions and maintenance budgets, a single pitch for serving a school of this size is likely to get significantly overplayed which will have a consequential impact on its quality and availability to the school and is likely to prejudice any potential community use”*. For these reasons the

applicant was advised to consider the alternative of providing an artificial grass pitch (AGP) with a 3G surface instead of a natural turf pitch.

- 6.21 The current proposals retain a single natural grass surface playing pitch and therefore do not respond to the pre-submission comments. The Council's Sports & Leisure Policy & Development Manager has commented on the current proposals and confirmed the limited availability of existing sports and leisure facilities to Purfleet residents. Serious concerns are raised that the single grass pitch proposed will have limited ability to meet the needs of the school and very limited ability to meet wider community needs. An artificial floodlit pitch, suggested as an alternative, would enable intensive use by the school and wider community use.
- 6.22 Policy CSTP9 (Well-Being: Leisure and Sports) inter-alia supports the provision of *"high quality sports and leisure facilities"* and *"facilities for schools and other institutions which can be linked and shared with the community"*. Thematic policy CSTP12 (Education and Learning) is also relevant and sets out the Council's general approach including *"the integration of schools into multi-functional hubs with linkages to key facilities such as sports and leisure facilities ... facilities in schools are fully integrated into community use where possible"*.
- 6.23 Although the submitted Planning Statement refers to out of hours community use of the school (main halls / dining rooms / food preparation areas / playing pitch / MUGA / sports hall) through the use of strategically placed doors, there is concern that the proposed natural grass pitch would not comprise the *"high quality sports facilities"* supported by Policy (CSTP9) and that such a surface would not enable wider community use of the pitch, as mentioned by both policies CSTP9 and CSTP12. As with the concerns regarding the external appearance of the school buildings, it is likely that the costs of providing an artificial surface pitch compared to a natural grass surface pitch may have influenced the proposals. Sports facilities costs provided by Sport England for 2017 suggest a capital cost of c.£845,000 to provide a full-size (106m x 70m) artificial surface pitch with fencing and lighting, whereas a natural turf pitch of the same dimension can be provided for c.£85,000. Although an artificial surface pitch could potentially provide a future source of income, there is clearly a significant difference in the initial capital cost of providing a natural or synthetic surface. It is disappointing that an artificial surface, with its clear benefits, is not currently proposed. Furthermore, it is considered likely that in future years the Academy would seek to replace the natural surface with an artificial surface. In this respect the proposals represent something of a missed opportunity. Nevertheless, in light of the strong national policy support for new school provision, it is considered on balance that an objection to this element of the proposals on the basis of failure to comply with policies CSTP9 and CSTP12 would be difficult to sustain.

### III. IMPACT ON AMENITY

- 6.24 The closest 'sensitive' receptors to the site are residential occupiers along London Road to the west (Southland Terrace) and north (Heberden Court / Storax Court / Bradfield Court / Riverview Flats) of the site.
- 6.25 Southland Terrace comprises a terrace of two-storey houses on the south side of London Road and to the west of the site. Up until its demolition earlier this year, an industrial / warehouse building (constructed in the late 1950's) occupied a position almost directly behind the rear garden of no. 7 Southland Terrace and c. 34m from the rear wall of this dwelling. In comparison with this recently demolished structure, the proposed teaching block would be positioned c. 22m to the east of the adjoining rear garden and c. 36m from the rear wall of no. 7. The proposed teaching block can therefore be described as occupying a position further away from the nearest neighbour (measured east-west) though in a broadly similar position (as seen from London Road) compared to the former industrial / warehouse building. The footprint of the proposed building would therefore 'open-up' the outlook from the rear of the neighbouring residential terrace compared with the former structure.
- 6.26 As the former industrial / warehouse building has now been demolished it is not possible to confirm its exact height. However, it is estimated that the proposed teaching block, with a height of c.15.8m above finished ground levels, would be taller than the former structure which had a convex-curve or barrel roof form. Nevertheless, as noted above, the footprint of the proposed block would be in a better position in relation to Southland Terrace, allowing more open views to the south.
- 6.27 The Design and Access statement accompanying the application includes a 'Sun-Path Analysis' and modelling of shadows for mid-summer and mid-winter. At mid-summer the proposed teaching block would cast no shadows beyond the site's boundaries, although during the morning at midwinter there would be overshadowing of adjoining rear gardens to the west. Nevertheless, this impact should be seen in the context of the former impact of the recently demolished industrial / warehouse building which was much closer to gardens. The impact of the proposals on daylight, sunlight and overshadowing would certainly be no worse than the former relationship and consequently no objections can be raised on this point.
- 6.28 With regard to privacy, windows serving classrooms are proposed on the north and west-facing elevations of the proposed teaching block at first, second and third-floor levels. If the requirements of retained Annex 1 of the Local Plan (Control of Development in Residential Areas) are applied to the proposals in respect of privacy and overlooking from principal windows, the minimum 20m separation



distance is met suggesting that there will be no unacceptable overlooking. Although the perception of overlooking from a school building may be different from the former industrial / warehouse building, which had far fewer window openings, this factor is clearly offset by the position of proposed teaching block further from neighbouring properties.

- 6.29 To the north of the site on the opposite (northern) side of London Road are three-storey flats constructed in the late 1980s / early 1990's. The proposed sports hall building would be sited c. 23m from windows serving non-habitable rooms within the flank wall of Storax Court. Given the presence of existing tree planting which would filter views towards the site and the fall in ground levels to the south, the proposed buildings would not result in harm to residential amenity by way of loss of light, outlook or privacy. There are no current proposals for illumination of the grass pitch and the details of any proposed external lighting in and around the school buildings could be controlled by planning condition.
- 6.30 The noise implications of the proposals are considered elsewhere within this report. However, any potential for disturbance from the 'main' car park would be mitigated by its position c.11m from the neighbouring rear gardens, by the presence of planting and by the limited use of the car park related to term times and school hours.

#### IV. HIGHWAYS & TRANSPORTATION

- 6.31 The planning application is supported by an Interim School Travel Plan and a Transport Assessment.
- 6.32 The 'Thurrock Parking Standards and Good Practice (Draft) (2012)' suggest a car parking provision of 1 space per 15 pupils for primary or secondary schools. Based on the projected 900 pupil capacity of years 7-11, the provision of 60 parking spaces is suggested to meet the draft Parking Standards. As the proposals also include provision of a sixth form for 250 pupils, the Draft Parking Standard for further and higher education is also applicable and refers to 1 parking space per 15 students for staff plus 1 space per 15 students for student parking. In total, in order to meet suggested Draft Standards for the 1,150 pupil capacity, 93 parking spaces would need to be provided. The proposals include parking for 76 cars, a shortfall of 17 spaces.

#### Baseline Conditions:

- 6.33 London Road (A1090) forms the northern boundary of the site and is subject to a 30mph speed limit. Both sides of the carriageway are subject to double-yellow line waiting restrictions, although on-street parallel parking bays are positioned on both

the eastbound and westbound carriageways. A controlled parking zone operates in the area, including the on-street parking bays, restricting parking to permit holders only between 10am and 3pm on Mondays to Fridays. There are existing pedestrian footpaths on both sides of London Road adjacent to the site, although the footpath on the southern side is narrow and partially overgrown. There are no existing at-grade crossing facilities on London Road close to the site. The Council-operated Cornwall House public car park, providing 100 off-street spaces, is located c. 370 walking distance to the west of the site.

6.34 With regard to public transport, Purfleet railway station is sited c. 275m walking distance to the west of the site. The station is served by 5 westbound services and 5 eastbound services between 8am and 9am on weekdays and 2 westbound services and 2 eastbound services between 3pm and 4pm on weekdays. There are 2 bus services close to the site: route no. 44 (linking Purfleet, Grays and Lakeside) passes along London Road with a weekday peak frequency of 2 buses per hour and route no. 11 which terminates at the railway station has a weekday frequency of 90 minutes.

6.35 In order to estimate the likely trip generation by mode the applicant was asked to use survey data from the Ormiston Park Academy Travel Plan. The applicant has adjusted this modal share data to account for the better access to public transport and rail services in particular. An estimate of modal share based on full occupation of the proposed academy and prior to the completion of the Purfleet Centre regeneration scheme is presented in the table below:

Mode	Pupils		Staff	
	Modal share (%)	Number	Modal share (%)	Number
Walking	25%	288	23%	28
Cycling	2%	23	4%	5
Car	15%	173	61%	73
Car sharing	3%	35	9%	11
Public bus	20%	230	3%	3
Private school bus	20%	230	-	-
Taxi	3%	35	0%	0
Train	12%	138	0%	0
TOTAL	100%	1,152	100%	120

6.36 Transport Assessment

The applicant’s TA includes the results of traffic monitoring undertaken in June 2017 at London Road east of the level crossing and at 4 further agreed locations

nearby. This monitoring included an automatic traffic count survey which recorded the following average weekday peak movements:

London Road - westbound	8am – 9am	3pm – 4pm
	242	252
London Road - eastbound	8am – 9am	3pm – 4pm
	130	150

6.37 The TA models predicted inbound movements of 161 vehicles for the weekday morning peak (8am – 9am) and 116 outbound vehicle movements during the afternoon peak (3pm – 4pm). This modelling is based upon a high share of sustainable transport modes for pupils. With regard to the potential impact on surrounding junction capacity, the TA concludes:

- Arterial Road / Tank hill Road junction – negligible impact;
- Arterial Road / Purfleet Bypass / Botany Way junction – no impact on operation;
- Stonehouse Corner junction – predicted increases in the ratio to flow capacity on the east arm during the morning peak and the west arm during the afternoon peak;
- London Road / St. Clements Way junction – small impact;
- Purfleet Station level crossing – queuing would not extend as far as the proposed access apart from during the longest morning peak queue.

6.38 Nevertheless, the TA acknowledges that measures are required in order to mitigate the predicted traffic impact of the development. These measures comprise:

- new Puffin crossing across London Road adjacent to the proposed site access;
- proposed pupil drop-off / pick-up point located at the Cornwall House public car park, with a supervised ‘walking bus’ between the school and the car park. The proposed use of the car park would be subject to the agreement of the Council as operator;
- ‘Railway Level Crossing Marshal’ – a member of staff would be allocated to supervise pupils at peak hours;
- private school bus service – the Harris Federation would provide a private bus service to assist in the relocation of pupils from the Chafford Hundred site to the new school; and
- a Travel Plan.

### 6.39 Travel Plan

In order to achieve the modal share targets referred to by the table at paragraph 6.35 above, an Interim School Travel Plan accompanies the application. This document refers to a package of measures to be incorporated in a Full Travel Plan

which would be secured through a s106 planning obligation. These measures comprise:

- appointment of a Travel Plan Co-ordinator;
- covered and secure cycle parking;
- secure motorcycle parking;
- dedicated car sharing bays;
- no car parking for sixth-form students;
- provision of sustainable travel information;
- staff induction;
- Walking Bus between the school and Cornwall House car park sites;
- potential staggered arrival and departure times;
- cycle safety awareness course;
- encouragement of car sharing;
- sustainable transport events; and
- personal travel planning.

6.40 The Interim School Travel Plan acknowledges that most of the 'soft' measures will be provided based on demand, whereas the provision of physical infrastructure will occur prior to occupation.

6.41 Comments received from the Council's Highways Officer raise no objection, but note that a package of measures will be required to mitigate the impact of the development. In particular, the Officer notes that the condition of existing footpaths could be unsuitable for pedestrian movements associated with the school and that improvements are required. Although the TA correctly identifies the controlled parkin zone (CPZ) operating in the area, the hours when the CPZ is in operation do not align with school opening and closing hours. Although the assessed negligible impact on junctions is agreed, the following obligations are recommended by the Highways Officer:

- i. financial contribution of £20,000 towards the amendment of parking controls locally;
- ii. new signalised crossing facility on London Road;
- iii. enhanced walking / cycling facilities on the northern side of London Road;
- iv. footpath improvement on south side of London Road;
- v. school bus service for use by pupils outside of Purfleet;
- vi. access / management controls for the car park area;
- vii. provision of a 'walking bus' service; and
- viii. employee and pupil travel plan.

Item (vi.) could be secured through a planning condition requiring a car park management plan. The submitted Travel Plan also promotes the measures

referred to by items (v.), (vii.) and (viii) and the mitigation measures in the TA include item (ii.) The recommendations for footpath, walking and cycling improvements are not detailed further and these do not form items on the Infrastructure Requirements List. Furthermore, the extent of the adopted highway is limited along London Road such that the scope for physical improvements is severely constrained, unless private land is acquired. It is not considered that obligations requiring such improvements would meet the policy test of being fairly and reasonably related in scale and kind to the development.

## V. NOISE

- 6.42 The planning application is accompanied by both an 'Acoustic Strategy Report' which assesses the internal acoustic environment within the school buildings and a 'Noise Impact Assessment' which considers how existing noise sources could affect the development.
- 6.43 The Acoustic Strategy Report and Noise Impact Assessment conclude that adequate internal noise levels are achievable, although internal spaces which require a lower ambient noise level will need to be located within the southern part of the teaching block. Criteria for limiting noise from items of fixed plant are proposed based on the lowest measured background noise levels. The documents also assess potential noise emissions from use of the proposed sports pitch and conclude that impact on the closest residential properties is unlikely to be significant. Although the site is bordered by the railway line to the south and the International Timber site to the east, road traffic noise from London Road is the dominant source of noise affecting the site.
- 6.44 Comments received from the Environmental Health Officer confirm that the assessment of noise from plant is satisfactory and that noise levels from this source should not exceed specified levels. A planning condition can be used to address this issue. It is also agreed that noise generated by users of the sports pitch will not result in a significant impact.
- 6.45 The hours of use, and hence potential for noise, of both the MUGA and the sports pitch are clearly influenced by available natural light and whether the outdoor sports facilities will be externally lit. The landscaping plans accompanying the application suggest that the hard-surfaced MUGA will be externally, illuminated although no further details of the lighting are provided. At this stage there is no suggestion that the sports pitch would be illuminated. If Members were minded to approve the application planning conditions addressing details of external lighting and proposed hours of use for the external sports facilities would be necessary.

## VI. FLOOD RISK

- 6.46 As noted above, the site is located in the High Risk flood zone (Zone 3a) although the site and the wider area benefits from tidal defences adjacent to the River Thames. These defences protect the area up to the 1 in 1,000 year flood event. The application is accompanied by a Flood Risk Assessment (FRA) which identifies the primary source of potential flooding which could affect the site is inundation as a result of a tidal surge along the River Thames. The 'top' level of the tidal defences varies between 6.9m and 7.2m AOD and the modelled peak water level for the Thames is 6.35m AOD for the 1 in 1,000 year tidal event. The risk of defences being overtopped is considered to be low, although the FRA includes a breach analysis to model a scenario where the defences fail. In the event of a breach if defences close to the site for the 1 in 200 year tidal event the site would flood to a maximum water level of 5.08m AOD.
- 6.47 National PPG includes a Flood Risk Vulnerability Classification which defines educational establishments, including schools, as 'More Vulnerable'. In these circumstances the proposals are subject to the Exception Test, as well as the Sequential Test.

#### Sequential and Exception Tests

- 6.48 The general aim of the Sequential Test is to steer new development to areas with the lowest probability of flooding. However, PPG notes that the Sequential Test does not need to be applied for individual sites which have been allocated in a Development Plan through the Sequential Test. Policy CSTP27 (Management and Reduction of Flood Risk) refers to the Thurrock Strategic Flood Risk Assessment and this document's confirmation that the majority of the Thurrock Urban Area (including Purfleet) is located within the high risk flood zone. The policy goes on to note that it has not been possible to allocate all areas for new development in areas of the lowest flood risk. The policy confirms that the five broad areas for regeneration (including Purfleet) have all been subject to the Sequential Test. Accordingly, it is not necessary to consider the Sequential Test any further.
- 6.49 For the Exception Test to be passed, the following elements need to be satisfied:
1. it must be demonstrated that the development provides wider sustainability benefits to the community that outweigh flood risk, informed by a Strategic Flood Risk Assessment where one has been prepared
  2. a site-specific flood risk assessment must demonstrate that the development will be safe for its lifetime taking account of the vulnerability of its users, without increasing flood risk elsewhere, and, where possible, will reduce flood risk overall.

- 6.50 With regard to the first element of the Test, the applicant promotes the following sustainability benefits for the wider community:
- a new school improving opportunities and reducing distance to school for local children and young people;
  - the provision of employment opportunities as well as benefits to the local environment;
  - the provision of three MUGA sports pitches as well as a grass sports playing field, which improves the quality and quantity of sports facilities within the community. These will be accessible to the community after general school hours.
  - improving opportunities for children and young people in the local area;
  - reducing transport distances for school children in the local area;
  - enhanced access, open space and recreation opportunities;
  - the creation of new employment opportunities;
  - the provision of new and sustainable infrastructure;
  - SuDS and water efficiency measures;
  - an Energy Strategy that is based on the philosophy of “Be Lean”, “Be Clean” and “Be Green” where energy use is minimised by passive designs and energy efficiencies prior to introduction of zero to low carbon technologies; and
  - a target to achieve BREEAM “Very Good” rating with an aspiration to achieve BREEAM “Excellent” rating in terms of energy targets.
- 6.51 In light of the above factors it is considered that the first requirement of the Exception Test is satisfied. The submitted FRA includes an analysis of all potential sources of flooding which could affect the site and includes a drainage strategy and management / mitigation measures. The second element of the Exception Test is therefore satisfied.
- 6.52 Comments received from the Environment Agency confirm that the site is protected by flood defences and that modelled flood levels would reach up to 5.08m AOD during a 1 in 200 year event and up to 5.2m AOD during a 1 in 1,000 year event. As proposed site levels would be c. 2.5m – 2.6m AOD actual on-site water levels would be c. 2.5m above finished ground levels. However, finished first floor levels at c. 6.2m AOD would be above the modelled breach event levels and would provide a dry refuge. The Agency therefore suggests a planning condition to achieve these floor levels.
- 6.53 Comments received from the Flood Risk Manager raise concerns regarding the submitted surface water drainage strategy, with particular regard to the treatment of surface water. It is considered that the deficiencies in the strategy can be addressed by the use of a planning condition attached to any grant of planning permission.

## VII. GROUND CONDITIONS

- 6.54 In light of the former commercial use of the site the application is accompanied by a 'Land Quality Statement & Controlled Waters Detailed Quantitative Risk Assessment'. In summary, the site is underlain by made ground above alluvium, gravels and chalk at depth. Indications of hydrocarbon contamination were recorded in the made ground and top levels of alluvium within the centre of the site. There are also elevated levels of lead and other metals within soils, along with the frequent occurrence of asbestos chrysotile fibres, albeit at low concentrations. Accordingly, the site currently presents a moderate contamination risk to end users, underground services and groundworkers. In order to address these risks the applicant promotes a range of remedial actions.
- 6.55 The Council's Environmental Health Officer is satisfied that the site will be suitable for the proposed end-use as a secondary school if the recommendations promoted within the Land Quality Statement are implemented. The consultation response received from the Environment Agency also refers to the risks from contamination and recommends 'standard' planning conditions requiring risk assessment, site investigation, a remediation strategy, a verification plan, monitoring and measures to deal with any unforeseen contamination.
- 6.56 Subject to these conditions, no objections are raised on the basis of ground conditions and contamination.

## VIII. ECOLOGICAL CONSIDERATIONS

- 6.57 The site does not form part of any area of designated nature conservation importance on either a statutory or non-statutory basis. However, the railway 'corridor' adjoining the southern boundary is defined as a 'Local Nature Reserve' on the Policies Map accompanying the Core Strategy. Policy CSTP19 (Biodiversity) refers to Local Nature Reserves as part of the "biodiversity network" and states that these sites should be safeguarded and enhanced. Policy PMD7 (Biodiversity, Geological Conservation and Development) also general requires retention and enhancement of ecological assets, although development affecting such interests may be permitted where impacts can be mitigated or compensated.
- 6.58 A 'Preliminary Ecological Appraisal' which includes a Phase 1 habitat survey accompanies the planning application. The survey records that the majority of the site comprises areas of hardstanding which have negligible ecological interest. There is an area of ephemeral / short perennial habitat on the western part of the site and the majority of the London Road boundary comprises scrub and scattered trees. These two habitats are of some ecological value and have the potential to



support protected species (reptiles and nesting birds). Therefore, mitigation measures are recommended in the form of:

- retention and management of habitat along the northern boundary;
- new 'wildlife-friendly' landscaping and planting;
- habitat creation in the form of habitat piles, hibernacula, bird and bat boxes.

6.59 The habitat survey records the presence of two invasive plant species (Japanese knotweed and giant hogweed) located close to the access onto London Road. Giant hogweed is considered to be a health hazard and the applicant's appraisal recommends that both species are eradicated from the site. However, the 'Early Works Construction Methodology' accompanying the applicant's associated planning application for site preparation (ref. 17/01176/FUL) notes that the Japanese knotweed will be monitored and segregated only. Although there is no legal requirement to remove Japanese knotweed, the landowner could be prosecuted (via the Wildlife & Countryside Act) for causing a nuisance if the plant is allowed to grow on adjoining property. An informative advising the applicant of good practice in the management of Japanese knotweed should be attached to any grant of planning permission.

6.60 The proposals will result in the loss of approximately four trees in order to accommodate the revised access proposals adjacent to the London Road frontage. However, this loss would be compensated by potential new tree planting adjacent to the southern boundary.

6.61 The Council's Landscape and Ecology advisor has raised no objections to the application. Therefore under this heading it is concluded that subject, to mitigation to be secured through planning conditions, there are no objections to the proposals on ecological grounds.

## IX. ENERGY & SUSTAINABILITY

6.62 Policies PMD12 and PMD13 are applicable to the proposals and require the achievement of a BREEAM 'excellent' rating and that 15% of the energy requirements of the development are generated through decentralised, renewable or low carbon means. Both of these sustainability requirements may be relaxed where it can be adequately demonstrated, by way of viability assessment, that compliance with the policy requirements renders the proposals unviable.

6.63 The applicant has confirmed that the scheme will "*target BREEAM 'Very Good' as it is economically unviable to achieve anything higher in this case*". However, the applicant has not offered any further evidence or justification to support this position, which is disappointing. Nevertheless, in light of the strong national policy

support for new school provision, the budget constraints and the timetable within which the applicant is working it would be difficult to object to the development on this basis. Notwithstanding a planning condition is justified to ensure that the “very good” target is met.

- 6.64 With reference to policy PMD13, the applicant’s Design and Access Statement (DAS) models several options for on-site decentralised, renewable and low carbon energy in order to meet the 15% target. The DAS does not present a preferred option, but notes there are several options that can be delivered in the next design stages. A planning condition can be used to require compliance with this development plan policy.

## **7.0 CONCLUSIONS AND REASONS FOR RECOMMENDATION**

- 7.1 The principle of the proposed land use raises no conflict with Core Strategy policies which promote Purfleet as a regeneration area where a new town centre, residential uses and supporting facilities will be delivered. The proposed school is also likely to be compatible with the emerging masterplan proposals promoted by Purfleet Centre Regeneration Limited. National planning policies strongly support the provision of new state-funded schools.
- 7.2 With regard to site layout and design issues, the available site area is relatively small for a new secondary school, however the broad arrangement of school buildings, parking areas and play facilities is considered to be logical. However, the proposed outdoor playing pitch would comprise a natural grass surface. It is very doubtful whether such a surface would withstand intensive use by pupils and, as a corollary, is it questionable whether the pitch would be able to provide meaningful use as a community facility. Both Sport England and the Council’s sports and leisure manager raise concerns regarding the surface of the pitch and this issue was raised at the pre-submission stage. The applicant has not proposed an artificial surface which would allow for more intensive use and this is considered to be a missed opportunity. Although this element of the scheme is disappointing, it is apparent that there are budget pressures acting upon the development. Therefore, as a matter of judgement given the strong national policy support, an objection to the natural surface could not be reasonably sustained.
- 7.3 It is very likely that the proposed school will be the first built development delivered as part of Purfleet Centre. It is disappointing that the external appearance of the school buildings refer to the architectural language and materials used by completed Harris Academy buildings elsewhere, rather than delivering a unique design response for the site and for Purfleet. This shortcoming has also been recognised by a CABI Design Review. Nevertheless, it is recognised that the applicant is limited to an extent by both budget constraints and national baseline

designs for new school buildings. There is perhaps a tension between adherence to these baseline designs and the aspirations of both the NPPF and local guidance to achieve high quality design which responds to local context. Nevertheless, as with the surface of the playing pitch, on balance it is considered that an objection would be difficult to sustain given the urgent need to deliver new school places.

- 7.4 Subject to mitigation to be secured through planning conditions there are no objections to the proposals on the grounds of noise, flood risk, ground conditions, ecology or impact on amenity. The buildings are not 'policy compliant' with regard to their BREEAM rating and no documentary evidence has been submitted to further explain how compliance with policy would render the scheme unviable. However, the benefits of the development in delivering new school places would weigh in favour on this point.
- 7.5 Subject to mitigation to be secured via planning conditions and obligations the impact on the highways network would not be severe.
- 7.6 As the Council still owns part of the application site it is not possible to grant planning permission subject to the 'normal' requirement for a s106 legal agreement (as the Council cannot contract with themselves to bind their legal interest in the site). However, Counsel advice has been sought and legal opinion is that it would be appropriate in this case for planning permission to be granted subject to a negatively worded condition that development shall not commence until a s106 agreement has been completed. The agreement would secure the highways mitigation measures referred to above.

## 8.0 RECOMMENDATION

Grant planning permission subject to:

The following planning conditions:

### **s.106:**

1. No development shall commence until a s106 legal agreement has been completed and signed so as to bind all relevant interests in the site. The s106 agreement shall include to the following heads of terms:
  - a financial contribution of £20,000 (index linked) to be paid prior to the first use or operation of the development to enable the local highways authority to amend parking controls locally;
  - provision of a new signalised crossing facility on London Road, (in a position shown indicatively on the drawing at Appendix 12 of the submitted Transport

Assessment) to be provided as a Toucan Crossing with Puffin Crossing grade technology and available for use prior to first use or operation of the development;

- details of the provision and maintenance of a private school bus service to assist with the relocation of pupils / students from Harris Primary Academy Mayflower to Harris Riverside Academy and to minimise the number of additional car trips London Road as a result of the development;
- details of the provision and maintenance of a pupil and student pick-up / drop-off point at the Cornwall House car park site and details of the provision, and maintenance of the associated 'walking bus' scheme; and
- establishment, operation and review mechanisms for a Sustainable Travel Plan for Academy employees and pupils / staff to follow the 'Modeshift STARS' Travel Plan system (or similar approved local authority system).

**Time Limit:**

2. The development hereby permitted shall be begun before the expiration of three years from the date of this permission.

Reason: To comply with Section 91(1) of The Town & Country Planning Act 1990 as amended by Section 51 of the Planning and Compulsory Purchase Act 2004.

**Accordance with plans:**

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

Reference	Name	Received
17075-LSI-A1-GF-DR-A-1170	Site Location Plan	30.08.17
17075-LSI-A1-GF-DR-A-1200	General Arrangement Plan Existing Site Plan	30.08.17
17075-LSI-A1-GF-DR-A-1300	General Arrangement Plan Proposed Ground Floor	30.08.17
17075-LSI-A1-01-DR-A-1301	General Arrangement Plan Proposed First Floor	30.08.17
17075-LSI-A1-02-DR-A-1302	General Arrangement Plan Proposed Second Floor	30.08.17
17075-LSI-A1-03-DR-A-1303	General Arrangement Plan Proposed Third Floor	30.08.17
17075-LSI-A1-RF-DR-A-1304	General Arrangement Plan Proposed Roof	30.08.17

17075-LSI-A1-ZZ-DR-A-1350	General Arrangement Elevations Proposed – Teaching Block 1 of 2	30.08.17
17075-LSI-A1-ZZ-DR-A-1351	General Arrangement Elevations Proposed – Teaching Block 2 of 2	30.08.17
17075-LSI-A1-ZZ-DR-A-1352	General Arrangement Elevations Proposed – Sports Block	30.08.17
17075-LSI-A1-ZZ-DR-A-1370	General Arrangement Sections Proposed – Teaching Block 1 of 2	30.08.17
17075-LSI-A1-ZZ-DR-A-1371	General Arrangement Sections Proposed – Teaching Block 2 of 2	30.08.17
17075-LSI-A1-ZZ-DR-A-1372	General Arrangement Sections Proposed – Sports Block	30.08.17
17075-LSI-A1-XX-DR-A-1400	Visualisations Key Views	30.08.17
D2505 L.001 Rev. A	Proposed Landscape Masterplan	30.08.17
D2505 L.002 Rev. A	BB103 Areas Calculation Plan	30.08.17
D2505 L.003 Rev. A	Landscape Access Strategy Plan	30.08.17
D2505 L.201 Rev. A	Proposed Landscape Boundaries and Fencing Plan	30.08.17
D2505 L.205 Rev. A	Hard Landscape General Arrangement Plan	30.08.17
D2505 L.300 Rev. A	Soft Landscape General Arrangement Plan	30.08.17
D2505 L.400 Rev. A	Landscape Site Sections Sheet 1 of 2	30.08.17
D2505 L.401 Rev. A	Landscape Site Sections Sheet 2 of 2	30.08.17

Reason: For the avoidance of doubt and to ensure that the development is carried out in accordance with the details as approved with regard to policies PMD1 and PMD2 of the adopted Thurrock LDF Core Strategy and Policies for the Management of Development (as amended 2015).

**Details of materials:**

- Notwithstanding the information on the approved plans, no development shall commence above finished ground levels until written details or samples of all materials to be used in the construction of the external surfaces of the development hereby permitted have been submitted to and approved in writing by the local planning authority. The written details or samples shall include specifications for bricks, render, cladding and window / door frames. The development shall be carried out using the materials and details as approved.

Reason: In the interests of visual amenity and to ensure that the proposed development is integrated with its surroundings in accordance with policy PMD2

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

**Boundary treatments:**

5. Prior to the first use or operation of the development, details of the design, materials and colour of the fences and other boundary treatments shown on drawing no. D2505 L.201 Rev. A shall be submitted to and approved in writing by the local planning authority. The fences and other boundary treatments as approved shall be completed prior to the first use or operation of the development and shall be retained and maintained as such thereafter.

Reason: In order to safeguard the amenities of neighbouring occupiers and in the interests of the visual amenity of the area in accordance with policies PMD1 and PMD2 of the adopted Thurrock LDF Core Strategy and Policies for the Management of Development (as amended 2015).

**External lighting:**

6. Prior to the first use or operation of the development, details of the means of any external lighting on the site, including any illumination of the outdoor play facilities, shall be submitted to and agreed in writing with the local planning authority. The details shall include the siting and design of lighting together with details of the spread and intensity of the light sources and the level of luminance. The lighting shall be installed in accordance with the agreed details prior to first use or operation of the development and retained and maintained thereafter in the agreed form, unless otherwise agreed in writing by the local planning authority.

Reason: In the interests of highway safety and residential amenity and to ensure that the development can be integrated within its immediate surroundings in accordance with Policies PMD1 and PMD2 of the adopted Thurrock LDF Core Strategy and Policies for the Management of Development (as amended 2015).

**Hours of use – outdoor play facilities:**

7. Prior to the first use or operation of the development, details of the proposed hours of use of the outdoor play facilities shall be submitted to and agreed in writing with the local planning authority. The play facilities shall thereafter be used in accordance with the agreed details, unless otherwise agreed in writing by the local planning authority.

Reason: In the interests of residential amenity and to ensure that the development can be integrated within its immediate surroundings in accordance with Policies PMD1 and PMD2 of the adopted Thurrock LDF Core Strategy and Policies for the Management of Development (as amended 2015).

**Soft landscaping:**

8. Within the first available planting season (October to March inclusive) following the commencement of the development the soft landscaping works as shown on drawing number D2505 L.300 Rev. A shall be implemented. If within a period of five years from the date of the planting of any tree or plant, or any tree or plant planted in replacement for it, is removed, uprooted or destroyed or dies, or becomes, in the opinion of the local planning authority, seriously damaged or defective, another tree or plant of the same species and size as that originally planted shall be planted at the same place, unless the local planning authority gives its written consent to any variation.

Reason: To secure appropriate landscaping of the site in the interests of ecology, visual amenity and the character of the area in accordance with policies CSTP18, PMD2 and PMD7 of the adopted Thurrock LDF Core Strategy and Policies for the Management of Development (as amended 2015).

**Ecological management:**

9. Prior to the first use or operation of the development an Ecological Management Plan (EMP) detailing arrangements for the long-term management and maintenance of areas of retained and newly created habitats on-site shall be submitted to and agreed in writing with the local planning authority. The habitats shall thereafter be managed and maintained in accordance with the agreed EMP unless otherwise agreed in writing by the local planning authority.

Reason: In order to retain and enhance the on-site ecological interests in accordance with policy PMD7 of the adopted Thurrock LDF Core Strategy and Policies for the Management of Development (as amended 2015) and in accordance with the recommendations of the submitted Ecological Appraisal.

**Car parking provision:**

10. The development hereby permitted shall not be used or operated until such time as the vehicle parking, turning and coach drop-off areas shown on drawing number D2505 L.205 Rev. A, including any parking spaces for the mobility impaired, has been hard surfaced, sealed and marked out as shown on this

drawing. The vehicle parking area, turning and coach drop-off areas shall be retained in this form at all times thereafter and shall not be used for any purpose other than the parking and manoeuvring of vehicles that are related to the use of the approved development.

Reason: In the interests of highway safety and to ensure that adequate car parking provision is available in accordance with policies PMD8 and PMD9 of the adopted Thurrock LDF Core Strategy and Policies for the Management of Development (as amended 2015).

### **Cycle parking:**

11. Prior to the first use or operation of the development hereby approved details of the number, size, design and materials of secure and weather protected cycle parking facilities to serve the secondary school shall be submitted to and agreed in writing with the local planning authority. The agreed facilities shall be installed on-site prior to the first use or operation of the secondary school and shall thereafter be permanently retained for sole use as cycle parking for the pupils, students and staff of the secondary school.

Reason: To reduce reliance on the use of private cars, in the interests of sustainability, highway safety and amenity in accordance with Policies PMD2 and PMD8 of the adopted Thurrock LDF Core Strategy and Policies for the Management of Development (as amended 2015).

### **Flood Risk Assessment:**

12. The development permitted by this planning permission shall be carried out in accordance with the approved Flood Risk Assessment (FRA) prepared by Waterman (reference WIE13022-100-R-1-2-1-Flood) and dated August 2017 and the following mitigation measures detailed within the FRA:

- finished ground floor levels set no lower than 2.60 metres above Ordnance Datum (AOD).
- finished first floor levels set no lower than 6.20 metres above Ordnance Datum (AOD).

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

Reason: To ensure that adequate flood protection measures are installed for



the safety of the building and for the safety of all users of the development in accordance with policy PMD15 of the adopted Thurrock LDF Core Strategy and Policies for the Management of Development (as amended 2015).

**Surface water drainage:**

13. No development shall commence until an updated surface water drainage strategy, responding to the planning application consultation comments from Essex County Council (dated 29<sup>th</sup> September 2017), has been submitted to and approved in writing by the local planning authority. Thereafter the surface water drainage system(s) shall be constructed in accordance with the approved strategy and maintained thereafter.

Reason: To ensure the incorporation of an appropriate drainage scheme and to avoid pollution of the water environment and to minimise flood risk in accordance with policies PMD1 and PMD15 of the adopted Thurrock LDF Core Strategy and Policies for the Management of Development (as amended 2015).

**Flood Warning and Evacuation Plan:**

14. Prior to the first use or operation of the development a Flood Warning and Evacuation Plan (FWEPP) for the development shall be submitted to and approved in writing by the local planning authority. The approved measures within the FWEPP shall be implemented on first use or operation of the development, shall be made available for inspection by all users of the development and shall be displayed in a visible location all times thereafter.

Reason: 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 (as amended 2015).

**Contaminated land:**

15. No development approved by this planning permission shall take place until a scheme that includes the following components to deal with the risks associated with contamination of the site has each be submitted to, and approved in writing by the local planning authority:
- (i.) based on the submitted preliminary risk assessment and site investigation scheme, an options appraisal and remediation strategy giving full details of the remediation measures required and how they are to be undertaken.
  - (ii.) a verification plan providing details of the data that will be collected in

order to demonstrate that the works set out in the remediation strategy in (i.) are complete and identifying any requirements for longer-term monitoring of pollutant linkages, maintenance and arrangements for contingency action.

Any changes to these components require the express written consent of the local planning authority. The scheme shall be implemented as approved.

Reason: To ensure that risks from land contamination to the future users of the land and neighbouring land are minimised, together with those to controlled waters, property and ecological systems, and to ensure that the development can be carried out safely without unacceptable risks to workers, neighbours and other offsite receptors in accordance with policy PMD1 of the adopted Thurrock Core Strategy and Policies for the Management of Development (as amended 2015).

16. No use or operation of the development shall take place until a verification report demonstrating completion of works set out in the approved remediation strategy and the effectiveness of the remediation has been submitted to and approved in writing by the local planning authority. The report shall include results of sampling and monitoring carried out in accordance with the approved verification plan to demonstrate that the site remediation criteria have been met. It shall also include any plan (a "long-term monitoring and maintenance plan") for longer-term monitoring of pollutant linkages, maintenance and arrangements for contingency action, as identified in the verification plan. The long-term monitoring and maintenance plan shall be implemented as approved.

Reason: To ensure that risks from land contamination to the future users of the land and neighbouring land are minimised, together with those to controlled waters, property and ecological systems, and to ensure that the development can be carried out safely without unacceptable risks to workers, neighbours and other offsite receptors in accordance with policy PMD1 of the adopted Thurrock Core Strategy and Policies for the Management of Development (as amended 2015).

17. No development shall take place until a long-term monitoring and maintenance plan in respect of contamination including a timetable of monitoring and submission of reports to the local planning authority, has been submitted to and approved in writing by the local planning authority. Reports as specified in the approved plan, including details of any necessary contingency action arising from the monitoring, shall be submitted to and approved in writing by the local planning authority. Any necessary contingency measures shall be carried out in accordance with the details in the approved reports. On completion of the

monitoring specified in the plan a final report demonstrating that all long-term remediation works have been carried out and confirming that remedial targets have been achieved shall be submitted to and approved in writing by the local planning authority.

Reason: To ensure that risks from land contamination to the future users of the land and neighbouring land are minimised, together with those to controlled waters, property and ecological systems, and to ensure that the development can be carried out safely without unacceptable risks to workers, neighbours and other offsite receptors in accordance with policy PMD1 of the adopted Thurrock Core Strategy and Policies for the Management of Development (as amended 2015).

18. If, during development, contamination not previously identified is found to be present at the site then no further development (unless otherwise agreed in writing with the local planning authority) shall be carried out until the developer has submitted a remediation strategy to the local planning authority detailing how this unsuspected contamination shall be dealt with and obtained written approval from the local planning authority. The remediation strategy shall be implemented as approved.

Reason: To ensure that risks from land contamination to the future users of the land and neighbouring land are minimised, together with those to controlled waters, property and ecological systems, and to ensure that the development can be carried out safely without unacceptable risks to workers, neighbours and other offsite receptors in accordance with policy PMD1 of the adopted Thurrock Core Strategy and Policies for the Management of Development (as amended 2015).

**Construction methodology:**

19. The construction phase of the development shall proceed in accordance with the measures within the “Kier Construction London Harris Riverside Academy Construction Methodology” accompanying the planning application, unless otherwise agreed in writing by the local planning authority.

Reason: In order to minimise any adverse impacts arising from the construction of the development in accordance with policy PMD1 of the adopted Thurrock LDF Core Strategy and Policies for the Management of Development (as amended 2015).

**Playing pitch:**

20. No development shall take place until the following documents have been submitted to and approved in writing by the local planning authority consultation with Sport England:

- (i) a detailed assessment of ground conditions (including drainage and topography) of the land proposed for the playing field which identifies constraints which could affect playing field quality; and
- (ii) based on the results of the assessment to be carried out pursuant to (i) above, a detailed scheme which ensures that the playing field will be provided to an acceptable quality. The scheme shall include a written specification of soils structure, proposed drainage, cultivation and other operations associated with grass and sports turf establishment and a programme of implementation.

The approved scheme shall be carried out in accordance with a timeframe agreed with the local planning authority. The land shall thereafter be maintained in accordance with the approved scheme and made available for playing field use in accordance with the scheme.

Reason: To ensure that the playing field is prepared to an adequate standard and is fit for purpose and to accord with policies CSTP9, CSTP10 and PMD5 of the adopted Thurrock LDF Core Strategy and Policies for the Management of Development (as amended 2015).

**MUGA:**

21. No development above finished ground level shall commence until details of the multi-use games area specifications including the surfacing, fencing and line markings have been submitted to and approved in writing by the local planning authority in consultation with Sport England. The multi-use games area shall not be constructed other than in accordance with the approved details.

Reason: To ensure the development is fit for purpose and sustainable in accordance with policies CSTP9, CSTP10 and PMD5 of the adopted Thurrock LDF Core Strategy and Policies for the Management of Development (as amended 2015).

**Community use:**

22. Prior to the first use or operation of the development a community use agreement shall be submitted to and approved in writing by the local planning authority, in consultation with Sport England. The agreement shall apply to the sports hall, fitness suite, multi-use games area, playing field and other suitable

community facilities (such as the main hall, small hall, drama studio and dining area) to be defined within the agreement and shall include details of pricing policy, hours of use, access by non-educational establishment users, management responsibilities and a mechanism for review, and anything else which the local planning authority. in consultation with Sport England. considers reasonably necessary in order to secure the effective community use of the facilities. The development shall not be used at any time other than in compliance with the approved agreement.

Reason: To secure well managed, safe community access to the sports and other community facilities and to ensure sufficient benefit to the development in accordance with policies CSTP9, CSTP10 and PMD5 of the adopted Thurrock LDF Core Strategy and Policies for the Management of Development (as amended 2015).

**Mechanical noise:**

23. The level of noise emitted from any mechanical plant installed on-site shall not exceed the noise levels presented in Table 4 (page 18) of the “Noise Impact Assessment (ref. PC-17-0115-RP1-Rev B).

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

**BREEAM:**

24. Unless otherwise agreed in writing by the local planning authority, the development hereby permitted shall be built to the “Very Good” Building Research Establishment Environmental Assessment Method (BREEAM) rating. Within three months of the first use or operation of the development a copy of the Post Construction Completion Certificate for the building verifying that the “Very Good” BREEAM rating has been achieved shall be submitted to the local planning authority.

Reason: In order to reduce carbon dioxide emissions in the interests of sustainable development, as required by policy PMD12 of the adopted Thurrock LDF Core Strategy and Policies for the Management of Development (as amended 2015).

**Renewable energy:**

25. Unless otherwise agreed in writing by the local planning authority, prior to the construction above ground level of any of the buildings, details of measures to demonstrate that the development will achieve the generation of at least 15% of its energy needs through the use of decentralised, renewable or low carbon technologies shall be submitted to and approved in writing by the local planning authority. The approved measures shall be implemented and operational upon the first use or operation of the development and shall thereafter be retained in the agreed form.

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 (as amended 2015).

**Car park management:**

26. Prior to the first use or operation of the vehicle parking, turning and coach drop-off areas shown on drawing number D2505 L.205 Rev. a written scheme for the management of those areas shall be submitted to and approved in writing by the local planning authority. The scheme shall, in particular, include measures for the restriction of unauthorised car parking. The approved scheme shall be operated on the first use or operation of the vehicle parking, turning and coach drop-off areas and maintained during the operation of the school thereafter.

Reason: In the interests of highway safety and to ensure that adequate car parking provision is available in accordance with policies PMD8 and PMD9 of the adopted Thurrock LDF Core Strategy and Policies for the Management of Development (as amended 2015).

**INFORMATIVES:**

1. Japanese knotweed:

The applicant / developer should follow good practice in the management of invasive species present on-site (Japanese knotweed). Further information can be found at <https://www.gov.uk/guidance/prevent-japaneseknotweed-from-spreading>

2. Nesting birds

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. Both the RSPB booklet "Wild Birds and the Law" and the Guidance Notes relating to Local Planning and Wildlife Law produced by NaturalEngland are useful.

### 3. Anglian Water

Any application to discharge trade effluent must be made to Anglian Water and must have been obtained before any discharge of trade effluent can be made to the public sewer. Anglian Water recommends that petrol / oil interceptors be fitted in all car parking/washing/repair facilities. Failure to enforce the effective use of such facilities could result in pollution of the local watercourse and may constitute an offence. Anglian Water also recommends the installation of a properly maintained fat traps on all catering establishments. Failure to do so may result in this and other properties suffering blocked drains, sewage flooding and consequential environmental and amenity impact and may also constitute an offence under section 111 of the Water Industry Act 1991.

### 4. Sport England:

The applicant is advised that the design and layout of the sports hall should comply with the relevant industry Technical Design Guidance, including guidance published by Sport England, National Governing Bodies for Sport. Particular attention is drawn to the "Sports Hall Design & Layouts" design guidance note <http://www.sportengland.org/facilities-planning/tools-guidance/design-and-costguidance/sports-halls/>.

### **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.

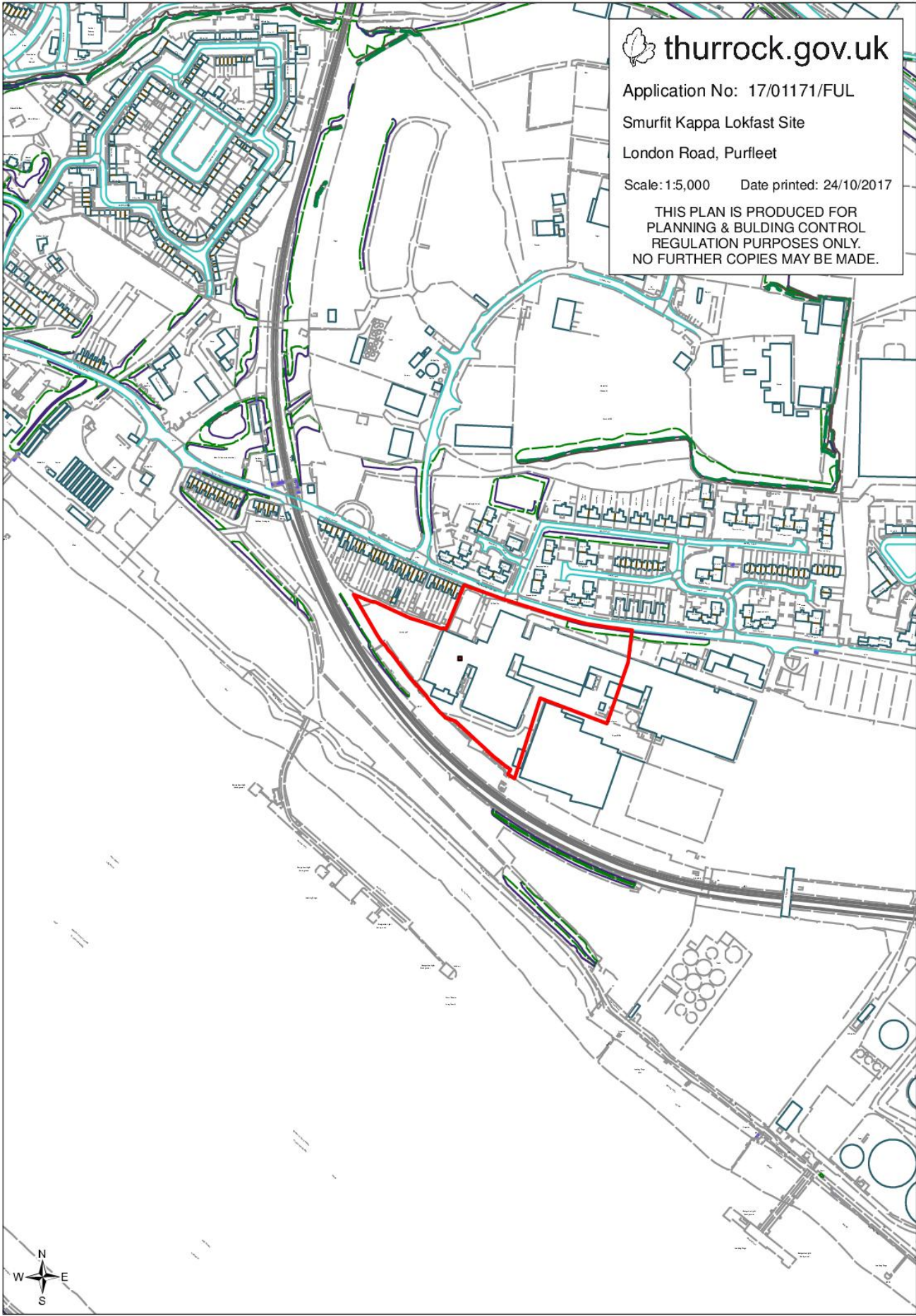
### **Documents:**

All background documents including application forms, drawings and other supporting documentation relating to this application can be viewed online:

[www.thurrock.gov.uk/planning](http://www.thurrock.gov.uk/planning)



 **thurrock.gov.uk**  
Application No: 17/01171/FUL  
Smurfit Kappa Lokfast Site  
London Road, Purfleet  
Scale: 1:5,000    Date printed: 24/10/2017  
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<b>Reference:</b> 17/01107/HHA	<b>Site:</b> 18 Brookmans Avenue Stifford Clays Grays Essex RM16 2LW
<b>Ward:</b> Little Thurrock Blackshots	<b>Proposal:</b> Erection of summer house/office

Plan Number(s):		
Reference	Name	Received
(No Nos.)	Location Plan	17th August 2017
1B	Proposed Floor Plans	3rd October 2017
2B	Proposed Elevations	3rd October 2017
3B	Proposed Elevations	3rd October 2017
4A	Block Plan	14th September 2017

The application is also accompanied by:  - N/A	
<b>Applicant:</b> Mr B Preou	<b>Validated:</b> 17 August 2017  <b>Date of expiry:</b> 10 November 2017 (Extension of time agreed with applicant)
<b>Recommendation:</b> Approve, subject to conditions.	

This application is scheduled for determination by the Council's Planning Committee because it has been called in by Cllrs R Gledhill, J Redsell, L Spillman, S Little and B Rice (in accordance with the Constitution Chapter 5, Part 3 (b), 2.1 (d) (ii)) to assess the impact of the proposal in terms of overshadowing the garden and bungalow to the south.

## 1.0 DESCRIPTION OF PROPOSAL

1.1 This application seeks planning permission to construct an outbuilding measuring 8.7m (w) x 5.3m (d) x 3.5m (h) (2.5m to the eaves). The outbuilding would be set back from the rear boundary by 0.7m and both side boundaries by 0.5m. Internally,

the building would be divided into a small office and a larger play area with garden storage.

**2.0 SITE DESCRIPTION**

2.1 The application site is located within a residential area on the southern side of Brookmans Avenue. The properties on the south side of Brookmans Avenue feature long gardens generally between 17m and 27m long. By contrast, the properties on the northern side of Rushley Close, immediately south, are set in smaller plots with short rear gardens ranging from 7-8m near the application site to 10-12 farther west. There is no noticeable change in ground levels.

**3.0 RELEVANT HISTORY**

Application Reference	Description of Proposal	Decision
74/00755/FUL	Garage	Approved
13/00180/CLOPUD	Roof extension from hip to gable end, flat roof dormer window to rear, 3 rooflights to front elevation and conversion of extended loft area to habitable accommodation	Approved
13/00448/HHA	Single storey rear extension.	Approved but not implemented. Permission now expired.

**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](http://www.thurrock.gov.uk/planning)

**PUBLICITY:**

4.2 This application has been advertised by way of individual neighbour notification letters and online planning register. Two letters have been received, both concerned about amenity impacts to 2 Rushley Close, immediately to the south of the application site.

**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:

#### 7. Requiring good design

### 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:

- Design

### **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:

#### Thematic Policies:

- CSTP22 (Thurrock Design)

#### Policies for the Management of Development:

- PMD1 (Minimising Pollution and Impacts on Amenity)<sup>2</sup>
- PMD2 (Design and Layout)<sup>2</sup>

[Footnote: <sup>1</sup>New Policy inserted by the Focused Review of the LDF Core Strategy.

<sup>2</sup>Wording of LDF-CS Policy and forward amended either in part or in full by the

Focused Review of the LDF Core Strategy. <sup>3</sup>Wording 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.

Thurrock Local Plan

- 5.8 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 2017.

**6.0 ASSESSMENT**

- 6.1 The key planning considerations in this case are the design of the building and its relationship with its surroundings.
  
- 6.2 The outbuilding would be of a simple pitched-roof with an external brick finish, common of many outbuildings in the Borough. The applicant has chosen a pitched roof to be able to match the tiles to the house [something which could be secured via condition]. The building would feature a double door and large window into the main area and a single personnel door and small window into the office area. All openings would face the house. Subject to conditions controlling the materials the design is of sufficient quality and complies with policies CSTP22 and PMD2 of the Core Strategy.
  
- 6.3 The Residential Alterations and Extensions SPD (RAE) came into force in September 2017 and is relevant to this proposal. Policy 4.1.3 limits the quantum of construction on a site. Even without the demolition of the garage, the proposal complies with this criterion and, by extension, policy 5.6.4 which ensures outbuildings are appropriately proportioned and preserve a usable garden. Due to the scale of the building, the orientation of the plot and distances to the living areas of the houses, there would be no loss of outlook, overbearing or other loss of amenity.

**7.0 CONCLUSIONS AND REASONS FOR APPROVAL**

- 7.1 The proposal complies with all relevant policies and guidance and is therefore recommended for approval.

**8.0 RECOMMENDATION**

- 8.1 Approve, subject to the following 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.

**PLANS**

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

Reference	Name	Received

(No Nos.)	Location Plan	17th August 2017
1B	Proposed Floor Plans	3rd October 2017
2B	Proposed Elevations	3rd October 2017
3B	Proposed Elevations	3rd October 2017
4A	Block Plan	14th September 2017

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

### **MATCHING MATERIALS**

- 3 Notwithstanding the information on the approved plans, the materials to be used in the construction of the external surfaces of the development hereby permitted shall match those used on the external finishes of the associated dwelling.

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 – Focused Review [2015].

### **4. USE OF OUTBUILDING**

The outbuilding hereby permitted shall be occupied only for purposes ancillary or incidental to and in conjunction with the use of the existing property as a single dwelling house and not as a separate or independent unit of residential accommodation or for any business or commercial use.

**Reason:** In order to safeguard the amenities of neighbouring occupiers in accordance with policies PMD1 and PMD2 of the adopted Thurrock LDF Core Strategy and Policies for the Management of Development [2015].

### **INFORMATIVE**

#### **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](http://www.thurrock.gov.uk/planning)



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thurrock.gov.uk

Application No: 17/01107/HHA

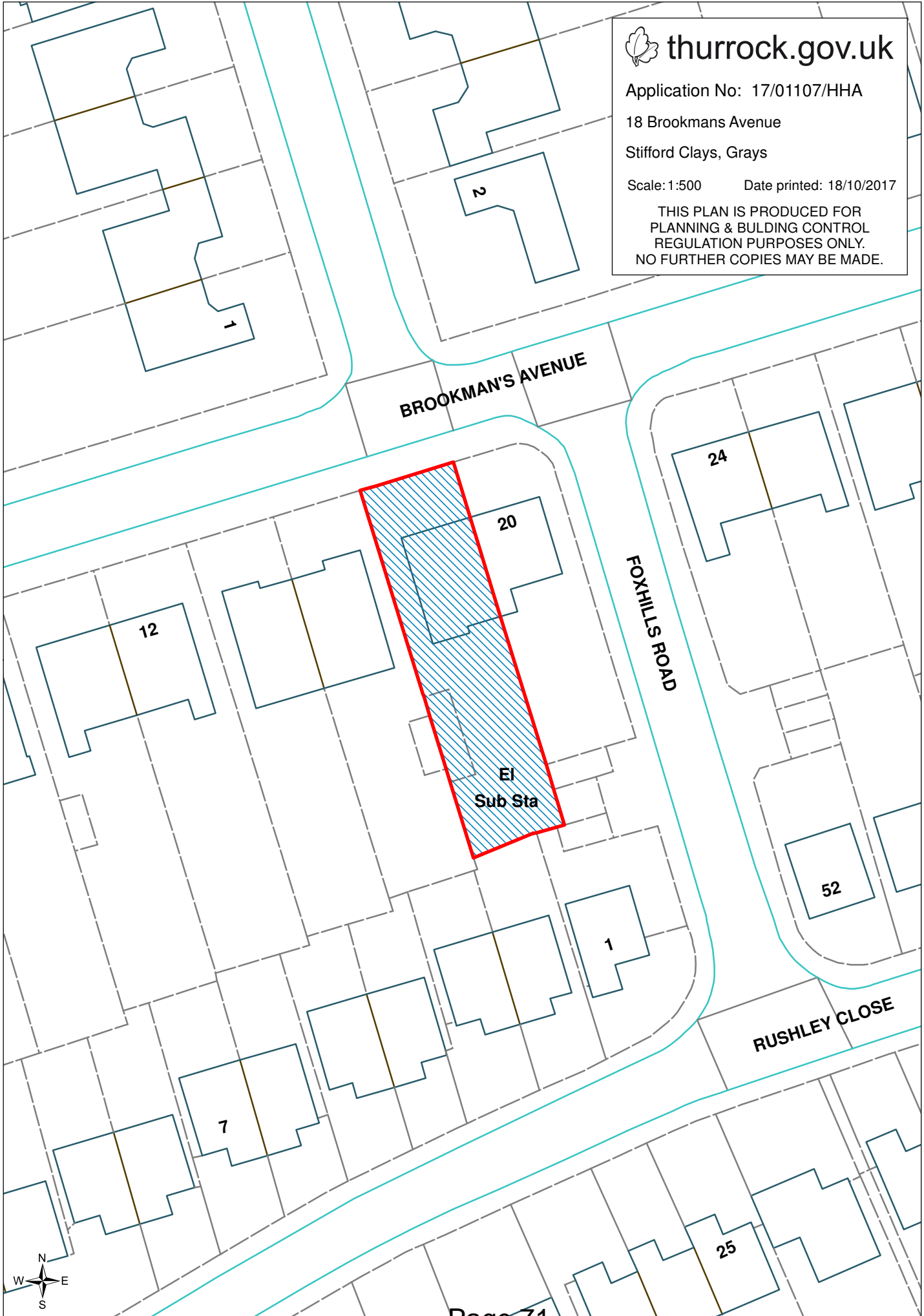
18 Brookmans Avenue

Stifford Clays, Grays

Scale: 1:500

Date printed: 18/10/2017

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<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>

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Application No: 17/01165/FUL

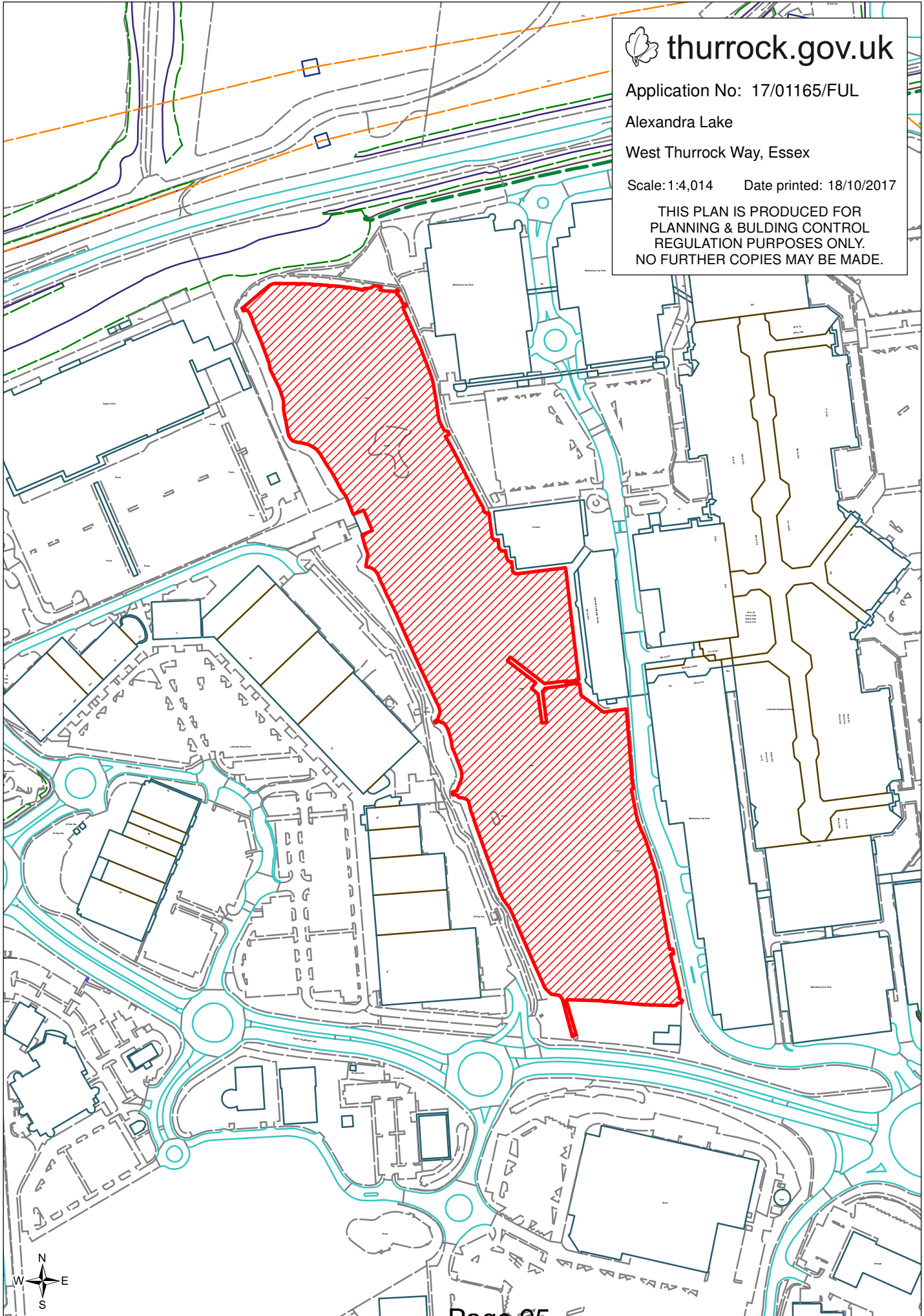
Alexandra Lake

West Thurrock Way, Essex

Scale: 1:4,014

Date printed: 18/10/2017

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