

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

Planning Committee

The meeting will be held at **6.00 pm** on **15 December 2016**

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

Membership:

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

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

Substitutes:

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

Agenda

Open to Public and Press

	Page
1 Apologies for Absence	
2 Minutes	5 - 10
To approve as a correct record the minutes of the Planning Committee meeting held on 24 November 2016.	
3 Item of Urgent Business	
To receive additional items that the Chair is of the opinion should be considered as a matter of urgency, in accordance with Section 100B (4) (b) of the Local Government Act 1972.	
4 Declaration of Interests	
5 Declarations of receipt of correspondence and/or any	

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

6 Planning Appeals 11 - 14

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 16/01120/OUT - Intu Lakeside, West Thurrock Way, West Thurrock, Essex, RM20 2ZP 15 - 76

9 16/01300/FUL - South 3, Pacific Avenue, Stanford-le-Hope, SS17 9FA 77 - 100

10 16/01424/OUT - Land adjacent Martins Farmhouse, Church Lane, Bulphan, Essex 101 - 116

11 16/01115/DVOB - Former St Chad's School site, St Chad's Road, Tilbury 117 - 132

Queries regarding this Agenda or notification of apologies:

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

Agenda published on: **7 December 2016**

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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 24 November 2016 at 6.00 pm

- Present:** Councillors Tom Kelly (Chair), Kevin Wheeler (Vice-Chair), Chris Baker, Colin Churchman, Steve Liddiard, Tunde Ojetola, Terry Piccolo, David Potter and Gerard Rice
- Richard Bowyer, Thurrock Business Association Representative
- Apologies:** Councillors
- In attendance:** Andrew Millard, Head of Planning & Growth
Matthew Gallagher, Principal Planner
Leigh Nicholson, Development Management Team Leader
Chris Purvis, Principal Planner (Major Applications)
Vivien Williams, Planning Lawyer
Jessica Feeney, Senior Democratic Services Officer
-

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

57. Minutes

The minutes of the Planning Committee held on the 20 October 2016 were approved as a correct record, subject to removing Councillor Ojetola's vote on item 16/00412/OUT.

58. Item of Urgent Business

There were no items of urgent business.

59. Declaration of Interests

Councillor Churchman declared a non-pecuniary in relation to application 14/01278/FUL as he was a councillor in Chadwell St Mary and had previously discussed the application. It was confirmed that the application would be considered on its own merits.

60. 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

All members of the committee received correspondence in relation to application 16/01242/FUL and 16/01228/REM.

61. Planning Appeals

The report before Members provided information with regard to appeals performance.

RESOLVED:

The report was noted.

62. 16/01228/REM - Intu Lakeside West Thurrock Way West Thurrock Essex RM20 2ZP

Members were informed that the application sought approval of the reserved matters for Phase 1 of outline planning permission reference 13/00880/OUT known as the 'Lakeside Leisure' proposals. This proposal also includes associated interim landscaping work to the west of the proposed buildings which would be implemented as a temporary measure before Phase 2 is developed. Phase 2 would be subject of a separate future reserved matters application.

Members discussed the number of parking spaces available to visitors before and after the proposed development. Members were advised by the Senior Engineer that there was another planning application for further retail development pending consideration and would be considered at the December meeting and would include a new multi storey car park, members were also made aware that a car park (no. 12) currently closed throughout the year would now be open.

Members discussed traffic around Lakeside, Councillor Rice declared that there was a need for east facing slip roads of the A13 to ease traffic congestion, members of the committee agreed that this should be considered for a bid to the government for funding.

Councillor Churchman suggested that a park and ride scheme could reduce congestion.

Councillor Ojetola requested further details regarding the proposed signage around lakeside. The Head of Planning and Growth explained that this application was to agree the reserved matters but the s106 agreement for the outline permission required details of the variable message signage to be provided and agreed by the Council and consultees.

The Applicant Marc Myers was invited to the committee to make his supporting statement.

It was proposed by Councillor Liddiard and seconded by Councillor Ojetola that the application be approved as per the Officer recommendation.

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

Against: (0)

Abstain: (0)

63. 14/01278/FUL - Land south of Marshfoot Road, west of St. Chad's Road (adjacent to the Gateway Academy) and land east of St. Chad's Road, south of Biggin Lane, Tilbury.

Members were informed that the application proposed the construction and operation of a solar farm which would produce electricity for export to the National Grid. The proposals would involve development on a parcel of land generally located to the north of the built-up area of Tilbury and to the east of St. Chad's Road. The site was identified as within both the Green Belt and the Tilbury Flood Storage Area.

Councillor Liddiard queried if the solar panels could reflect light and cause a nuisance to residents. The Principal Planner confirmed that this was not likely and that previous appeal decision had concluded that the potential for harmful glint or glare was insignificant.

Councillor Rice stated that proposed land in the winter was usually flooded, it was felt that this would not be appropriate.

Councillor Piccolo queried as to why the Port of Tilbury made a representation against the development. The Head of Planning and Growth explained that this could be due to possible aspirations for future expansion.

Members declared that they were in support of solar generated electricity but the view was shared that this location was not suitable.

It was proposed by Councillor Rice and seconded by Councillor Wheeler that the application be refused as per the Officer recommendation.

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

Against: (0)

Abstain: (0)

64. 16/01242/FUL - Silver Springs High Road Fobbing Essex SS17 9HN

Members were informed that the application sought planning permission for the demolition of one dwelling which fronts onto the High Road and associated outbuildings on the land to the rear, and the redevelopment of the site to provide six dwellings to the rear of the new dwelling at the front of the site, a total of seven detached dwellings was proposed.

Access to the development would be provided at the northern corner of the site; the new entrance and access road would lead to the rear of the site where six detached dwellings would be laid out in a cul-de-sac arrangement. Members were advised that the proposed houses would all be two storey detached dwellings with regular roof styles and proportions which exhibit traditional design features. Each dwelling would have garages and off street parking.

The Agent Kieron Lilley was invited to the committee to make his statement of support.

A Resident was also invited to the committee to make a supporting statement.

Councillor Ojetola proposed a site visit, this was not seconded.

Members shared the view that there was a need for executive homes within Thurrock.

Councillor Rice stated that there was a demand for executive homes in Thurrock for the managers of large businesses within Thurrock, it was also stated that this application should be considered on its own merits.

Councillor Wheeler and Councillor Piccolo both shared a view that if this application was granted it could open up further opportunities for other developments of a similar nature. The Head of Planning and Growth explained that this development was not included in the local plan.

It was proposed by Councillor Kelly and seconded by Councillor Piccolo that the application be refused as per the Officer recommendation.

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

Against: David Potter and Gerard Rice

Abstain: Tunde Ojetola

65. 16/01302/FUL - Thames Industrial Park, Princess Margaret Road, East Tilbury, Essex

The application was withdrawn prior to the committee.

66. 16/01330/TBC - Aveley Recreation Ground High Street Aveley Essex

Members were informed that the application sought planning permission for the development of an Aveley Village Community Hub building on the existing car park at the Aveley Recreation Ground and the provision of a new car park on part of the open space adjoining the existing car park. Members were advised two additional planning conditions were required: firstly a standard time limit for implementation condition and secondly a condition requiring the submission of details for an extract ventilation and filtration system. Members were also advised of a suggested change to the wording of condition no. 7 to insert the words “nursery” and “D2”.

It was proposed by Councillor Ojetola and seconded by Councillor Churchman that the application be approved as per the Officer recommendation subject to the additional and amended planning conditions.

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

Against: (0)

Abstain: (0)

The meeting finished at 8.45 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

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15 December 2016	ITEM: 6
Planning Committee	
Planning Appeals	
Wards and communities affected: All	Key Decision: Not Applicable
Report of: Leigh Nicholson, Development Management Team Leader	
Accountable Head of Service: Andy Millard, Head of Planning and Growth	
Accountable Director: Steve Cox, Director of Environment and Place	

Executive Summary

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

1.0 Recommendation(s)

1.1 To note the report

2.0 Introduction and Background

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

3.0 Appeals Lodged:

3.1 **Application No:** 16/00448/HHA

Location: 487 London Road, South Stifford

Proposal: Front boundary wall, with a maximum height of 1.8M
(Retrospective planning application)

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

Location: 27 Fleming Road, Chafford Hundred

Proposal: Retention of rear garden shed

3.3 Application No: 16/00420/HHA

Location: 24 Davis Road, Chafford Hundred

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

3.4 Application No: 16/01110/FUL

Location: 92 Thames Crescent, Corringham

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

4.0 Appeals Decisions:

The following appeal decisions have been received:

4.1 Application No: 16/00005/HHA

Location: 3 Silverdale East, Stanford Le Hope

Proposal: Two storey side and rear extension

Decision: Appeal Allowed

Summary of decision:

4.1.1 The Inspector considered the main issue to be the effect of the proposal on the character and appearance of the street.

4.1.2 The Inspector disagreed with the Council's reasons for refusal and took the contrary view that the development would not be harmful to the character or appearance of the streetscene. In making a decision contrary to Annex A1, the Inspector took the view that the presence of a common passageway at the side of the property would prevent future terracing of the properties in this part of the street.

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

5.0 Forthcoming public inquiry and hearing dates:

5.1 The following inquiry and hearing dates have been arranged:

5.2 None.

6.0 APPEAL PERFORMANCE:

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

	APR	MAY	JUN	JUL	AUG	SEP	OCT	NOV	DEC	JAN	FEB	MAR	
Total No of Appeals	5	2	4	0	0	4	1	3	1	0	0	0	20
No Allowed	2	0	0	0	0	4	1	1	1	0	0	0	9
% Allowed													45%

7.0 Consultation (including overview and scrutiny, if applicable)

7.1 N/A

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

8.1 This report is for information only.

9.0 Implications

9.1 Financial

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

There are no direct financial implications to this report.

9.2 Legal

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

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

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

9.3 Diversity and Equality

Implications verified by: **Rebecca Price**

Community Development Officer

There are no direct diversity implications to this report.

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

None.

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

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

11. **Appendices to the report**

- None

Report Author:

Leigh Nicholson

Development Management Team Leader

Reference: 16/01120/OUT	Site: Intu Lakeside West Thurrock Way West Thurrock Essex RM20 2ZP
Ward: West Thurrock And South Stifford	Proposal: Part demolition of existing Debenhams store and demolition of existing bus station. Alteration and extension of the northern end of the shopping centre including erection of new buildings for uses within Use Classes A1-A5 and a new multi-storey car park. Erection of a new bus station and the alteration and extension of the shopping centre on its eastern side including the erection of new buildings for uses within Use Classes A1-A5. Provision of new public realm and landscaping area. Provision of Temporary Bus Station comprising works to existing surface car parking area, alterations of existing and construction of new vehicular, pedestrian and cycle access and egress arrangements and car parking and other ancillary works and operations.

Plan Number(s):		
Reference	Name	Received
8525-SK-013-B	Existing Street Network	28th November 2016
8525-SK-014-C	Proposed Streetworks within Intu Lakeside	1st December 2016
8525-SK-015-B	Block Plan and Uses	28th November 2016
080141-D-301-E	Parameter Plan 1: Outline Application Boundary	28th November 2016
080141-D-302-D	Parameter Plan 2: Existing Site Plan	28th November 2016
080141-D-303-D	Parameter Plan 3: Plot Plan	28th November 2016
080141-D-304-E	Parameter Plan 4: Minimum / Maximum Siting	28th November 2016
080141-D-305-D	Parameter Plan 5: Minimum / Maximum heights	28th November 2016
080141-D-306-E	Parameter Plan 6: Landscaping/Public Realm and Vehicle Access Works	28th November 2016
080141-D-307-D	Parameter Plan 7: Indicative Sections and Elevations Key	28th November 2016
080141-D-308-A	Parameter Plan 8: Proposed sections AA-	11th August 2016

	DD	
080141-D-309-A	Parameter Plan 9: Proposed Sections EE – GG	11th August 2016

<p>The application is also accompanied by:</p> <ul style="list-style-type: none"> • Planning Summary • Environmental Statement Volumes 1 (Non-Technical Summary), II (Technical Studies); III (Technical Appendices) • Planning and Retail Statement • Design and Access Statement • Transport Assessment • Statement of Community Involvement • Sustainability Statement • Energy Statement and BREEAM Pre-Assessment Report • Flood Risk Assessment 	
<p>Applicant: Intu Lakeside Limited c/o agent</p>	<p>Validated: 9 August 2016 Date of expiry: 23 December 2016 (Agreed Extension of time)</p>
<p>Recommendation: Approve, subject to conditions and s106 agreement.</p>	

This application is scheduled for determination by the Council’s Planning Committee because the application is considered to have significant policy or strategic implications (in accordance with Part 3 (b) Section 2 2.1 (a) of the Council’s constitution).

1.0 DESCRIPTION OF PROPOSAL

1.1 This application seeks outline planning permission [with all matters reserved] for the expansion of the Lakeside Shopping Centre (LSC). The development comprises the following elements:

1. Part demolition of the existing Debenhams store and demolition of the existing bus station;
2. Alteration and extension of the northern end of the shopping centre including erection of new buildings for uses within Use Classes A1-A5 and a new multi-storey car park;
3. The alteration and extension of the shopping centre on its eastern side including the erection of new buildings for uses within Use Classes A1- A5;
4. Construction of a new bus station;
5. Provision of Temporary Bus Station comprising works to existing surface car parking area;
6. Provision of new public realm and landscaping areas;

7. Alterations of the existing and construction of new vehicular, pedestrian and cycle access and egress arrangements, car parking and other ancillary works and operations.

1.2 The application is substantially the same as application 11/50433/TTGOUT which was approved on 11 March 2013. In comparison this application proposes the following differences:

- The red line site area has been reduced in size as the application does not include the Northern Link Road which has now been constructed under planning approval 12/50446/TTGFUL;
- The temporary bus station was previously proposed to be sited to the western side of the LSC but due to the 'Lakeside Leisure' proposals through applications 13/00880/OUT and 16/01228/REM, the temporary bus station is proposed to be located on car park no.8 in the north east corner of the site.
- The bus, cycle and pedestrian link to the north of the centre as proposed through the earlier outline scheme [11/50433/TTGOUT] has been implemented under planning approval 12/50446/TTGFUL.

1.3 The following describes the development and provides references for the various elements of the proposal that will be used within this report;

“Northern extensions” - Part demolition and alteration of existing two-storey Debenhams store which comprises the northern part of the existing LSC mall. Extension of the northern end of the LSC mall including erection of new buildings to the north and east for uses falling within A1 (Shop), A2 (Financial and Professional Services), A3 (Restaurant & Cafe) & A5 (Hot Food Take-away) of the Uses Classes Order. Erection of a multi storey car park. These extensions are referenced and described below:

“LSC1” – To provide an extended shopping mall in the location of the existing Debenhams store over 3 internal levels with 21 units (12 on level 1 and 9 on levels 2 and 3 with mezzanine floors) and a new department store at the northern end of the extension all fronting onto the mall. To the east of the LSC, adjacent to the pedestrian entrance currently from car parks no.'s 5 and 6, this extension would provide 2 units over 2 internal levels. The height parameter of the building is between +22.82 to +23.44m Above Ordinance Datum (AOD).

“LSC2” – A two storey extension to the east of LSC1 within existing car park no.6 to provide standalone units accessed separately from the existing mall. The front elevation of these units would face south fronting onto an outdoor street forming part of an area of public realm. The height parameter of the building is between +21.25 to +23.25m AOD. An enclosed service yard area

would be located to the north of these units and accessed via the eastern internal road around the LSC.

“LSC3a” – A two storey detached building located within the proposed area of public realm stated above to provide standalone retail units accessed separately from the existing mall. The height parameter of the building is between +13.45 to +19.45m AOD.

“LSC3b” – A two storey extension to the east of the existing mall fronting onto the new area of public realm. The height parameter of the building is between +13.45 to +19.45m AOD.

“LSC5” - Construction of a new multi-storey car park to the north east of the Mall in the location of the existing car park no.6. Access would be provided via the northern section of the internal road around the LSC. The car park would have 9 internal levels. The height parameter of the building is between +17.6 to +21.25m AOD. Whilst part of the development is on an existing surface level car parks, given the proposed provision within the multi-storey car park, the application proposes no net gain in car parking within LSC.

“Public Realm” – As referred to above an area of public realm would be created at the south eastern part of the northern extension area where units within LSC2, LSC3a and LSC3b would front onto including an outside pedestrianized street and square linking the LSC eastern entrance, the existing eastern internal road and reduced sized car park no.5.

“South-Eastern extensions” - Alteration and extension of the shopping centre on its south-eastern side including the erection of new buildings for uses within use classes A1-A5. These extensions are referenced and described below.

“New Bus Station” – Located within existing car park no.3 the new bus station would link to the adjacent existing enclosed pedestrian bridge link to Chafford Hundred Railway Station. The indicative plans detail 8 bus stands and a segregated ingress and egress within the internal road structure for bus use only. The indicative plan shows an area of landscaping to the east of the bus station, two areas of public realm space and revisions to a reduced sized car park no.3.

“LSC4a” – Single storey extension to the existing mall built over the existing service road to the east of the mall. These units together with LSC4b described below are proposed to be located within and access via LSC4c which proposes a new extension that would provide a covered entrance to the mall and bus passenger waiting facility. The height parameter of the building is between +14.14 to +15.64m AOD.

“LSC4b” – A one or two storey extension to the north of multi-storey car park no.2 and south-east of the mall entrance. This unit is illustrated as a convenience store. The height parameter of the building is between +18.64 to +20.64m AOD.

“LSC4c” – Single storey extension which would provide a covered entrance to the mall. It would be fronted by LSC4a and LSC4b described above. This foyer would provide an enclosed waiting place for bus passengers and incorporate seating and bus telematics. Passengers would be set down and picked up from the external bus stops located immediately to the front of LSC4c. The waiting place would contain a series of doors that would open when the bus is at its stand and ready to receive passengers. The height parameter of the building is between +14.14 to +15.64m AOD.

“Temporary bus station” – To be located in existing surface car park no.8 and part of car park no.7 to the north eastern corner of the LSC site. This would result in the temporary loss of 600 parking spaces for a 12 month period, allowing for temporary construction work and the car park reinstatement. This temporary bus station facility is planned to be operational between September 2017 and May 2018.

“Changes to highway infrastructure” - Alterations of existing and construction of new vehicular, pedestrian and cycle access and egress arrangements, car parking and other ancillary works and operations. This includes the following;

“Works 1” - A new 2.5m wide pedestrian and cycle path is proposed to the north of the mall running east-west the north side of the northern part of the internal road around the LSC linking to two existing roundabout junctions and crossing points. To the south of the road an indicative plan shows a footpath running alongside the eastern elevation of the LSC5 and LSC2 extensions.

“Works 2” – To the south east of the LSC the internal road around the LSC would be revised as a result of the new bus station location. At present the access provides four traffic lanes with two in each direction. The proposed new bus station would result in changes to the access and egress onto this section of internal road changing the road layout into two lanes, one for each direction, and this will allow a formal right turn lane to be provided for access into the bus station.

“Works 3” – To the south west of the LSC the traffic lanes would be altered from four traffic lanes to three traffic lanes and a new improved footway would be located along western side of this road along the eastern side of Lake Alexandra.

1.4 The tables below summarises some of the main points of detail contained within the development proposal.

Table 1: Summary

Land Use Allocation:	LDF Core Strategy Inset Map (West): Shopping Centre
Site Area:	8.6ha
Number of Units	30-40 new shops
Parking	Car parking provision to match existing capacity (c.13,000 spaces) with surface car parking lost as part of the development being replaced in a new Multi-storey car park.
Employment	Up to 1,780 temporary construction jobs Once completed, up to 2,930 net additional jobs at the LSC. Up to 900 jobs indirectly supported elsewhere in the region through wage and supplier spending (D&A, p20)
Total Capital Investment	£195m over three years (D&A, p20)
Current Lakeside Shopping Centre	Circa 133,000 sq.m Gross Retail Space comprising over 250 shops including 4 Anchor Stores. A food court plus 30 cafes and restaurants, banks, building societies, travel agents, leisure uses including a cinema). Based on Economic Impact report in 2016 it is recognised that the LSC supports over 6,200 permanent jobs (8% of the total employment in the Thurrock Borough) growing to almost 8,000 job when taking into account indirect and induced jobs in the region. This generates an economic output of £267m.

Table 2: Development Floorspace Summary

Scheme components	Demolition / part demolition and rebuild (GIAm²)	Total New Build (GIAm²)	Net Change (GIAm²)
<i>Northern Extension (Plots LSC1, LSC2 & LSC3)</i>	11,628	53,544	41,917
<i>New bus station and associated facilities</i>	155	4,762	4,607
<i>Multi-storey car park (Plot LSC5)</i>	0	24,103	24,103
TOTAL	11,783	82,409	70,626

Note: Figures quoted are Gross Internal Areas (GIA) – this is the area of a building measured to the internal face of the perimeter walls at each floor level and as such include communal areas such as the Mall, service corridors, lift & stair cores, service accommodation, and demise partitions.

Table 3: Development Floorspace by Use Class

Use Class / Type of Use	Proposed net additional Gross Internal Area (sq.m)
A1 (Shops)	37,651* (*of which up to a maximum of 1,991 would be convenience goods retail the remainder comparison goods retail GIA) Net Additional Net Sales Area (NANSA) is 30,121sq.m
A2 (Financial and Professional Services) A3 (Restaurants & Cafes) A4 (Drinking Establishments) A5 (Hot Food Takeaway)	3,053 – 4,884
Subtotal	40,704
Multi Storey Car Park	24,103
Mall space and other communal areas	5,819

TOTAL	70,626
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1.5 The following planning obligations are offered with this development:

No.	Heads of Terms
1	Bride Over Lake - A new footpath link through a bridge over Lake Alexandra.
2	Footpath Link to West Thurrock Way - Provision of New or Improved Linkages through a new footpath link to West Thurrock Way in an area to be agreed.
3	Public Realm Improvements and Public Realm Contribution – an offer of £100,000 for public realm works.
4	VMS (Variable Messaging System).
5	Travel Plan – to include future monitoring arrangements, and A Public Transport Contribution of £325,000.
6	Local Labour and Education/Training Initiatives - including A. Education and Training Facilities B. Apprenticeships C. Local Employment D. Local Procurement for business use/contractors
7	Rights of Access – Access rights to facilitate access to South East Rapid Transit System (SERT). For a future public transport and pedestrian/cycling link (with no access to other vehicular traffic) to land to the north of Arterial Road (A1306). Provide a route to kept available at all times through the Lakeside Shopping Centre for when the buses and trains are operating. In the event that the Arena Essex site is developed for either housing, retail or leisure uses access rights shall be provided to enable the construction of a footpath from the A1306 along the spiral access to the Lakeside Shopping Centre.
8	Safeguarding Route for Pedestrian/Green Bridge over West Thurrock Way - An area of land to be made available for this.
9	The Bus Station – Provision of Land for Future Expansion of the Bus Station.
10	Complementary Planning Strategies Contribution of £185,000 for pursuing planning strategies in Grays town centre or elsewhere in the Borough of Thurrock.
11	Basin Wide Car Park Management Regime – To supply real time car park capacity information through signage boards. To allow the Council to install real time variable message signage and

information boards on the entrances to the Lakeside Shopping Centre.

- 1.6 Under the Town and Country Planning (Environmental Impact Assessment Regulations) 2011 (as amended) the proposed development falls within 'Schedule 2' as 'EIA development'. The proposal includes an Environmental Statement (ES) demonstrating that an Environmental Impact Assessment (EIA) has been undertaken to accompany this planning application and this information is considered as part of the planning assessment in section 6 of this report. The EIA considers the construction and operational phases (when the development is complete and occupied) of the development as part of its assessment.

2.0 SITE DESCRIPTION

- 2.1 The Lakeside Shopping Centre (LSC) is located in the north-eastern part of the Lakeside basin. At the heart of the LSC is a shopping mall whose principal internal orientation is along a north-south axis. The main retail offer is located over two floors, with a food court on a smaller and centrally located third floor. The LSC contains a comprehensive range of national multiple comparison retailers and a considerable number of cafés and fast-food restaurants. The Lakeside Boardwalk contains a range of restaurants orientated towards Lake Alexandra and accessed externally to the mall. LSC also contains a cinema located north of the Lakeside Boardwalk.
- 2.2 The surface level car parks to the east and multi-storey car parks to the south, west and north east of the mall provide circa 13,000 parking spaces. LSC has its own bus station, located externally at the northern end of the mall. This currently serves 13 principal bus routes.
- 2.3 This outline application relates to 9.6 hectares of land to the north and east of the LSC which is currently occupied by existing bus station, car parks no.'s 5, 6 and 3.
- 2.4 Beyond the LSC to the north is chalk cliff face of the Lakeside Basin and the Arterial Road, West Thurrock (A1306); to the east is A126 dual carriageway, railway line linking Grays with Upminster and Chafford Hundred; to the south within the Lakeside Basin is West Thurrock Way and further commercial uses; and to the west beyond Lake Alexandra is a supermarket and a retail park.
- 2.5 Chafford Hundred train station is located approximately 150m from the nearest entrance point to LSC. Access from LSC is gained by way of an enclosed footbridge link over the A126, which also links with Chafford Hundred for pedestrian access to the site. Chafford Hundred Train Station is located upon the Fenchurch Street, London to Grays line which is operated by C2C. There are a total 13 bus services serving the LSC with 7 of these operating on a frequency of 20 minutes or

better. Services operate at approximately 30 minute frequency. The National Cycleway Network runs along the southern boundary of LSC site.

3.0 RELEVANT HISTORY

3.1 The site has extensive planning history and the most relevant applications are listed below:

Planning Reference	Description of Application	Decision
11/50433/ TTGOUT	Part demolition of existing Debenhams store and demolition of existing bus station. Alteration and extension of the Northern end of the shopping centre including erection of new buildings for uses within use classes A1-A5 and a new multi-storey car park. Erection of a new bus station and the alteration and extension of the shopping centre on its Eastern side including the erection of new buildings for uses within use classes A1-A5. Provision of new public realm and landscaping area. Provision of temporary bus station comprising works to existing surface car parking area, alterations of existing and construction of new vehicular, pedestrian and cycle access and egress arrangements and car parking and other ancillary works and operations.	Approved 11.03.2013
12/50446/ TTGFUL	Provision of a new bus, cycle and pedestrian link road / path between Lakeside Shopping Centre and the Tesco Store, across the northern end of Lake Alexandra (Northern Link Road)	Approved 28.03.2012 and implemented
14/00812/ NMA	Minor amendment to the alignment of the west end of the northern link road permitted under ref: 12/50446/TTGFUL in order to avoid Tesco's delivery service yard.	Approved 08.09.2014
16/00812/ SCO	Request for an Environmental Impact Assessment (EIA) Scoping Opinion: Proposed extension to the Intu Lakeside shopping centre (Intu Lakeside)	Scoping Opinion issued 08.07.2016
12/00524/ FUL	Hotel and food and drink establishments	Approved and under construction

In addition to the cases set out above, the 'Lakeside Leisure' proposal on the western side of the LSC was approved outline permission on 1 April 2014 (application reference 13/00880/OUT). At the November 2016 Planning Committee Members resolved to approve the reserved matters application for the 'Lakeside Leisure' proposals for phase 1 of the development (application reference 16/01228/REM).

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

4.2 PUBLICITY:

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

4.3 ANGLIAN WATER:

No response.

4.4 EDUCATION:

No education contribution is required.

4.5 EMERGENCY PLANNER:

No objection.

4.6 ENVIRONMENTAL HEALTH:

No objection subject to conditions.

4.7 ENVIRONMENT AGENCY:

No objection providing conditions regarding contaminated land are imposed. In terms of flooding the Local Planning Authority will need to undertake the Sequential Test and raise no objection to the Flood Risk Assessment.

4.8 ESSEX AND SUFFOLK WATER:

No objection.

4.9 FLOOD RISK MANAGER:

No objection subject to a condition.

4.10 HEALTH AND SAFETY EXECUTIVE:

No response.

4.11 HIGHWAYS:

No objections subject to conditions and planning obligations.

4.12 HIGHWAYS ENGLAND:

No objection.

4.13 LANDSCAPE AND ECOLOGY:

No objections.

4.14 NATIONAL GRID:

There are National Grid apparatus within the vicinity of the site and therefore National Grid shall need to be informed on the site.

4.15 NATURAL ENGLAND:

No objections in terms of statutory designations and advise the Local Planning Authority to review Standing Advice with regard to protected species. Biodiversity and Landscape Enhancements should be used where possible.

4.16 NETWORK RAIL:

No objection.

4.17 STRATEGIC LANDSCAPE:

No objection.

4.18 BASILDON COUNCIL:

No response.

4.19 BRENTWOOD COUNCIL:

No response.

4.20 CASTLE POINT COUNCIL:

No response.

4.21 CHELMSFORD CITY COUNCIL:

No objection.

4.22 DARTFORD COUNCIL:

No response.

4.23 GRAVESHAM BOROUGH COUNCIL:

No response.

4.24 LONDON BOROUGH OF BARKING AND DAGENHAM:

No response.

4.25 KENT COUNTY COUNCIL:

No response.

4.26 LONDON BOROUGH OF HAVERING:

No response.

4.27 LONDON BOROUGH OF REDBRIDGE:

No response.

5.0 POLICY CONTEXT

5.1 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
- Building a strong, competitive economy
- Ensuring the vitality of town centres
- Promoting sustainable transport
- Requiring good design
- Promoting healthy communities
- Meeting the challenge of climate change, flooding and coastal change
- Conserving and enhancing the natural environment

5.2 Planning Practice Guidance

In March 2014 the Department for Communities and Local Government (DCLG) launched its planning practice guidance web-based resource. This was accompanied by a Written Ministerial Statement which includes a list of the previous planning policy guidance documents cancelled when the NPPF was launched. PPG contains 48 subject areas, with each area containing several subtopics. Those of particular relevance to the determination of this planning application comprise:

- Air Quality
- Climate Change
- Consultation and pre-decision matters
- Design
- Ensuring the vitality of town centres
- Environmental Impact Assessment
- Flood risk and coastal change
- Health and wellbeing
- Land affected by contamination
- Light pollution
- Natural Environment
- Noise
- Planning obligations
- Renewable and low carbon energy

- Transport evidence bases in plan marking and decision taking
- Travel plans, transport assessment and statements in decision making
- The use of planning conditions
- Viability

5.3 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 Thurrock¹

SPATIAL POLICIES

- CSSP2: Sustainable Employment Growth
- CSSP3: Infrastructure

THEMATIC POLICIES

- CSTP6: Strategic Employment Provision
- CSTP7: Network of Centres
- CSTP8: Viability and Vitality of Existing Centres²
- CSTP9: Well-being: Leisure and Sports
- CSTP10: Community Facilities
- CSTP13: Emergency Services and Utilities
- CSTP14: Transport in the Thurrock Urban Area
- CSTP15: Transport in Greater Thurrock
- CSTP16: National and Regional Transport Networks
- CSTP19: Biodiversity
- CSTP20: Open Space
- CSTP22: Thurrock Design
- CSTP23: Thurrock Character and Distinctiveness²
- CSTP25: Addressing Climate Change²
- CSTP27: Management and Reduction of Flood Risk²
- CSTP33: Strategic Infrastructure Provision

POLICIES FOR MANAGEMENT OF DEVELOPMENT

- PMD1: Minimising Pollution and Impacts on Amenity²
- PMD2: Design and Layout²
- PMD5: Open Spaces, Outdoor Sports and Recreational Facilities

- PMD7: Biodiversity, Geological Conservation and Development
 - PMD8: Parking Standards³
 - PMD9: Road Network Hierarchy
 - PMD10: Transport Assessments and Travel Plans²
 - PMD12: Sustainable Buildings²
 - PMD13: Decentralised, Renewable and Low Carbon Energy Generation
 - PMD14: Carbon Neutral Development
 - PMD15: Flood Risk Assessment²
 - PMD16: Developer Contributions
-
- Emerging Design Strategy SPD (Supplementary Planning Document)

[Footnote: ¹New Policy inserted by the Focused Review of the LDF Core Strategy.
²Wording of LDF-CS Policy and forward amended either in part or in full by the Focused Review of the LDF Core Strategy. ³Wording of forward to LDF-CS Policy amended either in part or in full by the Focused Review of the LDF Core Strategy].

5.4 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.

5.5 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.

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

6.0 ASSESSMENT

6.1 The principles issues to be considered with this case are:

- I. Plan designation and principle of development
- II. Retail Impact
- III. Urban design, townscape and visual impacts
- IV. Sustainable Buildings and Energy Consumption
- V. Transport, access and parking
- VI. Air quality
- VII. Noise
- VIII. Flood risk and drainage
- IX. Ecology
- X. Ground conditions and contamination
- XI. Infrastructure improvements (s.106 contribution)
- XII. Socio-Economic Effects

i. PLAN DESIGNATION AND PRINCIPLE OF DEVELOPMENT

6.2 The principle of the development has been established by the grant of outline planning in 2013 consent under planning reference 11/50433/TTGOUT and this permission remains live until 11 March 2017. This current application seeks in effect to renew the outline permission 11/50433/TTGOUT but with the changes as listed in paragraph 1.3 of this report. In summary the changes are to reflect the updated position following the more recent planning permissions including the Northern Link Road with associated permissive pedestrian and cycle routes, and a revised location for the temporary bus station due to the 'Lakeside Leisure' proposals.

6.3 In granting permission for 11/50433/TTGOUT, the Council was satisfied that the proposal accorded with a range of Development Plan policies relevant at the time of application. Since the grant of permission in 2013, the Regional Spatial Strategy has been abolished and the Planning Policy Guidance introduced. The LDF Core Strategy has also been reviewed to ensure compliance with the NPPF. However, despite the changes to the policy framework, the principle of the development remains sound.

ii. RETAIL IMPACT

- 6.4 The previous outline permission established that the development and additional retail floorspace provision was acceptable. There have been no policy change to policy CSTP7 (Network of Centres) of the LDF from the Focus Review nor to the NPPF.
- 6.5 Point 1 of policy CSTP7 refers to the ‘New Lakeside Regional Centre’ which ‘supports the transformation of the northern part of the Lakeside Basin into a new regional centre’ (note regional centre is defined in paragraph 3.25 of the LDF as being a town centre). The policy states that this will be achieved through a detailed chapter of the Site Specific Allocations and Policies DPD and the Lakeside Implementation and Delivery SPD, however, the draft DPD is no longer being continued on the advice of the Planning Inspectorate and instead a new Local Plan is being produced, as explained in section 5 of the report. The requirements of the remaining parts of point 1 of the policy remain. This allows for the expansion of the New Lakeside Regional Centre for an increased retail floor space of up to 50,000m² of net comparison goods floorspace and at least 4,000m² of convenience goods floorspace (Class A1 use). The policy also identifies the opportunity for expansion to include new employment and other service floorspace to broaden the employment base, and commercial leisure floorspace including food and drink uses, consistent with the function of a regional centre.
- 6.6 The proposed development accords with the floor space limitations of Policy CSPT7. The table below sets out the level of floorspace that would be created through the development.

Table 4: Development Floorspace by Use Class

Use Class / Type of Use	Proposed net additional Gross Internal Area (sq.m)
A1 (Shops)	37,651* (*of which up to a maximum of 1,991 would be convenience goods retail the remainder comparison goods retail GIA) Net Additional Net Sales Area (NANSA) is 30,121sq.m
A2 (Financial and Professional Services) A3 (Restaurants & Cafes) A4 (Drinking Establishments) A5 (Hot Food Takeaway)	3,053 – 4,884

Subtotal	40,704
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The agent's 'Planning and Retail Statement' identifies that the level of retail provision is necessary for the LSC to meet demand from retailers and to maintain its LSC's position in the retail hierarchy.

- 6.7 In terms of the NPPF, chapter 2 paragraph 24 seeks to ensure the vitality of town centres and requires local planning authorities to apply a 'sequential test' to planning applications for main town centre uses that are not in an existing centre and are not in accordance with an up to date Local Plan. The LSC is considered to be part of the New Lakeside Regional Centre based on the information contained within policy CSTP7 and the LSC's main function is to operate as a 'primary shopping area' with a town centre role.
- 6.8 In terms of the sequential test the proposal would involve town centre uses within an 'existing centre' in the form of the 'New Lakeside Regional Centre' as defined in policy CSTP7, and secondly, when compared to the requirements of chapter 2 of the NPPF, policy CSTP7 is considered to be an up to date Local Plan (LDF) policy. On this basis there is no requirement for the local planning authority to apply the sequential test to this application.
- 6.9 The retail impact of the proposed development is acceptable in terms of Chapter 2 of the NPPF and LDF Core Strategy Policy CSTP7 (Network of Centres).

iii. URBAN DESIGN, TOWNSCAPE AND VISUAL IMPACTS

- 6.10 It should be noted that the information provided in the DAS and the Parameters Plans are the same as the previous outline approval with the only differences being those set out in paragraph 1.3 of this report.
- 6.11 As an outline application with all matters reserved the finer details of the layout, scale, appearance, access and landscaping would be agreed through any future reserved matters application. Nevertheless the Parameter Plans are for determination with this application and these plans, if approved, will establish the extent of the development, minimum and maximum building lines and heights, and the extent of the proposed access within the site. To assist further the Design and Access Statement (DAS) provides an illustrative guide to the proposed development.
- 6.12 As stated in section 1 of this report the proposal is mainly split into two development areas at the LSC with these being the northern extension and the south-eastern extension. The Parameter Plans and DAS guidance is assessed below.

Access

- 6.13 Parameter Plan 6 'Public Realm and Vehicle Access Works' and the DAS shows the proposed new access arrangements.
- 6.14 For the northern extension the existing service access arrangements would be retained. The service access running along the eastern elevation of the LSC would be more enclosed and partly covered by the new development. The existing internal road along the northern side of the LSC would remain with the addition of a new footway/cycleway shown on the northern side of the road which would lead to a crossing point at the existing roundabout junction to the north east car park no.6 and a new footway running along the eastern side of 'LSC5' and 'LSC2'. An ingress and egress access point into the new multi-storey car park 'LSC5' would be located along the existing northern internal road. The existing internal road along the eastern side of the LSC would remain unchanged apart from revised access arrangements on its western side to include a new service access for 'LSC2' and a new access into the existing car park no.5. The existing bus station location and car park no.6 and part of car park no.5 would be replaced by the northern extensions. This location would lead to the creation of external walkways and an area of landscaping as part of the public realm to a new outdoor street where retail and restaurant/cafe units would be located within a public realm area. These walkways would lead into the existing entrance currently accessed from car parks no.5 and no.6 in the north east corner of the LSC.
- 6.15 For the south-eastern extension the existing road network would be modified to accommodate the new bus station with the loss of part of the existing car park no.3. The extension to the store would also be built to bridge over the existing service road at the eastern side of the LSC. 'Works 2' would create new footway/cycleways around the south eastern side of the LSC connecting to the bus station. An existing footway linking the Boardwalk with the roundabout to the south of the LSC would be upgraded and would link to the new footway/cycle routes around the south eastern, south and south western areas of the LSC ('Works 2' and 'Works 3') and linking to the 'Lakeside Leisure' area, which is generally welcomed as an alternative and formal route around the LSC increasing opportunities for travelling by walking and cycling. Another proposed footway exiting the western elevation of the multi storey car park to the west of the LSC would lead to a crossing point on the western internal road allowing access to the new dual footway/cycleway route and a proposed viewing platform, which again represent acceptable improvements to this area of the site.

Layout and Use

- 6.16 Parameter plans 3 'Plot Plan', 4 'Minimum / Maximum Siting' and the DAS show the locations of the layout of the development.
- 6.17 For the northern extension the DAS includes indicative details to show how the internal layout of the extensions to the store would work within 'LSC1' and 'LSC2' showing the potential arrangement of retail and non retail units along with the external areas. Within 'LSC1' the extension, internally, would represent a continuation of the existing mall.
- 6.18 Externally, within the northern extension location, areas of public realm would be created to areas 'LSC1', 'LSC2' and 'LSC3a' and 'LSC3b', which represents a modern approach found within newer shopping malls such as Westfield Stratford which has open external areas as well as the internal shopping mall. This area of public realm would include retail and non-retail uses such as café/restaurants which would benefit from outdoor space for likely outdoor seating and dining opportunities.
- 6.19 The 'LSC5' multi storey car park and part of 'LSC2' includes an enclosed service yard that would both be sited on the eastern side of the building and would be seen by vehicles arriving from one of the main access points to the LSC from the Arterial Road (A1306) to the north, although elevation details are not for determination such details shall need to be carefully considered for the future reserved matters application to ensure a high quality and welcoming environment is created.
- 6.20 The layout of the south-eastern extension is indicatively shown in the DAS to represent a continuation of the internal shopping mall to this location and provide a complete enclosed area for pedestrians leaving the LSC travelling to the existing footbridge to the Chafford Hundred railway station through 'LSC4c'. Within this extension further retail or non-retail units would front onto an enclosed concourse area which is defined as 'LSC4c' as part of the bus station with connections to the bus stands. The opportunity for a convenience store is shown in the DAS indicative drawings nearest the footbridge location within the location of 'LSC4b'. Externally the layout shows the bus station occupying the existing car park and a much reduced area of public realm on this side of the LSC, which is unfortunate but it is recognised that the 'Lakeside Leisure' proposals would provide an overall increase and improvement to public realm at the LSC.

Scale and Form

- 6.21 Parameter Plan 5 'Minimum / Maximum heights' details the minimum and maximum building height Above Ordinance Datum (AOD) and the following Parameter Plans shows the block and massing through a series of section drawings. These are Parameter Plan 7 'Indicative Sections and Elevations Key', Parameter Plan 8

'Proposed sections AA-DD' and Parameter Plan 9 'Proposed sections EE-GG'. Furthermore the DAS demonstrates the massing and block structure of the proposed extensions.

- 6.22 The northern extension would bring the LSC much closer to the road network. This would give the building more prominence particularly on the vehicular access route into the site from the Arterial Road (A1306) to the north.
- 6.23 It is recognised through Parameter Plan 5 that the northern extension to the LSC, through 'LSC1', 'LSC2' and 'LSC5' is proposed to be one storey taller than the existing buildings and this is more clearly shown in the indicative massing drawing in the DAS. Taking into account the wider context of the overall LSC this increase in height is not considered to be an issue as the site is located within the Lakeside Basin which as a former quarry has a lower ground level than nearby developments and the road network. This lower ground level can allow for this increase in scale as the proposed development is located adjacent to the chalk walls of this former quarry which would help lessen the scale impact.
- 6.24 The scale and height of the south-eastern extension would be similar to the existing LSC with the highest element of the block structure shown in the indicative massing drawing in the DAS to be located nearest the existing footbridge which crosses the A126 and links to the railway station. There are no issues raised to the scale of this southern extension to the LSC.

Appearance and Materials

- 6.25 Other than the appearance issue considered in the 'layout and use' section of this report the overall appearance and use of materials for the extensions will be detailed in the reserved matters application with samples of materials agreed through planning condition. However, the DAS includes a number of illustrative photomontages to show the potential finishing of the appearance of the extensions of the LSC reflecting a modern and contemporary design approach, which provide an updated appearance to part of the LSC bring forward high quality design as required by the relevant LDF policies.

Landscaping

- 6.26 Parameter Plan 6 'Public Realm and Vehicle Access Works' shows locations of landscaping areas. The DAS details how connections would be made through landscaping and includes illustrative landscape concept plans, illustrative cross sections, illustrative planting styles and a tree strategy..

Townscape and Visual impacts

- 6.27 The ES has assessed the Townscape and Visual considerations of the development identifying that the existing townscape character is considered to be of 'low value' with the surrounding open land and residential areas to be considered of 'medium value'. A number of viewpoints have been used to inform the Townscape and Visual assessment but with this outline application these can only show the extent of the development in terms of scale/height and siting as no external elevations have been produced at this stage, as these will be detailed in the reserved matters. The impact upon the surrounding landscape is lessened due to the LSC being located within the Lakeside Basin and where existing established landscaping and infrastructure help screen the site.
- 6.28 The ES considers that the proposed development would result in a 'high degree of change' but this would be result in a 'moderate beneficial townscape effect'. Overall the ES states that no significant adverse environmental effects will occur and that the change to townscape and views will be beneficial. The Council's Landscape and Ecology Advisor considers this conclusion to be appropriate and raises no objection to the development proposals.
- 6.29 In conclusion under this heading, the urban design, townscape and visual assessment of the proposed development is acceptable in terms of Chapter 7 of the NPPF and LDF Core Strategy Policies CSTP22 (Thurrock Design), CSTP23 (Thurrock Character and Distinctiveness) and PMD2 (Design and Layout). .

iv. SUSTAINABLE BUILDINGS AND ENERGY CONSUMPTION

- 6.30 The application includes an Energy Statement and BREEAM Assessment and this explains that as this application is in effect a renewal of the previous outline permission the approach to sustainable building and energy consumption reflects that of the previous outline application. This states that energy measures will be further considered once the development progresses through the reserved matters to demonstrate measures installed to reduce CO2 emissions in the interests of climate change.
- 6.31 The BREEAM Assessment demonstrates that a 'very good' rating can be achieved which is the same level as agreed through the previous outline application and this can be secured through a planning condition.

v. TRANSPORT, ACCESS AND PARKING

- 6.32 Chapter D of the ES assesses the transport and travel impacts of the development with the Transport Assessment (TA) and Travel Plan (TP) appended to the ES documents. The site is located in a sustainable location and can be accessed by

road and rail. The road network provides good access to the A13 and M25 routes. Numerous bus routes service the LSC. The site can also be accessed by cycle and on foot from a range of directions, although the safest pedestrian route to the LSC is via the covered footbridge which also connects to the nearby Chafford Hundred rail station (155m away).

- 6.33 Works are proposed to some of the internal roads around the LSC and these are listed in paragraphs 1.4 of the report. 'Works 1' would create a new footway/cycleway route connecting with the existing Northern Link Road footways and would run along the northern side of the road to the north of the LSC up until the roundabout junction where it is shown on Parameter Plan 6 to be linked to the eastern side of the northern extensions to the LSC with these details to be confirmed through the reserved matters. Parameter Plan 6 shows 'Works 2' and 'Works 3' would allow access to the proposed new bus station and reduce the road widths to allow for footway/cycleway routes to be provided bordering the existing multi storey car parks and would link with the 'Broadwalk' area where a proposed footway/cycleway would run alongside the western roadside. These works would improve pedestrian and cycle linkages to accord with policy CSTP14 (Transport in the Thurrock Urban Area) around the LSC and are welcomed.
- 6.34 The new bus station and associated highway infrastructure would replace most of car park no.3; there are no objections to a new bus station in this location because it would allow for better connections with the existing footbridge and the Chafford Hundred railway station in accordance with the requirements of policy CSTP14 (Transport in the Thurrock Urban Area).
- 6.35 A temporary bus station is required before the new bus station is implemented and this would be located in car park no.8 to avoid disruption to car parks closer to the LSC. The temporary bus station along with the northern extension would lead to a temporary loss of car parking for 12 months in car parks no.8 and no.7.
- 6.36 For the construction phase of the development the main construction compound would be located in the existing coach park location. Contractors would visit this construction compound to park their own vehicles and then use a shuttle bus to access the site and the satellite compound area, which would be located in part of car park no.5. This approach reduces the need for contractors to use the LSC car parks which would remain for shoppers/customers of the LSC, and minimises vehicle trips between the site compounds. The ES explains that concrete materials would be delivered to the development site for immediate use rather than stored at the main construction compound area and then transported to the site. Details can be secured through the Construction Environmental Management Plan (CEMP) planning condition.

- 6.37 In terms of vehicle movements, both the construction and operational phases trip generation forecast remains the same as the previous application and has been assessed through the Transport Assessment (TA) against the baseline 2016 traffic surveys and against other major planning permissions in the area since March 2013, which is the date of the previous outline permission. The TA concludes that the proposed development would not have a material impact upon the highway network. The conclusions of the TA are agreed by the Council's Highway Officer.
- 6.38 The existing car park arrangements provide 12,578 spaces and the proposal would involve the loss of car parking but this would be staggered in terms of timings through the construction process to avoid closure of certain car parks at the same time to minimize disruption. By the time the new bus station development is under construction the northern extension will have progressed and the new multi-storey car park "LSC5" [which would over a total of 10 internal levels of car parking], would be available.
- 6.39 Policy CSTP14 (Transport in the Thurrock Urban Area) identifies the opportunity to introduce car parking charging and management regime, however, the applicant through the ES does not consider car parking 'practical, sustainable or necessary' and are concerned that this would 'undermine rather than encourage regeneration in the Lakeside Basin'. If car parking charging was introduced it would need to be across the entire Lakeside Basin otherwise it could lead to distorted car park patterns.
- 6.40 The LSC provides cycle parking facilities throughout the site and additional cycle parking provision shall be required to meet with Policy CSTP14 (Transport in the Thurrock Urban Area) and PMD8 (Parking Standards) with this proposal which shall need to be shown with the reserved matters.
- 6.41 In May 2016 the LSC adopted a new Travel Plan, which is monitored by the LSC 'Sustainable Travel Plan Coordinator' and this promotes sustainable travel choices to follow the approach set out in policy PMD10 (Transport Assessments and Travel Plans). One of the planning obligations offered is the continued use of a Travel Plan at the site.
- 6.42 In conclusion under this heading, the development would not have an adverse impact upon the local highway network. Neither the Council's Highway Officer nor Highways England have raised any objection to the development subject to the planning conditions and planning obligations as set out in the recommendation section.

vi. AIR QUALITY

- 6.43 Chapter E of the ES considers 'Air Quality' and has been considered alongside policy PMD1 (Minimizing Pollution and Impacts on Amenity, Health, Safety and the Natural Environment), the relevant guidance in the PPG and paragraph 124 of the NPPF. The demolition and construction phase will result in dust emissions and vehicle movements. The ES states that the worst case scenario would be for 80 heavy good vehicle trips per day with the average being between 20-25 per day. For construction workers they would be transported from the main construction compound to the satellite compound location to reduce vehicle movements and *inter alia* air pollution. These processes have been assessed in the ES to result in a 'short term adverse impact' upon air quality but will be minimised through measures agreed through the CEMP.
- 6.44 Once construction is complete the operational phase of the development will require the installation of plant equipment to heat and ventilate the new development. Traffic associated with this phase would give rise to airborne pollutants. All of these impacts have been deemed 'negligible' in environmental impact terms. The Council's Environmental Health Officer (EHO) raises no objections to the application on air quality grounds.

vii. NOISE

- 6.45 Chapter F of the ES considers 'Noise' alongside policy PMD1 (Minimizing Pollution and Impacts on Amenity, Health, Safety and the Natural Environment), the relevant guidance in the PPG and paragraph 123 of the NPPF. The ES has been informed by a noise impact assessment which has considered the impact upon noise sensitive (residential) properties in the vicinity of the site near Fleming Road and Chafford Hundred. For noise from construction works and from the plant equipment from the development the ES considers this a 'negligible' impact and for road traffic noise the ES considers this a 'minor adverse' impact. Noise mitigation measures through the construction and operation phase can be imposed as planning conditions within the CEMP and for details of the acoustic performance of plant equipment and screening where necessary for the operational phase of the development. The Council's EHO raises no objection on noise grounds.

viii. FLOOD RISK AND DRAINAGE

- 6.46 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 'less vulnerable' use on 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.

- 6.47 Paragraph 104 of the NPPF notes that for individual developments on sites allocated in development plans through the Sequential Test, applicants need not apply the Sequential Test. As the application is a strategic allocation within the LDF CS Proposal's Map as a 'Shopping Centre and Parade' area the Sequential Test does not need to be applied. There is also no requirement to apply the Exception Test as the development is 'appropriate' for this flood zone as identified in the PPG's 'Table 3 – Flood Risk Vulnerability and Flood Zone Compatibility' table.
- 6.48 The Flood Risk Assessment (FRA) identifies that the ground levels range from 0.75m to 6.6m with the land sloping from east to west. The existing surface water network diverts water around the LSC and draining into Lake Alexandra, which forms the primary surface drainage system (SuDS) for the LSC receiving the run off from a complex drainage network. The lake is maintained by a gravity outfall (weir and sluice) which discharges into the River Thames. The LSC is afforded a standard of protection against the 1 in 1000 year fluvial/tidal flood event by existing managed flood defences.
- 6.49 The FRA identifies the proposal would occupy existing surfaced land areas mainly in the form of car parks and walkways to the mall the development would not increase impermeable surfaces. The proposed development would reduce run off rates as the proposal would use underground stormwater storage tanks draining to the existing drainage systems and into Lake Alexandra, which would accord with policies CSTP25 (Addressing Climate Change) and CSTP27 (Management and Reduction of Floor Risk). Neither the Environment Agency nor the Council's Flood Risk Manager have raised objection to the proposal.
- 6.50 The development will connect to the existing foul drainage network arrangements for both the construction phase and operational phases of the development. There are no objections raised from Essex and Suffolk water for water supply to the proposed development. Both these considerations meet with policy CSTP13 (Emergency Services and Utilities).

ix. ECOLOGY

- 6.51 The location of the proposed development is within existing developed areas which are considered to have 'low' ecological value as identified in Chapter K of the ES. It also identifies areas where ecology could be affected and this has been considered in regard to Chapter 11 of the NPPF 'Conserving and enhancing the natural environment', and policies CSTP19 (Biodiversity) and PMD7 (Biodiversity and development).

- 6.52 The proposal would result in the loss of some existing trees and associated soft landscaping within the existing car park areas which surround the mall. These trees are considered to be of low ecological value based on their location which is detached from areas where ecology is more likely to flourish. The construction compound would be temporarily located on the existing coach park but none of the trees in this location would be affected and they would be protected during the construction phase of the development. The viewing platform proposed on the eastern side of Lake Alexandra would incorporate low level lighting which has been assessed to have a 'negligible' impact upon ecology associated with the lake (aquatic and land based species).
- 6.53 The Council's Landscape and Ecology Advisor and Natural England raise no objections to the application but request ecological and biodiversity enhancement and management opportunities. The proposal offers the opportunity to ecological and biodiversity enhancement through planting of appropriate native species known to benefit wildlife.

x. GROUND CONDITIONS AND CONTAMINATION

- 6.54 Chapter H of the ES considers 'Ground Conditions' recognising the site was developed in the base of a former chalk quarry where groundwater across the site flows into Lake Alexandra. The ES concludes that with mitigation measures in place the development would have a 'negligible' impact on ground conditions. Subject to the recommendations in the ES being carried forward in the form of planning conditions, there are no objections from Environmental Health or the Environment Agency.

xi. INFRASTRUCTURE IMPROVEMENTS (S.106 CONTRIBUTION)

- 6.55 Policy PMD16 (Developer Contributions) states that 'the Council will seek to secure planning obligations under Section 106 of the Town and Country Planning Act 1990 and any other relevant guidance'. This is to ensure delivery of 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.
- 6.56 Following changes in legislation (Community Infrastructure Levy Regulations), in April 2015 the Council produced its Infrastructure Requirement List (IRL) which changed the way in which planning obligations through section 106 agreements can be sought. The changes brought in pooling limitations to a maximum of 5 contributions towards a type or item of infrastructure. The IRL therefore provides an up to date list of physical, social and green infrastructure to support new development in Thurrock. This list is bi-annually reviewed to ensure it is up to date. The IRL applies a number of different development scenarios. The consultation

process has identified planning obligation requirements which are set out below and follow those sought with the previous outline permission.

6.57 The previous application secured planning obligations as set out in the second column of the table below and the third column identifies the obligations being offered with this application unless it is stated as being omitted for the reasons given:

No.	<i>Heads of Term as summarised from permission 11/50433/TTGOUT</i>	<i>Whether these draft Heads of Terms are still offered with this application</i>
1	Northern Link Road for bus operators and through a permissive footpath/cycleway.	No – the northern link road formed part of a separate application has been constructed and being used.
2	A new footpath link through a bridge over Lake Alexandra.	Yes still offered.
3	Provision of New or Improved Linkages through a new footpath link to West Thurrock Way in an area to be agreed.	Yes still offered.
4	Public Realm Improvements to include: (a) increase the width of the public realm / footway along the eastern frontage of the Mall, (b) details of existing and proposed landscaping, (c) enhancements to the east / west pedestrian link, (d) a timescale for undertaking the works.	Yes still offered
5	Variable Messaging System	Yes
6	Travel Plan and future monitoring. Public Transport Contribution	Yes – with an update note to the T Plan. The Public Transport Contribution would be £325,000 to match the previous s106 obligation
7	Local Labour and Education/Training Initiatives including A. Education and Training Facilities B. Apprenticeships C. Local Employment D. Local Procurement for business use/contractors etc	Yes

8	<p>Rights of Access – Access rights to facilitate access to South East Rapid Transit System (SERT) For a future public transport and pedestrian/cycling link (with no access to other vehicular traffic) to land to the north of Arterial Road (A1306) Provide a route to kept available at all times through the Lakeside Shopping Centre for when the buses and trains are operating In the event that the Arena Essex site is developed for either housing, retail or leisure uses access rights shall be provided to enable the construction of a footpath from the A1306 along the spiral access to the Lakeside Shopping Centre.</p>	Yes still offered
9	<p>An area of land to be made available for a Pedestrian/Green Bridge over West Thurrock Way.</p>	Yes still offered
10	<p>The Bus Station – Provision of Land for Future Expansion .</p>	Yes still offered
11	<p>A financial contribution of £185,000 to the Council towards funding complementary planning strategies in Grays town centre or elsewhere in the district.</p>	Yes still offered
12	<p>Basin Wide Car Park Management Regime – to supply real time car park capacity information through signage boards. To allow the Council to install real time variable message signage and information boards on the entrances to the Lakeside Shopping Centre</p>	Yes – amended wording so that the car park management remains under the control of the applicant (Intu)
13	<p>Improvement Works to M25 Junction 30</p>	No – As these works are currently being undertaken

6.58 Whilst there are some changes to the previous planning obligations sought through the s106 the changes are logical and represent the updated planning position since the previous outline permission. These obligations are therefore considered acceptable.

xii. SOCIO-ECONOMIC EFFECTS

- 6.59 Chapter I of the ES assesses the 'Socio-Economic Effects' of the development looking at 'the likely affect upon the local and regional economies in terms of job creation and capital investment.
- 6.60 The ES identifies that the construction phase of the development would generate up to 1,780 temporary construction jobs over a 3 year period and when completed the operational phase of the development would provide up to 3,697 jobs of which 2,930 of these would be new employment opportunities. There would be around 900 indirect jobs created in the region associated with the operational LSC. To bring forward training opportunities work placements would be created for both the construction and operational phase of the development [secured via the s106 process]. This will assist in addressing employment and skills shortages within the area.
- 6.61 In conclusion the proposal therefore brings forward socio-economic benefits this area and the wider region.

7.0 CONCLUSIONS AND REASON(S) FOR APPROVAL

- 7.1 The proposed development would lead to new, additional and improved retail facilities. This would help maintain the position of the LSC as a regional shopping centre and allow it to compete with other regional shopping centres. The development would also bring economic benefits to the local area through business rates and nearly 3,700 employment opportunities.
- 7.2 Furthermore, the development would bring forward a high quality, modern and sustainable extension to the Intu Shopping centre, raising the profile and environment of the Lakeside Basin with facilities to which would benefit of all users. The proposed new bus station and associated new footway/cycle links would provide much needed and improved opportunities for sustainable transport usage in the area as an alternative to the high level of private vehicle usage associated with this site.
- 7.3 In addition, the development would bring forward a range of infrastructure improvements as planning obligations which shall be agreed through a s106 agreement.
- 7.4 Whilst there would be some disruption during the construction phase of the development these impacts could be controlled and would be short lived. The outcome of the development when operational would result in clear benefits to the Borough that outweigh any disruption experienced during the construction stages.

7.5 All other material considerations including the environmental considerations of air quality, noise, flood risk, ecology, ground conditions and contamination have been assessed and are acceptable subject to mitigation measures and further information being required through planning conditions and planning obligations.

7.6 The development is supported by a range of Development Plan policies and in light of the analysis above, the application is recommended for approval.

8.0 RECOMMENDATION

Approve, subject to the following:

- i) the completion and signing of an obligation under s.106 of the Town and Country Planning Act 1990 relating to the following heads of terms:

No.	Heads of Terms
1	Bride Over Lake - A new footpath link through a bridge over Lake Alexandra.
2	Footpath Link to West Thurrock Way - Provision of New or Improved Linkages through a new footpath link to West Thurrock Way in an area to be agreed.
3	Public Realm Improvements and Public Realm Contribution – an offer of £100,000 for public realm works.
4	VMS (Variable Messaging System)
5	Travel Plan – to include future monitoring arrangements and A Public Transport Contribution of £325,000.
6	Local Labour and Education/Training Initiatives - including A. Education and Training Facilities B. Apprenticeships C. Local Employment D. Local Procurement for business use/contractors
7	Rights of Access - Access rights to facilitate access to South East Rapid Transit System (SERT). For a future public transport and pedestrian/cycling link (with no access to other vehicular traffic) to land to the north of Arterial Road (A1306). Provide a route to kept available at all times through the Lakeside Shopping Centre for when the buses and trains are operating. In the event that the Arena Essex site is developed for either housing, retail or leisure uses access rights shall be provided to enable the construction of a footpath from the A1306 along the spiral access to the Lakeside Shopping Centre.

8	Safeguarding Route for Pedestrian/Green Bridge over West Thurrock Way - An area of land to be made available for this.
9	The Bus Station – Provision of Land for Future Expansion of the Bus Station.
10	Complementary Planning Strategies Contribution of £185,000 for pursuing planning strategies in Grays town centre or elsewhere in the Borough of Thurrock.
11	Basin Wide Car Park Management Regime – To supply real time car park capacity information through signage boards. To allow the Council to install real time variable message signage and information boards on the entrances to the Lakeside Shopping Centre.

ii) planning conditions:

Submission of Reserved Matters

1. Details of the appearance, access, landscaping, layout and scale, (hereinafter called "the reserved matters") shall be submitted to and approved in writing by the local planning authority before any development begins and the development shall be carried out as approved. Application(s) for approval of the reserved matters shall be made to the local planning authority not later than four years from the date of this permission. The development hereby permitted shall begin not later than one year from the date of approval of the last of the reserved matters to be approved.

Reason: To establish a timescale for the submission of reserved matters and implementation, having regard to the scale of development and Sections 91 to 95 of the Town and Country Planning Act 1990 as amended by Section 51 of the Planning and Compulsory Purchase Act 2004.

Reserved Matters

2. Development shall not commence until details of:
 - (a) the Layout of the new development;
 - (b) the Scale of the new development;
 - (c) the Appearance of the new development;
 - (d) the Means of Access of the new development or a phase. Such details shall include access within the site for vehicles, cycles and pedestrians in terms of the positioning and treatment of access and circulation routes and how these fit into the surrounding access network; and
 - (e) the Landscaping of the development (hereinafter called the 'Reserved

Matters'), have been submitted to, and approved in writing by, the Local Planning Authority. Development shall be carried out in accordance with the approved details. For the purposes of this condition, 'Development' shall exclude investigations for the purpose of assessing ground conditions.

Reason: The application as submitted does not give particulars sufficient for the consideration of the reserved matters and to accord with Section 92 of the Town and Country Planning Act 1990 as amended by Section 51 of the Planning and Compulsory Purchase Act 2004. To ensure the development is undertaken on the basis of the development proposed and accompanying assessments which has been advanced at outline stage, assessed and agreed and to which the reserved matters should adhere.

Parameters

3. Subject to compliance with the requirements of the conditions attached to this permission, the submission of Reserved Matters for any part of the site or phase shall adhere to and demonstrate conformity with the following parameters accompanying the application:
 - (a) the minimum / maximum siting of buildings / extensions hereby permitted as detailed on 'Parameters Plan 4 – Minimum / Maximum siting', ref: 080141-D-304 E,
 - (b) the minimum / maximum heights for buildings / extensions and plant detailed on;
 - 'Parameters Plan 5 – Minimum / Maximum heights', ref: 080141-D-305 D,
 - 'Parameters Plan 7 – Indicative sections and elevations key', ref: 080141-D-307 D
 - 'Parameters Plan 8 – Proposed sections AA-DD' ref: 080141-D-308 A
 - 'Parameters Plan 9 – Proposed sections EE-GG' ref: 080141-D-309
 - (c) The creation of a pedestrian and cycle networks through the site or part thereof as detailed on;
 - 'Parameters Plan 6 – Landscaping / public realm and vehicle access works', ref: 080141-D-306 E
 - 'Proposed street networks within Lakeside Shopping Centre', ref: 8525-SK-014-B
 - (d) The creation of landscaping and public realm works in the areas of at least the extent and distribution detailed on;
 - 'Parameters Plan 6 – Landscaping / public realm and vehicle access works', ref: 080141-D-306 E
 - 'Proposed street networks within Lakeside Shopping Centre', ref: 8525-SK-014-B

- (e) The incorporation of vehicle access works and alteration to vehicle accesses within the site detailed on;
 - 'Parameters Plan 6 – Landscaping / public realm and vehicle access works', ref: 080141-D-306 E
 - 'Proposed street networks within Lakeside Shopping Centre', ref: 8525-SK-014-C
- (f) The creation of a new bus station and temporary bus station within the site within the areas detailed on;
 - 'Parameters Plan 6 – Landscaping / public realm and vehicle access works', ref: 080141-D-306 E
 - 'Proposed street networks within Lakeside Shopping Centre', ref: 8525-SK-014-CIn addition they shall;
- (g) Utilise the plot identification references detailed on 'Parameters Plan 3 – Plot Plan', ref: 080141-D-303 D
- (h) Not exceed the maximum number of storeys identified for each plot stated at Table C3.4 of the Environmental Statement (Volume 2, Chapter C, p16 (August 2016)).

Reason: To ensure that individual reserved matters and phases follow the parameters assessed, considered and established at outline stage and do not prejudice the ability to deliver the development in a manner which is coherent and compliant with polices CSSP5, CSTP7, CSTP14, CSTP15, CSTP16, CSTP18, CSTP19, CSTP22, CSTP23, PMD2, PMD7 of the adopted LDF Core Strategy and Policies for the Management of Development Focus Review 2015.

Phasing of Development

- 4. The development shall not be begun until a detailed programme of phasing of the development has been submitted to, and approved in writing by, the Local Planning Authority (herein referred to as 'the Phasing Strategy'). The Phasing Strategy shall include;
 - a. A plan defining the extent of the works comprised within each phase;
 - b. Details of the quantum of floorspace to be created within each phase;
 - c. The infrastructure works to be included and undertaken within each phase, including;
 - pedestrian and cycle networks
 - landscaping and public realm works
 - vehicle access works and alteration to vehicle accesses within the site
 - new bus station
 - temporary bus station
 - creation of a bridge across Lake Alexandra
 - surface and foul water drainage

- d. A timetable for the implementation and completion of works within each phase including infrastructure;
- e. Detail of the timing for the provision and opening of the new bus station and temporary bus station

The development shall be implemented in accordance with the approved Phasing Strategy.

Reason: To ensure the timely delivery of the development and associated infrastructure. To comply with polices CSSP2, CSSP5, CSTP14, CSTP16, CSTP18, CSTP19, CSTP20, CSTP22, CSTP27, PMD2, PMD10, PMD15 of the adopted LDF Core Strategy and Policies for the Management of Development Focus Review 2015.

Development Thresholds

- 5. (A) The development hereby permitted shall not exceed the maximum net change in floor area per scheme component specified in Table 1 below;

TABLE 1 – Development floor space			
Scheme components as referenced on Parameters Plan 3 – Plot Plan ref: 080141-D-303 B	Gross Internal Area of areas to be demolished (GIA sq.m)	Maximum Gross Internal Area (GIA) of New Build in sq.m	Net change (GIA sq.m)
Northern Extension (LSC 1, 2, 3a and 3b)	11,628	53,544	41,917
Bus station and associated facilities (including LSC4a, b and c)	155	4,762	4,607
Multi Storey Car Park (LSC5)	n/a	24,103	24,103
TOTAL	11,783	82,409	70,626

(B) In addition to (A) above, the development and uses hereby permitted shall not exceed the maximum floor areas specified in Table 2 below;

TABLE 2	
Use Class / Type of Use	Maximum Net Additional Gross Internal Area in sq.m (NAGIA)
Use Classes A1, (Shops), A2 (Financial and Professional Services), A3 (Restaurants & Cafes), A4 (Drinking Establishments) and A5 (Hot Food Takeaway) combined	40,704
Multi Storey Car Park	24,103
Mall space and other communal areas	5,819
TOTAL	70,626

(C) Each application for Reserved Matters pursuant to condition 2 part (a) 'Layout' and part (b) 'Scale' incorporating additional floorspace shall be accompanied by:

- i) A schedule of accommodation and floor space proposed within that phase(s) and the quantum and nature of floorspace to be lost / demolished with reference to the breakdown of floor space detailed in Parts (A) and (B) above;
- ii) Details of how the development proposed would ensure that the remaining development will not exceed the maximum floor area requirements of Parts (A) and (B) of this condition. This shall include an updated schedule of accommodation and floor space to be delivered by further phase(s) of development having regard to Parts (A) and (B) of this condition.

The RICS definition of Gross Internal Area contained in the Code of Measuring Practice 6th Edition shall be used for all calculations of GIA.

Reason: To ensure that the development is carried out in accordance with the approved plans and the other submitted details including the EIA and Retail Impact Assessment assessed in relation to the development. To ensure that individual reserved matters and phases do not prejudice the ability to deliver the development hereby permitted in an acceptable manner. Furthermore, to ensure the development does not give rise to an un-permitted reduction in the finite retail floorspace allocation for Lakeside which will assist in the creation of a

Regional Town Centre (as detailed in Policy CSTP7 of the adopted LDF Core Strategy and Policies for the Management of Development Focus Review 2015).

Floor Areas and Uses

6. (A) Notwithstanding the provisions of the Town and Country Planning Act 1990 and the Town and Country Planning (Use Classes) Order 1987 (or any amending or re-enacting Acts or Orders), the development hereby permitted shall at no point exceed the total for floorspace within Use Classes A1, A2, A3, A4 and A5 specified in table 3 below. In addition, within that total the development shall not exceed the maximum floors area within the range specified for each Use Class or group of Use Classes detailed in Table ‘3’ below. Unless otherwise agreed as part of the Reserve Matters application, no mezzanine floors shall be installed within any building.

TABLE ‘3’		
Use Class / Type of Use	Maximum Net Additional Gross Internal Area in sq.m (NAGIA)	Maximum Net Additional Net Sales Area in sq.m) (NANSA)
Use Class A1 (Shops)	35,820 - 37,651	28,657 - 30,121
Use Classes A2 (Financial and Professional Services), A3 (Restaurants & Cafes), A4 (Drinking Establishments) and A5 (Hot Food Takeaway) combined	3053 - 4,884	-
TOTAL	40,704	-

(B) Notwithstanding (A) detailed above and the provisions of the Town and Country Planning Act 1990 and the Town and Country Planning (Use Classes) Order 1987 (or any amending or re-enacting Acts or Orders), the maximum Net Additional Net Sales Area (NANSA) for Use Class A1 (Shops) (both convenience and comparison) shall not exceed 30,121sq.m of which no more than 1,991sq.m shall be convenience goods retail. The 1,991sq.m of convenience goods retail shall be within no more than three retail units.

(C) Notwithstanding the provisions of the Town and Country Planning Act 1990 and the Town and Country Planning (Use Classes) Order 1987 (or any amending or re-enacting Acts or Orders), except within the convenience goods retail units referred to in Part (B) above and the Use Class A3 (Restaurants and

Cafes), A4 (Drinking Establishments) and A5 (Hot Food Take-away) uses hereby permitted, there shall be no retail sales of convenience goods including food within the retail units hereby permitted except whereby they are ancillary to the sale of comparison goods and in any event;

- I. the sales area of convenience goods is restricted to no more than 3% of the Net Sales Area of the retail unit in which they are located; and
- II. for the provision of a customer café up is restricted to no more than 3% of the Net Sale Area of the retail unit in which they are located (to a maximum of 500sq.m in the Department Store and 250sq.m in any other retail unit).

(D) Notwithstanding the above and the provisions of the Town and Country Planning Act 1990 and the Town and Country Planning (Use Classes) Order 1987 (as amended), the use of the plots LSC1 to LSC4 (inclusive) shall accord with the Use Classes specified on Parameters Plan 3 (ref: 080141-D-303 D) subject to the development hereby permitted not exceed the maximum floor areas specified for each Use Class or group of Use Classes detailed in the Table (3) above.

(E) Upon request, the applicant shall within 56 days provide the Local Planning Authority with a written schedule of units within the extensions and buildings hereby permitted, their current use and floor area.

With regards Gross Internal Area the RICS definition contained in the Code of Measuring Practice 6th Edition shall be used.

Reason: To ensure that the development is carried out in accordance with the approved plans, EIA, Retail Impact Assessment and the other submitted details assessed in relation to the development. To ensure that the development does not give rise to a greater portion of the finite quantum of both convenience and comparison shopping floorspace which is a key element in assisting to facilitate and deliver a Regional Town Centre within the Lakeside Basin. With regard (E), to facilitate monitoring of compliance with the condition.

Environmental Statement

7. The development (including all reserved matters and other matters submitted pursuant to this permission) shall be carried out in accordance with the mitigation measures set out in the Environmental Statement (August 2016) submitted with the Outline Planning Permission, unless otherwise provided for in any of the conditions or subject to any alternative mitigation measures as may be approved in writing with the Local Planning Authority, provided that such measures do not lead to there being any significant environmental effects other

that those assessed in the Environmental Statement and Addendum.

Reason: To ensure that the development is carried out in accordance with the principles of mitigation set out in the Environmental Statement in order to minimise the environmental effects of the development and ensure compliance with a range of development plan policies set out within the planning committee report.

BREEAM

8. Prior to the commencement of construction, a certificate issued by an accredited Building Research Establishment consultant shall be submitted to the Local Planning Authority to demonstrate that the design of the extensions and building(s) can achieve a BREEAM 'Very Good' Rating. This shall be supplemented by details of any measures that would need to be secured by the development fit out and a mechanism by which these will be secured. The development shall be built in accordance with the agreed measures and shall achieve a BREEAM 'Very Good' Rating. A BREEAM post construction review shall be undertaken confirming the BREEAM rating achieved for the extensions and buildings hereby permitted (with the exception of the multi-storey car park). This shall be submitted to the Local Planning Authority within 6 months of the completion of the development and in any event within 6 months of receipt by the applicant of a written request made by the Local Planning Authority in the event that not all phases are undertaken or completed.

Reason: To ensure that the development meets the objectives of energy efficiency in new building design and construction set out in Policy PMD12 of the adopted LDF Core Strategy and Policies for the Management of Development Focus Review 2015.

On Site Energy Measures

9. The measures to be undertaken as set out in the 'Energy Strategy and BREEAM Assessment' (August 2016). This includes;
- Passive and energy efficient design measures
 - The inclusion of energy efficient plant
 - Low carbon technologies including Air Source Heat Pumps and a Photovoltaic array of a minimum of 671 m²
 - Additional Solar Hot Water System to serve the 3rd floor toilets of the existing mall
- unless amendments to the 'Energy Strategy and BREEAM Assessment' (August 2016) which contains alternative measures are submitted to and agreed in writing with the Local Planning Authority.

Each application for Reserved Matters for buildings or extensions pursuant to condition 2 part (a) 'layout' and part (c) 'appearance' attached to this permission shall contain a statement advising how it has regard to the 'Energy Strategy and BREEAM Assessment' (August 2016) and incorporated, as appropriate, the measures contained therein including;

- Detail how the proposed building design(s) realise(s) opportunities to incorporate passive and energy efficient design measures
- Detail how this phase will contribute to the development as a whole securing energy from decentralised and renewable or low carbon sources;
- Detail how the proposal includes energy efficient plant.

Development shall be in strict accordance with the agreed details. The measures set out in the 'Energy Strategy and BREEAM Assessment' (August 2016) or any agreed variation shall be undertaken as part of the development and in any event shall be undertaken prior to occupation of the final phase of development. In addition to the above, the applicant will undertake the measures specified at paragraph 4.8 of the 'Energy Strategy and BREEAM Assessment' (August 2016) to encourage retail tenants to maximise their energy efficiency design and operation.

Reason: To ensure the proposal incorporates energy efficiency measures and renewable or low-carbon technology to minimise emissions, in order to minimise the environmental effects of the development and in accordance with policies PMD12, PMD13 and PMD14 of the adopted LDF Core Strategy and Policies for the Management of Development Focus Review 2015.

Landscape Scheme

10. The Reserved Matters details to be submitted in accordance with Condition 2 Part (e) 'Landscaping' shall include a Landscape Scheme relating to site (or phase in according with the phasing plan) and shall include, but not be limited to, details of:
- (a) Trees, hedgerows and other landscape features to be removed, retained, restored or reinforced,
 - (b) The location, species and size of all new plants, trees, shrubs and hedgerows to be planted, those areas to be grassed and/or paved, and for a programme of planting, transplanting and maintenance,
 - (c) Written specifications (including cultivation and other operations associated with plant and grass establishment);
 - (d) Surfacing materials,

- (e) Construction methods in the vicinity of retained trees and hedges, including protection measures in accordance with BS4428 and BS5837:2005,
- (f) Pit design for tree planting within streets or areas of hard landscaping,
- (g) Existing and proposed levels comprising spot heights, gradients and contours, grading, ground modelling and earth works,
- (h) Locations and specifications and product literature relating to street furniture including signs, seats, bollards, planters, refuse bins,
- (i) Boundary treatments and means of enclosure with particulars of locations, heights, designs, materials and types of all boundary treatments to be erected on site,
- (j) Whether such land shall be accessible by the public
- (k) How the landscaping scheme proposed promotes ecological interests and biodiversity in a manner which accords with the Environmental Statement accompanying the application (including the installation of bird, bat and invertebrate roosting and nesting boxes to accord with the ES, para K6.7 and an additional habitat for stag beetle para K6.8)
- (l) Programme of Implementation and maintenance and a Landscape and Ecological Management Plan (to accord with para K6.9-K6.10 of the Environmental Statement accompanying the outline application).

The Landscaping Scheme and associated works shall be completed in accordance with the approved programme that has been approved as part of the reserved matters. Any newly planted tree, shrub or hedgerow dying, uprooted, severely damaged or seriously diseased or existing tree, shrub or hedgerow to be retained, dying, severely damaged or seriously diseased, within a period of 5 years from completion of the landscape scheme shall be replaced within the next planting season with others of the same species and of a similar size, unless the Local Planning Authority gives prior written consent to any variation. Management and maintenance of the open space and landscaped shall be in strict accordance with the approved details.

Reason: To ensure that the proposed development is satisfactorily integrated with its immediate surroundings, enables high quality design, incorporates measures to promote biodiversity in accordance with the ES and to accord with policies CSTP22 and PMD2 of the adopted LDF Core Strategy and Policies for the Management of Development Focus Review 2015.

Movement Network

11. Application(s) for approval of Reserved Matters for a phase pursuant to Condition 2 Parts (a) 'Layout' and (d) 'Means of Access' shall include (where applicable) the following details:

- (a) Movement network including layout of internal roads, visibility splay(s), sightlines, accesses, turning space(s), footways, cycleways and crossings. The details to be submitted shall include plans and sections indicating design, layout, levels, gradients and materials. It shall also detail how that phase fits into a comprehensive movement network for the totality of the site and links off site.
- (b) External lighting (including to roads, car parking areas, footways / cycleways) and shall include details of the spread and intensity of light together with the size, scale and design of any light fittings and supports and a timescale for its installation. The external lighting shall be provided in accordance with the approved details and timescales.
- (c) Street furniture
- (d) Surface finishes,
- (e) Cycle parking
- (f) Amended layout for car parking,
- (g) Signage,
- (h) Drainage (including to roads, car parking areas, footways / cycleways)
- (i) Timescale for the provision of this infrastructure. Footpath / cycle paths shall be a minimum of 3m wide.

The development shall be implemented in accordance with the approved details and timescales or in accordance with any variation first agreed in writing by the Local Planning Authority.

Reason: The application as submitted does not give particulars sufficient for the consideration of the Reserved Matters. To ensure the comprehensive planning and design of the site and the timely delivery of infrastructure, in the interests of safety, amenity, sustainability and meeting the objectives of creating a Regional Town Centre. To accord with Policies CSSP2, CSSP5, CSTP14, CSTP16, CSTP18, CSTP22, CSTP27, PMD2, PMD10, PMD15 of the adopted LDF Core Strategy and Policies for the Management of Development Focus Review 2015.

New Bus Station

12. The Reserved Matters for the new bus station hereby permitted submitted pursuant to Condition 2 shall include;
- (a) details of the layout of the bus station including the surrounding road layout and the provision of 8 bus stands,
 - (b) details of the bus stands and kerbs,
 - (c) details of signage,
 - (d) a detailed swept path analysis of the proposed layout of the bus station,

- (e) details of the testing of the proposed layout using a bus or buses designed to use the bus station,
- (f) details of Real Time Passenger Transport Information (RTPI) displays within the new bus station and wider Lakeside Shopping Centre,
- (h) details of the bus driver's facilities at the new Bus Station,
- (i) details of measures to provide a safe and secure environment is provided for users of the bus station and bus station staff,
- (j) details of the arrival square to the north of the bus station complex,
- (k) details of the pocket garden to the east of the new retail units ref: LSC4a and LSC4b,
- (l) details how the bus station can be expanded in the future to accommodate additional bus stands and the Arrival square re-provided within the site
- (m) details of pedestrian and cycle links to the bus station,

Development shall be in strict accordance with the approved details. Following the opening of the bus station, no development shall be undertaken to preclude access to the bus station by scheduled bus services. The signage, RTPI, Quality Bus Partnership measures and drivers facilities shall be retained and maintained unless otherwise first agreed in writing with the Local Planning Authority.

Notwithstanding condition 4 (phasing), the bus station shall be constructed, completed and operational prior to the occupation of any retail floorspace hereby permitted.

Reason: To ensure that the reserved matters are accompanied with adequate details of the new bus station, associated infrastructure and the potential for future expansion. In the interests of providing facilities that promote the use of public transport, in accordance with policies CSSP3, CSTP14, CSTP15 and CSTP16 of the adopted LDF Core Strategy and Policies for the Management of Development Focus Review 2015.

Temporary Bus Station

13. Prior to the closure of the existing bus station, a detailed scheme for the temporary bus station within the area detailed on Parameters Plan 6 (080141-D-306 E) shall be submitted to and approved in writing by the Local Planning Authority. This shall include;
- (a) details of the layout of the temporary bus station including the surrounding road layout and the provision for 8 bus stands
 - (b) details of signage
 - (c) details of the bus stands and kerbs,

- (d) a swept path analysis of the proposed layout of the temporary bus station
- (e) details of the bus driver's facilities at the temporary Bus Station
- (f) re-provision of disabled parking displaced by the temporary bus station

The temporary bus facility and re-provision of disabled parking shall be implemented in accordance with the approved details in advance of the cessation of use of the existing bus station. The temporary bus station shall not be closed or obstructed until such time as the permanent bus station is operational. The temporary bus station shall be signed within Lakeside Shopping Centre.

Reason: The application as submitted does not give particulars sufficient for the consideration of detailed layout and operation of the temporary bus station. Such details being in the interests of maintaining an accessibility and safe bus station in accordance with policy CSTP14 of the adopted LDF Core Strategy and Policies for the Management of Development Focus Review 2015.

Link to Chafford Hundred Rail Station

14. Prior to the commencement of development of that phase (approved in accordance with condition 4 of this permission) within which the New Bus Station is proposed, a detailed scheme for the improvement / renovation of the lift core from Lakeside Shopping Centre to the bridge that leads to Chafford Hundred Rail Station shall be submitted to and approved in writing with the Local Planning Authority. Such details shall include but not necessarily be limited to;

- (a) Upgrading the lifts
- (b) Improvements to the internal fabric of the stair core
- (c) Details of access to and from the lift core to the surrounding public realm and buildings.
- (d) Details of any restriction upon the hours of use / access
- (e) Timescale for the works

Notwithstanding the above, the stair and lift core shall be accessible from outside the bus station and store, unless otherwise agreed in writing with the Local Planning Authority. The works shall be undertaken in strict accordance with the approved details and timescale. The level of access agreed shall be maintained (unless in the event of an emergency or maintenance).

Reason: The application does not give particulars sufficient for the consideration of the detail. To ensure that sufficient access is provided to the bridge and Chafford Hundred and associated rail station outside the opening

hours of the store. To securing more sustainable movement patterns and improved accessibility for pedestrians in accordance with policy CSTP14 of the adopted LDF Core Strategy and Policies for the Management of Development Focus Review 2015.

Cycle Parking

15. Applications for approval of Reserved Matters for a phase including retail development pursuant to Condition 2 (parts (a) 'Layout' (d) 'Means of Access' shall include; details of the number, size, location, design and materials of secure and weather protected cycle parking facilities to serve the development. Such provision shall be in accordance with the following standard (unless a variation to these standards is first agreed in writing with the Local Planning Authority): 1 space per 500sq.m of additional retail floorspace. Such cycle parking facilities as approved under reserved matters shall be installed on site prior to the occupation of the units they serve and shall thereafter be permanently retained for sole use for cycle parking.

Reason: To reduce reliance on the use of private cars, in the interests of sustainability, highway safety and amenity, in accordance with policies CSTP14 and PMD8 of the adopted LDF Core Strategy and Policies for the Management of Development Focus Review 2015.

Footway/Cycleway Along Eastern Edge of Lake Alexandra

16. Notwithstanding the illustrative sections, the reserved matters submission for the relevant phase of development shall include details of the footway/cycleway along the eastern edge of Lake Alexandra, the viewing platform onto Lake Alexandra and a new pedestrian crossing. The details shall include;
- widening of the path;
 - a focal viewing point onto Alexandra Lake
 - a new pedestrian crossing over the north-south street running between Lake Alexandra and the existing Lakeside Shopping Centre multi-storey car park (Car Park C)

Development shall be in strict accordance with the approved detail.

Reason: Such additional information is required to secure acceptable measures and to assist in delivering more sustainable movement patterns and improved accessibility for pedestrians to accord with policy CSTP14 of the adopted LDF Core Strategy and Policies for the Management of Development Focus Review 2015.

Remediation Scheme

17. Development (other than that required to be carried out as part of an approved scheme of remediation) must not commence until parts 1 to 4 of this condition have been complied with. The Remediation Strategy may include details of phasing. In the event that the remediation is phased, no development within that phase shall commence until parts 1 to 4 of this condition have been complied with.

(PART 1) Site Characterisation and Remediation Strategy;

Prior to the commencement of development the following components of a scheme to deal with the risks associated with contamination of the site shall each be submitted to, and approved in writing by, the local planning authority:

- A) A preliminary risk assessment which has identified:
- all previous uses;
 - potential contaminants associated with those uses;
 - a conceptual model of the site indicating sources, pathways and receptors;
 - potentially unacceptable risks arising from contamination at the site.
- B) A site investigation scheme, based on (A) to provide information for a detailed assessment of the risk to all receptors that may be affected, including those off site.
- C) The site investigation results and the detailed risk assessment (B) and, based on these, an options appraisal and remediation strategy giving full details of the remediation measures required and how they are to be undertaken.
- D) A verification plan providing details of the data that will be collected in order to demonstrate that the works set out in (C) 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 consent of the local planning authority. The scheme shall be implemented as approved.

(PART 2) Implementation of Approved Remediation Scheme;

The approved remediation scheme must be carried out in accordance with its terms prior to the commencement of development (other than that required to carry out remediation) or in the event of a phased Remediation Strategy, the commencement of that phase. The Local Planning Authority shall be given two weeks written notification of commencement of the remediation scheme works.

(PART 3) Verification Plan;

Following completion of measures identified in the approved remediation scheme and prior to occupation of any part of the permitted development or in the event of a phased Remediation Strategy, the occupation of that phase, a verification report demonstrating completion of the works set out in the approved remediation strategy and the effectiveness of the remediation shall be 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, and for the reporting of this to the local planning authority.

(PART 4) Reporting of Unexpected Contamination;

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 in that phase until the developer has submitted to, and obtained written approval from, the Local Planning Authority for an amendment to the remediation strategy detailing how this unsuspected contamination shall be dealt with.

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 LDF Core Strategy and Policies for the Management of Development Focus Review 2015.

Landfill/ Ground Gas

18. The development/use hereby permitted shall not be commenced until a comprehensive site survey has been undertaken to:
- a) determine the existence, depth, extent and character of any filled ground.
 - b) determine the existence, extent and concentrations of any landfill gas with potential to reach the application site.

A copy of the site survey findings together with a scheme to bring the site to a suitable condition in that it represents an acceptable risk including detailing measures to contain, manage and/or monitor any landfill gas with a potential to

reach the site shall be submitted to and agreed in writing with, the Local Planning Authority prior to, the commencement of development hereby permitted. Formulation and implementation of the scheme shall be undertaken by competent persons. Such agreed measures shall be implemented and completed in accordance with the agreed scheme. No deviation shall be made from this scheme.

Should any ground conditions or the existence, extent and concentrations of any landfill gas be found that was not previously identified or not considered in the scheme agreed in writing with the Local Planning Authority, the site or part thereof shall be re-assessed in accordance with the above and a separate scheme to bring the site to a suitable condition in that it represents an acceptable risk shall be submitted to and agreed in writing with the Local Planning Authority. Such measures shall be implemented in accordance with the agreed scheme.

The developer shall give one month's advanced notice in writing to the Local Planning Authority of the impending completion of the agreed works. Within four weeks of completion of the agreed works a validation report undertaken by competent person or persons shall be submitted to the Local Planning Authority for written approval.

Reason: Chapter H of the ES indicates that there are elevated ground gas concentrations existing within the proposed development site and recommends further investigation. The report recommends gas protection measures post construction for the development (section H6.15 to H6.17). To ensure that any potential risks arising are properly assessed and that the development incorporates any necessary measures and subsequent management measures to satisfactorily deal with contamination / gases in the interests of amenity and public health and to accord with policy PMD1 of the adopted LDF Core Strategy and Policies for the Management of Development Focus Review 2015.

Piling

19. Piling or any other foundation designs using penetrative methods shall not be used unless a report has been submitted to, and agreed in writing by, the Local Planning Authority demonstrating that there is no resultant unacceptable risk to groundwater and that a scheme of mitigation can be implemented to avoid excessive noise implications upon nearby residential amenities and commercial operators. The development shall be carried out in accordance with the approved details.

Reason: Contamination has been identified at the site. The foundation piles in

or through contaminated land has the potential to mobilise contaminants which can result in their release into the groundwater as identified in ES Volume 2 Chapter H para H6.16-17. Mitigation is required to keep the groundwater in the vicinity of the site free from pollution and in the interests of nearby residential amenity and commercial operators to accord with policy PMD1 of the adopted LDF Core Strategy and Policies for the Management of Development Focus Review 2015.

Construction Compound

20. The main construction compounds and site offices for the development hereby permitted shall be erected within the LSC site on the LSC Coach Park, subject to a separate planning application being approved; otherwise an alternative site for the main construction compound shall be submitted to and approved in writing by the local planning authority. The satellite construction compound shall be erected within the area identified in LSC Car Park no.5 as detailed in the Environmental Statement submitted with the outline planning application, unless otherwise agreed in writing with the Local Planning Authority. The Construction Compounds shall be used for the duration of the construction of the development and shall be removed from the site with the site restored to its previous use within 1 month of occupation of the development hereby permitted.

Reason: To minimise the impact of the construction phase of the development upon the existing Lakeside Shopping Centre car parks, users of the site and the local environment in accordance with policies PMD1 and PMD8 of the adopted LDF Core Strategy and Policies for the Management of Development Focus Review 2015.

Construction Vehicle Routing

21. Prior to the commencement of development a scheme for the routing of all construction vehicles shall be submitted to and agreed in writing with the Local Planning Authority. The scheme (and any amendments) so approved shall be operated at all times.

Reason: In the interests of the safe and efficient operation of the highway network and highway safety in accordance with policies CSTP14 and PMD9 of the adopted LDF Core Strategy and Policies for the Management of Development Focus Review 2015.

Construction Environmental Management Plan

22. Prior to the commencement of demolition, remediation or development on any

phase of the development, a site wide Construction Environment Management Plan (SW-CEMP) shall be submitted to, and approved in writing by, the Local Planning Authority covering the totality of development. The SW-CEMP shall be in accordance with the details contained in the outline application (including ES Volume 2 Chapter C para C4.79 to C4.96 and Chapter E para E6.0 to E6.2) and shall include, but not be limited to, details of;

- (a) Management structure with roles and responsibilities
- (b) Audit process
- (c) Risk register and risk management process
- (d) Training programme
- (e) External communication strategy
- (f) Performance monitoring procedure
- (g) Action plan for non compliance and incidence management

Areas to be dealt with within the SW-CEMP shall include;

1. Transport
2. Air quality
3. Ecology
4. Ground conditions and contamination
5. Noise & vibration
6. Water

This shall incorporate details of;

- I. Hours and duration of any piling operations,
- II. Vehicle haul routing in connection with construction, remediation and engineering operations,
- III. Wheel washing and sheeting of vehicles transporting loose aggregates or similar materials on or off site,
- IV. Construction access or accesses;
- V. Location and size of on-site compounds (including the design layout of any proposed temporary artificial lighting systems)
- VI. Details of any temporary hardstandings;
- VII. Details of temporary hoarding;
- VIII. Method for the control of noise together with a monitoring regime (incorporating the mitigation measures detailed in ES Volume 2 Chapter F para F6.1 to F6.6)
- IX. Measures to reduce vibration and mitigate the impacts on sensitive receptors together with a monitoring regime
- X. Measures to control dust and other particulate emissions including those measures detailed in ES Volume 2 Chapter E para E6.0 to E6.4 Dust and

- air quality mitigation and monitoring
- XI. Water management including waste water and surface water discharge,
 - XII. Method statement for the prevention of contamination of soil and groundwater and air pollution, including the storage of fuel and chemicals,
 - XIII. Ecology and environmental protection and mitigation,
 - XIV. Community liaison including a method for handling and monitoring complaints, contact details for site managers.
 - XV. Measures to report and deal with areas of unforeseen contamination that may be encountered during construction.
 - XVI. Details of construction phasing and which areas will be covered by a site / phase specific SS-CEMP.

Development shall be undertaken in accordance with the SW-CEMP. A site or phase specific Construction Environment Management Plan (SS-CEMP) shall be prepared for each phase or stage of development, each shall accord with the SW-CEMP. The SS-CEMP shall deal with constraints and impacts associated with a specific phase or site and shall be submitted to and approved in writing by the Local Planning Authority prior to the commencement of development within a phase detailed within the SW-CEMP. All works and development shall be carried out in accordance with the approved SW-CEMP / SS-CEMP and the measures contained therein.

Reason: In the interests of protecting amenity, highway safety, sustainability, minimising impact upon the environment and ecology and ensuring that the development can be carried out safely without unacceptable risks to workers, neighbours and other off-site receptors, to accord with the ES and policy PMD1 of the adopted LDF Core Strategy and Policies for the Management of Development Focus Review 2015.

Waste Management Plan

23. Prior to the commencement of development a detailed Waste Management Plan (WMP) shall be submitted to and approved by the Local Planning Authority in writing. The WMP shall include details of;
- (a) the anticipated nature and volumes of construction waste
 - (b) measures to minimise waste and maximise re-use
 - (c) measures to ensure effective segregation of waste at source including waste sorting, storage, recovery and recycling facilities to ensure the maximisation of waste materials both for use within and outside the site.
 - (d) Any other steps to ensure the minimisation of waste during construction
 - (e) The location and timing of provision of facilities pursuant to criteria (b),

(c) and (d) above

Unless otherwise agreed in writing, thereafter the implementation, management and monitoring of construction waste shall be undertaken in accordance with the agreed details.

Reason: To ensure the sustainable management of construction waste in accordance with the ES and policy PMD12 of the adopted LDF Core Strategy and Policies for the Management of Development Focus Review 2015.

Hours of Construction

24. No construction work in connection with the development shall take place on any Sunday or Bank Holiday, nor on any other day except between the following times: Monday to Friday 08:00 - 18:00 hours, Saturdays 08:00 - 1300 hours unless in association with an emergency or except as otherwise first agreed in accordance with the provisions of a Code of Construction Practice submitted to and agreed in writing with the Local Planning Authority. All site deliveries for the purposes of construction of the development hereby permitted should take place between the above hours unless in association with an emergency or except as otherwise in accordance with the provisions of a Code of Construction Practice submitted to and agreed in writing with the Local Planning Authority.

Reason: In the interests of nearby residential amenity in accordance with policy PMD1 of the adopted LDF Core Strategy and Policies for the Management of Development Focus Review 2015.

Link to Chafford Hundred Rail Station

25. During the construction phases access shall be maintained to the lift and stair core on the western end of the bridge that links Lakeside Shopping Centre to Chafford Hundred Rail Station. All areas requiring access to and from the lift and stair core shall be hoarded off as necessary to safely segregate construction activity from members of the public and appropriate signage installed.

Reason: To accord with paragraph C4.30 of the ES and in the interests of maintaining access to the bridge and public transport in accordance with policy CSTP14 of the adopted LDF Core Strategy and Policies for the Management of Development Focus Review 2015.

Publically Accessible Design

26. All publically accessible areas as part of the development shall be designed to be accessible to and usable by disabled people, including wheel chair users, people with sight impairment and people with prams and pushchairs. Any application for reserved matters pursuant to Condition 2 Parts (a) 'Layout', (d) 'Means of Access or (e) 'Landscaping' shall be accompanied by an access statement. The statement shall demonstrate that all parts of the relevant phase of development, including the car parks and all external public areas, shall be designed to be accessible for all, including people with disabilities. Such details to include: How the layouts, including entrances, internal and external circulation spaces, car parking areas, directional signs, lighting levels and other relevant facilities are accessible, adaptable or otherwise accommodate those with mobility difficulties or visual impairments. Such provision to make the development fully accessible shall be carried out in accordance with the approved details and made available before each phase of the development is first occupied and thereafter maintained as such.

Reason: In the interests of the amenities of future users and visitors in accordance with the Councils policies and practice for access for people with disabilities and in accordance with the provisions of Section 76 (1), (2) of the Town and Country Planning Act 1990 (as amended) and policy CSTP22 of the adopted LDF Core Strategy and Policies for the Management of Development Focus Review 2015.

Shopmobility and Disabled Parking Provision

27. Prior to the occupation of any part of the development, details of the provision for Shopmobility centre and disabled parking spaces serving the development hereby permitted together with a timetable for their implementation shall be submitted to and agreed in writing with the Local Planning Authority. The measures outlined in approved scheme shall be undertaken in accordance with the agreed scheme and timescale and thereafter maintained as such.

Reason: The application does not contain such details. The relocation of the bus station may have implications for the existing shopmobility provision. In the interests of the amenities of future users and visitors in accordance with the Councils policies and practice for access for people with disabilities and in accordance with the provisions of Section 76 (1), (2) of the Town and Country Planning Act 1990 (as amended) and policy CSTP22 of the adopted LDF Core Strategy and Policies for the Management of Development Focus Review 2015.

Materials

28. No phase of development shall take place until samples of the materials to be

used in the external construction (including surfacing materials for buildings and hard landscaping) for that phase, have been submitted to, and approved in writing by, the Local Planning Authority. Development shall be carried out in strict accordance with the approved samples.

For the purposes of this condition 'Development' shall exclude: site clearance, demolition, archaeological investigations, investigations for the purpose of assessing ground conditions, remedial work in respect of any contamination or other adverse ground conditions.

Reason: In the interest of amenity and to ensure that the proposed development is satisfactorily integrated with its immediate surroundings as set out policy PMD2 of the adopted LDF Core Strategy and Policies for the Management of Development Focus Review 2015.

Secure By Design

29. The Reserved Matters application pursuant to condition 2 Parts (a) 'Layout' and Part (c) 'Appearance' shall include a statement detailing the measures proposed to be incorporated into the development in order for the totality of the development hereby permitted, or those areas which qualify, to achieve Secure by Design accreditation. The development, or any phase of development, shall not be occupied until the applicant has demonstrated in writing to the Local Planning Authority that it has achieved Secure by Design accreditation for those areas that qualify.

Reason: In the interest of creating safer, sustainable communities, reflecting guidance set out in NPPF and policy CSTP22 of the adopted LDF Core Strategy and Policies for the Management of Development Focus Review 2015.

Northern Street

30. The Reserved Matters application pursuant to condition 2 Parts (a) 'Layout' and Part (c) 'Appearance' incorporating the northern extensions reference LSC1, LSC2, LSC3a and LSC3b shall include a statement detailing the proposals conformity with the following design principles set out in the Design and Access Statement (p32) accompanying the outline permission;
- a. Orientate buildings to provide optimum street frontage;
 - b. Create a building line in harmony with the existing built environment;
 - c. Maximise active street frontage;
 - d. Avoid designs which are inward looking and which present blank frontages;
 - e. Provide level access across the public realm;

- f. Provide good pedestrian access.
- g. How building ref: LSC2 will have an active eastern frontage

Reason: To accord with the Design and Access Statement accompanying the application. To promote high quality design in accord with Chapter 7 'Requiring good design' of the NPPF, and policies PMD2 and CSTP22 of the adopted LDF Core Strategy and Policies for the Management of Development Focus Review 2015.

Width of Public Square

31. Notwithstanding the illustrative sections, the Parameter Plans and condition 3, the street between buildings LSC2 and LSC3a shall have a minimum effective width of 10m when measured from the south elevation of LSC2 to the north elevation of LSC3a.

Reason: Such measures are necessary as the lower ends of the width parameters proposed (i.e. from 7m) would impact upon the ability of this space to accommodate seating areas on-street and provide landscaping and sufficiently generous pedestrian movement network. Furthermore, with the potential height of the buildings (LSC3a up to 13m and LSC2 up to 17m) reducing the width below 10m could make this space feel unduly narrow. To promote high quality design in accord with Chapter 7 'Requiring good design' of the NPPF, and policies PMD2 and CSTP22 of the adopted LDF Core Strategy and Policies for the Management of Development Focus Review 2015.

Car Parking Adjacent to the Public Square

32. The reserved matters submission pursuant to condition 2 Part (d) 'means of access' shall include details of the 'surface car park' detailed to the south of extension LSC3a and the public square on Parameters Plan 6 – 'Landscaping / public realm and vehicle access works', ref: 080141-D-306 E. Notwithstanding the illustrative detail accompanying the application, this part of the car park shall be designed to exclude car parking abutting or immediately parallel to the public square and building LSC3a. Furthermore, measures shall be employed to preclude unauthorised parking and to aid pedestrian and wheelchair permeability from the adjacent car park to the new public square.

Reason: The illustrative detail accompanying the application details a row of car parking abutting a significant proportion of the southern boundary of the proposed public square (DAS, p79, p102-103). This would not aid permeability or enhance the setting of the square. To promote high quality design in accord with Chapter 7 'Requiring good design' of the NPPF, and policies PMD2 and

CSTP22 of the adopted LDF Core Strategy and Policies for the Management of Development Focus Review 2015.

Surface Water Drainage

33. Development shall not commence until a detailed Surface Water Drainage Scheme for the site, based on sustainable drainage principles and an assessment of the hydrological and hydrogeological context of the development, has been submitted to, and approved in writing by, the Local Planning Authority. The Surface Water Drainage Scheme shall:
- a) Accord with ES Volume 2 Chapter G accompanying the planning application;
 - b) Assess whether there is an unacceptable risk to controlled waters from infiltration of surface water drainage into the ground post the approved works of remediation to the site pursuant to condition 17 of this permission;
 - c) Detail all surface water from parking, servicing and manoeuvring areas being passed through a Class 1 oil interceptor prior to disposal to groundwater, watercourse or surface water sewer;
 - d) Include SUDS and infiltration drainage as a priority wherever this can be shown to be a practicable means for achieving surface water drainage for areas within the site;
 - e) Unless otherwise not practical and feasible, means for all volumes of surface water generated on site in excess of the soakage capacity of the site's infiltration devices shall be attenuated on site for all storms up to and including the 1 in 100 year storm event (including agreed allowances for climate change over the development lifetime);
 - f) Detail measures to provide for water source(s) for landscape irrigation (ES Volume 2 Chapter G para G6.31)
 - g) Detail associate infrastructure, including new headwalls and outfalls to Alexandra Lake if deemed necessary
 - h) Include a timescale for undertaking the works;
 - i) Details of how the scheme shall be maintained and managed after completion.

The approved Surface Water Drainage Scheme shall be implemented in strict accordance with the approved details and timescale unless a variation to the timescale is first agreed in writing with the Local Planning Authority. The measures to maintain and manage the Surface Water Drainage Scheme shall be put in place and thereafter retained.

Reason: To assess and prevent the pollution of groundwater and flooding though development, to improve and protect water quality, to improve habitat

and amenity, and to ensure that there are adequate arrangements determined for the future maintenance of the surface water drainage system, in accordance with policies CSTP25, CSTP27, PMD1, PMD2 and PMD15 of the adopted LDF Core Strategy and Policies for the Management of Development Focus Review 2015.

Construction of the Viewing Platform in Lake Alexandra

34. Construction of the viewing platform in Alexandra Lake shall use low impact construction methods and timing set out within ES Volume 2 Chapter K para K6.6 accompanying the planning application.

Reason: To comply with the requirements of the ES (Volume 2 Chapter K para K6.6) to and ensure effects of the development upon the natural environment are adequately mitigated and in order to comply with policy PMD7 of the adopted LDF Core Strategy and Policies for the Management of Development Focus Review 2015.

Plant Noise

35. Prior to the installation of any external plant, machinery and equipment associated with the development hereby permitted, a scheme of soundproofing which specifies how the external plant, machinery and equipment will not exceed the noise emission limits specified at ES Volume 2 Chapter F table F5.2 (page 23). In addition, it shall set out noise emission limits for areas within the site for which external plant, machinery and equipment associated with the development will be sited and the measures required to ensure these limits are not exceeded. Development shall be in strict accordance with the agreed scheme of soundproofing and measures contained therein. At no point shall the external plant, machinery and equipment exceed the noise emission limits set out in Table F5.2 or the external plant, machinery and equipment noise emission exceed the limits set for an individual area set within the agreed scheme. The applicant shall ensure alterations to or the introduction of new plant or equipment post substantial completion of the development does not exceed the cumulative noise levels set within Table F5.2 or for an individual area.

Reason: To accord with the mitigation measures set out within the ES accompanying the planning application, in the interests of amenity of sensitive receptors and to accord with policy PMD1 of the adopted LDF Core Strategy and Policies for the Management of Development Focus Review 2015.

Ventilation of Hot Food Uses

36. Prior to the occupation of any unit within the development for Use Class A3 (Restaurants and Cafes), A4 (Drinking Establishments) and A5 (Hot Food Take-away) purposes, details of any mechanical ventilation or other plant associated with such a unit shall be submitted to and approved by the Local Planning Authority such details to include specification of filtration, deodorising systems (where applicable), noise output and termination points. The approved ventilation equipment and / or other plant shall be installed and commissioned prior to the occupation of that unit and shall be maintained in proper working order thereafter throughout the occupation of the unit for Use Class A3 (Restaurants and Cafes), A4 (Drinking Establishments) and A5 (Hot Food Take-away) purposes.

Reason: The application contains no such details. Such measures are required in the interests of amenity and to accord with LDF Policy PMD1 of the adopted LDF Core Strategy and Policies for the Management of Development Focus Review 2015.

Class A5 (Hot Food Take Aways)

37. Notwithstanding conditions attached to this permission, the location of any A5 (Hot Food Take-away) shall be submitted to and agreed in writing with the Local Planning Authority together with details of vehicular access arrangements. The unit(s) shall not be used for A5 (Hot Food Take-away) unless the details are first agreed in writing. The unit shall only be used in accordance with the approved details and such details shall be maintained thereafter throughout the occupation of the unit for Use Class A5.

Reason: The application contains no such details. Such measures are required in the interests of amenity in accordance with policies PMD1 of the adopted LDF Core Strategy and Policies for the Management of Development Focus Review 2015.

Notification

38. The Local Planning Authority shall be notified in writing within 7 days of the dates of the following:
- a) Implementation of planning permission;
 - b) Commencement of a new phase of development;
 - c) Completion of each phase of development;

Reason: To enable the Local Planning Authority to control and monitor the site

to ensure compliance with the planning permission.

Informative:

Please note that a separate planning permission is required for a temporary change of use of the existing Lakeside Shopping Centre coach park to be used as the main site construction compound. Please ensure this application is submitted well in advance of any construction taking place on site. It is recommended that the application is submitted at the same time as the reserved matters (first of the reserved matters in regard phase details stated within this application).

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.

Formally Approved Plans:

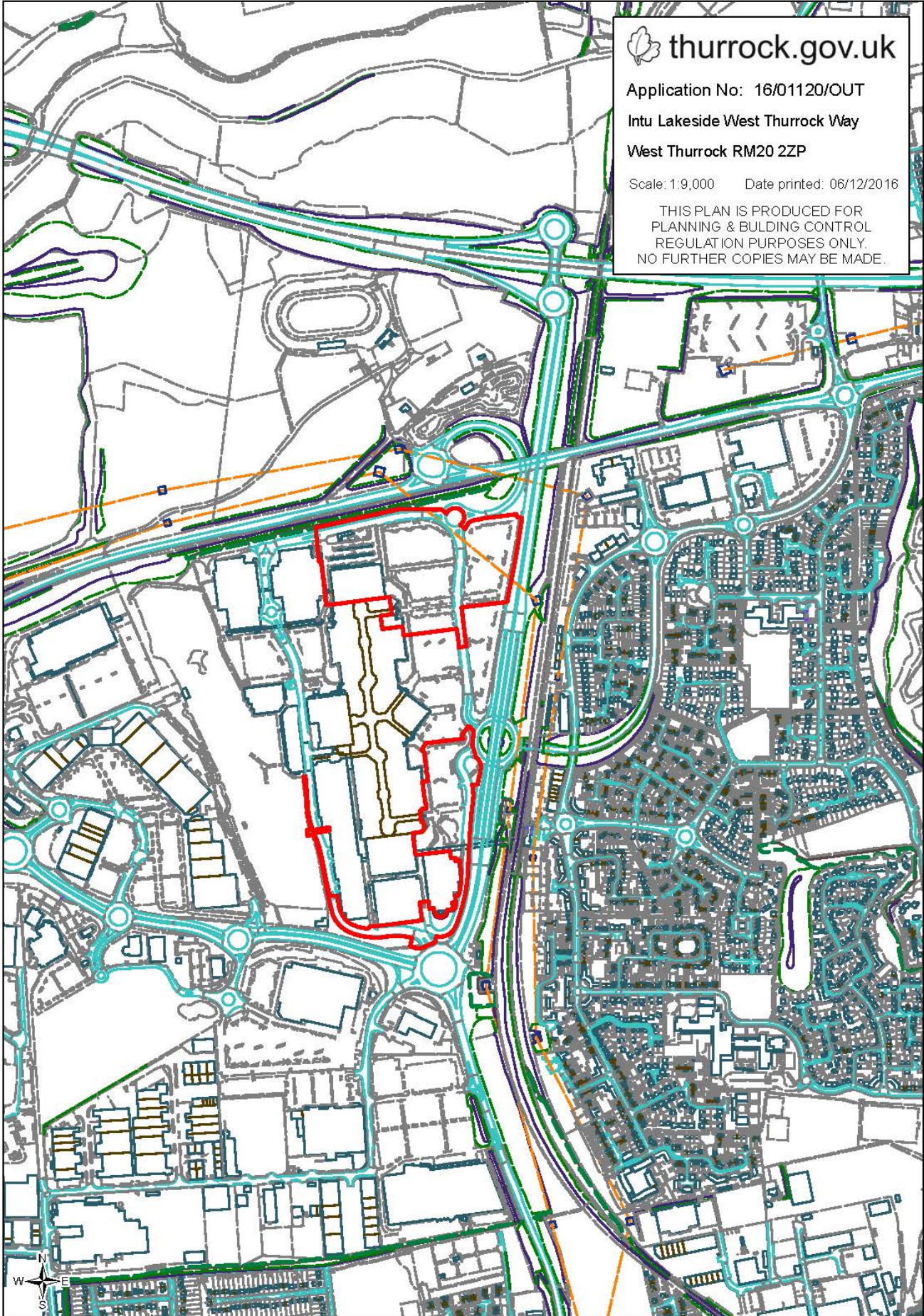
Plan Number(s):		
Reference	Name	Received
8525-SK-013-B	Existing Street Network	28th November 2016
8525-SK-014-C	Proposed Streetworks within intu Lakeside	1st December 2016
8525-SK-015-B	Block Plan and Uses	28th November 2016
080141-D-301-E	Parameter Plan 1: Outline Application Boundary	28th November 2016
080141-D-302-D	Parameter Plan 2: Existing Site Plan	28th November 2016
080141-D-303-D	Parameter Plan 3: Plot Plan	28th November 2016
080141-D-304-E	Parameter Plan 4: Minimum / Maximum Siting	28th November 2016
080141-D-305-D	Parameter Plan 5: Minimum / Maximum heights	28th November 2016
080141-D-306-E	Parameter Plan 6: Landscaping/Public Realm and Vehicle Access Works	28th November 2016
080141-D-307-D	Parameter Plan 7: Indicative Sections and Elevations Key	28th November 2016
080141-D-308-A	Parameter Plan 8: Proposed sections AA-DD	11th August 2016

080141-D-309-A	Parameter Plan 9: Proposed Sections EE - GG	11th August 2016
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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



Reference: 16/01300/FUL	Site: South 3 Pacific Avenue Stanford Le Hope SS17 9FA
Ward: Corringham and Fobbing	Proposal: The provision and use for a period of up to 10 years for a temporary lorry park providing a maximum of 441 HGV parking bays within a mix of haulage yard and ad-hoc parking areas. Ancillary facilities including office/welfare buildings, refuelling facilities, access facilities including a new single carriageway access road, lighting, landscaping, drainage and a new electricity substation.

Plan Number(s):		
Reference	Name	Received
LGW-062-101 Rev. 4	Site Location Plan	23.09.16
LGW-062-102 Rev. 6	Site Layout Plan	28.11.16
LGW-062-103 Rev. 2	Site Cross Sections	23.09.16
LGW-062-104 Rev. 3	Access Road Plan	23.09.16
LGW-062-105 Rev. 6	Hard Landscaping Plan	23.09.16
LGW-062-106 Rev. 5	Drainage Layout Plan	23.09.16
LGW-062-107 Rev. 8	Lighting Levels Plan Sheet 1 of 2	23.09.16
LGW-062-108 Rev. 5	Fencing and Gates Layout Plan	23.09.16
LGW-062-109 Rev. 3	Substation Plan and Elevation	23.09.16
LGW-062-110 Rev. 6	Lighting Levels Plan Sheet 2 of 2	23.09.16
LGW-062-111 Rev. 4	Soft Landscaping Plan	23.09.16
LGW-062-112 Rev. 3	Master Plan Layout	23.09.16
LGW-062-120 Rev. 2	Existing Features Plan Sheet 1 of 3	23.09.16
LGW-062-121 Rev. 2	Existing Features Plan Sheet 2 of 3	23.09.16
LGW-062-121 Rev. 2	Existing Features Plan Sheet 3 of 3	23.09.16

The application is also accompanied by: <ul style="list-style-type: none"> Contaminated Land Assessment; Flood Risk Assessment; Planning Statement; and Transport Assessment 	
Applicant: LG Park Leasehold Limited	Validated: 29 September 2016

	Date of expiry: 29 December 2016
<p>Recommendation:</p> <p>A – formally determine that the development proposed will not have a likely significant effect on a European site either alone or in combination with other plans or projects</p> <p>B – Grant planning permission, subject to conditions.</p>	

1.0 DESCRIPTION OF PROPOSAL

1.1 In summary, the application seeks planning permission for a temporary lorry park to support activities associated with London Gateway port and logistics park, with ancillary facilities, utilities infrastructure etc. Permission is sought for a 10 year period. The applicant has provided the following schedule of proposed operations associated with the provision and operation of the temporary lorry park:

- ground improvement, levelling and hard surfacing;
- marking-out of HGV parking bays and circulation areas;
- buildings and associated facilities providing administration and driver welfare accommodation;
- vehicle refuelling facilities;
- single carriageway access road with off-road footway / cycleway provision;
- lighting columns;
- drainage infrastructure comprising open channels, pipes, oil separators, outfalls and headwalls;
- soft landscaping;
- electricity substation; and
- security fencing and gates.

1.2 The application is a hybrid submission, that is, permission is sought for both full and outline planning permission. This is further explained below:

1.3 Full Planning Permission:

Full planning permission is sought for:

- two areas of haulier parking (referred to as Park 1 and Park 2);
- access for all of the site;
- street lighting columns along the access road;
- footpath / cycleway along the access road
- open drainage channels to site boundaries;

- one lighting tower;
- a new electricity substation and
- gates and perimeter fencing to Park 1 and Park 2.

1.4 The 'Park 1' haulier parking area would be located on the northern part of the site and would provide spaces for 71 HGV's, with an associated aisle to allow for manoeuvring. Full permission is also sought for a separate haulier parking area referred to as 'Park 2' located to the south of 'Park 1' which would provide parking spaces for 78 HGV's. Therefore full planning permission is sought for a total of 149 HGV parking spaces within 'Park 1' and 'Park 2'.

1.5 Full permission is also sought for a 2m high acoustic fence to the northern and western perimeters of the site, as well as the position of fences and gates for each separate 'yard'. No details of the design or height of the yard fencing and gates has been provided.

1.6 Full permission is sought for a single lighting tower located on the boundary of 'Park 1' and 'Park 2' and at the western-end of these yards. No details of the lighting column or luminaires has been provided, although a lighting levels plan has been submitted.

1.7 Finally, the application seeks full planning permission for:

- street lighting columns to be located on the eastern side of the existing access road to the east of the site;
- a 3m wide footway / cycleway along the existing access road;
- 4 no. points of access onto the existing access road to serve the separate haulage yards;
- an open drainage channel along the northern, eastern and southern boundaries of the site and linking to the existing Carter's Bay Lagoon;
- increases in ground levels to a maximum +4.83m AOD;
- a new electricity sub-station compound measuring 14.4m (l) x 4m (w) x 2.9m (h) located adjacent to the existing access road; and
- soft landscaping to all site boundaries, including tree planting.

1.8 Outline Planning Permission:

Outline planning permission is sought for:

- two additional haulier parking areas referred to as 'Park 3;' and 'Park 4'
- ancillary office / welfare / refuelling / car parking areas;
- three additional lighting towers.

- 1.9 The application seeks outline planning permission for a separate haulier yard referred to as 'Park 3' which would provide 80 HGV parking spaces (indicative). 'Park 4', located on the southern and western part of the site is described by the applicant as a 'common user area' intended to provide short-stay or overnight ad-hoc HGV parking associated with the operation of the London Gateway port and logistics park. 'Park 4' would provide (indicatively) up to 186 HGV parking spaces. It should be noted that planning permission is sought for a maximum of 441 HGV parking spaces across the four yard areas. As the precise requirements for ancillary offices, welfare / refuelling facilities etc. is currently unknown the description of development refers to a 'worst-case' scenario of a maximum 441 spaces. Dependent upon future reserved matters submissions (if planning permission were to be granted) this maximum number of HGV parking spaces could reduce.
- 1.10 Outline permission is sought for ancillary office, welfare, refuelling and car / cycle parking areas for each of the 4 yards ('Parks 1 to 4'). Although the application is accompanied by an indicative masterplan drawing showing how these facilities could be provided on-site, the matters of layout, appearance and scale of these ancillary uses would be effectively reserved for future approval. However, permission is sought for a maximum of 2,500 sq.m. of floorspace.

2.0 SITE DESCRIPTION

- 2.1 The application site comprises a vacant parcel of land, totalling approximately 7.7 hectares in area and located at the south-western corner of the London Gateway logistics park site. The site is located to the north of the Thameshaven rail sidings which serve the London Gateway site and is to the south of a dual carriageway access road which serves plots within the logistics park. A drainage attenuation pond, known as Carter's Bay Lagoon adjoins the site to the west, with the London Gateway administration and office building beyond. An existing road forms the eastern boundary of the site with vacant land within the logistics park beyond.
- 2.2 The site is largely open aside from a small electricity substation and lighting / CCTV columns close to the eastern boundary. There is a range of infrastructure associated with below-ground utilities across the site, these utilities serving the former and current use of the site. Ground levels across the site vary between approximately +2m AOD to +4m AOD. Parts of the site have been surcharged with sand and gravel material recovered from dredging operations associated with the creation of London Gateway Port.
- 2.3 The site is located within the high risk flood zone (Zone 3) although it benefits from tidal flood defences adjacent to the River Thames. At its closest point, the site is

located approximately 100m from the Mucking Flats and Marshes SSSI and Thames Estuary and Marshes SPA.

3.0 PLANNING HISTORY

Reference	Description of Proposal	Decision
97/00271/HSC	Hazardous Substances Consent	Approved
02/00084/OUT	Redevelopment of former Shell haven oil refinery and associated refinery expansion, major road and rail linked logistics and commercial centre: Warehousing, industrial development and ancillary uses	Appeal against non-determination allowed
14/00368/LDOPND	Prior-notification of Development - Proposed common infrastructure corridors within the London Gateway Logistics Park comprising roads, shared use footways/cycleways, landscaping, drainage and service ducts.	Complies with LDO
16/01128/SCR	Request for Environmental Impact Assessment (EIA) Screening Opinion: The construction and operation for a period of 10 years of a HGV parking area comprising three individual haulage yards plus a 'multi-user' parking area. The development shall incorporate ancillary access, drainage and lighting infrastructure in addition to perimeter landscaping. Total development site area approx. 7.7ha.	EIA not required

3.1 Historically the application site comprised open low-lying marshland bisected by drainage ditches and forming part of the marshes located to the south-east of Stanford-le-Hope and Corringham. By the 1960's the site had been drained and developed with buildings and structures associated with the former Shellhaven refinery. The site was located at the extreme south-western corner of the refinery site and was access via the 'Gate 1' access from The Manorway. The Shellhaven

refinery, including the current application site, was decommissioned and demolished in 1999.

- 3.2 In May 2007 the Secretary of State granted outline planning permission for redevelopment of the former refinery with a large-scale commercial centre, comprising predominantly Class B8 (storage and distribution) uses. At the same time consent was also granted for a Harbour Empowerment Order and Transport and Works Act Order. However, the Secretary of State included a condition on the outline planning permission restricting development of the south-western part of the former refinery site (known as “The Tongue” land), apart from ancillary highways works, landscaping, ecological mitigation, provision of services, footpaths and acoustic mitigation. This restriction included the current application site.
- 3.3 Following the grant of outline planning permission, a number of applications to both vary and approve planning conditions were submitted. An application for the approval of reserved matters was also approved. The outline permission was implemented via the construction of a section of internal road close to Gate 2. However, due partly to the complexity of the outline planning permission, the Council and DP World London Gateway developed a Local Development Order (LDO), known as the London Gateway Logistics Park Local Development Order, for the future development of the commercial centre. The Council adopted the LDO in 2013. The boundary of land subject to the LDO includes the “Tongue Land” and therefore the current application site. Within the “Tongue Land” the LDO restricts development to works associated with foul and surface water drainage and electricity infrastructure.

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

4.2 PUBLICITY:

This application has been advertised by way of press advertisement and public site notice. No replies have been received.

The following consultation replies have been received.

4.3 ENVIRONMENT AGENCY:

No objection, subject to conditions.

4.4 HIGHWAYS ENGLAND:

No objection.

4.5 NATURAL ENGLAND:

No objection, subject to conditions.

Detailed comments are provided on the content of the 'Habitats Regulations Assessment to Inform Screening' submitted by the applicant to support their previously submitted request for an EIA Screening Opinion (ref. 16/01128/SCR). Natural England are broadly satisfied with the findings and recommendations of the applicant's assessment, including the proposed mitigation measures. Natural England are generally satisfied that the impact pathways between the application site and the Thames Estuary and Marshes Special Protection Area (SPA) and associated functionally linked habitats (including the western grazing marshes) have been adequately assessed. Planning conditions are requested to mitigate impact.

4.6 ENVIRONMENTAL HEALTH:

No objection.

4.7 FLOOD RISK MANAGER:

No objection.

4.8 HIGHWAYS:

No objections, subject to conditions.

4.9 LANDSCAPE & ECOLOGY:

No objection, subject to condition.

5.0 POLICY CONTEXT**5.1 National Planning Guidance**National Planning Policy Framework (NPPF)

The NPPF was published on 27th March 2012. Paragraph 13 of the Framework sets out a presumption in favour of sustainable development. Paragraph 196 of the

Framework confirms the tests in s.38 (6) of the Planning and Compulsory Purchase Act 2004 and s.70 of the Town and Country Planning Act 1990 and that the Framework is a material consideration in planning decisions. Paragraph 197 states that in assessing and determining development proposals, local planning authorities should apply the presumption in favour of sustainable development.

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

- Building a strong, competitive economy;
- Promoting sustainable transport
- Meeting the challenge of climate change, flooding and coastal changes; and
- Conserving and enhancing the natural environment.

Planning Practice Guidance

In March 2014 the Department for Communities and Local Government (DCLG) launched its planning practice guidance web-based resource. This was accompanied by a Written Ministerial Statement which includes a list of the previous planning policy guidance documents cancelled when the NPPF was launched. PPG contains 48 subject areas, with each area containing several subtopics. Those of particular relevance to the determination of this planning application comprise:

- Design;
- Determining a planning application;
- Flood risk and coastal change;
- Land affected by contamination;
- Light pollution;
- Travel plans, transport assessments and statements in decision-taking; and
- Use of planning conditions.

National Policy Statement for Ports (2012)

Although this Statement is intended to provide a framework for decisions on proposals for new port development as part of the nationally significant infrastructure proposals system, it nevertheless is applicable to associated development such as road and rail links. Paragraph 5.4.22 of the Statement notes that the decision-maker may attach requirements to a planning consent that “make sufficient provision for HGV parking, either on the port estate or at dedicated facilities elsewhere, to avoid overspill parking on public roads”.

5.2 Local Planning Policy

Thurrock Local Development Framework Core Strategy and Policies for the Management of Development (as amended) (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)
- CSTP15 (Transport in Greater Thurrock)
- CSTP16 (National and Regional Transport Networks)
- CSTP17 (Strategic Freight Movement and Access to Ports)
- CSTP19 (Biodiversity)
- CSTP27 (Management and Reduction of Flood Risk)
- CSTP33 Strategic Infrastructure Provision

Policies for the Management of Development -

- PMD1 (Minimising Pollution and Impacts on Amenity)
- PMD2 (Design and Layout)
- PMD7 (Biodiversity, Geological Conservation and Development)
- PMD8 (Parking Standards)
- PMD9 (Road Network Hierarchy)
- PMD10 (Transport Assessments and Travel Plans)
- PMD11 (Freight Movement)
- PMD15 (Flood Risk Assessment)

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.

6.0 ASSESSMENT

6.1 The assessment below covers the following areas:

- i. Principle of the development;
- ii. Highways considerations;
- iii. Impact on ecology & biodiversity;
- iv. Design & layout;
- v. Ground contamination; and
- vi. Flood risk & site drainage.

i. PRINCIPLE OF THE DEVELOPMENT

6.2 The London Gateway port and logistics park site, including the site of the current application, is within a Primary Industrial and Commercial Area, as defined by the policies map accompanying the adopted LDF Core Strategy (as amended) (2015). Core Strategy Spatial Policy (CSSP) 2 (Sustainable Employment Growth) is relevant and identifies London Gateway as a Key Strategic Economic Hub where the Council will promote and support economic development. The port, logistics and transport sectors are identified by this policy as core sectors at London Gateway.

6.3 Adopted Spatial Policy CSSP3 (Sustainable Infrastructure) identifies a number of key strategic infrastructure projects as “*essential to the delivery of the Core Strategy*”. The provision of lorry parks at West Thurrock, Tilbury and London Gateway is identified as a key project by this policy. Core Strategy Thematic Policy CSTP17 (Strategic Freight Movement and Access to Ports) states that the Council will support the logistics and port sector by, inter-alia:

“Facilitating the provision of 24 hour lorry parks at Tilbury Port, London Gateway and West Thurrock”

6.4 Consequently, the Council’s adopted Core Strategy policies support the principle of lorry parking at designated sites across the Borough, including London Gateway.

- 6.5 With regard to HGV parking within the logistics park area, the LDO is subject to compliance with a Design Code and paragraph B4.3 of that Code states:

“For development in excess of 30,000sq.m. where 24-hour operation is required, adequate welfare facilities shall be provided within the plot for drivers of commercial vehicles at a rate of one driver/commercial vehicle per 3,500sq.m. If such facilities are unable to be provided on plot (or if there is a shortfall in on plot provision), alternative facilities shall be provided off-plot at an equivalent rate.”

- 6.6 However, the LDO makes no specific provision for off-plot lorry parking within the LDO area. Furthermore, although London Gateway Port operates a vehicle booking system to control access by hauliers for the delivery or collection of containers, the Port does not have a lorry parking facility. It is also relevant that, in seeking a deed of variation to the Port s106 agreement in respect of M25 highways works (ref. 14/01007/DVOB), London Gateway accepted additional obligations including *“the use of all reasonable endeavours to pursue the provision of a lorry parking facility to which provision London Gateway Port retain a robust commitment”*.

- 6.7 The current application can therefore be considered as a commitment to fulfil the Port’s s106 obligation to provide a lorry parking facility. It is the Port’s intention to pursue a larger lorry park facility than currently proposed on a site adjacent to the logistics park through the Local Plan process however this development would serve to accommodate immediate lorry parking demand arising from London Gateway.

- 6.8 Under this heading there are no objections to the principle of the proposed development.

6.9 II. HIGHWAYS CONSIDERATIONS

Vehicular access to the London Gateway port and logistics park site is taken from The Manorway (A1014) which is a dual-carriageway between the A13 (Stanford interchange) and the roundabout junction serving the London Gateway main access road. This main access road is, in turn, a dual-carriageway road and a roundabout junction located adjacent to the DP World head office building splits the main access into separate road arms serving the port and park. An existing estate road serves the application site and this road links directly to the park road arm. Consequently, the site links to the A13 via an existing dual carriageway road network. In February 2014 The Manorway became a 24-hour clearway, thereby restricting parking on this carriageway.

- 6.10 As further relevant background information London Gateway port operates a vehicle booking system (VBS), whereby HGV drivers are allocated a pre-arranged time-slot for the delivery or collection of containers. DP World also currently operates a small lorry parking area located on the northern side of The Manorway and to the east of the former Gate 2 access road. This area provides space for approximately 80 HGVs and is available on a first-come first-served basis for drivers who may arrive too early for their VBS time-slot or drivers seeking a rest stop. This facility does not offer full-time security.
- 6.11 This planning application is supported by a Transport Statement (TS) which makes clear that the proposal would provide lorry parking and welfare facilities for hauliers using London Gateway port and logistics park in the form of three private yards for haulier operators and a multi-user area for overnight parking. Therefore the lorry park is intended to support activities at London Gateway and would not be open to non-London Gateway traffic.
- 6.12 With reference to potential trip generation, the TS confirms that the proposed temporary lorry park would not generate any additional heavy vehicle movement on the public highway network, over and above those movements already assessed within the committed port and logistics park developments.
- 6.13 The applicant's Transport Statement suggests that there will be three functions associated with freight activity at the site comprising:
- overnight stopovers;
 - short-stay stops (rest / refuelling) and
 - deliveries of fuel and supplies.

Overnight stopovers will include both 'vehicle only' stopovers and 'vehicle and driver' stopovers. 'Vehicle only' stopovers will take place within the haulier yard areas, with HGVs left overnight whilst HGV drivers travel to and from the site at the beginning and end of shifts. 'Vehicle and driver' stopovers would occur in the multi-user area with HGV drivers parking-up and staying with their vehicles overnight. In addition to these overnight stopovers, it is anticipated that the lorry park will be used on a short-stay basis whilst drivers refuel vehicles or use welfare facilities. Finally, vehicle movements would be generated by deliveries of fuel and supplies to the refuelling and welfare facilities.

- 6.14 The TS assumes that all HGV movements associated with the proposals are included within the traffic forecasts supporting the LDO. Therefore it is only HGV drivers' private journeys between home and the site, associated with 'vehicle only' stopovers, which have been assessed. This is because these vehicle movements were not modelled in earlier vehicle movement forecasts. The traffic movement of

staff employed in the operation of the refuelling, welfare and office functions are also modelled as part of the assessment accompanying the current application. The Transport Statement forecast the following daily vehicle activity (presented as one-way car trips):

	Vehicles
Overnight stopover ('vehicle only')	198
Employees	16
Total	214

Further modelling within the applicant's Statement forecasts the generation of 44 no. two-way car trips in the morning peak hour (08.00-09.00) and 40 no. two-way car trips in the evening peak (17.00-18.00). The impact of these additional peak-hour vehicle movements on surrounding road junctions would be negligible.

- 6.15 In conclusion under this heading, the impacts of the development are not expected to have a material impact on the surrounding transport network. The proposed lorry park is intended to serve the logistical needs of London Gateway port and logistics park. However, in order to ensure that HGV movements associated with the lorry park do not result in levels of traffic above those already assessed by the Local Development Order, a planning condition would ensure ongoing monitoring, assessment and mitigation as necessary.

III. IMPACT ON ECOLOGY & BIODIVERSITY

Habitats Regulations:

- 6.16 The application site is located close to internationally and nationally designated sites (Thames Estuary and Marshes SPA and Ramsar site). European sites are afforded protection under the Conservation of Habitats and Species Regulations 2010, as amended (the 'Habitats Regulations'). In considering the European site interest, the local planning authority, as a competent authority under the provisions of the Habitats Regulations, should have regard for any potential impacts that the proposals may have. The Habitat Regulations, which are a UK transposition of EU Directives relating to the conservation of natural habitats, flora and fauna and specifically wild birds, apply to certain designated sites including Special Protection Areas (SPA) and Ramsar sites. Of particular relevance to this application, regulation 61 of the Habitats Regulations requires, inter-alia, that:

Before deciding to give any permission for a plan which:

- (a) is likely to have a significant effect on a European Site (either alone or in combination with other plans or projects), and*
- (b) is not directly connected with or necessary to the management of that site*

The competent authority must make an appropriate assessment of the implications for that site in view of that site's conservation objectives.

- 6.17 Natural England has provided a detailed response to the applicant's 'Habitats Regulations Assessment to Inform Screening' report, submitted to support their request for an EIA Screening Opinion (ref. 16/01128/SCR). Natural England confirm that they are broadly satisfied with the findings and recommendations of the applicant's assessment and are generally satisfied that the impact pathways between the application site and the Thames Estuary and Marshes Special Protection Area (SPA) and associated functionally linked habitats (including the western grazing marshes) have been adequately assessed. Measures to mitigate impact can be secured by planning conditions.
- 6.18 It is therefore recommended that the local planning authority formally determine that, on the basis of the information available, the proposed development will not have a likely significant impact on a European site either alone or in combination with other plans or projects. This recommendation, set out as 'Recommendation A' below, should be considered before 'Recommendation B' (the recommendation to grant temporary planning permission).

IV. DESIGN & LAYOUT

- 6.19 The proposed lorry park would comprise a largely open area of hardsurfacing, involving a pre-cast block surface for truck parking areas and asphalt surfacing for the access road, cyclepath and footways. The only above-ground buildings and structures associated with the proposals would comprise:
- security fencing / gates and acoustic fencing to the site perimeter and in-between yards;
 - 4 no. 25m high lighting towers to illuminate the lorry park;
 - 10 no. 10m high street lighting columns to illuminate the access road / cyclepath / footpath;
 - new electrical substation; and
 - office, welfare and refuelling facilities for each haulier yard and the multi-user area.

The proposed fencing and gates would be located on those parts of the site for which both full and outline planning permission is sought. Indicative locations of these boundary treatments have been provided, although there are no details of the design, heights or materials. Therefore, a planning condition is required to require details such that the visual impact of these features can be controlled.

- 6.20 In order to provide floodlighting to the lorry park, the proposals include the provision of 4no. floodlighting columns to a height of 25m. The precise design of the columns and the associated luminaires has not been provided, although a lighting levels plan has been submitted to show the spread of light across the site (lux contours) and potential light spill beyond site boundaries. As with boundary treatment, a planning condition can address this issue and the potential visual impact.
- 6.21 Full planning permission is sought for a new electrical substation located on the eastern site boundary. This would comprise an enclosed meter room measuring 6.5m (l) x 4m (w) x 2.9m (h) flanked on either side by transformer enclosures measuring 4m (l) x 4m (w). The meter room would be a flat-roofed structure with external walls finished in a dark green colour. The two transformer compounds would be secured with a black coloured palisade fence. The sub-station would be a relatively small structure which appear visually unobtrusive. The proposed black coloured transformer fencing would match the agreed finishing colour of boundary treatments within the logistics park area.
- 6.22 Finally, the application seeks outline planning permission for office, welfare and refuelling facilities within each of the haulier yards and the multi-user area. No details of the design or appearance of these facilities has been provided although their location is identified at the eastern end of the site, close to the individual points of access. Permission is sought for up to 2,500sq.m. of floorspace. In the context of a site area totalling 7.65 hectares (76,500sq.m.) the proposed quantum of floorspace is considered reasonable and ancillary to the primary lorry parking use.
- 6.23 Consequently, and subject to appropriate planning conditions, it is considered that the design and layout of the proposals are acceptable.

V. GROUND CONTAMINATION

- 6.24 By way of background, the Local Development Order for the logistics park is subject to an agreed Contaminated Land Risk Assessment and Remediation Strategy. The application is accompanied by a contaminated land assessment. This assessment confirms that intrusive ground investigation of the site, in the form of trial pits, was undertaken in 2011. Ground conditions comprise a layer of made ground above alluvium. Ground contamination was not encountered during ground investigation and subsequent laboratory testing of samples did not identify any exceedance of target values.
- 6.25 However, during the removal of obstructions from the site earlier this year, one area was identified for remediation due to potential hydrocarbon contamination. In addition, hydrocarbon material has been removed from an existing drainage interceptor. Approximately 400cu.m. of contaminated material has been removed

from these two on-site locations and is being stockpiled awaiting treatment and disposal. Backfilling of the removed material has taken place with appropriate testing of the backfill material. Further importation of material is required to create the required surface levels and validation of imported material will be required.

- 6.26 Comments received from the Council's Environmental Health Officer raise no objections to the proposals. The Environment Agency confirms that they have reviewed the applicant's contaminated land assessment and its content is agreed. The Agency consider that planning permission could be granted, subject to a number of standard planning conditions.

VI. FLOOD RISK & SITE DRAINAGE

- 6.27 The site is located within the high risk flood zone (Zone 3a) and therefore the application is supported by a Flood Risk Assessment (FRA). This high flood risk classification is based upon the risk from the Thames Estuary, however the site benefits from tidal defences. These defences protect the site to the 1 in 1,000 year event (0.1% annual probability).
- 6.28 As the site is protected by existing tidal defences, the FRA examines the residual risk of flooding as a result of a breach in defences. The existing site could experience flood water depths of up to 0.75m during the 1 in 200 year breach event (0.5% annual probability) and would experience a significant hazard during the 1 in 1,000 year (0.1% annual probability) breach event. However, the proposals include the raising of ground levels such that the site would no longer be at risk of flooding in a 1 in 200 year breach event.
- 6.29 The Environment Agency has confirmed that the proposed lorry park use is classified as a 'less vulnerable' development, as defined by the NPPF. In these circumstances the development is 'appropriate' as set out by the 'Flood Risk Vulnerability and Flood Zone Compatibility' table at paragraph 067 of the NPPF (ref ID: 7-067-20140306). Nevertheless, the proposals are still subject to the application of the Sequential Test, which has the aim of steering new development to areas with the lowest risk of flooding. In this case, all of the London Gateway site as well as adjoining land to the north, east and west is located within the high risk flood area. As noted above, the proposed lorry park is intended to serve the needs of London Gateway port and logistic park and therefore a location away from the London Gateway site is unsuitable for operational reasons. Accordingly, the location of the proposed lorry park passes the Sequential Test as there are no other suitable operational sites at a lower risk of flooding.

7.0 CONCLUSIONS AND REASON(S) FOR APPROVAL

- 7.1 This application proposes a lorry park to serve the London Gateway port and logistics park, to operate for a temporary period of 10 years. The lorry park would provide self-contained yards for haulage contractors operating at London Gateway and a multi-user area for use by casual users visiting London Gateway. No objections are raised to the principle of the proposed land and, subject to planning conditions, the development would have no detrimental impact on the surrounding highway network.
- 7.2 The site is located close to the Thames Estuary and Marshes SPA and Ramsar site which is afforded European level protection. However, subject to mitigation measures to be secured by planning conditions, there would be no unacceptable impact on ecological receptors. Nevertheless, given the designation of the nearby ecological interests, it is necessary to screen the proposals for likely significant effects on the European site. This is set out at Recommendation A below.
- 7.3 Planning conditions can be used to control the final design and appearance of the operational development and to mitigate the impact of the proposals. In conclusion, it is recommended that planning permission is granted subject to conditions.

8.0 RECOMMENDATION

8.1 Recommendation A:

That the local planning authority formally determine pursuant to regulation 61 of the Conservation of Habitats and Species Regulations 2010 (as amended), and on the basis of the information available, that the development proposed will not have a likely significant effect on a European site either alone or in combination with other plans or projects.

8.2 Recommendation B:

Grant planning permission, subject to the following conditions:

Definitions:

1. Within the following conditions "Outline Part" means that part of the development for which outline planning permission is granted as identified by the colour green on drawing number LGW-062-102 Rev. 6 and "Full Part" means the remaining areas on drawing number LGW-062-102 Rev. 6 for which full planning permission is granted.

Time Limits:

2. The development for which full planning permission is hereby granted (the “Full Part”), as identified on drawing number LGW-062-102 Rev. 6, 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.

3. Details of the layout, scale, appearance and landscaping of the development (hereinafter called the 'reserved matters') for which outline planning permission is hereby granted, shall be submitted to and approved in writing by the local planning authority not later than the expiration of 3 years from the date of this permission.

REASON: To comply with Section 92 of the Town and Country Planning Act 1990, as amended by Section 51 of the Planning and Compulsory Purchase Act 2004.

4. The development for which outline planning permission is hereby granted shall be begun not later than the expiration of two years from the final approval of the reserved matters or, in the case of approval on different dates, the final approval of the last such matter to be approved.

REASON: To comply with Section 92 of the Town and Country Planning Act 1990, as amended by Section 51 of the Planning and Compulsory Purchase Act 2004.

Temporary Use:

5. The use of the site for lorry parking hereby permitted shall be discontinued and the associated buildings and structures shall be removed from the site on or before 31st December 2026 in accordance with a scheme of work submitted to and approved in writing by the local planning authority.

REASON: In order to comply with the terms of the submitted planning application.

Approved Plans:

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

LGW-062-101 Rev. 4	Site Location Plan
LGW-062-102 Rev. 6	Site Layout Plan

LGW-062-103 Rev. 2	Site Cross Sections
LGW-062-104 Rev. 3	Access Road Plan
LGW-062-105 Rev. 6	Hard Landscaping Plan
LGW-062-106 Rev. 5	Drainage Layout Plan
LGW-062-107 Rev. 8	Lighting Levels Plan Sheet 1 of 2
LGW-062-108 Rev. 5	Fencing and Gates Layout Plan
LGW-062-109 Rev. 3	Substation Plan and Elevation
LGW-062-110 Rev. 6	Lighting Levels Plan Sheet 2 of 2
LGW-062-111 Rev. 4	Soft Landscaping Plan
LGW-062-112 Rev. 3	Master Plan Layout
LGW-062-120 Rev. 2	Existing Features Plan Sheet 1 of 3
LGW-062-121 Rev. 2	Existing Features Plan Sheet 2 of 3
LGW-062-121 Rev. 2	Existing Features Plan Sheet 3 of 3

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

Boundary Treatments:

7. Prior to first operational use of any of the haulage yards or the common user lorry parking area on both the Full Part and the Outline Part, details of all boundary treatments shall be submitted to and approved in writing by the local planning authority. The approved boundary treatments shall be installed prior to the first operational use of the relevant haulage yard or the common user lorry parking area, unless otherwise agreed in writing by the local planning authority.

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

Surface Water Drainage:

8. Prior to first operational use of any of the haulage yards or the common user lorry parking area on both the Full Part and the Outline Part, details of the surface water drainage system shall be submitted to and approved in writing by the local planning authority. The approved system shall be installed prior to the first operational use of the relevant haulage yard or the common user lorry parking area, unless otherwise agreed in writing by the local planning authority.

REASON: To prevent flooding by ensuring the satisfactory storage / disposal of surface water from the site in accordance with policy PMD15 of the Thurrock

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

Landscaping:

9. Prior to first operational use of any of the haulage yards or the common user lorry parking area on both the Full Part and the Outline Part, details of the soft landscaping scheme, including a timeframe for implementation, shall be submitted to and approved in writing by local planning authority. The soft landscaping scheme shall thereafter be implemented in accordance with the agreed details.

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

Light Towers:

10. The position of all light towers within the lorry parking area shall be in accordance with the Site Layout Plan (Ref: LGW-062-102 Rev. 6), unless otherwise agreed in writing by the local planning authority.

REASON: In order to comply with the terms of the submitted application and in the interests of visual amenity.

Lighting Scheme:

11. Prior to first operational use of any of the haulage yards or the common user lorry parking area on both the Full Part and the Outline Part, full details of the lighting scheme (including lighting towers, columns, luminaires and reference to any smart lighting measures) shall be submitted to and approved in writing by the local planning authority. The approved details shall be installed prior to the first operational use of the relevant haulage yard or the common user lorry parking area. For the avoidance of doubt, the lighting scheme shall accord with the submitted Lighting Levels Plans (Ref: LGW-062-107 Rev.8 and LGW-062-110 Rev. 6), unless otherwise agreed in writing by the local planning authority

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

Contamination:

12. No occupation or operation of any part of the development hereby permitted 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. Any changes to these components require the express written consent of the local planning authority. The scheme shall be implemented as approved.

REASON: To protect and prevent the pollution of controlled waters (particularly the Secondary A aquifer, nearby Thames Estuary) from potential pollutants associated with current and previous land uses in line with National Planning Policy Framework (NPPF; paragraphs 109 and 121), EU Water Framework Directive, Anglian River Basin Management Plan and Environment Agency Groundwater Protection: Principles and Practice (GP3 v.1.1, 2013) position statements A4 – A6, J1 – J7 and N7.

13. 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 protect and prevent the pollution of controlled waters (particularly the Secondary A aquifer, nearby Thames Estuary) from potential pollutants associated with current and previous land uses in line with National Planning Policy Framework (NPPF; paragraphs 109 and 121), EU Water Framework Directive, Anglian River Basin Management Plan and Environment Agency Groundwater Protection: Principles and Practice (GP3 v.1.1, 2013) position statements A4 – A6, J1 – J7 and N7.

Service roads etc.:

14. None of the development hereby permitted shall be occupied or operated until

the service road(s), footway(s), cycle paths, loading, parking and turning areas shown on the plans accompanying the application have been constructed in accordance with the approved plans.

REASON: In the interests of road safety and amenity in accordance with Policy PMD2 of the adopted Thurrock LDF Core Strategy and Policies for the Management of Development DPD as amended (2015).

Traffic Monitoring:

- 15. Prior to the first operational use of any of the haulage yards or the common user lorry parking area on both the Full Part and the Outline Part, the applicant shall undertake ongoing monitoring of HGV volumes on the London Gateway site access road. If the trigger points set out in the table below are reached during the operation of the lorry park, the applicant shall submit an additional assessment to the local planning authority for approval and shall subsequently implement any additional mitigation measures being identified as reasonably required by the additional assessment:

Access Road Two-Way Port & Park Heavy Vehicle Flows – LDO Sensitivity Test	
Time Period	Total Flow
AM Peak (08:00-09:00)	405
PM Peak (17:00-18:00)	488
12-Hours (07:00-19:00)	6,887
16-Hours (06:00-22:00)	8,149
18-Hours (06:00-00:00)	8,542
24-Hours	10,028

REASON: In order to ensure the safe and efficient operation of the surrounding highway network and in accordance with Policy PMD11 of the adopted Thurrock LDF Core Strategy and Policies for the Management of Development DPD as amended (2015).

Lorry Park Management:

- 16. Prior to the first operational use of any of the haulage yards or the common user lorry parking area on both the Full Part and the Outline Part, details of a parking management scheme, including a pricing regime, shall be submitted to and approved in writing by the local planning authority. The scheme also shall specifically detail measures to ensure that available parking spaces on the eastern part of both the haulage yards and the common user lorry parking area are occupied in preference to available parking spaces on the western part of

the haulage yards and the common user lorry parking area. The approved scheme shall be operated on the first operational use of the relevant haulage yard or the common user lorry parking area and maintained thereafter, unless otherwise agreed in writing by the local planning authority.

REASON: In order to minimise potential disturbance to ecological interests close to the site in accordance with Policy PMD7 of the adopted Thurrock LDF Core Strategy and Policies for the Management of Development DPD as amended (2015).

Construction Environment Management Plan:

17. Construction works associated with the development shall be undertaken in accordance with the environmental management controls and mitigation measures set at paragraph 5.5.2 of the "Proposed HGV Lorry Park, Tongue Land, London Gateway – Habitat Regulations Assessment to Inform Screening" report (ref. UK11-22958) submitted in support of the request for EIA Screening Opinion (local planning authority ref. 16/01128/SCR).

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

Flood Risk Management:

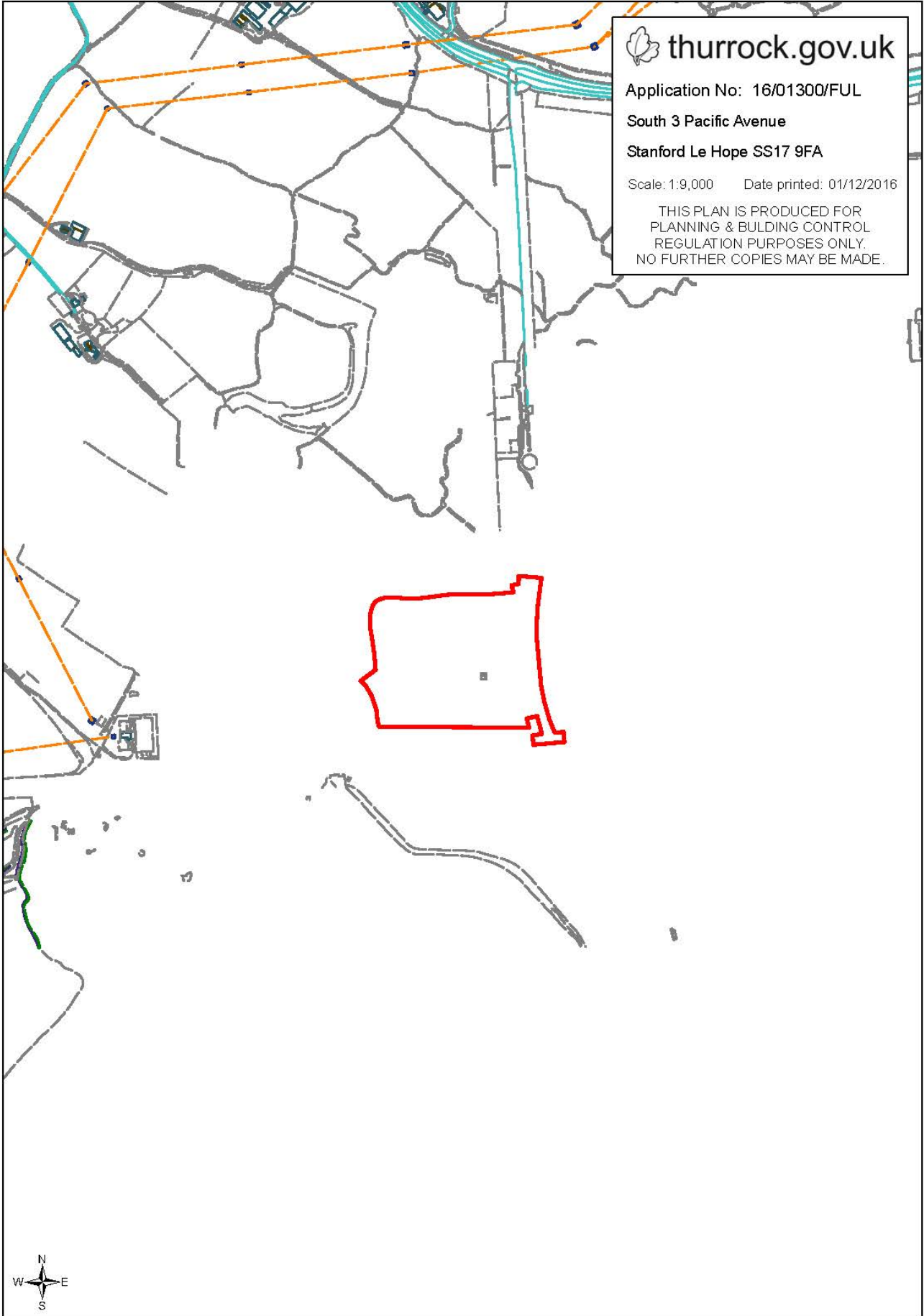
18. Prior to the first operational use of any of the haulage yards or the common user lorry parking area on both the Full Part and the Outline Part a flood risk management strategy shall be submitted to and approved in writing by the local planning authority. The approved strategy shall be operated on the first operational use of the relevant haulage yard or the common user lorry parking area and maintained thereafter, unless otherwise agreed in writing by the local planning authority.

REASON: In order to ensure that adequate flood warning and evacuation measures are available for all users of the development in accordance with Policy PMD15 of the adopted Thurrock LDF Core Strategy and Policies for the Management of Development DPD as amended (2015).

Documents:

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

www.thurrock.gov.uk/planning/16.01300/FUL



 **thurrock.gov.uk**
Application No: 16/01300/FUL
South 3 Pacific Avenue
Stanford Le Hope SS17 9FA
Scale: 1:9,000 Date printed: 01/12/2016
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Reference: 16/01424/OUT	Site: Land Adjacent Martins Farmhouse Church Lane Bulphan Essex
Ward: Orsett	Proposal: Development of 52 assisted living apartments (in 4 blocks) with cafe/restaurant facilities, separate building housing convenience store and doctors surgery with living accommodation above, separate dwelling for doctor, separate building for changing rooms/ club room with outdoor sports pitch and ancillary parking and landscaping with two access points to Church Lane (Outline application with all matters reserved)

Plan Number(s):		
Reference	Name	Received
112	Location Plan	23rd May 2016
113	Block Plan	23rd May 2016
114	Floor Layout	23rd May 2016
115	Elevations	23rd May 2016
116	Elevations	23rd May 2016

The application is also accompanied by: <ul style="list-style-type: none"> - Design and Access Statement - Flood Risk Assessment - Planning Statement 	
Applicant: Mr D. MacDonald	Validated: 03 November 2016 Date of expiry: 02 February 2017
Recommendation: To Refuse	

The application has been scheduled for determination by the Council's Planning Committee because a recent proposal for a similar development on the same site was considered by Members.

1.0 DESCRIPTION OF PROPOSAL

1.1 This application seeks planning permission for the development of the site

for a 52 assisted living units and associated development. The application has been submitted in outline form, with all matters reserved.

1.2 The indicative plans submitted with the application illustrate the following parameters:

- Two access from Church Lane [one to the northern end of the site and one in the centre of the site];
- Assisted living units within four blocks; two separate from one another and two linked by a single storey building;
- A detached building providing a convenience store ground floor level and a doctors surgery with a separate flat at first floor level;
- A detached dwellinghouse to provide accommodation for a doctor;
- A detached building providing changing facilities and clubroom for outdoor sports;
- A sports pitch to provide an all-weather surface for hockey, football and tennis;
- 44 dedicated car parking for the clubhouse building, 10 spaces for the shop / doctors surgery and 50 spaces for the residential element of the development.

2.0 SITE DESCRIPTION

- 2.1 The application site is an approximately L -shaped area of land on the eastern side of Church Lane, close to where it joins Parkers Farm Road.
- 2.2 The site lies to the south of Martin’s Farm. The site lies outside of the village of Bulphan on an agricultural field. The site is in the Green Belt.

3.0 RELEVANT HISTORY

Reference	Description	Decision
60/00297/FUL	Residential	Refused
68/00042/FUL	House, Garages	Refused
14/01063/FUL	Erection of 5 dwellings	Refused
15/00092/OUT	Erection of 50 bed care home (Outline application with matters of Access, Appearance, Layout and Scale being sought)	Refused
16/00729/OUT	Development of 52 assisted living apartments (in 4 blocks) with cafe/restaurant facilities, separate building housing convenience store and doctors surgery with living accommodation above, separate dwelling for doctor, separate building for changing rooms/ club room with outdoor sports	Withdrawn

	pitch and ancillary parking and landscaping with two access points to Church Lane (Outline application with all matters reserved)	
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4.0 CONSULTATIONS AND REPRESENTATIONS

4.1 Detailed below is a summary of the consultation responses received. The full version of each consultation response can be viewed on the Council’s website via public access at the following link:

www.thurrock.gov.uk/planning

PUBLICITY:

4.2 This application has been advertised by way of individual notification letters and the display of public site notices. A press notice has also been publicised. At the time of drafting this report, eleven responses had been received objecting to the proposals on the following grounds:

- MUGA facilities already exist in the village;
- A new shop is already to be provided in the village;
- Principle of development in the Green Belt;
- Not a suitable road for development;
- Not an appropriate location for such a development;
- Noise pollution and access during construction;
- Increased noise activity when constructed;
- Development is outside the village envelope;
- Impact of vehicle movements on the village;
- Lack of suitable public transport;
- The site is in close proximity to Thurrock Airfield;
- The application is for outline consent only and the eventual type and density if therefore unknown;
- Parkers Farm Road is very narrow and is used, especially by cyclists;
- Site is on a flood plain.

ENVIRONMENT AGENCY:

4.3 No objections.

ENVIRONMENTAL HEALTH:

4.4 No objections (conditions recommended).

FLOOD RISK MANAGER:

4.5 Objection (lack of detailed information).

HIGHWAYS:

4.6 Objection (principle and detailed reasons for refusal).

HEALTH AND WELLBEING GROUP:

- 4.7 No reason to support the proposals.

NHS ENGLAND:

- 4.8 No objections (subject to developer contributions)

5.0 POLICY CONTEXT**5.1 National Planning Policy Framework**

The NPPF was published on 27th March 2012. Paragraph 13 of the Framework sets out a presumption in favour of sustainable development. Paragraph 196 of the Framework confirms the tests in s.38 (6) of the Planning and Compulsory Purchase Act 2004 and s.70 of the Town and Country

Planning Act 1990 and that the Framework is a material consideration in planning decisions. Paragraph 197 states that in assessing and determining development proposals, local planning authorities should apply the presumption in favour of sustainable development.

- 5.2 Annex 1 makes clear that Development Plan policies should not be considered out-of-date simply because they were adopted prior to publication of the Framework. It also sets out how decision-takers should proceed taking account of the date of adoption of the relevant policy and the consistency of the policy with the Framework. Due weight should be given to relevant policies in existing plans according to their degree of consistency with the Framework (the closer the policies in the plan to the policies in the Framework, the greater the weight that may be given).
- 5.3 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
- 9. Protecting Green Belt land
- 10. Meeting the challenge of climate change, flooding and coastal change
- 11. Conserving and enhancing the natural environment

- 5.4 Detailed below are in an extracts from the NPPF with regards to housing need and Green Belt Policy;
- 5.5 'Do housing and economic needs override constraints on the use of land, such as Green Belt?

The National Planning Policy Framework should be read as a whole: need alone is not the only factor to be considered when drawing up a Local Plan.

The Framework is clear that local planning authorities should, through their Local Plans, meet objectively assessed needs unless any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when

assessed against the policies in the Framework taken as a whole, or specific policies in the Framework indicate development should be restricted. Such policies include those relating to sites protected under the Birds and Habitats Directives, and/or designated as Sites of Special Scientific Interest; land designated as Green Belt, Local Green Space, an Area of Outstanding Natural Beauty, Heritage Coast or within a National Park or the Broads; designated heritage assets; and locations at risk of flooding or coastal erosion. The Framework makes clear that, once established, Green Belt boundaries should only be altered in exceptional circumstances, through the preparation or review of the Local Plan'. (Paragraph: 044Reference ID: 3-044-20141006)

5.6 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 42 subject areas, with each area containing several sub-topics. Those of particular relevance to the determination of this planning application comprise:

- Climate change
- Conserving and enhancing the historic environment
- Design
- Determining a planning application
- Natural Environment
- Planning obligations
- Use of Planning Conditions
- Water supply, wastewater and water quality

5.7 Local Planning Policy

Thurrock Local Development Framework

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

SPATIAL POLICIES

- CSSP1: Sustainable Housing and Locations
- CSSP3: Sustainable Infrastructure

- CSSP4: Sustainable Green Belt
- OSDP1: Promotion of Sustainable Growth and Regeneration in Thurrock¹

THEMATIC POLICIES

- CSTP1: Strategic Housing Provision
- CSTP22: Thurrock Design
- CSTP23: Thurrock Character and Distinctiveness²
- CSTP25: Addressing Climate Change²
- CSTP26: Renewable or Low-Carbon Energy Generation²
- CSTP33: Strategic Infrastructure Provision

POLICIES FOR MANAGEMENT OF DEVELOPMENT

- PMD1: Minimising Pollution and Impacts on Amenity²
- PMD2: Design and Layout²
- PMD6: Development in the Green Belt²
- PMD8: Parking Standards³
- PMD9: Road Network Hierarchy
- PMD10: Transport Assessments and Travel Plans²
- PMD12: Sustainable Buildings²
- PMD16: Developer Contributions²

[Footnote: 1New Policy inserted by the Focused Review of the LDF Core Strategy. 2 Wording of LDF-CS Policy and forward amended either in part or in full by the Focused Review of the LDF Core Strategy. 3 Wording of forward to LDF-CS Policy amended either in part or in full by the Focused Review of the LDF Core Strategy].

5.8 Focused Review of the LDF Core Strategy

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.

5.9 Draft Site Specific Allocations and Policies DPD

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 application site has no allocation within either of these draft documents. The Planning Inspectorate is advising local authorities not to continue to progress their Site Allocation Plans towards examination where their previously adopted Core Strategy is no longer in compliance with the NPPF. This is the situation for the Borough.

5.10 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.

6. ASSESSMENT

PROCEDURAL MATTERS

With reference to process, this application has been advertised as being a major development and as a departure from the Development Plan. Any resolution to grant planning permission would need to be referred to the Secretary of State under the terms of the Town and Country Planning (Consultation) (England) Direction 2009 with regard to the proposed quantum of development within the Green Belt. The Direction allows the Secretary of State a period of 21 days (unless extended by direction) within which to 'call-in' the application for determination via a public inquiry. In reaching a decision as to whether to call-in an application, the Secretary of State will be guided by the published policy for calling-in planning applications and relevant planning policies.

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

- I. Plan designation and principle of development
- II. Harm to Green Belt and other harm
- III. Whether the harm to the Green Belt, and any other harm is clearly outweighed by other considerations, so as to amount to very special circumstances
- IV. Highways and access
- V. Design and layout, relationship of development with surroundings and amenity impacts
- VI. Flood and drainage

I. PLAN DESIGNATION AND PRINCIPLE OF DEVELOPMENT

- 6.2 The application site is located within the Green Belt. Policy PMD6 applies and states that permission will not be given, except in very special circumstances, for the construction of new buildings, or for the change of use of land or the re-use of buildings unless it meets the requirements and

objectives of National Government Guidance. Paragraph 89 of the NPPF states that *'a local planning authority should regard the construction of new buildings as inappropriate in Green Belt'*. The NPPF sets out a limited number of exceptions however the construction of an assisted living scheme and associated development does not fall into any of the exceptions. Consequently it is a straightforward matter to conclude that the proposal constitute inappropriate development in the Green Belt.

- 6.3 Paragraph 87 of the NPPF states that *'inappropriate development is, by definition, harmful to the Green Belt and should not be approved except in very special circumstances'*. Paragraph 88 goes on to state *'when considering any planning application, local planning authorities should ensure that substantial weight is given to any harm to the Green Belt. 'Very special circumstances' will not exist unless the potential harm to the Green Belt by reason of inappropriateness, and any other harm, is clearly outweighed by other considerations'*.

II. HARM TO GREEN BELT AND 'OTHER' HARM

- 6.4 Having established that the proposal constitutes inappropriate development in the Green Belt, it is necessary to consider the matter of harm. Inappropriate development is, by definition, harmful to the Green Belt, but it is also necessary to consider whether there is any other harm to the Green Belt and the purposes of including land therein.
- 6.5 At paragraph 79, the NPPF states that the fundamental aim of Green Belt policy is to prevent urban sprawl by keeping land permanently open; the essential characteristics of Green Belts are their openness and their permanence.
- 6.6 With regards the impact on openness, the proposals would comprise a substantial amount of new building in an area which is entirely free from built development. It is considered that the amount and scale of development proposed would considerably reduce the openness of the site. It is considered that the loss of openness, which is contrary to the NPPF, should be accorded significant weight in consideration of this application.
- 6.7 Paragraph 80 of the NPPF sets out five purposes which the Green Belt serves:
- i. to check the unrestricted sprawl of large built-up areas;
 - ii. to prevent neighbouring towns from merging into one another;
 - iii. to assist in safeguarding the countryside from encroachment;
 - iv. to preserve the setting and special character of historic towns; and
 - v. to assist in urban regeneration, by encouraging the recycling of derelict and other urban land.
- 6.8 It is considered that the development proposed would be contrary to purposes (iii), and (v) detailed at paragraph 80 of the NPPF. In addition, there would be substantial harm by reason of loss of openness.

III. WHETHER THE HARM TO THE GREEN BELT, AND ANY OTHER HARM IS CLEARLY OUTWEIGHED BY OTHER CONSIDERATIONS, SO AS TO

AMOUNT TO VERY SPECIAL CIRCUMSTANCES

- 6.9 The Design and Access Statement submitted with the application refers to a Planning Statement which it states outlines the very special circumstances which provide justification for the development proposal. However no such document has been provided. The applicant's planning agent has been advised of the need to provide such detail, however none has been forthcoming.
- 6.10 It follows that it is a straight forward matter to conclude that the harm that would be caused by the development is not clearly outweighed by other considerations. As such, the proposal is contrary to PMD6 of the Core Strategy and guidance contained in the NPPF and PPG. The application must therefore attract a recommendation of refusal on this basis.

IV. HIGHWAYS AND ACCESS

- 6.11 Parkers Farm Road is categorised as a Level 2 Rural Road where an intensification of use would normally only be accepted for small scale uses, permissible within the Green Belt. In addition, the road is a typical country lane, with no designated footpaths on either side of the road. The road edge is defined by the highway verge or hedgerow on both sides of the road. The road is primarily used by agricultural vehicles.
- 6.12 The Council's Highway officer objects to the principle of intensifying the use of the central access of the site and the provision of a new access onto this road. The proposal is considered to be contrary to LDF CS Policy PMD9 in this regard.
- 6.13 The proposed northern access is adjacent to Martins Farm and visibility to the north is limited. This land lies outside of the control of the applicant and the Council's Highway Officer is not satisfied that appropriate visibility splays could be achieved. The applicant has failed to demonstrate how access could be safely achieved, contrary to LDF CS Policy PMD2. In addition the HWBHPAG have raised concern that residents would be reliant upon the private motor car, there being no footpaths to support or encourage pedestrian trips.
- 6.14 Finally, the application proposes facilities [such as a doctor's surgery, shop and clubhouse] which would attract visitors from the wider area, potentially resulting in high volumes of traffic. The applicant has not detailed the number of employees expected on the site or taken into account the potential for the increased trips associated with visitors. As the application does not detail the number of staff members it is not possible to indicate whether adequate parking provision is being made on site. Accordingly the proposal also fails to comply with highways requirements on the basis of a lack of information relating to staff numbers, contrary to LDF CS Policy PMD8.

V. DESIGN, LAYOUT, RELATIONSHIP OF DEVELOPMENT WITH SURROUNDINGS AND AMENITY IMPACTS

- 6.15 LDF CS Policy PMD2 requires that all design proposals should respond to the sensitivity of the site and its surroundings and must contribute positively to the character of the area in which it is proposed and should seek to contribute

positively to local views, townscape, heritage assets and natural features and contribute to the creation of a positive sense of place.

- 6.16 LDF CS Policy CSTP22 of the Core Strategy indicates that development proposals must demonstrate high quality design founded on a thorough understanding of, and positive response to, the local context.
- 6.17 Section 7 of the NPPF sets out the need for new development to deliver good design. Paragraph 57 specifies that it is important to plan positively for the achievement of high quality and inclusive design for all development, including individual buildings, public and private spaces and wider area development schemes. Paragraph 61 states that although visual appearance and the architecture of individual buildings are very important factors, securing high quality and inclusive design goes beyond aesthetic consideration.
- 6.18 The application has been submitted in outline form with all matters reserved; however it is important nonetheless to consider the design and layout parameter plans accompanying the application. The 4 main buildings proposed for the assisted living apartments are two storey blocks. These are proposed to be located more to less within the centre of the site, two running north to south and two running east to west. The illustrative plans suggest a design that is of a style more normally associated with regimented design forms found in urban areas. The design and appearance of these buildings is therefore considered to be wholly unacceptable for the proposed location. In addition the single storey link between two of the main buildings is poorly articulated.
- 6.19 Illustrative design details for the other buildings have not been provided, other than indications of the storey heights of these buildings. No specific comments are therefore raised on the design of these buildings.
- 6.20 The whole field is bounded by hedges but that they are not in a good condition and provide little screening across the site. The site lies within the Bulphan Fenlands landscape character area which is defined in the Thurrock Landscape Capacity Study as an open and exposed rural landscape. There would be little opportunity to mitigate the visual impacts of the scheme due to the location of the buildings and their extent, orientation, layout and location within the site. The Bulphan Fenlands would be significantly adversely impacted upon by development of this size and design.
- 6.21 Accordingly, it is considered that the development would have a significant adverse impact on the local landscape character.

VI. FLOOD AND DRAINAGE

- 6.22 LDF CS Policy PMD15 relates to flood risk and indicates that the management of flood risk should be considered at all stages of the planning process. The policy also states that in accordance with the Water Resources Act 1991 the prior written consent of the Environment Agency will be required for proposed works or structures, in, under, over or within 9 metres of the top of the bank of a designated main river.
- 6.23 The site lies within Flood Risk Zone 2. In addition the site lies adjacent to a

watercourse. The Council's Flood Risk Manager indicates that the applicant has failed to provide adequate details of a surface water strategy in their submitted Flood Risk Assessment as required by the NPPF. Accordingly, at this time the Council cannot be satisfied that a suitable solution drainage solution exists and that the proposal would be able to mitigate its impact on the local area or that existing surface water issues have been fully considered.

- 6.24 The proposal is therefore contrary to Policy PMD15 as the Council cannot be satisfied at this time that the proposal would not lead to increased flooding of the area.

7.0 CONCLUSIONS AND REASON(S) FOR REFUSAL

- 7.1 The proposals would comprise a substantial amount of new building on a rural site which is entirely free from built development. The development proposed does not fall within any of the exceptions set out in Policy PMD6 or the NPPF and as a consequence, the proposal constitutes inappropriate development in the Green Belt, which is harmful by definition. The loss of openness, which is contrary to the NPPF, should be afforded significant weight in consideration of this application.
- 7.2 Having established the nature and extent of the harm to the Green Belt the key consideration is whether this harm is clearly outweighed by other considerations so as to amount to the very special circumstances necessary to justify the inappropriate development. In this case, the applicant has failed to promote any very special circumstances.
- 7.3 Furthermore, the proposal raises concern in relation to highways safety due to the formation of a number of new accesses, contrary to Policy PMD9 of the Core Strategy. Furthermore, the site lies within Flood Risk Zone 2 and the site is at high risk of flooding due to the adjacent watercourse. The applicant has failed to address how the risk of flooding from this source would be mitigated or how site drainage and run off would be managed. The proposal is contrary to Policy PMD15 in this regard.
- 7.4 Additionally, the development would have a significant adverse impact upon the Bulphan Fenlands, contrary to Policy PMD2 and CSTP22.
- 7.5 There is also concern in relation to scale, design and overall appearance of the development which fails to meet the high standards of design that would be required and the impact of the large structures on the character and appearance of the area.

8.0 RECOMMENDATION

To Refuse for the following reasons:

Reason(s):

- 1 The application site is located within the Green Belt as defined within the Thurrock Local Development Framework, Core Strategy. Policy PMD6 applies and states that permission will not be given, except in very special circumstances, for the construction of new buildings, or for

the change of use of land or the re-use of buildings unless it meets the requirements and objectives of National Government Guidance.

The NPPF (at paragraph 89) sets out the forms of development which may be acceptable in the Green Belt. The proposed development does not fall within any of the appropriate uses for new buildings set out by the NPPF and Policy PMD6. Consequently, the proposals represent “inappropriate development” in the Green Belt and are a departure from development plan policy. Paragraph 87 of the NPPF sets out a general presumption against inappropriate development within the Green Belt and states that such development should not be approved, except in very special circumstances. Paragraph 87 also states that inappropriate development is, by definition, harmful to the Green Belt. It is for the applicant to show why permission should be granted. Very special circumstances to justify inappropriate development will not exist unless the harm, by reason of inappropriateness, and any other harm, is clearly outweighed by other considerations.

The applicant has failed to demonstrate any very special circumstances in this instance necessary to allow a departure from policy being made. The proposals are therefore contrary to Policy PMD6 of the Core Strategy and guidance in the NPPF in principle.

Notwithstanding the in-principle harm identified above, by reason of the mass, bulk and serious incursion into open land, the proposals are also harmful to the character and openness of the Green Belt at this point, contrary to Policy PMD6 of the Core Strategy and criteria within the NPPF.

- 2 Policy PMD9 of the Thurrock Local Development Framework Core Strategy states that the Council will only permit the development of new vehicular accesses or increased use of existing accesses onto the road network where, amongst other things, there is no possibility of a safe access being taken from an existing or lower category road, the development minimises the number of accesses required and the development makes a positive contribution to road safety or road safety is not prejudiced. Development onto Level 2 Rural Road will only be permitted where they are small scale developments that are permissible in the Green Belt.

Policy PMD2 of the Thurrock Local Development Framework Core Strategy indicates that all development should allow safe and easy access while meeting appropriate standards.

Policy PMD8 of the Thurrock Local Development Framework Core Strategy requires off street parking to be provided to meet the Council's standards.

The intensified use of an access onto Parkers Farm Road is objectionable in principle as it does not make a positive contribution to road safety; and the provision of a new access is also considered unacceptable; the proposal is contrary to Policy PMD9 in this regard.

The proposed northern access is adjacent to Martins Farm and visibility to the north is limited. This land lies outside of the control of the applicant and the Council is not satisfied that appropriate visibility splays could be achieved. The applicant has failed to demonstrate how access could be safely achieved via either access and the proposal is contrary to Policy PMD2 in relation to appropriate design and layout.

The applicant has also failed to provide details of disabled spaces, the number of staff that would be working at the premises, or how these staff would travel to the site. Without this information the Council cannot be satisfied that the level of parking provision on the site would be acceptable. The proposal is therefore contrary to Policy PMD8 in this respect.

- 3 Policy PMD15 of the Thurrock Local Development Framework Core Strategy relates to Flood Risk and indicates that the management of flood risk should be considered at all stages of the planning process.

The site lies within Flood Risk Zone 2 and the site is at high risk of flooding due to the adjacent watercourse. The applicant has failed to address how the risk of flooding from this source would be mitigated or how site drainage and run off would be managed. The proposal is contrary to Policy PMD15 in this regard.

- 4 Policy PMD2 of the Thurrock Local Development Framework Core Strategy requires that all design proposals should respond to the sensitivity of the site and its surroundings and must contribute positively to the character of the area in which it is proposed and should seek to contribute positively to local views, townscape, heritage assets and natural features and contribute to the creation of a positive sense of place.

Policy CSTP22 of the Thurrock Local Development Framework Core Strategy indicates that development proposals must demonstrate high quality design founded on a thorough understanding of, and positive response to, the local context.

Section 7 of the NPPF sets out the need for new development to deliver good design. Paragraph 57 specifies that it is important to plan positively for the achievement of high quality and inclusive design for all development, including individual buildings, public and private spaces and wider area development schemes. Paragraph 61 states that although visual appearance and the architecture of individual buildings are very important factors, securing high quality and inclusive design goes beyond aesthetic consideration.

The application site lies within the Bulphan Fenlands Landscape which is characterised and defined by its open character and exposed agricultural nature.

- i) The proposed development by reason of its location within open Fenland landscape would have a significant impact on the open

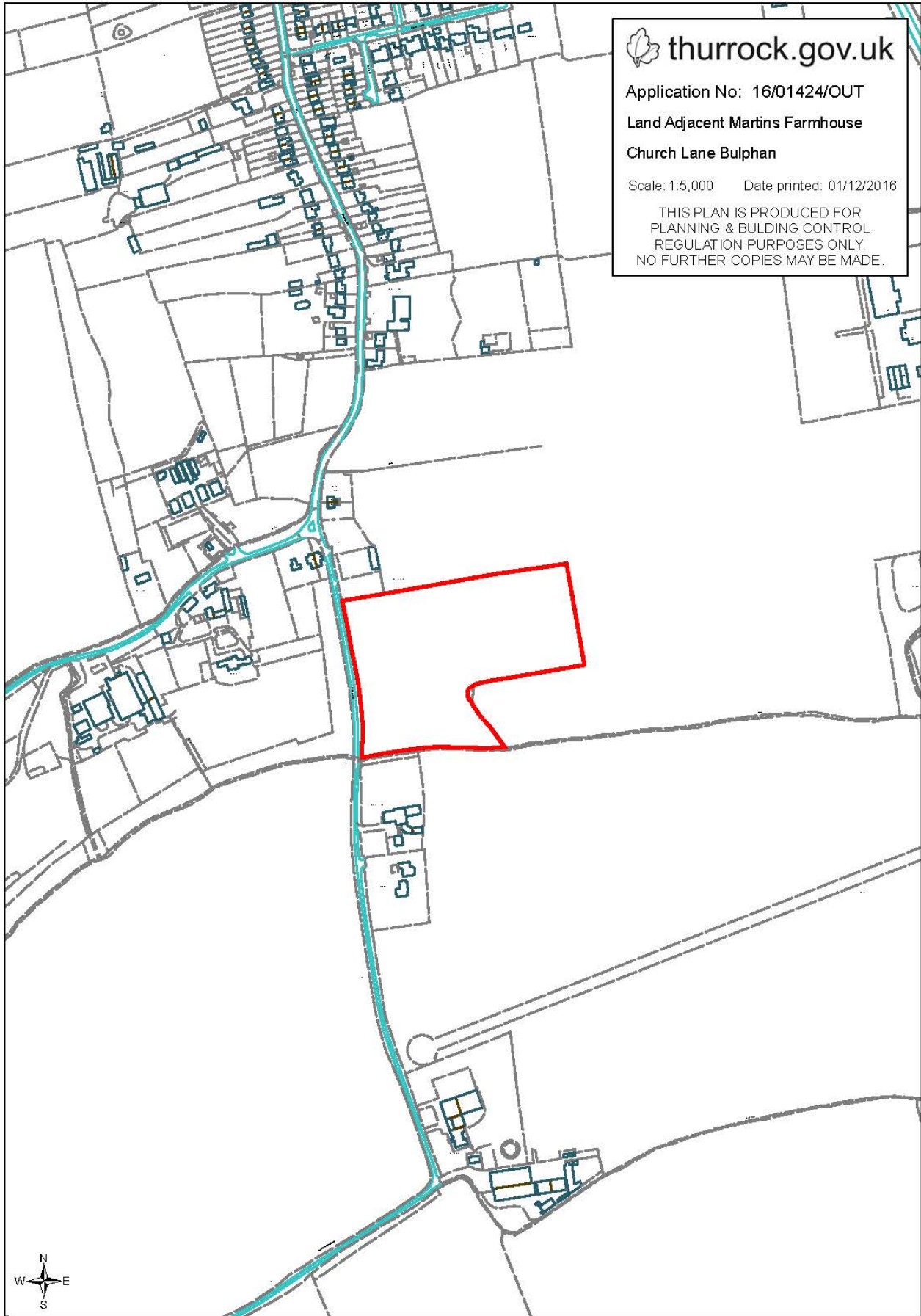
local landscape character. In addition, by reason of their height, location, mass and layout the proposed buildings would have significant harmful effects that could not be mitigated. Accordingly in principle, and mass and layout terms the proposal would have a harmful impact on local landscape character contrary to the above policies and guidance.

- ii) Furthermore, the indicative elevations submitted illustrate a design approach which would be wholly unacceptable for the rural location in which they would be located. Accordingly the proposal would have a detrimental impact on the character and visual amenities of the area, contrary to the above policies and guidance.

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



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

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

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

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

1.0 DESCRIPTION OF PROPOSAL

- 1.1 This application is made under s106A of the Town and Country Planning Act 1990 (and in accordance with the Town and Country Planning (Modification and Discharge of Planning Obligations) Regulations 1992)) and seeks to modify the s106 planning obligation attached to application reference 14/01274/FUL.
- 1.2 By way of background, planning application reference 14/01274/FUL (residential re-development of 128 dwellings) was submitted in November 2014. At that time

the Council owned the site and was the applicant. A report assessing the application was presented to Planning Committee in February 2015 where the Committee resolved to grant planning permission subject to:

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

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

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

1. Affordable housing:

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

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

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

3. Management and maintenance of open space and SUDS:

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

4. Highways works:

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

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

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

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

1.7 In support of the application the applicant has provided a financial viability report produced by Gloriana’s retained advisors.

2.0 SITE DESCRIPTION

2.1 The former St Chads Secondary School is located in the northern part of Tilbury. The original school buildings were developed in the 1930s and subsequently extended. The 3.25ha site is situated approximately 1km to the north-east of Tilbury Town rail station. The site, which is accessed via Northview Avenue to the south, lies adjacent to St Chads Road (A126) which joins the A1089(T) to the west.

2.2 Secondary education provision for the area is now provided by The Gateway Academy. Following the opening of The Gateway Academy, the former school buildings on the St Chads site were demolished between 2008 and 2010.

2.3 Existing vehicular access to the site is from Northview Avenue at the south-western corner. A track within the site adjoins the full length of the northern boundary and links St Chads Road with Tilbury Marshes. It is understood that this is a private access which affords access to both the Environment Agency and Thurrock Council land at Tilbury Marshes.

2.4 The area in which the site is located is characterised by a variety of differing uses. There is a mixture of semi-detached, two storey housing to the south and east and 3 no. sixteen storey residential tower blocks to the south-west. A travelling show person’s site abuts the site’s northern boundary and to the north of that is the Tilbury Football Club ground. Land to the west of the site also includes the Hobart Road community allotments, the Jack Lobley County Primary School and informal green space with marshland beyond. Adjacent to the south west corner of the site is the Little Pirates children’s nursery and Sea Scout’s meeting hall. The residential properties and shops at 157-161 St Chads Road do not form part of the development site.

3.0 RELEVANT HISTORY

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

Reference	Description	Decision
11/50321/TTGOUT	Development of up to 133 residential dwellings with associated car parking, landscaping and access	Approved subject to conditions and following completion of s106 unilateral undertaking
14/01274/OUT	Residential re-development of former St. Chad's School site for 128 units, comprising two, three and four-bed houses, plus new associated landscaping and infrastructure	Approved subject to conditions and following completion of s106 agreement
15/00854/CONDC	Application for the approval of details reserved by condition nos. 2 (landscaping), 3 (play equipment), 5 (remediation), 15 (lighting), 15 (materials), 20 (flood management), 21 (flood resistance), 22 (surface water), 23 (CEMP), and 32 (road layout) of planning permission ref. 14/01274/FUL	Advice Given
15/00893/NMA	Non-material amendment to planning permission ref. 14/01274/FUL – amendments to sub-station, re-siting of plots, amended boundary treatments, amended door and window patterns and amended house types	Approved
15/00930/DVOB	Application for the modification of planning obligations: proposed removal of obligations requiring education and recreation financial contributions regarding planning permission ref. 14/01274/FUL	Withdrawn
16/00444/CV	Application for the removal of condition no. 28 (Code for Sustainable Homes) and no. 29 (provision of solar PV arrays) of planning permission ref. 14/01274/FUL	Withdrawn
16/01076/NMA	Non-material amendment to planning permission ref. 14/01274/FUL: change bi-fold refuse storage doors to type F1 and F2 properties to single leaf paired doors	Approved

4.0 CONSULTATIONS AND REPRESENTATIONS

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

5.0 POLICY CONTEXT

5.1 National Planning Guidance

National Planning Policy Framework

The NPPF was published on 27th March 2012. Paragraph 13 of the Framework sets out a presumption in favour of sustainable development. Paragraph 196 of the Framework confirms the tests in s.38 (6) of the Planning and Compulsory Purchase Act 2004 and s.70 of the Town and Country Planning Act 1990 and that the Framework is a material consideration in planning decisions. Paragraph 197 states that in assessing and determining development proposals, local planning authorities should apply the presumption in favour of sustainable development.

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

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

5.3 Planning Practice Guidance (PPG)

In March 2014 the Department for Communities and Local Government (DCLG) launched its planning practice guidance web-based resource. This was accompanied by a Written Ministerial Statement which includes a list of the

previous planning policy guidance documents cancelled when the NPPF was launched. PPG contains 48 subject areas, with each area containing several sub-topics. The topic of particular relevance to the determination of this planning application comprises

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

5.4 Local Planning Policy

Thurrock Local Development Framework (2011)

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

Spatial Policies:

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

Thematic Policies:

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

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

6.0 ASSESSMENT

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

Ref	Obligation
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1.1	Affordable units (34 no. two-bed, 9 no. three-bed and 2 no. four bed houses – total 45 dwellings (35%)) to be developed and built in accordance with the planning permission
1.2	Not to allow disposal or occupation of more than 60% of the full market value units until the affordable units have been constructed and made ready for occupation
1.3	Any owner of an affordable unit shall reside in the unit as a main residence and shall not allow any other person (other than a household member) to live in the unit.
1.4	The affordable units shall only be occupied by a qualifying person and / or a person with housing need and members of their household.
1.5	Affordable units to be used as affordable housing in perpetuity.
1.6	Not to allow disposal of any affordable unit other than by letting or other terms approved by the Council at the affordable rent.
1.7	Not to increase the affordable rent without Council agreement
2.1	Prior to marketing an affordable unit for letting to confirm that the Council's lettings policy will be used
2.2	Whenever an affordable unit is marketed for letting to advise potential applicants to register with the Council and join the housing register
2.3	On the initial letting of an affordable unit to give the Council 13 weeks' notice of the letting availability and provide a rental valuation
2.4	On subsequent lettings to give the Council 4 weeks' notice of the letting availability
2.5	To accept the Council's nomination of a qualifying person and / or person with housing need for occupation save where there is a legitimate commercial or legal reason
2.6	Affordable units to be first offered to persons at least one of whom is a qualifying person and / or person with a housing need in the locality (Tilbury / Chadwell / Grays)
2.7	If no qualifying person and/or person with housing need in the locality has agreed terms for letting, affordable units to be offered to persons at least one of whom is a qualifying person and / or person with a housing need in the borough of Thurrock
2.8	If no qualifying person and/or person with housing need in the borough has agreed terms for letting, affordable units to be offered to persons at least one of whom is a qualifying person and / or person with a housing need in adjoining boroughs within Essex
3	The owner may transfer the affordable units to a registered provider, in which case 3.1, 3.2, 3.3 and 3.4 (below) apply
3.1	No more than 49 full market value units to be completed until the owner has contracted to dispose of the affordable units to a registered provider

3.2	<p>The affordable units shall be rented by the registered provider to qualifying persons and / or persons with a housing need as follows</p> <p>3.2.1 affordable units to be initially offered to qualifying persons and / or persons with a housing need in the locality</p> <p>3.2.2 If no qualifying person and/or person with housing need in the locality is identified, affordable units to be offered to qualifying persons and / or persons with a housing need in the borough of Thurrock</p> <p>3.2.3 If no qualifying person and/or person with housing need in the borough is identified, affordable units to be offered to qualifying persons and / or persons with a housing need in the adjoining boroughs within Essex</p> <p>3.2.4 In the first instance the Council shall be invited to nominate a qualifying person and / or person with a housing need for occupation</p>
3.3	<p>In the event that an affordable unit could be occupied by either a qualifying person and / or person with a housing need, the person with housing need shall take priority</p>
3.4	<p>If the owner agrees the transfer of the affordable units to a registered provider but the agreement terminates the owner shall use best endeavours to secure a second or further agreements</p>
4	<p>The owner agrees to provide, on request, information to determine whether the affordable housing obligations are being observed.</p>

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

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

6.4 Therefore, at the time when the Planning Committee considered the full planning application there was an assumption that the scheme would deliver policy-compliant affordable housing, but that there may be some flexibility in the level of infrastructure contribution dependent on viability. The current proposals involve the retention of the infrastructure contribution (c.£640,000 index-linked), however the obligation to provide affordable housing would be removed.

- 6.5 Policy CSTP2 of the LDF Core Strategy (as amended) 2015 sets out the Council's planning policy for the provision of affordable housing. Those elements of the policy relevant to the current case are:
1. In order to address the current and future need for Affordable Housing in Thurrock, the Council will seek the minimum provision of 35% of the total number of residential units built to be provided as Affordable Housing;
 2. The Council will seek Affordable Housing to meet local needs on qualifying sites subject to (inter-alia):
 - ii. the economics of providing affordable housing;
 3. The Council recognises that the majority of Thurrock's identified housing land supply is on Previously Developed Land often subject to a variety of physical constraints. The capacity of a site to deliver a level of Affordable Housing that can be supported financially will be determined by individual site 'open book' economic viability analysis where deemed appropriate. This analysis will take into consideration existing use values, as well as other site-specific factors.
- 6.6 Policy CSTP2 therefore clearly recognises that financial viability and the associated physical constraints which may affect a site (e.g. remediation / land-raising etc.) are factors which will affect the ability of a development to deliver affordable housing. In this regard "abnormal" site development costs can be taken into consideration when assessing the financial viability of development. Paragraph 022 of the national Planning Policy Guidance document (PPG) (ref ID: 10-022-20140306) provides guidance on development costs and notes that abnormal costs include *"those associated with treatment for contaminated sites or listed buildings, or historic costs associated with brownfield, phased or complex sites"*.
- 6.7 National guidance within PPG provides specific advice on the matter of viability and decision taking. Paragraph: 016 (ref. ID: 10-016-20140306) notes that *"where the deliverability of the development may be compromised by the scale of planning obligations and other costs, a viability assessment may be necessary. This should be informed by the particular circumstances of the site and proposed development in question"*. Paragraph 026 (ref. ID 10-026-20140306) refers specifically to viability issues for brownfield sites and notes that the *"National Planning Policy Framework sets out a core planning principle that in decision-taking local planning authorities should encourage the effective use of land by re-using land that has been previously developed (brownfield land), provided that it is not of high environmental value ... To incentivise the bringing back into use of brownfield sites, local planning authorities should take a flexible approach in seeking levels of*

planning obligations and other contributions to ensure that the combined total impact does not make a site unviable”.

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

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

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

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

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

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

This alternative scenario models a profit, albeit below the 'normal' commercial returns which a developer would target. It should be noted that the applicant is only seeking to remove the affordable housing obligations and the education and recreation contribution would remain unaffected by the current proposal. The alternative scenario summarised above assumes no affordable housing and no financial contributions and therefore the actual level of 'profit' is likely to be below the figures given above.

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

- 6.15 In addition to the documentation to demonstrate the presence of unforeseen asbestos contamination, the applicant has been asked to provide evidence of the provenance of costs associated with dealing with the asbestos. In response, the applicant has provided a detailed breakdown of the remediation costs, including the costs involved in the following activities:
- air monitoring;
 - soil sampling and testing;
 - soil stripping and removal of contaminated soils to licensed landfill;
 - break-up and removal of asbestos boards and sheeting;
 - importation of clean top-soil.
- 6.16 The removal and remediation programme associated with asbestos ran for a period of 24 weeks between September 2015 and February 2016. The details provided by the applicant's contractor confirm a total cost of c.£3.35 million for dealing with the asbestos on-site.
- 6.17 It is concluded on this point that the applicant has provided detailed evidence to firstly confirm the presence of unforeseen asbestos contamination on the site and secondly justify the provenance of the asbestos remediation costs.
- 6.18 As noted above, the applicant's viability assessment models a 5% profit on development cost if the requirement for provision of affordable housing is deleted as proposed. As noted in paragraph 6.10 above, this modelled 5% profit assumes that the s106 financial contribution towards education and recreation infrastructure is not provided. The applicant does not intend any changes to the obligation for this payment and therefore the modelled 5% profit will be lower. It is also the case that tax and interest payments will be likely to further reduce the profit on development cost still further. Therefore, although the development with no affordable housing provision provides a small profit, this profit is not sufficient (after payment of tax, interest and s106 financial contributions) to provide any affordable housing provision on-site.

7.0 CONCLUSIONS AND REASONS FOR RECOMMENDATION

- 7.1 The extant s106 agreement includes obligations, inter-alia, for the provision of on-site affordable housing and a financial contribution towards education and recreation infrastructure. Construction activities commenced in the summer of 2015 and at this time unforeseen asbestos contamination was encountered below ground level, despite an investigation of the site in 2014. The presence of asbestos on the site required a variation to the already agreed remediation strategy and the appointment of a specialist contractor. The applicant has been requested to provide evidence of the previously un-encountered asbestos and the provenance of

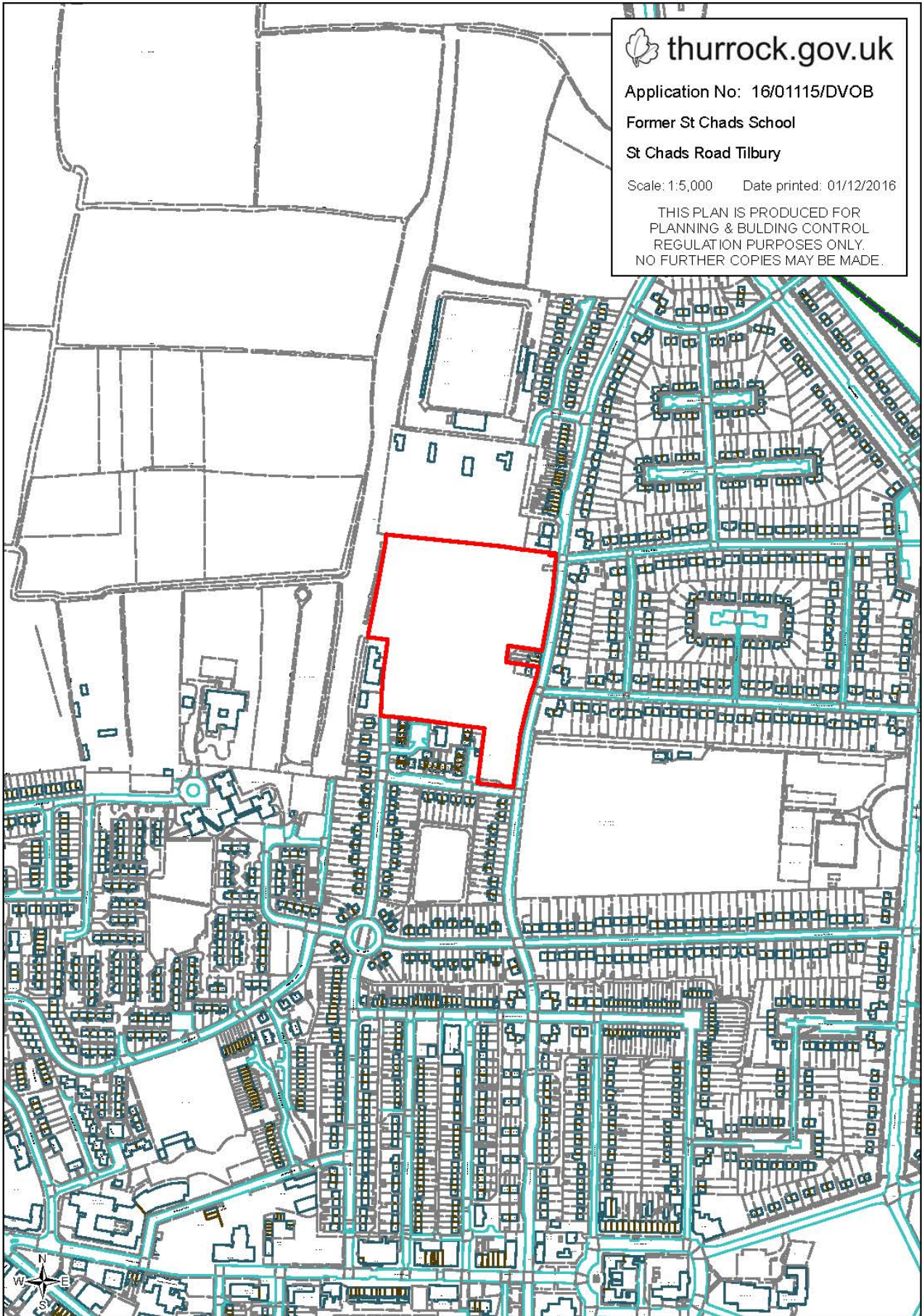
the additional costs associated with dealing with the asbestos. Satisfactory documentation has been provided as requested and it is apparent that the asbestos contamination has added considerable cost and delay to the construction programme.

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

Documents:

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

www.thurrock.gov.uk/planning/16.01115.DVOB



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