

Thurrock - An ambitious and collaborative community which is proud of its heritage and excited by its diverse opportunities and future

## Planning Committee

The meeting will be held at **7.00 pm** on **25 April 2019**

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

### Membership:

Councillors Tom Kelly (Chair), Steve Liddiard (Vice-Chair), Colin Churchman, Graham Hamilton, Angela Lawrence, David Potter, Gerard Rice, Sue Sammons and Sue Shinnick

Steve Taylor, Campaign to Protect Rural England Representative

### Substitutes:

Councillors Abbie Akinbohun, Clare Baldwin, Garry Hague, Victoria Holloway, Susan Little and Peter Smith

### Agenda

Open to Public and Press

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<b>1 Apologies for Absence</b>	
<b>2 Minutes</b>	<b>5 - 18</b>
To approve as a correct record the minutes of the Planning Committee meeting held on 21 March 2019.	
<b>3 Item of Urgent Business</b>	
To receive additional items that the Chair is of the opinion should be considered as a matter of urgency, in accordance with Section 100B (4) (b) of the Local Government Act 1972.	
<b>4 Declaration of Interests</b>	
<b>5 Declarations of receipt of correspondence and/or any</b>	

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

**6 Planning Appeals 19 - 30**

**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).

<b>8</b>	<b>17/01668/OUT Development Land East of Caspian Way and North and South of London Road, Purfleet, Essex</b>	<b>31 - 316</b>
<b>9</b>	<b>19/00219/FUL Barvills Farm, Princess Margaret Road, East Tilbury, RM18 8PA</b>	<b>317 - 334</b>
<b>10</b>	<b>19/00267/FUL Silver Springs, High Road, Fobbing, SS17 9HN</b>	<b>335 - 350</b>
<b>11</b>	<b>19/00271/FUL Land Adj A13 A1306 and to front of 191-235 Purfleet Road, Aveley, Essex</b>	<b>351 - 388</b>
<b>12</b>	<b>17/00723/DVOB - DP World Development, London Gateway, Stanford Le Hope</b>	<b>389 - 414</b>

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

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Agenda published on: **15 April 2019**

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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.**

## Our Vision and Priorities for Thurrock

An ambitious and collaborative community which is proud of its heritage and excited by its diverse opportunities and future.

1. **People** – a borough where people of all ages are proud to work and play, live and stay
  - High quality, consistent and accessible public services which are right first time
  - Build on our partnerships with statutory, community, voluntary and faith groups to work together to improve health and wellbeing
  - Communities are empowered to make choices and be safer and stronger together
2. **Place** – a heritage-rich borough which is ambitious for its future
  - Roads, houses and public spaces that connect people and places
  - Clean environments that everyone has reason to take pride in
  - Fewer public buildings with better services
3. **Prosperity** – a borough which enables everyone to achieve their aspirations
  - Attractive opportunities for businesses and investors to enhance the local economy
  - Vocational and academic education, skills and job opportunities for all
  - Commercial, entrepreneurial and connected public services

## Minutes of the Meeting of the Planning Committee held on 21 March 2019 at 7.00 pm

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**Present:** Councillors Tom Kelly (Chair), Steve Liddiard (Vice-Chair), Colin Churchman, Graham Hamilton, Angela Lawrence, David Potter, Gerard Rice, Sue Sammons and Sue Shinnick

Steve Taylor, Campaign to Protect Rural England Representative

**In attendance:** Andrew Millard, Assistant Director - Planning, Transport and Public Protection  
Leigh Nicholson, Strategic Lead - Development Services  
Matthew Ford, Chief Engineer  
Jonathan Keen, Principal Planner  
Tom Scriven, Principal Planner  
Bob Capstick, Locum Planning Lawyer  
Wendy Le, Democratic Services Officer

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

### **90. Minutes**

The minutes of the Planning Committee held on 14 February 2019 were approved as a correct record.

### **91. Item of Urgent Business**

There were no items of urgent business.

The Chair announced that item 9 – 18/01802/FUL, Beauchamp Place, Malvern Road, would be moved up the agenda to be the first item to be heard due to the amount of public members present for the item.

### **92. Declaration of Interests**

There were no declarations of interest.

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

The Chair declared on behalf of the Committee that they had received emails regarding item 8 – 18/01760/HHA, The Lodge and item 10 18/01635/FUL of the agenda.

#### **94. Planning Appeals**

Leigh Nicholson, Strategic Lead of Development Services, presented the report.

The Committee was satisfied with the report.

#### **RESOLVED:**

**That the Planning Committee noted the report.**

#### **95. 18/01802/FUL - Beauchamp Place, Malvern Road, Grays, Essex, RM17 5TH**

Jonathan Keen, Principal Planner, advised that the planning application sought planning permission for the use of the land for gypsy traveller families. The proposal was for 5 mobile homes, 5 touring caravans and day rooms with associated parking and fencing within the site. At present, there were 2 mobile homes on site with one occupied by the applicant and their family.

The application was recommended for refusal due to the proposal representing inappropriate development in the Green Belt. The Agent's statement of support for the application had been received and the issue of the medical condition of one of the children had been considered but it was not enough to constitute very special circumstances. The medical letter received regarding the child's medical condition from the Agent in addition to the statement of support had also been in draft format and unsigned, so limited weight could not be afforded to it.

The Chair opened the item up to the Committee for questions. He went on to ask if the personal consent attached to the appeal on application 13/00574/FUL (as indicated in the current application) had ceased, when the previous named occupiers had left the site in mid-2018. The Principal Planner confirmed that the personal consent had ceased when the previous occupant had left the site in mid-2018.

The Chair asked if the Temporary Stop Notice (TSN) that had been served, had been given to the applicant. The Principal Planner answered that the TSN had been placed on a post at the entrance to the site which would have been obvious and the current occupiers had breached the notice already. The Chair went on to ask if the applicant had raised any issues regarding the site history or whether they were aware of the site history and that it was on the Green Belt. The Principal Planner confirmed the applicant had been aware of the site's history and that the site was on the Green Belt.

Regarding the medical letter relating to applicant's child, Councillor Hamilton asked whether it was dated. The Principal Planner replied that the letter was dated November 2018 and contained private medical details that could not be shared with the Committee. Councillor Hamilton went on to ask if there was a



residential area to the north of the site and whether it would be possible for encroachment further up and past the houses. In response, the Principal Planner said that the boundaries of the site was defined as shown by the red lines in the map and that the applicant did not own any further land past the houses. It would not be possible to encroach into another person's owned land for development works.

Regarding the Green Belt and openness of the site, the Chair thought that a huge volume of work had already been undertaken judging from the photos shown. He asked the case officer for more details. The Principal Planner answered that there was more hard core surfacing on the site than there had been previously so it did look like some work had been undertaken. The hard core had not been there prior to the TSN.

Councillor Churchman sought clarification on whether there had been a condition in previous applications where the replanting of trees had been required. The Principal Planner gave clarification that this had been a condition in the previous application but no trees had been replanted.

With no more questions from the Committee, the Chair invited the registered speakers to present their statements.

The Ward Councillor, Councillor Gledhill, presented his statement in objection to the planning application.

The Resident was not available to present their statement and the Chair gave the Committee a minute to read the Resident's statement which was in objection to the planning application.

As the Agent was not available to present their statement in support of the planning application, the Chair permitted the Applicant, Mr John 'O Connor, to present his statement in support of the planning application.

The Chair asked if the Committee had further questions following the given statements. Councillor Hamilton commented that the applicant had been under the impression that permission had been granted and the applicant's solicitors should have clarified this Green Belt site would most likely have had no permission given. The Chair answered that Councillor Hamilton's comment would be picked up within the debate of the item and went on to say that clarification was the responsibility of the solicitors.

The Chair asked the case officer about the communication methods that had taken place with the applicant. The Principal Planner replied that he had met with the applicant a few weeks prior to the Planning Committee meeting tonight and had been shown around the site and had met the applicant's daughter.

The Chair opened the item up to the Committee for debate and felt that there were no very special circumstances that would allow for development on the site.

With no further comments from the Committee, the Chair proposed the Officer's recommendation and it was seconded by the Vice-Chair. The Chair moved on to voting of refusal of the application based on Officer's recommendations.

**For:** (9) Councillors Tom Kelly (Chair), Steve Liddiard (Vice-Chair), Colin Churchman, Graham Hamilton, Angela Lawrence, David Potter, Gerard Rice, Sue Sammons and Sue Shinnick.

**Against:** (0)

**Abstained:** (0)

Application 18/01802/FUL - Beauchamp Place, Malvern Road, Grays, Essex, RM17 5TH was refused.

**96. 18/01760/HHA - The Lodge, Fen Lane, Bulphan, Essex, RM14 3RL (deferred)**

The Principal Planner, Tom Scriven, gave a brief outline of the application which had been heard at Committee on 14 February 2019 and had been brought back to outline the implications of approving the contrary to Officer recommendation. The key issues of the application was that:

- The site was in the Green Belt;
- Permitted development rights had been removed;
- The total square metre of the extension would be twice the size of what local policy allowed for; and
- There were no special circumstances that would outweigh the harm that would be caused to the Green Belt.

Adding to the application, the Locum Planning Lawyer, Bob Capstick, referred to section 70(2) and section 38(6) outlined on page 23 of the agenda. He went on to refer to the procedures outlined in paragraph 7.4 and 7.5 in the Constitution. The Locum Planning Lawyer stated that this meant the Committee had one chance to set out the reasons for departing from the Officer's recommendations which needed to be clear, convincing and demonstrate planning grounds.

*(Councillor Churchman was unable to participate in the item as he had not been present for the initial hearing of the application.)*

The Chair opened the item up to the Committee for questions.

Referring to policy PMD6, the Vice-Chair noted it would be unlawful to grant the application approval. He went on to ask if there would be penalties to individual Councillors if they passed the application. The Locum Planning Lawyer answered that there would be no direct penalties.

Councillor Hamilton said that his main reason for refusing the application lay in the last paragraph on page 23 of the agenda. He went on to say that a successful legal challenge to the approval of the application could come from the neighbours and that future similar applications could use this application as precedence for their applications.

The Chair reminded the Committee that the item was still open for questions. He went to ask the case officer whether the application would set a precedent for future similar applications. The Principal Planner answered that the application would not necessarily set a precedence as each application was considered on their own merit. However, consistency was necessary in how the policy was applied.

Agreeing with the Principal Planner that each application was considered on their own merit, Councillor Rice said that there were specific reasons within the National Planning Policy Framework (NPPF) that allowed the Committee to pass the application.

Referring to Councillor Rice's point, the Assistant Director of Planning, Transport and Public Protection, Andrew Millard, said that this was in part correct but the development plan and the material planning considerations of the application had to be taken into account. The total square metre of the extension fell contrary to the development plan.

The Chair opened the item up to the Committee for debate.

Noting the legal advice given by the Locum Planning Lawyer, Councillor Rice referred to the paragraph 145, item C of the NPPF '...the extension or alteration of a building, provided that it does not result in disproportionate additions over and above the size of the original building' and said that it was a reason that could be used to approve the application. Councillor Rice went on to say that the NPPF was a ministerial document which overrode the Planning Authority's plan that dated back to 1997 and only consisted of a Core Strategy rather than a complete plan. If the application was refused and went on to appeal, the appellant could cite the NPPF.

In reference to Councillor Rice's quote from the NPPF, the Assistant Director of Planning, Transport and Public Protection said that the words within the NPPF were correct and had been in national planning guidance for many years. The NPPF was set at the highest level but needed to be considered alongside the local planning authority's local policy which comprised the development plan. The NPPF could not be looked at in isolation and the two reasonably sized rooms proposed in the application was contrary to the development plan. Adding to this, the Locum Planning Lawyer said that the key word was 'disproportionate' which the Committee did not feel that the proposed extension was and the local policy stated that it was. The Committee needed to justify the reasons why they felt the extension was not disproportionate. The Assistant Director of Planning, Transport and Public Protection added that the Policy PMD6 was clear on the maximum square

metre of extension that was allowed and was not a question of Officer's views versus Members' views.

The Chair reminded the Committee that he had voted against approving the application in the last Committee meeting and went on to say that the size of the extension was significantly higher than the recommended 33 sq.m allowed for in local policy. It was rare for the Committee to go against Officer's recommendations although this had been undertaken in previous applications notably the Wellness Centre and a larger extension in Bulphan but the Committee had provided clear and concise reasons for those. The Chair expressed concern on the term 'unlawful' which would be his reason for refusing the application and did not feel that there was a special circumstance to approve the application. He felt if the application was to be approved, it would allow for other similar applications on the Green Belt to come through.

Echoing the Chair, Councillor Hamilton said the floor space of the extension was not a small breach of the 33 sq.m allowed for in local policy. He too expressed concern on what the criteria would be in future applications if this application were to be approved.

Steve Taylor, Campaign to Protect Rural England Representative, commented that the extension was disproportionate based on local planning policy. He went on to say that he would be fascinated to know how the Planning Department planned to explain the rules of Policy PMD6 following the onslaught of similar applications if this application was to be approved.

After hearing the Officers' views and the Members' views, Councillor Lawrence thought that the applicant was still being fair in the size of the extension proposed and that it was not disproportionate. She went on to say that it was within the applicant's garden and would be building within his boundary and not encroaching on to the environment. Councillor Lawrence stated that she followed her own decisions and did not always go by Officer's recommendations as she supported Thurrock's residents. She felt the applicant was following the processes correctly as he had applied for planning permission and only wanted the extension to house his elderly mother.

The Chair thought that the reason for the extension constituted a special circumstance. He expressed concern on what precedence this would set for future similar applications and the unlawfulness of the decision if the Committee chose to go against the Officer's recommendation for refusing the application.

Councillor Rice stated that the extension proposed was a single storey extension and would not be aligning with the roof which was considered to be not disproportionate. He agreed with Councillor Lawrence's comments in that it was within the applicant's boundary and that neighbours would not see the extension. Councillor Rice went on to quote the NPPF again and stated there were exceptions allowed to policies and that the Committee would make their own decisions with consideration given to Officers' views.

Disagreeing with Councillor Rice, Councillor Hamilton said it was not a criteria that the extension would not be seen by other people or that it was in the applicant's own boundary. He went on to agree that the applicant had followed processes correctly by applying for planning permission but did not feel that this was relevant to the application.

The Chair summed up and moved the item on to voting based on the Officer's recommendation to refuse the application. This was proposed by the Chair and seconded by the Vice-Chair.

*(Councillor Churchman was unable to vote on the item as he had not been present for the initial hearing of the application.)*

**For:** (3) Councillors Tom Kelly (Chair), Steve Liddiard (Vice-Chair) and Graham Hamilton.

**Against:** (5) Councillors Gerard Rice, Angela Lawrence, Sue Sammons, Sue Shinnick and David Potter.

**Abstained:** (0)

Based on the votes, the recommendation for refusal on application 18/01760/HHA - The Lodge, Fen Lane, Bulphan, Essex, RM14 3RL was rejected.

The Locum Planning Lawyer restated paragraph 7.4 and 7.5 of the Constitution.

Councillor Rice referred again to paragraph 145, item C of the NPPF '...the extension or alteration of a building, provided that it does not result in disproportionate additions over and above the size of the original building' and stated that this was his reason for departure from Officer's recommendation. He did not feel a single storey extension was disproportionate and said it was understandable if the extension had been double storey. He did not think the application would affect other future applications as each application was judged on its own merit.

The Locum Planning Lawyer stated that the reason did not comply with paragraph 7.4 and 7.5 of the Constitution as planning reasons needed to be provided and supported by substantial evidence. The extension was more than twice the size allowed and the Committee had to explain why they thought the significantly large size was not disproportionate as part of their reason for departure from Officer's recommendation.

Reiterating that the extension was a single storey extension, Councillor Rice said this was not disproportionate and referred again to paragraph 145, item C of the NPPF '...the extension or alteration of a building, provided that it does not result in disproportionate additions'. He did not think a single storey extension would 'wreck the house' and the applicant had already reduced the size by over 40%. Councillor Rice continued on to say that the reason given

was valid and that it was up to Officers to treat other applications on their own merit but the Committee had made their decision on this application which the Officers had to act upon.

Regarding the nature of the application, the Chair said that single storey extensions were difficult as guidelines had to be followed which was why the Committee had to provide clear and concise reasons for departing from the Officer's recommendation.

The Assistant Director of Planning, Transport and Public Protection added that Officers were to provide the Planning Committee with good and professional advice to help the Committee to make sure the decisions taken were legal, concise and consistent following their local planning policy. He went on to say that the fundamental issue was that the local policy allowed for an extension of two reasonably sized rooms of a total of 33 sq.m and the application's proposed extension was clearly double that size. This was contrary to the Council's local planning policy.

Councillor Hamilton said that if the extension had been a few square metres more than what was allowed for in local planning policy, it may have been possible to approve. However, the proposed extension was too large.

Reminding the Committee that a vote had already been taken, the Assistant Director of Planning, Transport and Public Protection said the Committee would now need to articulate why the decision made was contrary to the Council's local planning policy. Once that was made clear, the Locum Planning Lawyer would then advise the Committee on the next step within the Constitution.

Councillor Lawrence questioned whether she could check the legal formalities through an email to enable her to give the criteria required by the Locum Planning Lawyer. She explained that her reason for departure was due to the special circumstance in which the applicant's mother was sick. The Locum Planning Lawyer explained that the application would need to be deferred if the reasons for departure from the Officer's recommendation could not be given that night. Councillor Lawrence answered that she had a few reasons as to why the application should be approved but given the legal formalities that she was not familiar with, she would need more time.

The Chair said that the Committee had legal training to enable the Committee to understand the circumstances and legality within the Planning Committee. He reminded the Committee of their legal obligations and the rules of the local planning policy.

Again, Councillor Rice repeated paragraph 145, item C of the NPPF and stated that this was a sufficient reason as the extension was not disproportionate to the original building. He added the reasons would also include that the extension would enable the applicant's sick mother to live with the applicant. Councillor Rice stated that the debate had taken place, the Committee had made their decision which was that the recommendation for

refusal had been rejected. It was now for the Assistant Director of Planning, Transport and Public Protection to help the Committee overcome this.

The Assistant Director of Planning, Transport and Public Protection explained that he was unable to tell the Committee what to say and that it was for the Committee to explain the reason for departure from the Officer's recommendation. The NPPF had to be considered alongside the Council's local planning policy and the NPPF did not override this. The fact was that the acceptable size of two reasonably sized rooms were 32.9sq.m and the Committee needed to state why the proposed 76.67sq.m was allowed contrary to the local planning policy.

Councillor Rice responded that the proposed size was not considered to be disproportionate according to the NPPF and alongside with the personal circumstance of the applicant's sick mother, it was sufficient reasons for approval. The Assistant Director of Planning, Transport and Public Protection explained that the proposed extension size was not acceptable and that it was disproportionate. The exception in the NPPF could not be quoted as it was over the maximum size allowed for in the local planning policy. Councillor Rice disagreed and said that the NPPF could be quoted as this had been provided in the Planning Training last month.

The Chair suggested the item could be deferred to a later date to confirm with the trainer of the Planning Training on what had been taught. Councillor Rice thought the application should be decided that night and said that personal circumstances had been allowed in previous applications so could not understand why it was not being accepted in this application. The Chair thought that it was usually best to take the professional views of the Officers and the reasons for departing from the Officer's recommendations had to be clear and concise.

Summing up the reasons that had been given for departure, the Assistant Director of Planning, Transport and Public Protection said these included:

1. The NPPF gave the ability to the Committee to approve the application because the Committee considered the extension to be of a proportionate size; and
2. The applicant's personal circumstance – needing additional room to allow his sick mother to live with him.

The Assistant Director of Planning, Transport and Public Protection repeated paragraph 7.4 and 7.5 of the Constitution. The Locum Planning Lawyer added that the reasons given were clear but the Officers were not convinced and that it would be preferable to defer the application until clear and concise reasons could be given.

Councillor Potter queried if it was the intention of the Officers to keep bringing the application back to Committee until the Committee agreed with the Officer's recommendation. The Chair believed this was not the case.

Councillor Hamilton said that most applications would entail a personal circumstance and the Committee had to be objective on applications.

Councillor Lawrence thanked the Officers for their help and said the Committee and Officers had to work together on decisions within applications.

Councillor Sammons said that as there was a special circumstance within the application, common sense should prevail. The extension was larger than what was permitted but no one would be able to see it and was only to accommodate the applicant's sick mother.

Steve Taylor said that the words contained within the NPPF was subjective terms and the local planning policy defined the meaning of those words.

As a vote had already taken place, the Locum Planning Lawyer said that the Planning Officers would draft conditions to be attached to the approval as outlined in paragraph 7.6 of the Constitution. Following the reasons given by the Committee earlier for departing from Officer's recommendation, the Assistant Director of Planning, Transport and Public Protection said the reasons were lawful and normal procedure now would be to draft the conditions of approval of the application.

**97. 18/01635/FUL - FBS Salvage, Stanhope Industrial Park, Wharf Road, Stanford le Hope, SS17 0AL**

The Principal Planner, Jonathan Keen, presented the application which sought permission to build a two storey commercial building. Another condition was recommended to be attached to recommendation B in paragraph 8.2 which was that lorries would be prevented from leaving the site from 7.00 to 19.00 Mondays – Saturdays and no lorries allowed on Sundays and bank holidays.

The Chair opened the item to the Committee for questions.

Councillor Churchman sought clarification on the objection stated in paragraph 4.6. The Principal Planner explained that the Royal Society for the Protection of Birds (RSPB) were not a statutory consultee but had been concerned on the proximity of the site which lay within 500 metres to the Thames Estuary and Marshes Special Protection Area. There had been no objections raised regarding this from Natural England but had requested a number of conditions.

Regarding the birds, Councillor Lawrence questioned whether works would be undertaken during the birds' nesting season. The Principal Planner explained that the ground was hardstanding at present and there were no areas of work to be undertaken which would disturb the birds.

The Chair thought the proposal would help to bring in more business to the area and moved the application on to voting based on the Officer's two



recommendations to approve. Recommendation A was proposed by the Chair and seconded by Councillor Hamilton.

**For:** (8) Councillors Councillors Tom Kelly (Chair), Steve Liddiard (Vice-Chair), Colin Churchman, Graham Hamilton, Angela Lawrence, David Potter, Gerard Rice, Sue Sammons and Sue Shinnick.

**Against:** (0)

**Abstained:** (1) Councillor Angela Lawrence.

Recommendation B was proposed by the Chair and seconded by Councillor Sue Shinnick.

**For:** (8) Councillors Councillors Tom Kelly (Chair), Steve Liddiard (Vice-Chair), Colin Churchman, Graham Hamilton, Angela Lawrence, David Potter, Gerard Rice, Sue Sammons and Sue Shinnick.

**Against:** (0)

**Abstained:** (1) Councillor Angela Lawrence.

The application 18/01635/FUL - FBS Salvage, Stanhope Industrial Park, Wharf Road, Stanford le Hope, SS17 0AL was approved.

**98. 18/00450/OUT - Greenwise nurseries, Vange Park Road, Vange, Essex, SS16 5LA**

Tom Scriven, Principal Planner, presented the application which sought planning permission for development of the site for up to 31 custom-build homes. The site fell within the definition of the NPPF regarding previous development of the site and there was an existing lawful use of the site.

Referring to page 83 of the agenda, Steve Taylor questioned the 'fall-back position' mentioned in the table. The Principal Planner explained that this referred to the lawful use of the site which was currently used for storage.

The Chair invited the speakers to present their statements.

The Agent, Mr James Bompas, presented his statement in support of the application.

The Chair asked if there were any similar type of developments to the application in Essex that were successful. The Principal Planner was aware of one successful planning appeal with a similar type of development but there were none in Essex.

Noting the objection regarding access on page 70 of the agenda, Councillor Hamilton asked whether there were problems in this area. Answering that

Highways had been consulted, the Principal Planner said there had been no objections to the proposed access.

The Chair felt the development proposed was exciting and situated in an interesting location. The item was opened up to the Committee for debate.

Councillor Lawrence welcomed the application and was aware of building companies wishing to build in Thurrock and having a design code in place was good to ensure quality. She went on to say she had seen the site which needed tidying up.

Councillor Rice agreed that it was great to see custom build homes proposed as the government was encouraging this type of development. It was good to see that Thurrock was ahead on this type of development.

Councillor Hamilton questioned if the houses would be built simultaneously. The Chair said that this would depend on planning permission. The Principal Planner answered that uptake of the development would not be at the same time and developers would have to stick to the parameters outlined in the design code. Councillor Hamilton went on to ask if there was a limit or cut off point on building works. Explaining that this was not within the Planning Authority's control, the Principal Planner said that there was no definite timescale of building works given the amount of people waiting for the scheme.

The Chair commented that developers were usually aware of the risks involved and 3 years to build was usually given upon permission although land was a different matter. The Principal Planner explained that once the land for the site was approved, development works on the site could commence. There was demand for the scheme and the uptake should be fairly quick.

Regarding the education contribution mentioned on page 70 of the agenda, Councillor Hamilton questioned how this would be arranged. The Principal Planner answered that the education contributions was arranged through the legal agreement with terms agreed.

Councillor Churchman welcomed the development and thought it would help to improve the site.

The Chair sought clarification on whether there would be 3 car park spaces per dwelling. Confirming this was the case, the Principal Planner said 3 was the minimum and it was within the design parameters.

The Chair moved the item on to voting based on the Officer's recommendation. The Chair proposed the recommendation and Councillor Churchman seconded it.

**For:** (9) Councillors Councillors Tom Kelly (Chair), Steve Liddiard (Vice-Chair), Colin Churchman, Graham Hamilton, Angela Lawrence, David Potter, Gerard Rice, Sue Sammons and Sue Shinnick.

**Against:** (0)

**Abstained:** (0)

The application 18/00450/OUT - Greenwise nurseries, Vange Park Road, Vange, Essex, SS16 5LA was approved.

**The meeting finished at 9.14 pm**

Approved as a true and correct record

**CHAIR**

**DATE**

**Any queries regarding these Minutes, please contact  
Democratic Services at [Direct.Democracy@thurrock.gov.uk](mailto:Direct.Democracy@thurrock.gov.uk)**

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<b>25 April 2019</b>		<b>ITEM: 6</b>
<b>Planning Committee</b>		
<b>Planning Appeals</b>		
<b>Wards and communities affected:</b> All		<b>Key Decision:</b> Not Applicable
<b>Report of:</b> Leigh Nicholson, Strategic Lead - Development Services		
<b>Accountable Assistant Director:</b> Andy Millard, Assistant Director – Planning, Transportation and Public Protection.		
<b>Accountable Director:</b> Steve Cox, Corporate Director – Place		

## Executive Summary

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

### 1. Recommendation(s)

#### 1.1 To note the report.

### 2. 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. Appeals Lodged:

#### 3.1 Application No: 18/01131/PIP

Location: Green House, Robinson Road, Horndon On The Hill

Proposal: The application site seeks Permission in Principle for two detached 3/4 bedroom bungalows on the front part, of what forms a larger site, located on the south side of Robinson Road.

### 4. Appeals Decisions:

The following appeal decisions have been received:

**4.1 Application No: 18/00177/FUL**

Location: 122A Bridge Road, Grays

Proposal: Retrospective consent for the change of use from a garage to a residential property

**Decision: Appeal Dismissed**

4.1.1 The appeal building is being used for residential purposes and is to the rear of two flats at 122 Bridge Road. The Inspector considered the main issues to be

- a) whether there is adequate living conditions for the occupiers of the dwelling, having regard to internal and external living space provision;
- b) The effect on the character and appearance of the area and
- c) Highway safety and accessibility for disabled persons.

4.1.2 The Inspector considered there to be a lack of openings into the accommodation to allow light and outlook. There is only a front window to allow light and outlook, and this faces onto an enclosed yard with high fencing and a gate. The frontage door has only limited, small and high level windows. On this basis, the Inspector stated, the existing and future occupiers would have a lack of natural light and poor outlook which is detrimental to their well-being and consequently, the quality of the internal space is poor.

4.1.3 The one-bedroom dwelling has an external outdoor space for occupiers which would be 5 sq.m short of the Council's expected 25 sq.m requirement. The Inspector stated that the space is poorly designed by being enclosed by a high fence and gate and this results in a confined and oppressive living environment for occupiers. For all these reasons, there is unacceptable effects on the living conditions of occupiers and accordingly, there is a conflict with policies PMD1 and PMD2 of the Core Strategy.

4.1.4 The dwelling is box-shaped due to its shape and quite stark in appearance due to its simple construction. Some of the outbuildings to the rear of neighbouring properties are of similar construction and appearance. However, the Inspector commented, that given its backland location, it visibly fails to integrate with the existing pattern of development for all these reasons. Accordingly, the development is not of a high quality design and conflicts with policies PMD1, PMD2 and CSTP22 of the Core Strategy.

4.1.5 The full appeal decision can be found online.

**4.2 Application No: 18/01059/HHA**

Location: 56 Halt Drive, Linford

Proposal: Two storey side extension and 1.8m high boundary wall

**Decision: Appeal Dismissed**

- 4.2.1 The Inspector considered the main issue to be the effect of the development on the character and appearance of the host property and the surrounding area.
- 4.2.2 The proposal relates to a semi-detached dwelling house on a corner plot in a part of Halt Drive that is made up of very similar properties. The proposed extension would be slightly set back from the front elevation of the existing house and would align with the rear elevation. To the side, the extension would extend from the flank wall of the existing house to approximately 0.9m from the boundary of the property with highway land on Hazelwood.
- 4.2.3 The extent of the proposed extension makes it appear wide in comparison to the existing dwelling and does not give the impression of being subservient to the existing dwelling or to the semi-detached pair of 54 and 56 Holt Drive. This would create an imbalanced appearance and would mean that the proposed extension would be unduly prominent in the local street scene.
- 4.2.4 The size of the proposed extension and appearance of the flank wall of the proposal, which the Inspector considered provides little in the way of design features apart from the first floor window, would be obtrusive and overbearing to its immediate surroundings. This overbearing quality would be exacerbated by the proposed boundary wall, when experienced in relation to the oversized extension as proposed.
- 4.2.5 The Inspector found other examples of extended dwellings provided by the appellant to not be of the same impact as the proposals at the appeal site.
- 4.2.6 The Inspector concluded that due to the excessive scale of the two storey extension with the boundary wall, the proposal would significantly harm the character and appearance of the host property and the surrounding area. The Inspector determined that the proposed development, therefore, conflicts, with Policies PMD2 and CSTP22 of the Thurrock Core Strategy and Policies for Management of Development (2015), and guidance contained in the Thurrock Residential Design Guide: Residential Alterations and Extensions (2017). The Inspector stated that these policies and guidance seek to ensure, amongst other things, that new development proposals are of high quality design that contributes positively to the character of the area; the appeal would also be at odds with the National Planning Policy Framework, which seeks to achieve well designed places.
- 4.2.7 The full appeal decision can be found online.

**4.3 Application No: 18/01057/HHA**

Location: 33 Windsor Avenue, Grays

Proposal: Double storey rear and side extension and loft conversion with rear dormer and four front roof lights.

**Decision: Appeal Dismissed**

- 4.3.1 The Inspector considered the main issue to be the effect of the proposal on the character and appearance of the appeal property and the surrounding area. No 33 is a semi-detached property set in a large garden, located on the western side of Windsor Avenue, a long and straight road.
- 4.3.2 The proposed extensions to the rear include a first floor extension set back over an existing flat roof element and a loft conversion with a flat roofed rear dormer. The first floor extension would have a flat roof. The Inspector noted that both elements would extend across much of the width of the property. The siting, size, scale, bulk and design of both additions to the rear elevation would not reflect the design of the existing dwelling and with the detailing including the window positioning, would appear prominent and visually discordant.
- 4.3.3 The Inspector commented that it is apparent that the proposed rear elements do not take account of current policies and guidance and would appear prominent and incongruous. The Inspector stated that the existence of the other extensions do not justify this proposal.
- 4.3.4 Whilst Windsor Avenue consists of a variety of house types, the Inspector considered the relationship between Nos 31, 33 and 35 as important as they form a group. Although there are some other examples of similar extensions and the gaps along the street vary in size, the Inspector argued that those spaces that remain at first and second floor level are important features in the street scene. Other extensions that have filled in these gaps demonstrate the unfortunate visual effect of losing that articulation.
- 4.3.5 The Inspector commented that filling in the gap between No 33 and 35 would be detrimental to the street scene, making the dwellings look cramped and creating an unfortunate terracing effect. This would be detrimental to the character and appearance of the street eroding its character. The Inspector concluded that the proposal would materially harm the character and appearance of the host property and the surrounding area.
- 4.3.6 The full appeal decision can be found online.

**4.4 Application No: 18/01050/HHA**



Location: Lyndfield, Orsett Road, Horndon on the Hill

Proposal: First floor side extension

**Decision: Appeal Dismissed**

4.4.1 The Inspector considered the main issues to be:

- a) Whether the proposed development would be inappropriate development in the Green Belt for the purposes of development plan policy and the National Planning Policy Framework (NPPF);
- b) The effect of the proposal on the openness of the Green Belt;
- c) If it is inappropriate development, whether the harm to the Green Belt by reason of inappropriateness, and any other harm, would be clearly outweighed by other considerations so as to amount to the very special circumstances necessary to justify the development.

4.4.2 The Inspector found that the previous additions including this proposal would result in disproportionate additions over and above the size of the original dwelling. In coming to this view the Inspector took into account Policy PMD6 and found that the proposal would be a disproportionate addition to the original dwelling and thereby in conflict with Policy PMD6 and the NPPF as inappropriate development in the Green Belt.

4.4.3 Turning to harm to the openness of the Green Belt, the Inspector commented that the proposal would change the appearance of the property and considerably increase its bulk therefore increasing its visual impact. The Inspector argued that this means that there would be harm as openness cannot be preserved. In addition to the harm arising from the principle of inappropriate development the Inspector attached considerable weight to this harm.

4.4.4 By way of Very Special Circumstances, the appellants provided two Lawful Development Certificate applications that had been submitted demonstrating the development which could be carried out as a 'fallback' position under Permitted Development. The appellant argued that the fallback position would 'destroy the look of the house' whereas the proposal would be 'aesthetically pleasing'. The appellant also offered to have Permitted Development right restricted via the appeal.

4.4.5 The Inspector commented that there is nothing to prevent existing permitted development rights being exercised before any permission be granted as removing such rights would only take effect once any permission was implemented. There is no legal agreement in place to remove permitted development rights on the issue of any planning permission. There is also a physical possibility that more than one scheme could be carried out. This, according to the Inspector, then negates the fallback position further and the Inspector gave limited weight to this argument.

4.4.6 In concluding, the Inspector stated the Government attaches great importance to Green Belts and that substantial weight should be given to any harm to the Green Belt. In this case, the Inspector found harm to the Green belt by way of inappropriateness and to its openness. Balanced against other considerations the applicant's case did not clearly outweigh the harm to the Green Belt. The Inspector accordingly dismissed the appeal.

4.4.7 The full appeal decision can be found online.

**4.5 Application No: 18/01513/HHA**

Location: 1 Syringa Court, Grays

Proposal: Single storey part side and part rear extension.

**Decision: Appeal Dismissed**

4.5.1 The Inspector considered the main issue to be the effect of the proposal on the character and appearance of the host property and the surrounding area.

4.5.2 The appeal site is a semi-detached property located on the corner of Syringa Court with Salix Road. The general locality has properties of varying forms and appearance, but there is an overall consistency to this residential estate. There is a strong and distinctive building line on the appeal property's side of Salix Road. Properties on the corner of Syringa Court with Salix Road front Syringa Court. The front and side of No 1 can be readily seen from Salix Road against the backdrop of the road curving round. The rear is clearly visible from longer distances along Salix Road.

4.5.3 The Inspector commented that the proposal would appear as an overly large and bulky addition, out of scale with the host building. Its design and particularly its roof form would compound this visual impact. The Inspector did not agree with the appellant's assessment that the proposal would read as if it were a converted garage; on the contrary, the Inspector stated, it would not read as a subservient feature. The presence of a fence would not mitigate this unfortunate effect.

4.5.4 The Inspector found that the proposal would materially harm the character and appearance of the host property and the surrounding area.

4.5.5 The full appeal decision can be found online.

**4.6 Application No: 16/01512/FUL**

Location: Land adjacent to Astons Villa, Brentwood Road, Bulphan

Proposal: The change of use to residential for a Romany Gypsy family, site to contain one caravan and one camper van for residential use, with repositioning of existing hardstanding and connection to services, the access also to be setback from the highway and improved.

**Decision: Appeal Allowed**

- 4.6.1 The site comprised of a level field bounded to the east by Brentwood Road, by the curtilages of dwellings to the north and south, and by motel grounds at the rear. The Inspector noted there was an existing hardstanding and two touring caravans on the site, which were in a poor state of repair and had been vandalised. There was also a shed and the remains of polytunnels.
- 4.6.2 Of material consideration with this appeal, according to the Inspector, was the existence of the Certificate of Lawful Use (CLEUD) which was issued in February 2015 which related to the storage of caravans on the site.
- 4.6.3 The appellant submitted evidence of regular travelling for economic purposes – including markets and horse fairs - as well as cultural and family events. On that basis, the Inspector commented, there was no reason to doubt that the appellant/occupiers fell within the definition of Gypsy Travellers contained in the Planning Policy for Traveller Sites.
- 4.6.4 The parties agreed that the appeal represented inappropriate development in the Green Belt. This was in line with the 2018 Framework and, more specifically, PPTS which states that traveller sites (temporary or permanent) in the Green Belt are inappropriate development.
- 4.6.5 However set against these matters was the existence of the CLEUD and the fact that the land could continue to be used for the storage of caravans. The Inspector stated that this, in itself that would have an impact on the Green Belt. The Inspector stated that there was no suggestion that, if this appeal was dismissed, the existing use would cease, and that this position had to be balanced against the harm to the Green Belt arising from the proposal.
- 4.6.6 The Inspector commented that the development of the two recent sites at Pieris Place and Garlesters Farm nearby, had given the area a more developed character. The Inspector concluded that overall, there would be some change in the appearance of the site, this would be limited in comparison with the current position, and could represent an improvement in the currently unkempt appearance of the land. The Inspector also noted that the extent to which any change would be visible would be limited by the existing boundary vegetation and the proposed additional planting, and the proposal would not be out of place in an area already characterised by sporadic development.

4.6.7 For these reasons, the Inspector determined, the proposal would not harm the character and appearance of the area and would not conflict with the relevant criterion in CS policy CSTP3, nor with CS policies PMD2 or CSTP22.

4.6.8 The full appeal decision can be found online.

**4.7 Application Nos: 17/01369/LBC and 17/01368/FUL**

Location: Sir Henry Gurnett, Romford Road, Aveley

Proposal: The development proposed is conversion and extension of former storage barn to form function space.

**Decision: Appeals Allowed**

4.7.1 The appeal site is located within the Green Belt and relates to the conversion of a barn forming part of the curtilage of the listed public house building.

4.7.2 The Inspector commented that the main issues with this case were whether the development constituted inappropriate development in the Green Belt and whether the proposals would preserve the special interest and setting of the Grade II\* listed public house building including the barn itself.

4.7.3 In relation to the Green Belt, the Inspector found the extensions not to be disproportionate as additions and, as such, no conflict with Green Belt policies was identified.

4.7.4 With regard to the impact upon the listed building, the Inspector considered the barn as forming part of the listed building as a curtilage structure but that the barn was not listed in its own right. The Inspector went on to state that the barn's relevance lay in the contribution that it makes to the special architectural and historic interest of the listed building. Any alterations to the barn could affect this setting and in turn impact upon the significance of the listed building. The Inspector concluded that the proposed extensions and physical alterations to the barn would not detract from the overall appearance and balance of the barn and that the improvements would be sympathetic improving its appearance.

4.7.5 The appellant had appealed for costs on the basis of unreasonable behaviour and wasted expense; however, the Inspector refused the application for costs finding no unreasonable behaviour leading to unnecessary or wasted expense in the process.

4.7.6 The full appeal decision can be found online.

**5. Forthcoming public inquiry and hearing dates:**

**5.1 Application No: 17/00390/CUSE - 17/00076/CLEUD**

Location: Hovels Farm, Vange Park Road

Proposal: Unauthorised use of the land.

Dates: 18 June 2019

**5.2 Application No: 18/00082/FUL**

Location: Malgraves Meadow, Lower Dunton Road, Horndon On The Hill

Proposal: Retention of the existing single storey timber building for use in association with agricultural enterprise at the farm. Removal of flue on roof, removal of biomass burner boiler and associated plumbing and modification of the building front elevation.

Dates: 14 May 2019

**5.3 Application No: 18/00034/BUNWKS**

Location: Police Station, Gordon Road, Corringham

Proposal: Unauthorised works without the benefit of planning permission.

Dates: 21 May 2019

**5.4 Application No: 17/01446/FUL**

Location: The Kings Head, The Green, West Tilbury

Proposal: Change of use of a listed building formerly used as a Public House (A4) to a single 4-bedroom residential dwelling (C3) , including the removal of the recent toilet block extension and redundant outbuildings/sheds and the creation of a new garage as well as associated changes to the hard and soft landscaping (refer to 17/01447/LBC)

Dates: 11 April 2019

**6. 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	0	4	2	0	2	3	1	4	6	3	8	38
No Allowed	0	0	0	1	0	1	1	0	0	1	1	3	8
% Allowed													21.05%

## 7. Consultation (including overview and scrutiny, if applicable)

7.1 N/A

## 8. Impact on corporate policies, priorities, performance and community impact

8.1 This report is for information only.

## 9. Implications

### 9.1 Financial

Implications verified by: **Laura Last**  
**Management Accountant**

There are no direct financial implications to this report.

### 9.2 Legal

Implications verified by: **Tim Hallam**  
**Deputy Head of Law (Regeneration) and**  
**Deputy Monitoring Officer**

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: **Natalie Warren**  
**Strategic Lead Community Development**  
**and Equalities**

There are no direct diversity implications to this report.

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

None.

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

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

11. **Appendices to the report**

- None

**Report Author:**

Leigh Nicholson

Strategic Lead of Development Services

Place

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<b>Reference:</b> 17/01668/OUT	<b>Site:</b> Development land east of Caspian Way and north and south of London Road, Purfleet Essex
<b>Ward:</b> West Thurrock and South Stifford	<b>Proposal:</b> Application for outline planning permission, with all matters reserved for subsequent approval, except for means of access, for mixed-use redevelopment involving the demolition of existing buildings and other structures, site preparation works, and the development of up to 2,850 dwelling houses (Use Class C3) comprising a mix of 1, 2, 3 and 4 bedroom units including affordable housing, up to 11,000 sq.m. (f/s) of business uses (Use Class B1), up to 8,880 sq.m. (f/s) of shops (Use Class A1), up to 5,220 sq.m. (f/s) of restaurants and cafes (Use Class A3), up to 900 sq.m. (f/s) drinking establishments (Use Class A4), up to 20,000 sq.m. (f/s) of hotel accommodation (Use Class C1), up to 18,300 sq.m. (f/s) of non-residential institutions uses, comprising a primary school, secondary school and sixth form, medical and community uses (Use Class D1), up to 6,200 sq.m. (f/s) of assembly and leisure uses (Use Class D2), up to 135,000 sq.m. (f/s together with external backlot production space) film and television production space including ancillary workshops, offices and post production facilities and ancillary infrastructure, together with ancillary car park, provision of temporary railway station facilities, up to 1,600 sq.m. (f/s) of upgraded railway station facilities and local waste and power facilities (Sui Generis), all together with associated vehicle parking, open space, landscape and public realm provision, ecological mitigation, highways, pedestrian and vehicular access routes, and other associated engineering, utilities and infrastructure works including but not limited to, rebuilding, repairing, replacing and upgrading of river wall and flood defence wall and associated works of repair and reinstatement of the former Yara Purfleet Terminal jetty and the former Cory's Wharf jetty to facilitate the river wall and flood defence works, the provision of four grade separated railway crossings including a new bridge as part of the re-profiling and realignment of London Road.

Plan Numbers: (drawings for approval)		
Reference	Name	Received
PFT-KSS-00-ZZ-DR-A-0001-000	Site Location Plan	19.12.17

Rev. P01		
PFT-WAT-00-ZZ-DR-C-0004-001 Rev. P01	Site Access Plan	19.12.17
PFT-WAT-ZZ-XX-DR-C-0004-002 Rev. P01	Site Access Location 1	19.12.17
PFT-WAT-ZZ-XX-DR-C-0004-003 Rev. P01	Site Access Location 2	19.12.17
PFT-WAT-ZZ-XX-DR-C-0004-004 Rev. P01	Site Access Location 3	19.12.17
PFT-WAT-ZZ-XX-DR-C-0004-005 Rev. P01	Site Access Location 4	19.12.17
PFT-KSS-00-ZZ-DR-A-0400-000 Rev. P02	Site Demolition Plan	19.12.17
PFT-KSS-00-ZZ-DR-A-0100-010 Rev. P04	Land Use Plan	27.09.18
PFT-KSS-00-ZZ-DR-A-0100-011 Rev. P02	Open Space & Green Infrastructure Plan	19.12.17
PFT-KSS-00-ZZ-DR-A-0100-013 Rev. P02	Building Heights Plan	19.12.17
PFT-KSS-00-ZZ-DR-A-0100-014 Rev. P02	Sub-Framework Location Plan	19.12.17
PFT-KSS-00-ZZ-DR-A-0100-015 Rev. P03	Ground Level Plan	19.12.17
PFT-KSS-00-ZZ-DR-A-0100-016 Rev. P02	Density Plan	19.12.17
PFT-KSS-00-ZZ-DR-A-0100-024 Rev. P03	Primary Access Plan	19.12.17
PFT-WAT-Z1-A-XX-DR-C-0004-132 Rev. P05	Plan Showing Location of Bridges, Crossings and Station Ticketing Facilities	22.03.19
PFT-KSS-00-ZZ-DR-A-0100-031 Rev. P04	Land referred to in the Network Rail condition	05.02.19
422-dRMM-PCR-P1-ZZ-SK-A-118 Rev. 01	SSSI Buffer Zone	07.02.19
PCR-KSS-ZZ-ZZ-ZZ-DRA-0001-004 Rev P09	Site Ownership	22.03.19
<b>Plan Numbers: (Context Plans – not submitted for approval)</b>		
<u>Reference</u>	<u>Name</u>	<u>Received</u>
PFT-KSS-00-ZZ-DR-A-0001-001 Rev. P01	Existing Site Plan	19.12.17
PFT-KSS-00-ZZ-DR-A-0001-002 Rev. P01	Site Aerial Photograph	19.12.17

PFT-KSS-00-ZZ-DR-A-0001-003 Rev. P02	Existing Key Site Constraints Plan	08.10.18
PFT-KSS-00-ZZ-DR-A-0001-005 Rev. P01	Existing Topography Plan	19.12.17
PFT-KSS-00-ZZ-DR-A-0001-007 Rev. P01	Existing Land Use Plan	19.12.17
PFT-EXA-00-ZZ-DR-L-0200-001 Rev. P01	Illustrative Masterplan	19.12.17
PFT-EXA-00-ZZ-DR-L-0200-001 Rev. P01	Illustrative Site Sections	19.12.17

The application is also accompanied by:

- Construction Management Plan;
- Design and Access Statement;
- Energy Strategy;
- Operational Waste Strategy;
- Planning Statement (revised);
- Scheme Description;
- Statement of Community Involvement;
- Sustainability Statement;
- Town Centre Uses Assessment;
- Water Framework Directive Screening Assessment;
- Environmental Statement, including Volume 1 (Main Text) with the following chapter headings
  - i. Introduction
  - ii. EIA Approach
  - iii. Existing Land Uses and Activities
  - iv. Alternatives
  - v. Proposed Development
  - vi. Development Programme
  - vii. Transport and Access
  - viii. Air Quality
  - ix. Noise and Vibration
  - x. Ecology
  - xi. Water Resources and Flood Risk
  - xii. Ground Conditions and Contamination
  - xiii. Archaeology and Built Heritage
  - xiv. Socio-Economics
  - xv. Wind Microclimate
  - xvi. Daylight, Sunlight and Overshadowing
  - xvii. Cumulative Assessment

<p>Volume 2 (Figures)</p> <p>Volume 3 (Landscape and Visual Impact Assessment)</p> <p>Volume 4 (Appendices)</p> <p>Volume 5 (Non-Technical Summary)</p> <p>Further Information to the ES was submitted in July and November 2018.</p>	
<p><b>Applicant:</b> Purfleet Centre Regeneration Limited</p>	<p><b>Validated:</b> 22 December 2017</p> <p><b>Date of expiry:</b> 30 April 2019 (extension of time limit for determination agreed)</p>
<p><b>Recommendation:</b> Grant outline planning permission, as per the recommendation set out at paragraph 27.0 of this report</p>	

## 1.0 BRIEF SUMMARY

- 1.1 This report considers the planning issues raised by an outline application proposing redevelopment of land in the centre of Purfleet, known as 'Purfleet Centre'. The application has been submitted in outline form, with all matters (appearance, landscaping, layout and scale) apart from access reserved. The proposals involve a mixed use development comprising residential uses (Use Class C3), retail (Use Class A1), restaurants and cafes (Use Class A3), drinking establishments (Use Class A4), businesses uses (Use Class B1), hotel accommodation (Use Class C1), primary school, secondary school, medical and community facilities (Use Class D1), assembly and leisure uses (Use Class D2), film and television production space with associated ancillary facilities (Sui Generis), temporary railway station facilities, upgraded railway station facilities and local waste and power facilities. The uses described above would be supported by ancillary development comprising vehicle parking: open space, landscaping, ecological mitigation, vehicular / pedestrian routes, associated engineering, utilities and infrastructure including rebuilding / repair / replacement and upgrading of the river wall and flood defence wall, associated repair / reinstatement of the former Yara and Cory's Wharf jetties and the provision of four grade-separated railways crossings including a new re-profiled and re-aligned London Road bridge.
- 1.2 The redevelopment proposals are based on a number of parameter plans submitted for approval which are intended to 'fix' matters such as land uses, building heights, strategic open space and density. The application includes means of access drawings also submitted for approval which show detailed points of access into the development from Church Hollow, London Road and Botany Way. The application is also accompanied by a range of illustrative drawings (not for

approval) which include indications of how the site could be developed with reference to a masterplan and site sections.

- 1.3 Due to the scale and complexity of the site and the proposals, the development requires an Environmental Impact Assessment (EIA) and the application is therefore supported by an Environmental Statement (ES), as well as the following statements and strategies:

- Construction Management Plan;
- Design and Access Statement;
- Energy Strategy;
- Operational Waste Strategy;
- Planning Statement (revised);
- Scheme Description;
- Statement of Community Involvement;
- Sustainability Statement;
- Town Centre Uses Assessment; and
- Water Framework Directive Screening Assessment.

- 1.4 The site is covered by a number of designations within the key diagram and interim policies map accompanying the adopted Thurrock LDF Core Strategy (as amended 2015) including a regeneration area, locations for new housing, a school, community facilities, shopping facilities, a Conservation Area (part), Primary Industrial and Commercial Areas, Land for New Development in Primary Industrial and Commercial Areas, Oil and Chemical Storage Areas and Oil and Chemical Storage Expansion Areas.

- 1.5 The planning history for the site is extensive and is set out in detail at part 4 below. The most notable previous planning permission is reference 11/50401/TTGOUT proposing a mixed-use redevelopment of central Purfleet for residential development (up to 3,000 dwellings), retail floorspace and other town centre uses (Use Classes A2, A3, A4 and A5), employment and business uses (Use Classes B1, B2 and B8), a hotel (Use Class C1), education and community uses (Use Class D1), assembly and leisure (Use Class D2) with associated ancillary development. The planning application was originally submitted in October 2011 to the Thurrock Thames Gateway Development Corporation (TTGDC), who performed a function as the local planning authority for strategic planning applications until 31<sup>st</sup> March 2012. At the time when the application was submitted TTGDC was also the applicant. The Order transferring the roles and responsibilities of the TTGDC to the Council from 1<sup>st</sup> April 2012 provided the Council with, inter-alia:

- freehold ownership of all former TTGDC land assets and liabilities within the application site, totalling approximately 29 hectares of brownfield land; and

- applicant status for the Purfleet Centre outline planning application (11/50401/TTGOUT).

The planning application was considered by the Planning Committee at its meeting on 20<sup>th</sup> December 2012 where Members resolved to grant planning permission subject to referral to the Secretary of State, a s106 agreement and planning conditions. Outline planning permission was granted in May 2013 and is subject to a planning condition requiring submission of all applications for reserved matters within 15 years and commencement of development within 2 years of the final approval of reserved matter. Accordingly this outline permission is capable of implementation, subject to both the submission and approval of applications for reserved matters and discharge of relevant planning conditions. The site area for this extant planning permission (c.58 hectares) is very similar to the current application (c.62 hectares).

- 1.6 In March 2014, following the conclusion of a competitive procurement exercise, Cabinet approved the appointment of Purfleet Centre Regeneration Limited (PCRL) as the Council's development partner which would ultimately take on responsibility for delivering the project. PCRL's formal submission included a high level masterplan which set out a vision for Purfleet Centre. The proposal took elements of the original scheme and augmented them to propose a development featuring:
- a film, television and media studio complex;
  - approximately 2,300 new homes set around a new town centre;
  - a new primary school;
  - a redeveloped station; and
  - local facilities including a supermarket, community hall, health centre, retail units and spaces for cafés/bars.
- 1.7 An update report for the Purfleet Centre scheme, presented to Cabinet in March 2018, noted that a development agreement was entered into between PCRL and the Council in January 2016. This update report also noted a change to the internal structure of PCRL with Swan Housing Association taking over project management, construction management and guarantor roles previously held by L&Q New Homes.
- 1.8 Although there is an extant planning permission for redevelopment of Purfleet Centre (ref. 11/50401/TTGOUT) which could be implemented subject to reserved matters approval and the discharge of planning conditions, the current masterplan seeks greater flexibility in land uses. In particular, compared to the extant permission, the current submission seeks permission for the introduction of film and television production space, increases in non-residential floorspace and a decrease in the maximum number of dwellings. With these proposed changes in development parameters a new outline planning application is required.

## 2.0 DESCRIPTION OF PROPOSAL

2.1 The table below summarises some of the main points of detail contained within the development proposal:

Site Area (Gross)	62.85 hectares																															
Building Height	<ul style="list-style-type: none"> <li>Residential development: ranging between up to 5-storeys, up to 8-storeys and up to 10-storeys</li> <li>Mixed Use Development (Use Classes A1 / A3 / A4 / B1 / C1 / C3 / D1 / D2): ranging between up to 5-storeys, up to 8-storeys and up to 10-storeys</li> <li>Film / TV studios: ranging between up to 8-storeys and up to 10-storeys</li> <li>Class B1 use: ranging between up to 5-storeys and up to 8-storeys.</li> </ul>																															
Number of Dwellings	Up to 2,850 residential units Indicative housing mix: <table border="1"> <thead> <tr> <th>Unit Type</th><th>No. of Units</th><th>% of Total</th></tr> </thead> <tbody> <tr> <td>Studio</td><td>194</td><td>7%</td></tr> <tr> <td>1-bed flat</td><td>314</td><td>11%</td></tr> <tr> <td>2-bed flat (3-person)</td><td>683</td><td>24%</td></tr> <tr> <td>2-bed flat (4-person)</td><td>846</td><td>30%</td></tr> <tr> <td>2-bed house</td><td>101</td><td>3%</td></tr> <tr> <td>3-bed flat</td><td>213</td><td>7%</td></tr> <tr> <td>3-bed house</td><td>215</td><td>8%</td></tr> <tr> <td>4-bed house</td><td>284</td><td>10%</td></tr> <tr> <td>TOTAL</td><td>2,850</td><td>100%</td></tr> </tbody> </table>		Unit Type	No. of Units	% of Total	Studio	194	7%	1-bed flat	314	11%	2-bed flat (3-person)	683	24%	2-bed flat (4-person)	846	30%	2-bed house	101	3%	3-bed flat	213	7%	3-bed house	215	8%	4-bed house	284	10%	TOTAL	2,850	100%
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TOTAL	2,850	100%																														
Commercial Floorspace (Gross External Area)	Class A1 (retail) Class A3 (restaurants & cafes) Class A4 (drinking establishments)	up to 8,880 sq.m. up to 5,220 sq.m. up to 900 sq.m.																														
	Class B1 (business)	up to 11,000 sq.m.																														
	Class C1 (hotels)	up to 20,000 sq.m.																														
	Class D1 (non-residential institutions) Class D2 (assembly & leisure)	up to 18,300 sq.m. up to 6,200 sq.m.																														
	Film and TV Studios	up to 135,000 sq.m.																														

	Utilities and Railway Station	up to 1,600 sq.m.
	TOTAL	up to 207,100 sq.m.
Jobs	Existing jobs based on-site: 403 FTE (estimate) Potential jobs created during construction: 1,250 per annum Potential jobs created during operation: 2,198	
Parking	To be determined through reserved matters applications	
Open Space	Approximately 16.8Ha of strategic landscape / open space and ecological habitat to be provided across the site	
Density	Residential density ranging between 200-400 habitable rooms per hectare	

- 2.2 As indicated in the above table, this planning application proposes the comprehensive redevelopment of central Purfleet, with mixed-use development proposals. The site has been divided into a number of 'development Zones' shown on the submitted Sub-framework Location Plan (parameter plan) where a different mix of uses, quantum and scale of development apply. These Zones comprise:

Zone	Area	General Location
1	10.72 Ha	South and west of railway line, west of Cory's Wharf
2	2.28 Ha	East of railway line, adjacent to Purfleet railway station
3	12.18 Ha	Southern part of former Botany Quarry
4	4.25 Ha	Site of Harris Riverside Academy secondary school (under construction)
5	13.26 Ha	Northern part of former Botany Quarry
6	6.23 Ha	South of London Road, north of railway line and east of Harris Riverside Academy
7	9.13 Ha	Former Paper Mills site and part of International Timber site
8	4.03 Ha	Former Cory's Wharf site
9	0.77 Ha	Former Cory's Wharf jetty and former Yara jetty

- 2.3 The development proposals are complex, extensive in nature and comprise a number of elements which are described in more detail below.



#### 2.4 Demolition / Retention of Buildings and Structures:

A 'Site Demolition Plan' parameter drawing has been submitted for approval showing those buildings on-site to be demolished. A number of residential properties (18 in total) are proposed for demolition comprising the terraces at Botany Cottages and Railway Cottages (south of London Road) and the detached Harlow Cottage (Church Hollow). Buildings used by commercial occupiers within Botany Quarry and the International Timber site would also be demolished. Paragraph 14.39 of the ES estimates that there is currently approximately 30,885 sq.m. of commercial floorspace on-site which would be demolished. The Purfleet railway station building is proposed for demolition, although existing platforms and tracks would remain. The existing Yara and Cory's Wharf jetties would be retained.

#### 2.5 Ground Re-Profiling:

Existing ground levels vary across the site due, in part, to excavations at the former Botany Quarry. Parts of the site located south of London Road and within Botany Quarry are low-lying and within the high risk flood zone (Flood Zone 3a). The proposals would involve a significant amount of ground re-profiling and ground raising which is required to improve access, address flood risk issues and thereby facilitate the built development. Three main areas for ground raising are identified comprising land adjacent to the River Thames (where levels would be raised by 2.5m-5m), land around London Road close to the railway station and finally at the International Timber site in order to accommodate new bridges over the railway. Some reductions in existing ground levels are required within Botany Quarry and London Road. Chapter 6 of the ES anticipates that a substantial amount of ground material on-site would be re-used as part of the cut-and-fill operations. However, there is likely to be a net import of material required to raise ground levels. Table 6.2 of the ES provides indicative cut and fill earthwork volumes as follows:

<u>Zone</u>	<u>Estimated Cut (m<sup>3</sup>)</u>	<u>Estimated Fill (m<sup>3</sup>)</u>
1	39,494	152,369
2	15,176	17,307
3	24,484	49,915
3 (mound)*	183,000	-
4	-	-
5	26,753	214,266
5*	97,000	-
6	8	32,700
7	-	-
8	518	91,353
9	-	-
Total	386,433	557,910
Total Cut to Waste (contaminated)		280,000

Total Imported Fill (if contaminated material cannot be remediated and retained on-site)	451,482
Total Imported Fill (if contaminated material can be remediated and retained on-site)	171,482
*Assumed contaminated mounds of stockpiled material to be removed from the site as may not be suitable for use as fill	
Source: ES Volume 1, Chapter 6, Table 6.2	

## 2.6 Residential Uses and Density:

Residential development up to a maximum of 2,850 dwellings is proposed in five of the nine Zones. Those Zones without residential development would comprise:

Zone 3 – proposed film and TV studios;

Zone 4 – Harris Riverside Academy secondary school (under construction);

Zone 7 – proposed strategic landscape and Class B1 commercial development; and

Zone 9 – retained Yara and Cory's Wharf jetties.

The indicative total number of dwellings for each of the five zones containing residential development is set out in the table below (taken from the applicant's financial viability assessment):

<u>Zone</u>	<u>Sub-Zone</u>	<u>No. of Dwellings</u>
1	1A	61
	1B	147
	1C	74
	1D	320
	1E	231
	1F	212
2		188
5		1,200
6		223
8		194
<b>TOTAL</b>		<b>2,850</b>

- 2.7 A proportion of the new dwellings being not less than 10% (and up to a policy compliant 35%, subject to financial viability) would be affordable. The proposed mix of dwellings is reserved for future approval although the application refers to a range comprising studio and one to three-bedroom apartments and two to four-bedroom houses. The applicant's anticipated housing mix is:

<u>Unit Type</u>	<u>No. of Units</u>	<u>% of Total Units</u>
Studio apartment	194	7%

One-bed apartment	314	11%
Two-bed apartment (three-person)	683	24%
Two-bed apartment (four-person)	846	30%
Three-bed apartment	213	7%
TOTAL APARTMENTS	2,250	79%
Two-bed house	101	3%
Three-bed house	215	8%
Four-bed house	284	10%
TOTAL HOUSES	600	21%
OVERALL TOTAL	2,850	100%

- 2.8 A parameter plan showing proposed residential density (Density Plan) is submitted for approval and shows a range of densities across Zones 1, 2, 5, 6 and 8 from <200 to <600 habitable rooms per hectare. The lowest residential densities would be located within Hollow Woods, the north part of Botany Quarry and the eastern part of the site (south of London Road). The highest densities would be concentrated between Purfleet railway station and the riverfront and on the western edge of Botany Quarry adjacent to the railway line.

2.9 Employment Uses:

Film & TV studios – up to 135,000 sq.m. of floorspace is proposed located within Zone 3 (the southern part of Botany Quarry) although it is intended that this use would 'interface' with the new town centre based around the railway station. Although details of the studios are reserved for future approval the applicant states that production and post-production facilities are intended. Filming could operate on a 24/7 basis and could include outdoor filming within a 'backlot' area. The applicant suggests that any outdoor filming could be limited within unsociable hours.

- 2.10 Business Uses – the application proposes up to 11,000 sq.m. of Class B1 (business) floorspace to be located as part of mixed-use development within Zones 1, 2, 5, 6, 8 and 9. A 'dedicated' area of Class B1 use only is also proposed predominantly within Zone 6, partly within Zone 7, close to the south-eastern corner of the site and at Zone 9. This proposed siting reflects the limitation on land uses associated with consultation zones around the Esso fuels terminal. B1 business use is sub-divided further by the Use Classes Order to include:

B1(a) – offices (other than those within Use Class A2);  
 B1(b) – research and development; and  
 B1(c) – light industrial (appropriate in a residential area).

Permission is sought for 'open' Class B1 use, that is any combination of B1 (a), (b) or (c) uses.

- 2.11 Hotel – up to 20,000 sq.m. floorspace is proposed within Use Class C1 (hotels). The location of this floorspace is not fixed and permission is sought for this use as part of the mixed-use areas within Zones 1, 2, 5, 6 or 8. Given this quantum of floorspace it is considered likely that more than one location or building would be required. The applicant anticipates that hotels would have a three-star rating.

2.12 Community Uses:

Education – the description of development refers to the provision of a primary school and secondary school with sixth form within Use Class D1 (non-residential institutions). The 'Land Use' parameter plan fixes the position of the secondary school on the former Smurfit Kappa site south of London Road. As noted elsewhere in this report, a full planning permission for a six-form entry secondary school for 1,150 students (including 250 VI<sup>th</sup> form students) on this site was granted by the Council in November 2017 (ref. 17/01171/FUL). The approved secondary school has a total floorspace of c.8,850 sq.m. This school is currently under construction with an intended opening date of September 2019 and will be known as the Harris Academy Riverside. Although this separate planning permission for the secondary school is being implemented through the Harris Academy rather than PCRL, the current outline application nevertheless refers to the school within the description of development and parameter plans. Condition B1 has therefore been included in the recommended planning conditions at Appendix 1 to ensure the secondary school could not be developed under the outline permission to avoid the unacceptable risk of potentially incompatible permissions. The form of this condition has been agreed with the applicant.

- 2.13 In addition to the secondary school, the proposals include the provision of a new primary school. The ES suggests that this school would be located within Zone 5 on the northern part of Botany Quarry.
- 2.14 Medical and community uses within Use Class D1 (non-residential institutions) are also proposed to be located within the mixed use development areas south and west of the railway line within Zones 1 and 8.
- 2.15 The application proposes a maximum floorspace of 18,300 sq.m. within Use Class D1 to be used for education, community and health facilities. As noted above, the Harris Academy Riverside accounts for c.8,850 sq.m. of this floorspace.
- 2.16 Leisure Uses:

The application seeks permission for up to 6,200 sq.m. of assembly and leisure floorspace within Use Class D2. No further detail of potential uses within Class D2 has been provided and, for information, this Use Class includes cinemas, music & concert halls, bingo & dance halls, swimming baths, skating rinks, gymnasiums or areas for indoor and outdoor sport and recreation. The Land Use parameter plan allocates Class D2 uses within the mixed-use areas close to Purfleet railway station and within Botany Quarry (Zones 2 and 5).

#### 2.17 Purfleet Station and Utilities:

Up to 1,600 sq.m. floorspace is proposed to provide a new railway station building (with associated pedestrian footbridge) to replace the existing station structures. Railway infrastructure comprising the existing platforms, tracks etc. would be unaffected by the proposals and the new station facilities would need to 'slot-into' the existing infrastructure. The station is placed at the heart of the new town centre promoted by the proposals and would connect to areas of public realm and mixed town centre uses. Two areas for utilities are also shown on the Land Use parameter plan, comprising a parcel of land within Zone 1 west of the railway line and east of Caspian Way and a second parcel located at the northern edge of the proposed film and TV studios within Zone 3. The Energy Strategy accompanying the planning application refers to an Energy Centre located within Zone 1 which is targeted to provide site-wide energy. The smaller area for utilities within Zone 3 is assumed to be associated with the adjacent studios.

#### 2.18 Access:

Access is not a matter reserved for future approval and site access location drawings and a 'Primary Access Plan' parameter drawing has been submitted for approval. The submitted site access location drawings show four locations where the site would connect to the existing road network comprising:

1. A new point of access located on Church Hollow, immediately south of the point where Church Hollow joins Caspian Way;
2. London Road west of Purfleet railway station immediately east of the junction with Harrison's Wharf;
3. London Road east of Purfleet railway station close to the Esso fuel terminal site; and
4. Botany Way immediately south-west of the road bridge crossing High Speed 1.

2.19 The Primary Access parameter plan shows the alignment of the primary road network and cycle routes through the site. The proposed primary road network connects to the London Road (east and west) and Botany Way points of access referred to above. The Botany Way 'link' would connect to a re-aligned section of

London Road associated with the new road crossing over the railway line. A new primary road with an associated bridge crossing the railway is also proposed in the eastern part of the site to link Zones 6 and 8. Proposed cycle routes through the site would connect via the riverfront, adjacent to the railway line and London Road to existing cycle routes adjacent to the site.

## 2.20 Jetties:

Both the former Yara jetty (located adjacent to Harrison's Wharf) and the former Cory's Wharf jetty are shown to be retained. The Land Use parameter plan shows that the dolphins (the marine structures used in the berthing of vessels) associated with Cory's Wharf will be used for strategic landscape purposes, potentially as roosting areas for wildfowl.

## 2.21 River Wall and Flood Risk:

The Land Use parameter plan shows a corridor of 'strategic open space' adjacent to the River Thames frontage (excluding the former Paper Mills site) and this space is described in the application as a riverside promenade. Associated with this promenade the application proposes replacement and repair of the existing river wall and flood defences. Although details are reserved for future approval, works could include a new river wall and flood defence wall, with the river wall constructed on the river-side of the existing river wall tied to a new higher flood defence wall inland. The space between the two walls would create the riverside promenade.

2.22 With reference to flood risk, residential and other vulnerable land uses would be designed with floor levels above the modelled flood water levels in the event of a breach of flood defences.

## 2.23 Drainage:

As development of the site is likely to be phased, surface water run-off would be collected via separate systems connecting to outfalls to the River Thames. Measures to reduce run-off are promoted in the Flood Risk Assessment, including living roofs, rain gardens, oversized pipes, underground tanks, permeable paving and detention ponds (located in Zones 5 and 7). Surface water run-off from Zones 1 (part), 2, 3, 5 and 8 (part) would be pumped directly to the River Thames via new pumping stations. Run-off from Zones 4 and 6 would be intercepted by land drains before discharge to the Thames. The surface water strategy has been formulated to accommodate a 1 in 100 year event with an allowance for climate change. Foul water drainage would require either new sewers and connections or diversions and upgrade of the existing Anglian Water sewer network.

## 2.24 Green Infrastructure:

Details of private and communal amenity space associated with the proposed residential development are reserved for future approval. However, given the proposed mix of houses and apartments / flats, the mixed-use areas and the density of residential development, the quality rather than quantity of amenity space will be an important future consideration.

2.25 Regarding public open space, the 'Open Space & Green Infrastructure' parameter plan identifies public space along the river frontage and public realm within the town centre and at Hollow Woods. This parameter plan also identifies 'strategic landscape' comprising a corridor adjacent to the railway line and around the periphery of Botany Quarry, Hollow Woods, adjacent to Harrison's Wharf and adjacent to the Esso fuels terminal. Elements of this strategic landscape located at the edges of Botany Quarry, adjacent to the railway line, at Hollow Woods and adjacent to Harrison's Wharf already exist. The ES notes that the strategic landscape adjacent to Esso is affected by HSE consultation zones and "*whilst this area would be publicly accessible, would form a more natural area with a focus on ecological biodiversity and flood mitigation with no formal amenity space*". The ES states that the development would include 16.8 Ha of open space and strategic landscape. This land would form ecological habitat as well as open space / landscape.

2.26 Play space within the development would comprise:

- 1 no. Neighbourhood Equipped Area for Play (NEAP) covering 1,000 sq.m.;
- 3 no. Locally Equipped Areas for Play (LEAP) covering 400 sq.m.; and
- 10 no. Local Areas for Play (LAP) covering 100 sq.m.

2.27 As noted in the site description below, the site contains a number of trees and groups of trees which are subject to Tree Preservation Orders, located largely adjacent to the railway line and at Hollow Woods (refs. 08/1992, 01/1999, 05/2000 and 13/1988). Where possible, existing trees will be retained and supplemented with new tree planting.

## 2.28 Ecology:

The ES suggests that the development would result in a net gain in the biodiversity of the site achieved through the provision of 15.6 Ha of habitat including:

- 3.4 Ha of broad-leaved woodland;
- 3.8 Ha of open mosaic habitat;

- 2.7 Ha of coastal grazing marsh;
- 1.7 Ha of wildflower meadow;
- 0.9 Ha of brown roofs;
- 0.7 Ha of species-rich grassland;
- 1.1 Ha of semi-natural woodland;
- 0.4 Ha of Thames terrace grassland;
- 0.9 Ha of amenity park; and
- Vertical beaches (timber cladding) on the new river wall.

2.29 Habitat retention and recreation would be concentrated at Hollow Woods, the railway corridor, the Botany Quarry cliff edges and on the former Paper Mills land. Mitigation measures for ecological interests include bird and bat boxes, refugia for reptiles and invertebrates and roosts for wildfowl located on Cory's Wharf jetty.

2.30 Lighting:

A lighting strategy accompanies the ES and sets out the principles of providing a safe environment, whilst responding to sensitive receptors and reducing light spillage.

2.31 Sustainability, Waste and Energy:

A Sustainability Statement accompanies the outline planning application. The summary of this Statement refers to the potential sustainability benefits of the proposals comprising new sustainable transport infrastructure, social infrastructure, open space, flood risk protection, sustainable drainage, ecological enhancements and a BREEAM 'very good' rating for non-residential buildings.

2.32 An Operational Waste Strategy also supports the application. In summary the Strategy considers two options for waste collection: either traditional bins; or an underground waste transport system with centralised collection station(s). The underground system is subject to feasibility and details will emerge with future reserved matters submissions.

2.33 Finally an Energy Strategy accompanies the application. In summary, this Strategy notes that, given the scale of the development, a site wide energy network will be considered, although the initiation of the energy centre will be subject to load demand, phasing and economic viability to be assessed on a phase by phase basis for each phase as part of each detail planning applications. Domestic buildings across the site will, as a minimum, achieve 19% betterment to Building Regulations (Code for Sustainable Homes (CfSH) Level 4 energy target) with renewable/low carbon technologies implemented as appropriate. Non-domestic buildings on the development are proposed to achieve BREEAM "Very Good" rating with an



aspiration to achieve BREEAM “Excellent” rating in terms of energy targets.

#### 2.34 Development Programme / Phasing:

The application anticipates that demolition and construction of the development would take place over an approximate 16-year timeframe. The ES sets out the following indicative construction programme (based on the application submission date of December 2017):

<u>Zone</u>	<u>Anticipated Start Date</u>	<u>Anticipated Completion Date</u>	<u>Approximate Duration in months</u>
1	April 2019	April 2023	48
2	October 2023	September 2026	36
3	July 2019	July 2022	36
4	September 2018	March 2020	18
5	January 2025	January 2030	60
6	July 2028	June 2032	48
7	January 2029	January 2030	12
8	July 2030	January 2034	42
Source: ES Volume 1, Chapter 6, Table 6.1			

2.35 As noted above, Zone 4 is the subject of a separate full planning permission for the Harris Riverside Academy secondary school and sixth form. This permission has been implemented and the Academy is due to open in September 2019. The above table assumes that construction operations will occur within more than one Zone at any one time, with a maximum three Zones being under construction at any one time.

#### 2.36 Parameters Plans:

As noted above, a number of site access and parameter plans are submitted for approval as part of this outline planning application. These plans are:

- Site Location Plan;
- Site Access Plan;
- Site Access Location 1;
- Site Access Location 2;
- Site Access Location 3;
- Site Access Location 4;
- Site Demolition Plan;
- Land Use Plan;
- Open Space and Green Infrastructure Plan;

- Building Heights Plan;
- Sub-Framework Location Plan;
- Ground Level Plan;
- Density Plan;
- Primary Access Plan;
- Plan Showing Location of Bridges, Crossings and Station Ticketing Facilities;
- Land referred to in the Network Rail condition; and
- SSSI Buffer Zone.

2.37 The following context and illustrative plans have been submitted to accompany the planning application. These drawings are for information only and are not for approval as part of the current submission:

- Existing Site Plan;
- Site Aerial Photograph;
- Existing Key Site Constraints Plan;
- Existing Topography Plan;
- Existing Land Use Plan;
- Illustrative Masterplan; and
- Illustrative Site Sections.

2.38 Reports, assessments and strategies supporting the application are listed above. In addition to the ES chapters also listed above, the ES includes the following relevant ES appendices:

- Appendix 5.2 - Lighting Strategy;
- Appendix 5.3 - Ecological Strategy;
- Appendix 7.1 - Transport Assessment;
- Appendix 9.2 - Baseline Noise and Vibration Survey;
- Appendix 9.3 - Demolition and Construction Noise Assessment;
- Appendix 9.4 - Road Traffic Noise Assessment;
- Appendices 10.1-10.8 - Ecological Surveys;
- Appendix 11.1 - Flood Risk Assessment;
- Appendix 12.1 - Preliminary Environmental Risk Assessment;
- Appendix 12.2 - Outline Remediation Strategy;
- Appendix 13.1 - Historic Environment Statement.

Volume 3 of the ES comprises a Landscape and Visual Impact Assessment.

2.39 The development is considered to be development requiring an Environmental Impact Assessment (EIA), therefore the application has been accompanied by an Environmental Statement (ES). The ES considers the environmental effects of the proposed development during construction and on completion and includes

measures either to prevent, reduce or offset any significant adverse effects on the environment. The ES is accompanied by the figures, technical appendices referred to above.

- 2.40 The Council has a statutory duty to examine the ES submitted with the application and reach a reasoned conclusion on the significant effects of the proposed development on the environment that are likely to arise as a result of the proposed development. If planning permission is to be granted, the Council must ensure that all appropriate mitigation and monitoring measures are secured. EIA is, therefore, an integral component of the planning process for significant developments. EIA leads to improved decision making by providing the development management process with better information. EIA not only helps to determine whether development should be permitted, but also facilitates the drafting of planning conditions and planning obligations in order to control development, avoid or mitigate adverse effects and enhance beneficial effects. Therefore, it is vital that the environmental issues raised by the application are assessed in a robust and transparent manner.
- 2.41 In order to fulfil the requirements of the EIA Regulations it is necessary to ensure (a) that the Council has taken into account the environmental information submitted, and (b) that any planning permission granted is consistent with the development which has been assessed. To achieve this second objective the Council has the ability to impose planning conditions and secure other mitigation measures through planning obligations in a s106 agreement.
- 2.42 Prior to the submission of the application for outline planning permission, the applicant applied to the local planning authority for a formal scoping opinion (ref. 16/01368/SCO) to confirm the information to be provided in the ES. This application, which was submitted in October 2016, and the local planning authority's scoping opinion issued in November 2016 both referred to the Town and Country Planning (Environmental Impact Assessment) Regulations 2011 (as amended). In May 2017 the Town and Country Planning (Environmental Impact Assessment) Regulations 2017 came into force. The ES which accompanies this application was submitted in December 2017. Regulation 76 (Revocation and transitional provisions) of the 2017 Regulations revoke the 2011 Regulations. However, Regulation 76(2) states that notwithstanding the revocation, the 2011 Regulations continue to apply where before commencement of the (2017) Regulations:
- (a) an applicant ... has submitted an environmental statement or requested a scoping opinion.

In this case, the applicant requested a scoping opinion before commencement of

the 2017 Regulations which means the application falls to be considered under the 2011 Regulations by virtue of the transitional provisions. However as the scheme continued to evolve following the submission of the scoping opinion, the ES was prepared with reference to the 2017 Regulations having regard to the scoping opinion issued by the local planning authority pursuant to the 2011 Regulations.

- 2.43 Since submission of the application and accompanying ES in December 2017, the local planning authority has issued two requests for 'further information' to the applicant. 'Further information' relating to flood defence matters and transportation matters was received from the applicant in July and November 2018. This information has been advertised in accordance with the requirements of the 2017 Regulations which provides for a more generous consultation period of 30 days (compared with 21 days under the 2011 Regulations).

### **3.0 SITE DESCRIPTION**

- 3.1 The application site is generally located on the north bank of the River Thames, upstream of the Dartford Crossing and Queen Elizabeth II Bridge. It occupies an area of approximately 62 hectares between the High Speed 1 railway line and the River Thames. The site is located in the West Thurrock and South Stifford ward.
- 3.2 The site is close to the Strategic Road Network (SRN) comprising the M25 / A282 and A13. It is approximately 1.5km from Junction 31 of the M25. London Road (A1306) to the north of the site also provides access to the A13. The nearest rail station is at Purfleet, which is located within the application site.
- 3.3 In light of the large size of the application site, the detailed description below divides the overall area into a number of land parcels, based on the nine development 'Zones' shown on the submitted Sub-Framework Location Plan (parameter plan) as follows:
- i. Botany Quarry and land east of railway line (Zones 2, 3 and 5);
  - ii. Hollow Woods and land west of railway station (Zone 1 – part);
  - iii. Former Cory's Wharf (Zones 1 (part) and 8);
  - iv. Part of former Paper Mills Site south of railway (Zone 7 – part);
  - v. Part of former Paper Mills Site north of railway (Zones 4, 6 and 7 (part));
  - vi. 2 no. riverside jetties (Zone 9).
- 3.4 i. Botany Quarry and land east of railway line (Zones 2, 3 and 5)

Botany Quarry is located to the north-east of Purfleet railway station on the eastern side of the railway line. The area totals approximately 26.8 hectares and measures approximately 670m (north to south) and 580m (east to west). This area is

characterised by commercial uses including waste management, aggregate distribution, tank storage (oil and/or chemicals), tank cleaning, temporary office hire, industrial and commercial activities (including vehicle spares and equipment hire), and general storage and distribution.

The topography of Botany Quarry is typical of a former mineral working. Those areas with the most dramatic changes in height are associated with cliff faces located on the southern and eastern perimeters of the quarry. The site gradually rises in ground levels from the south to north. There is currently limited landscaping in Botany Quarry. Trees are present to the south and east on top of the existing cliff faces. To the north-east, and partly within the application site is the Purfleet Chalk Pits SSSI. The SSSI designation derives from the site's geological interest as the fluviially derived sands and gravels which overlie the chalk contain material that provides palaeo-environmental information on the prevailing conditions at the time of deposition. These sands and gravels are terrace deposits associated with the development of the River Thames. They are separated from the present-day Thames by the Purfleet Anticline, and now lie in the valley of the Mar Dyke.

Vehicular access to Botany Quarry is along Botany Way, which provides linkages to the Purfleet bypass roundabout to the north and London Road to the south. The existing road surface is generally of poor quality, with the middle section being unsurfaced and containing potholes. There are no public footpaths that pass through this part of the application site.

The majority of the Botany Quarry is located within the high risk flood zone (Flood Zone 3a).

To the east, this area is bordered by residential properties accessed from London Road, the 'Carpetright' warehouse building and the remainder of the Purfleet Chalk Pits geological SSSI. To the south this zone is bordered by London Road and residential properties in Beacon Hill, Oakhill Road and Wingrove Drive. The London-Tilbury-Southend railway line forms the western boundary of this area. To the north this area is bordered by the High Speed 1 railway line and commercial uses on the Ensign Estate.

A group of trees parallel to the eastern side of the railway line and in between the railway line and Botany Way adjacent to London Road, are protected by Tree Preservation Orders (references 9/49, 11/91 and 5/2000).

3.5 ii. Hollow Woods and land west of railway station (Zone 1 – part)

This area forms the westernmost part of the site and comprises an irregularly shaped parcel of land. This area is largely wooded and part of this woodland is subject to a Tree Preservation Order (reference 8/92). The western area forms a part of the Purfleet Conservation Area. The southern part of this area, which faces onto London Road to the west of Botany Terrace, is at a higher ground level relative to the rest of the Zone and, therefore, at a lower risk of flooding. The majority of this area is located in the high risk flood zone.

Hollow Cottages, a terrace of Grade II listed buildings, adjoin this area to the west, whilst modern dwellings in Caspian Way adjoin to the north. London Road and Botany Cottages adjoin the Zone to the south.

The railway station ticket office and a small station car park is located immediately west of the railway line with a large wooded area adjoining to the west. To the west of this wood is the former Cornwall House site now used as a Council car park and for open storage of vehicles.

### 3.6 iii. Former Cory's Wharf (Zones 1 (part) and 8)

This part of the site was formerly known as Cory's Wharf (former coal sidings) and has been cleared of buildings and structures and remediated. This area includes the recently vacated Yara/BOC gas storage / distribution depot with associated river jetty in the west. This area is some 11.7 hectares in area and has a frontage to the River Thames of approximately 800m.

To the north of this area is the London-Tilbury-Southend railway line. Beyond this, and to the east, is the former Purfleet Board / Paper Mills site, which closed at the end of 2003. The southern boundary of this area is formed by the River Thames. To the west is the riverside residential development of Harrison's Wharf. Along London Road, on the north western edge of the site, are two-storey terraced houses known as Botany and Railway Cottages.

Public Footpath 141 provides a link through this part of the site from Purfleet railway station to the River Thames foreshore. The footpath then runs in an easterly direction to West Thurrock, alongside the flood defences of the River Thames.

This area is flat and low-lying and is located within the high risk flood zone (Flood Zone 3a). The eastern part of the area is subject to the various HSE consultation distances drawn around the Purfleet Fuels Terminal site.

### 3.7 iv. Part of former Paper Mills Site south of railway (Zone 7 – part)

This part of the site comprises part of the former Board / Paper Mills site located south of the railway line, north of the River Thames and immediately west of the Esso Purfleet Fuels Terminal. Buildings and structures associated with the former use have been cleared and the area comprises an open hardsurfaced area currently used for vehicle storage by Purfleet Thames Terminal (C.RO Ports). Public footpath no. 141 passes along the southern boundary of this area, adjacent to the River Thames tidal defences. This area is linked to the remainder of the former Mills site north of the railway line via a private level crossing. This area is within the high risk flood area and within the consultation zones around the Esso Purfleet Fuels Terminal (large scale petrol storage site).

3.8 v. Part of former Paper Mills Site north of railway (Zones 4, 6 and 7 (part))

This area is generally located to the north of the London-Tilbury-Southend railway line and south of London Road. This area was formerly occupied with buildings, parking and storage areas associated with the board / paper mills use. The majority of buildings associated with the former use have been demolished although two large structures remain, used for storage and as a sawmill. A new warehouse building has been constructed close to the London Road frontage in recent years. The majority of this area is occupied by International Timber and used for the storage and processing of timber products. The western part of this area (Zone 4) was recently acquired by the Education and Skills Funding Agency and will form the site of the Harris Academy Riverside secondary school due to open from September 2019.

This area is located within the high risk flood zone and much of the land is subject to HSE consultation distances associated with the Purfleet Fuels Terminal. London Road forms the northern boundary of this area, with residential dwellings on the opposite side of London Road and to the west close to the railway station.

3.9 vi. 2 no. riverside jetties (Zone 9)

Zone 9 comprises the decommissioned Cory's Wharf rail jetty and the Yara jetty located adjacent to the Harrison's Wharf residential development.

## 4.0 RELEVANT HISTORY

- 4.1 The most recent relevant planning history relates to an extant outline planning permission (ref. 11/50401/TTGOUT) for the comprehensive redevelopment of central Purfleet (Purfleet Centre) summarised in the table below. This permission involved a site area of c.58.1 Ha, slightly smaller than the area of c.62.8 Ha associated with the current application. The extent of the site boundary included within 11/50401/TTGOUT is very similar to the current application, but did not

include the carriageway of London Road, railway land, Railway Cottages or the former Yara jetty as currently proposed. This outline planning permission (with all matters reserved) involves a mixed use development comprising residential uses, retail (Use Class A1) and other 'high street' uses (Use Classes A2-A5), a hotel, community, school and civic facilities (Use Class D1) and leisure uses (Use Class D2). This permission also includes car parking, the relocation of the existing Purfleet railway station ticket hall, open space, landscaping, highways works, engineering and associated works.

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

4.2 This outline planning permission was the subject of an application originally submitted in October 2011 to the former Thurrock Thames Gateway Development Corporation (TTGDC), who performed a function as the local planning authority for strategic planning applications until 31 March 2012. At the time when the application was submitted TTGDC was also the applicant. The Order transferring the roles and responsibilities of the TTGDC to the Council from 1 April 2012 provided the Council with, inter-alia:

- freehold ownership of all TTGDC land assets and liabilities within the application site, totalling approximately 29 hectares of brownfield land; and
- applicant status for the Purfleet Centre outline planning application.

4.3 The Council has therefore inherited the benefit of the outline planning permission and controls, as landowner, c.50% of the land subject to the Purfleet Centre planning permission. Although since the grant of outline planning permission in



2013 part of the Council's land ownership has been sold in order to enable site assembly for the Harris Academy Riverside site.

4.4 In March 2014, following the conclusion of a competitive procurement exercise, Cabinet approved the appointment of Purfleet Centre Regeneration Limited (PCRL) as the Council's development partner which would ultimately take on responsibility for delivering the project. PCRL's formal procurement submission included a high level masterplan which set out a vision for Purfleet Centre. This proposal took elements of the Council's original scheme and augmented them to propose a development featuring:

- a film, television and media studio complex;
- approximately 2,300 new homes set around a new town centre;
- a new primary school;
- a redeveloped station; and local facilities including a supermarket, community hall, health centre, retail units and spaces for cafés/bars

4.5 PCRL and the Council (as landowner) have subsequently entered into a Development Agreement. The Council as local planning authority has only seen a summary of the Development Agreement due to the separation in function that exists between the Council as landowner and as local planning authority which is important for reasons of propriety and impartiality. However, it is understood that the Development Agreement sets out the parties' respective obligations with regards to the making of planning applications, site assembly and the grant of building leases to PCRL.

4.6 In October 2016 a request for an Environmental Impact Assessment Scoping Opinion was submitted by PCRL to the Council as local planning authority (ref. 16/01368/SCO). The Council issued its Scoping Opinion in November 2016 to confirm the scope of information to be included within the Environmental Statement supporting a planning application for redevelopment of Purfleet Centre.

4.7 Given the extensive site area of the planning application a review of the planning history for the site has disaggregated the application site into the following areas.

- i. Botany Quarry / land east of railway, north of London Road
- ii. Hollow Woods / Cornwall House
- iii. Cory's Wharf
- iv. Former Mills site south of railway line
- v. Former Mills site north of railway line

#### **Botany Quarry / land east of railway line, north of London Road**

<b>Planning Ref.</b>	<b>Address</b>	<b>Description of Application</b>	<b>Decision</b>
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02/00232/OUT	Purfleet Recreation Ground, London Road, Purfleet	Outline application for residential development	Refused 30.05.2002
03/00645/OUT	Purfleet Recreation Ground, London Road, Purfleet	Redevelopment of recreation ground and associated land to provide new recreation ground access road and 5 no. 4 bed houses, 2 no. 3 bed houses and 9 no 2 bed apartments.	Refused 28.08.2003
04/01532/FUL	Land south of former Powell Duffryn, Beacon Hill Industrial Estate, Botany Way, Purfleet	Workshop, portacabin and external parking area (on northern part of site)	Approved 01.12.2006
04/01533/FUL	Land south of former Powell Duffryn, Beacon Hill Industrial Estate, Botany Way, Purfleet	Workshop, portacabin and external coach parking area and new access from Botany Way (Southern part of site).	Approved 01.12.2006
07/01224/FUL	Portakabin Ltd, Beacon Hill Industrial Estate, Botany Way, Purfleet	Proposed open storage and car parking with access road to Botany Way.	Approved 25.02.2008
07/01268/FUL	Crusely Trailer Engineering, Beacon Hill Industrial Estate, Botany Way, Purfleet	Single storey extension to existing unit	Refused 31.01.2008
13/01168/FUL	GC Distribution, Beacon Hill Industrial Estate, Botany Way, Purfleet	Extension of existing metal clad portal frame warehouse and removal of two portacabins and one WC building.	Approved 07.02.2014
14/00575/FUL	GC Distribution, Beacon Hill Industrial Estate, Botany Way, Purfleet	Removal of existing portacabins and replacing with new modular office.	Approved 11.08.2014
14/01070/CV	GC Distribution, Beacon Hill Industrial Estate, Botany Way,	Variation of Condition 3 (Complete Compliance) against approved planning	Approved 25.11.2014

	Purfleet	application 14/00575/FUL for larger modular office with modified windows and doors.	
14/01413/FUL	Land at Yard 1 and 2, Beacon Hill Industrial Estate, Botany Way, Purfleet	Use of land and warehouse for the storage of plant, vehicles and building materials	Approved 17.04.2015

Hollow Woods / Cornwall House			
Planning Ref.	Address	Description of Application	Decision
05/01095/TTGFUL	Cornwall House, London Road, Purfleet	Demolition of existing buildings and redevelopment of the site for 84 residential dwellings, comprising of 16 x 1 bedroom flats, 61 x 2 bedroom flats, 7 x 3 bedroom flats. 780 sq.m floorspace, car parking and landscaping.	Appeal Dismissed 11.05.2007
07/00362/TTGFUL	Cornwall House, London Road, Purfleet	Demolition of existing buildings and redevelopment of the site for 95 residential dwellings, comprising 86 flats and 9 houses, up to 500 sq.m. non-food retail, car parking and landscaping.	Approved 18.06.2008
11/00852/CAC	Harlow Cottage, London Road, Purfleet	Demolition of Harlow Cottage and other structures including fences, gates, walls and other means of enclosure.	Approved 01.12.11
13/00241/FUL	Cornwall House, London Road, Purfleet	Retrospective application for the use of land for the storage of plant, lorries and motor vehicles, scaffolding, materials, 2 mobile caravans and 4 containers.	Approved 06.09.2013
14/01378/CV	Cornwall House, London Road, Purfleet	Request to allow a further 18 months temporary permission (13/00241/FUL).	Withdrawn

14/01388/FUL	Cornwall House, London Road, Purfleet	Continued use of land for the storage of plant, lorries and motor vehicles, scaffolding and materials.	Approved 18.03.15
15/01394/TBC	Cornwall House, London Road, Purfleet	Proposed car park (change of use of land from storage and distribution use to car park) with associated surfacing, lighting and pay and display machines	Approved 18.12.15
16/01305/FUL	Harlow Cottage, London Road, Purfleet	New drive to allow access to garden from Church Hollow including turning area and parking for 2 cars.	Approved 05.12.16
17/01008/OUT	Harlow Cottage, London Road, Purfleet	Outline application in respect of the redevelopment of Harlow Cottage into 5no. 2 bedroom flats and 6no. 4 bedroom houses not to exceed three stories in height (all matters reserved)	Withdrawn
17/01534/TPOCA	Land rear of Botany Terrace and Hollow Cottages, London Road, Purfleet	To clear paths through the wooded areas to facilitate access then allow trees to regenerate naturally	Approved 19.12.17
18/00046/FUL	Harlow Cottage, London Road, Purfleet	Demolition of existing bungalow and erection of 7 new build residential properties.	Refused 21.03.18
18/00313/REM	Land adjacent Church Hollow to rear of Hollow Cottages and north of London Road, Purfleet	Application for approval of reserved matters (layout, scale, appearance and landscaping) for Zone 1A of the outline proposals for the development of 2,850 dwelling houses and associated uses on land at Purfleet, bounded to the north by Tank Lane and the High Speed 1 Rail Link; to	Under consideration

		the east by the chalk cliffs of Botany Quarry, the Carpetright storage and distribution centre and to the southeast by Esso petroleum storage facility; to the southwest and south by the River Thames and to the west / north-west by residential properties and the Essex Thameside railway line and associated uses (application reference 17/01668/OUT), comprising the development of 61 dwelling houses, re-landscaping of Hollow Woods, car and cycle parking, landscaping and associated works, including internal estate roads and new accesses onto Church Hollow, Caspian Way and London Road and any related infrastructure works.	
18/01439/FUL	Harlow Cottage, London Road, Purfleet	Demolition of existing bungalow and erect 5 new dwellings with private driveway (resubmission of 18/00046/FUL Demolition of existing bungalow and erection of 7 new build residential properties)	Approved 17.12.2018

Cory's Wharf			
Planning Ref.	Address	Description of Application	Decision
03/00611/FUL	Former Powell Duffryn Ltd, Cory's Wharf, London Road, Purfleet	Development of former industrial land to provide 659 residential dwellings and 3,000 sq.m of B1 (business use), construction of new roundabout public open space and riverside walkway and demolition of derelict pier.	Withdrawn
03/01257/FUL	Former Powell	Development of former	Refused

	Duffryn Ltd, Cory's Wharf, London Road, Purfleet	industrial land to provide 659 residential dwellings and 3,000 sq.m of B1 use class development public open space creation of riverside walkway, provision of 845 car parking spaces and demolition of derelict pier	11.12.2003
04/00914/FUL	Cory's Wharf, London Road, Purfleet	Redevelopment of former industrial land to provide not less than 571 residential units, construction of new roundabout and access, provision of public open space, creation of river walkway, provision of car parking spaces and demolition of derelict pier.	Appeal Dismissed 02.10.2006
04/00915/FUL	Cory's Wharf, London Road, Purfleet	Development of former industrial land to provide 571 residential dwellings and construction of new roundabout and access, provision of public open space, creation of riverside walkway, provision of 671 car parking spaces and demolition of derelict pier.	Appeal Dismissed 02.10.2006
05/00078/OUT	Cory's Wharf, London Road, Purfleet	Re-development of former industrial land to provide 504 residential units, up to 1500 square metres A1/A3 use, construction of new roundabout and access, provision of public open space, creation of river walkway, provision of car parking spaces and demolition of derelict pier.	Approved 19.08.2005
05/01214/TTGRE M	Cory's Wharf, London Road, Purfleet	Reserved matters application dealing with the development of former industrial land to provide 504 residential units, 1500 sq.m A1/A3 use, construction of new	Withdrawn

		roundabout and access, provision public open space, creation of river walkway, provision of car parking aces and demolition of derelict pier.	
05/01215/TTGRE M	Cory's Wharf, London Road, Purfleet	Reserved matters application dealing with the development of former industrial land to provide 504 residential units, 1500 sq.m A1/A3 use, construction of new roundabout and access, provision public open space, creation of river walkway, provision of car parking aces and demolition of derelict pier.	Withdrawn
07/00989/TTGRE M	Cory's Wharf, London Road, Purfleet	Reserved matters for 504 residential units and up to 1500 sq.m of A1/A3 use.	Approved 08.07.2008
07/00990/TTGFUL	Cory's Wharf, London Road, Purfleet	Redevelopment of former industrial land to provide 155 residential units	Withdrawn
08/00149/TTGFUL	Cory's Wharf, London Road, Purfleet	Redevelopment of former industrial land to provide 157 Residential Units, including new access arrangements, associated landscaping and car parking.	Withdrawn
08/01130/TTGFUL	Cory's Wharf, London Road, Purfleet	53 residential units to include 32 no 2 Bedroom and 21 no 3 Bedroom dwellings including access arrangements, associated landscaping and car parking	Withdrawn

4.8 Since 2003, the national housebuilder Taylor Wimpey has submitted nine separate planning applications to redevelop the Riverside site. The two initial applications made in 2003 were the subject of appeals but were subsequently withdrawn. Further applications were made in 2004 which were refused by Thurrock Council and appeals were lodged. These appeals were the subject of a joint public inquiry at the end of 2005/early 2006 by which time the Development Corporation had assumed its planning powers and made representations. In the interim, a further outline planning application for 504 units was approved by the Council in August

2005 (ref. 05/00078/OUT).

- 4.9 In late 2005, two reserved matters applications were submitted to the Development Corporation in respect of the outline permission for 504 units. Appeals against their non-determination were lodged. The Development Corporation resolved to object on the grounds of poor design, but the appeals were withdrawn in October 2006. The time limit within which applications for reserved matters approvals should be submitted has expired.

<b>Former Mills site south of railway line</b>			
<b>Planning Ref.</b>	<b>Address</b>	<b>Description of Application</b>	<b>Decision</b>
05/00001/OUT	Former B P B Ltd, London Road, Purfleet	Re-development for a mix of uses including residential (C3), community uses (including some or all of uses A1/A2/A3/D1/D2) and employment uses(B1/B2/B8) with public open space, enhanced riverside walkway, bridge over railway, landscaping, associated new highway and pedestrian/cycleway access into and within site and associated works.	Approved 28.09.2005
15/00268/FUL	Former B P B Ltd, London Road, Purfleet	Use of land for vehicular storage, formation of hardstanding and associated infrastructure works including erection of lighting and CCTV columns, erection of fencing, and drainage infrastructure on land at the former Paper Mills site, London Road, Purfleet.	Approved 27.05.16
16/00877/SCO	Former B P B Ltd, London Road, Purfleet	Request for an Environmental Impact Assessment (EIA) Scoping Opinion: Proposed expansion of port facilities to increase capacity and improve operational efficiencies comprising (i) new primary site access in the form of a new roundabout at the London	Advice given 21.07.16



		<p>Road / Jurgen Road junction</p> <p>(ii) secondary (optional) access onto London Road</p> <p>(iii) internal four lane bridge crossing the Purfleet - Grays railway line</p> <p>(iv) new internal access road network</p> <p>(v) realignment of internal railroad tracks</p> <p>(vi) demolition / removal and replacement of existing berths and construction of new berths</p> <p>(vii) surface multi-purpose storage and multi-storey car decks</p> <p>(viii) new container yard equipment and</p> <p>(ix) new workshop, hanger and employees' facilities.</p>	
16/01698/FUL	C.RO Ports, Purfleet Thames Terminal, London Road, Purfleet	<p>Full planning permission for the demolition of existing buildings and structures and the erection of new buildings, structures, port infrastructure (including road, railways, tracks, gantries and surfacing) landscaping, drainage, and other ancillary works in association with continued use of the port for the storage and transfer of trailers, containers and cars, including the erection of a car storage building on the former Paper Mills land, a workshop in South Park, and a new areas of open storage and transfer trailers, containers and cars on land at Purfleet Farm and south of the railway line.</p> <p>Outline planning permission for the expansion of the existing Pre-Delivery Inspection Building.</p>	Approved 04.05.17

**Former mills site north of railway line**

Planning Ref.	Address	Description of Application	Decision
05/00001/OUT	Former B P B Ltd, London Road, Purfleet	Re-development for a mix of uses including residential (C3), community uses (including some or all of uses A1/A2/A3/D1/D2) and employment uses(B1/B2/B8) with public open space, enhanced riverside walkway, bridge over railway, landscaping, associated new highway and pedestrian/cycleway access into and within site and associated works.	Approved 28.09.2005
11/50398/TTGDEM	Former Smurfit Kappa Lokfast Site, London Road, Purfleet	Prior notification of Demolition of redundant factory and warehouse buildings.	Withdrawn
11/50404/TTGDEM	Former B P B Ltd, London Road, Purfleet	Demolition of the former British Paper Board Papermill	Prior approval granted 16.01.12
13/00149/FUL	Former B P B Ltd, London Road, Purfleet	Construction of a timber storage building incorporating timber treatment plant (mix of B8 and B2 use)	Approved 24.07.13
13/00746/FUL	Former B P B Ltd, London Road, Purfleet	Construction of a timber storage building incorporating timber treatment plan - Mix of B8 and B2 use (Revision to approved planning application 13/00149/FUL)	Approved 22.10.13
13/01127/CV	Former B P B Ltd, London Road, Purfleet	Application under s73 for the removal or variation of a planning condition following grant of planning permission: Removal of condition no. 8 (BREEAM) of planning permission ref. 13/00746/FUL	Approved 20.01.14
15/00009/FUL	Former Smurfit Kappa Lokfast Site, London Road,	Change of use of land and warehouse for the storage of plant, vehicles and building	Approved 17.04.15

	Purfleet	materials.	
15/01241/SCR	International Timber Ltd, London Road, Purfleet	Request for EIA Screening Opinion – Provision of 9,300 sq.m. of warehousing in two phases including car parking and landscaping	EIA not required
16/00275/FUL	International Timber Ltd, London Road, Purfleet	Construction of warehouse development (B8) with associated access, car parking and servicing areas and installation of new footpath.	Approved 30.03.17
17/00080/DMI	Smurfit Kappa Lokfast Site, London Road, Purfleet	Application for prior notification of proposed demolition: Demolition of the existing building on Former Smurfitt Kappa site	Prior approval granted 20.02.17
17/01023/SCR	Smurfit Kappa Lokfast Site, London Road, Purfleet	Request for EIA Screening Opinion - Proposed construction of a part three / part four-storey, 6-form entry secondary school for 1,150 students (including 250 sixth form pupils) in 8,820 sq.m. new school building.	EIA not required
17/01171/FUL	Smurfit Kappa Lokfast Site, London Road, Purfleet	Proposed construction of part three /part four-storey, 6-form entry secondary school for 1,150 students (including 250 sixth form pupils) in 8,850 sq.m. new school building	Approved 10.11.17
17/01176/FUL	Smurfit Kappa Lokfast Site, London Road, Purfleet	Enabling works (associated with the proposed development of Harris Riverside Academy - planning application ref. 17/01171/FUL) including site investigation works; Japanese knotweed management; haul road construction; the lifting and removing of ground obstructions; the crushing of concrete from slab and	Approved 15.11.17

		obstruction removal; remediation works; site profiling; and service disconnections and diversions.	
18/01387/CV	International Timber Ltd, London Road, Purfleet	Application for the variation of condition no. 2 (Approved Plans), 8 (Boundary Details), 9 (Lighting Strategy), 10 (Tree Protection Measures, 11 (Landscape Protection), 14 (Restrictions on HGV Movements), 16 (Parking Provision), 19 (Levels), 24 (Hours of Use), 25 (Delivery Hours), 28 (Refuse Storage) and 35 (Renewable energy installation) of planning permission ref. 16/00275/FUL (Construction of warehouse development (B8) with associated access, car parking and servicing areas and installation of new footpath.)	Approved 05.04.19
19/00443/FUL	Harris Academy Riverside, London Road, Purfleet	Construction of all-weather sports pitch, perimeter fencing, acoustic fencing and six outdoor floodlights	Under consideration

## 5.0 CONSULTATIONS AND REPRESENTATIONS

### 5.1 PUBLICITY:

This application has been advertised by way of individual neighbour notification letters (c.790 in total), press advert and public site notices which have been displayed within and adjacent to the site. The proposals have been advertised as a major development, as affecting a public footpath, as accompanied by an Environmental Statement, as a departure from the Development Plan and as affecting the character or appearance of a Conservation Area (Purfleet). The following replies have been received.

### 5.2 Local Residents:

Eleven responses have been received from local residents. Three of these responses express support for the proposals. A further four residents express support, but raise queries relating to:-

- building height;
- density;
- access;
- increased traffic / congestion; and
- loss of trees.

Three residents have objected to the application citing the following concerns:

- development would be out of character;
- density of development;
- impact on Purfleet Conservation Area;
- increased traffic;
- building height; and
- loss of trees.

Finally one letter from an unknown address queries car parking provision for the secondary school.

### 5.3 Local Businesses:

Representations have been made by or on behalf of nearby commercial occupiers as follows:

#### 5.4 Barton Willmore (on behalf of six commercial occupiers in Botany Way) – object to the planning application for the following reasons:

- loss of existing industrial estate employment land (B2 / B8 Use Class) and associated loss of existing local employment opportunities;
- lack of alternative provision of industrial estate land (B2 / B8 Use Class) within the redevelopment scheme and within the local area; and
- the deliverability of the proposed film and television studios as part of the overall regeneration scheme on the basis that the land is not under the control of the Applicant and the proposals are objected to by existing landowners.

#### 5.5 KBC Logistics (Botany Way) – object to the planning application for the following reasons:

- loss of existing employment;

- traffic congestion; and
- lack of alternative sites.

5.6 Knight Frank (on behalf of Tennants Distribution Ltd, Botany Way) – object to the planning application for the following reasons:

- proposals would be incompatible with the existing use of the property;
- prejudicial to employment at the site; and
- disruption to the supply of diesel additive to the region from the site.

5.7 Freeths (on behalf of Saint Gobain Building Distribution Ltd, London Road) – does not object to the regeneration of the wider application site. However, an objection is raised to the proposed uses on land within the ownership of Saint Gobain which includes both existing business operations and ‘committed’ development land in the form of the recently consented warehouse scheme. Given the uncertainty about the ability of the development to deliver sections of the regeneration scheme, it is considered that the ES should undertake analysis of alternative development programs which exclude land within the ownership of Saint Gobain and examine the consequences of this.

5.8 Lichfields (on behalf of Intu Lakeside Ltd) have submitted five representations as follows:

- 12<sup>th</sup> February 2018 – object raising concerns regarding the scale of the proposed retail and leisure floorspace and potential conflict with the Core Strategy policy referring to a new local centre at Purfleet. The application is not accompanied by a retail impact assessment and in these circumstances the Council is not in a position to consider this important planning consideration.

Following the submission of a ‘Town Centre Uses Assessment’ by the applicant, Lichfields submitted the following representation:

- 28<sup>th</sup> June 2018 – maintains an objection to the proposals. In summary, it is considered that the submitted Town Centre Uses Assessment significantly under-estimates the impact of the development particularly considering the cumulative impacts with planned commitments and a proper assessment of the food/beverage and leisure uses proposed is required. Under the heading of ‘Local Centre Designation’ it is considered that the proposals significantly exceed the development envisaged by Core Strategy Policy CSTP7 and will attract trade from a wide catchment, beyond the residential development proposed. Consequently, the proposals cannot reasonably be considered to deliver a local centre by any reasonable definition of such a centre and are not in accordance with Policy CSPT7. Notwithstanding these concerns, a number of planning conditions are suggested.

Following the submission of the above comments (28<sup>th</sup> June 2018) the applicant provided a written response (August 2018). A further representation was submitted by Lichfields as summarised below:

- 3<sup>rd</sup> September 2018 – previous objections to the application remain on the basis that the impact of the proposal has been under-estimated, the proposals do not accord with Core Strategy policy CSTP7 and the Applicant's assessment is inadequate.

The applicant submitted further comments, including an updated schedule of draft planning conditions in October 2018. A further representation from Lichfield is summarised below:

- 22<sup>nd</sup> November 2018 – concerns that a leisure assessment is required and with the assessment which has been provided by the applicant are maintained. Amendments to the draft planning conditions are suggested to ensure that the proposals do not prejudice investment at Lakeside or compete with regard to Class D2 floorspace. If the suggested amendment re attached, Intu is prepared to consider withdrawing its objection.

As a result of a further exchange of correspondence a final letter was received from Lichfields on behalf of Intu Lakeside as follows:

- 21<sup>st</sup> December 2018 - subject to confirmation that the form of wording for recommended conditions relating to town centre uses floorspace is in the form suggested by Lichfields, then Intu Lakeside Ltd. is more comfortable with the retail and leisure elements of the proposals and is not minded to pursue its objection further. Nevertheless, in the absence of a leisure impact assessment the Council will need to be satisfied that it has sufficient information to assess the impact of the development.

- 5.9 Purfleet Real Estate (Purfleet Thames Terminal) has submitted the following representations. There are no objections to the principle of the town centre redevelopment. However, there are concerns regarding the potential impact of the development proposals on existing and future Terminal operations. The Terminal owns land at the former Paper Mills site, which is within the application site, and has secured recent planning permissions for development on this land. The application allocates the Paper Mills land for ecological mitigation and it is considered inappropriate and unnecessary to reallocate port land to non-active uses, contrary to the Council's own policy to safeguard such land. The application does not include an assessment of alternatives to achieve the proposed development without disposing of safeguarded and economically important land. Under the heading of 'deliverability' it is noted that the Applicant does not own all

the land required to deliver the proposed development and this land would need to be acquired either by private treaty or a compulsory purchase order. The outcome of either of these cannot be known. Concerns are raised that the construction and operation of the development should not impede the function of traffic routes serving the Terminal or the operation of the new Terminal access arrangements approved by planning permission ref. 16/01574/FUL. There should be further assessment of the potential impacts of the proposed new railway crossing and the Council's intended one-way arrangement for Stonehouse Lane.

Following this initial representation, Purfleet Real Estate submitted further comments in June 2018 focussing on highways matters. Purfleet Real Estate reviewed the submitted Transport Assessment and considers that this Assessment materially underestimates future traffic flows and impacts. In September 2018, following the submission of clarifications from the applicant, Purfleet Real Estate submitted another representation reiterating previous concerns about impacts of the development on the local highway network and the need for mitigation measures.

#### 5.10 CONSULTATION RESPONSES:

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

#### 5.11 ANGLIAN WATER:

Draw attention to assets in the area. Foul drainage from the development is in the catchment of Tilbury Water Recycling Centre which currently does not have capacity to treat the flows the site. Anglian Water are obligated to accept the foul flows from development with the benefit of planning consent and would therefore take the necessary steps to ensure that there is sufficient treatment capacity should the Planning Authority grant planning permission. A foul water drainage strategy will need to be prepared in consultation with Anglian Water to determine mitigation measures. A planning condition is suggested.

#### 5.12 BUGLIFE:

No comments.

#### 5.13 C2C:

No reply received.



**5.14 DARTFORD COUNCIL:**

Raise no objections to the proposals.

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

The application site lies within a highly sensitive area and a number of planning conditions are suggested to address the issue of archaeological investigation and fieldwork.

**5.16 ESSEX FIRE & RESCUE SERVICES:**

Detailed comments are offered referring to access for fire services, building regulations, water supplies and the use of sprinkler systems.

**5.17 ESSEX POLICE:**

No reply received.

**5.18 ESSEX & SUFFOLK WATER:**

Draw attention to the presence of assets in the area and the requirements of separate water supply regulations.

**5.19 HIGHWAYS ENGLAND:**

An initial response, dated January 2018, raised some concerns with the proposed development and the Transport Assessment (TA) methodology that require clarification. With reference to the submitted TA the methodology used to calculate the residential and hotel trips require clarification. The traffic flow diagrams provided in the TA also require clarification. Traffic analysis results for M25 Junction 31 also require clarification. Highways England (HE) requested that the local planning authority refrain from determining the application until the requested clarifications have been submitted and assessed.

Following this initial response a series of discussions between the applicant, HE and officers followed, resulting in the submission of a number of technical notes, 'further information' to the ES and proposals for mitigation measures.

An e-mail from HE in November 2018 provided an update and confirmed that the applicant's transport consultant was undertaking an assessment in connection with M25 jct. 30. A further update e-mail from HE (December 2018) stated that the applicant had completed a jct. 30 assessment using parameters agreed by HE and that mitigation measures had been suggested. In February 2019 HE confirmed by

e-mail that they remained in discussions with the applicant regarding modelling and assessments to inform measures to mitigate the impacts of the development on jct. 30. However, at that point HE were not in a position to provide a final formal consultation response to the local planning authority.

On 6<sup>th</sup> March 2019 HE provided an update e-mail which sets out the principal areas of interest comprising jct. 30, the M25 / A13 westbound off-slip and the combined impact on the strategic and local road networks at jct. 31. HE confirmed that mitigation measures had been suggested for the A13 westbound off-slip and the M25 (A282) northbound off-slip and that consultants were assessing the measures on behalf of HE. This e-mail again formally requested that the local planning authority refrain from determining the application (other than refusal) until such time as the proposed mitigation measures had been confirmed as acceptable.

An e-mail from HE dated 29<sup>th</sup> March 2019 confirmed that the applicant's proposed mitigation for jct. 30 had been assessed by consultants acting on behalf of HE and that a review was underway. Pending the outcome of the review, HE formally requested that the local planning authority refrain from determining the application (other than refusal) until the mitigation measures were confirmed as acceptable.

A formal response from HE (Formal Recommendation to an Application for Planning Permission) was submitted on 4<sup>th</sup> April 2019 which *"recommended that planning permission not be granted for a specified period (see Annex A)"*.

Annex A of the response states (inter-alia):

*"Highways England (HE) has been engaged in discussion with the developer PCRL since 2018 ... there has been an iterative process of defining and refining the information from the original TA. Further information has been provided by the consultant in the form of technical notes that number up to TN14B to date ... HE's concerns are the effect that the PCRL development trips will have on the strategic road network (SRN) at M25 j30 which is upstream of the Dartford Crossing. We are also concerned that development traffic, accessing the M25 at j30 via a link road from j31, could result in extending queueing traffic accessing j30 from the A282 (Dartford Crossing) and causing a safety hazard with vehicles queueing and becoming stationary on the main carriageway. Modelling analysis has also shown that the development traffic contributes to additional queueing on the A13 westbound off slip at j30.*

*Highways England has worked with the developers and their consultants to agree mitigation on the SRN to reduce the impact of their proposals. A mitigation package was brought forward to;*

*a) Widen the A13 westbound off-slip at the stop line to create better capacity and*

*easier free flow of traffic*

*b) Introduce ramp metering on the link road between j31 and j30 and to give priority to traffic leaving the A282 to go to j30.*

*Both options have been reviewed by Atkins on behalf of HE and this has now resulted in some further queries being raised which have not been concluded in time for any agreement to be reached between HE and PCRL as to a mitigation package in time to be included in the Thurrock Council Planning Committee Report.*

*The situation in respect of the two mitigation proposals set out above is;*

*a) HE has consulted Connect Plus Services (CPS), maintenance operator for that network, to ask if they have any concerns on the implementation of the proposals. A response is awaited.*

*b) Prior to the ramp metering proposal being submitted HE took advice internally as to the policy for using ramp metering in this location for the purpose of increasing green time for A282 traffic to the detriment of j31 link road traffic. It was concluded that this would be acceptable. The review by Atkins has suggested that this would not be an appropriate use of ramp metering and may have consequent implications where ramp metering could be used in a traditional way. There would also likely be a severe impact on j31 if traffic was held on the slip road with consequent queueing on to j31. In a telecon with PCRL and their consultants on Wednesday 3 April these concerns were put to them and HE said that we were not now able to agree that the ramp metering option b) was acceptable mitigation for the development and that PCRL should consider other measures. It has been agreed between HE and PCRL that a further meeting will be held before Easter 2019 (so up to 18 April) to discuss ideas for alternative mitigation. At this time, or before, HE will also be able to confirm the comments from CPS and either accept the A13 westbound off slip mitigation as designed or discuss amendments if any are suggested.*

*Highways England has also done a review of the VISSIM modelling that formed part of the mitigation proposals and comment on the model have been shared with PCRL Consultants. HE awaits their further comments.*

*Highways England recommend that planning permission is not granted until such time as a suitable mitigation package can be agreed up to, and including, RSA1 approval."*

## 5.20 HIGH SPEED 1:

Suggest that any planning permission is subject to a number of conditions safeguarding HS1 assets.

## 5.21 HEALTH & SAFETY EXECUTIVE:

The south-eastern part of the site lies within the 'Development Proximity Zone' (DPZ) and 'Inner', 'Middle' and 'Outer' consultation zones drawn around the Purfleet Fuels Terminal (Esso). This terminal is a 'large scale petrol storage site' and all development proposals within the DPZ are referred directly to the Health and Safety Executive (HSE).

HSE would not advise against the grant of planning permission for the following elements of development within the consultation distances subject to the following restrictions –

- (a) Use Classes A1, A3, A4 and D2 if located:
  - (i) within the Middle Zone and total floorspace is less than 5,000 sq.m.;
  - (ii) within the Outer Zone if the floorspace exceeds 5,000 sq.m.
- (b) Use Class B1 if all buildings in the Inner Zone contain less than 100 occupants and less than 3 occupied storeys
- (c) Use Class C1 if located:
  - (i) within the Middle Zone if no more than 100 beds are provided;
  - (ii) outside the consultation distance if the total site area exceeds 0.25 hectares
- (d) A care home or nursing home if located:
  - (i) within the Outer Zone and the total site area does not exceed 0.25 hectares;
  - (ii) outside the consultation distance if the total site area exceeds 0.25 hectares
- (e) Use Class D1 if this use involves a crèche / day nursery or a school:
  - (i) within the Outer Zone and the total site area does not exceed 1.4 hectares;
  - (ii) outside the consultation distance if the total site area exceeds 1.4 hectares.

With reference to Use Class C3 (dwellinghouses), only limited, low density housing should be built within the Middle Zone with 30 dwellings at a maximum density of 40 dph being the limit at which HSE would not advise against a proposal.

HSE would advise on safety grounds against granting permission for the open space / landscaping at the south-eastern corner of the site and within the DPZ / Inner Zone, unless there were no features or facilities other than footpaths / walkways.

## 5.22 NETWORK RAIL:

Initially raised a holding objection (dated 8<sup>th</sup> August 2018) on the basis that insufficient detail has been provided for the proposed new Purfleet railway station. In particular, Network Rail recommended that:

- the new station is built prior to the first phase of development;
- design details of the new railway station are provided; and
- construction of the new footbridge will need to take place at the same time as the new railway station.

A further letter was submitted by Network Rail on 4<sup>th</sup> September 2018 raising the following points:

- during construction of the new road bridge the existing train operating company footbridge should remain until an alternative is provided; and
- Network Rail will require a planning condition prohibiting use of the Thames Board Mills manual controlled barrier level crossing and that the developer release all rights associated with that crossing.

A further representation was submitted by Network Rail on 16<sup>th</sup> October 2018 as follows:

- main concerns relate to the possible impact of the development on Purfleet railway station and the level crossing. Despite useful conversations with the applicant, further information is required to assess the application. In particular the TA should refer in greater details to the station and level crossing. Suggested planning conditions are welcomed although triggers require clarification, as do mitigation measures and feasibility.

Following discussions between Network Rail, the applicant and planning officers a final consultation response was submitted on 1<sup>st</sup> March 2019. This response requests that any planning permission is subject to a number of planning conditions and informatives which would enable the holding objection to be removed. If the suggested conditions and informatives are not agreed or are changed, the holding objection would remain. Network Rail's suggested conditions and informatives appear at Appendix 1 to this report.

#### 5.23 NHS ENGLAND:

The development is likely to impact on the services of the GP practice (Purfleet Care Centre) operating within the vicinity of the site. This practice does not have capacity for the additional growth resulting from this development. The development would have an impact on primary healthcare provision in the area and

its implications, if unmitigated, are considered unsustainable. NHS England therefore requests that suitable mitigation be secured linked to any grant of planning permission, in the form of a Section 106 planning obligation.

#### 5.24 ENVIRONMENT AGENCY (EA):

The EA has provided a total of seven formal consultation responses dating from March, June, August, September and December 2018 and March 2019. The first consultation response (March 2018) raised holding objections relating to:

- the future Thames flood barrier;
- flood defences;
- flood risk;
- ecology; and
- water quality.

This response also requested a number of planning conditions referring to contaminated land issues.

The EA's June 2018 consultation response removed previous objections in relation to flood risk assessment and water quality / Water Framework Directive issues only.

The outstanding objections from the EA refer to the following matters:

Future Thames Barrier – the proposals overlap with the preferred location for the future Thames tidal barrier. The Thames Estuary 2100 Plan states that investment in a new flood defence system will be required by 2070, including the construction of a new Thames flood barrier. The preferred location of this barrier is at Long Reach, Purfleet. Land within Purfleet would be required for the construction and operation of the Barrier, with 2 hectares of the site required for construction. The application proposes high density housing development on the land identified for construction of the Barrier and the EA would compulsorily purchase the land if necessary. The proposals should safeguard the location of the future Barrier.

Flood Defences – the application assumes that existing tidal defences will form part of the structure of the development, with ground levels raised behind the wall. Proposed sections are not suitable as they do not provide protection for the recommended 100 year lifespan of the development. Maintenance access is also required.

Ecology – mitigation of impacts on the tidal Thames is required including a net gain in habitat. The future use of jetties has not been resolved. The proposed lighting strategy is considered inadequate. There have been no surveys of marine

mammals. The proposed boardwalk into the estuary constitutes encroachment.

Following a series of discussions between the EA, the applicant and officers, a consultation response was received in December 2018. This response refers to completed agreements (relating to flood defences and the safeguarding of land in relating to a future Thames Barrier) and draft planning conditions and informatives. The EA's position set out in this December 2018 response was:

*"The Environment Agency confirms that if at (the Council's) Planning Committee:*

- 1. approves the conditions in the form in which they appear in this letter;*
- 2. the conditions are excluded from any post committee amendments that may occur by the Council; and*
- 3. resolves to grant the application subject to a referral under the 2009 Direction the Environment Agency will the next morning formally remove its objections to the application."*

The planning conditions sought by the EA comprise:

- a requirement for a scheme of ecological compensation and improvement for the inter-tidal area;
- a requirement for an ecological strategy associated with the proposed use of the Cory's wharf jetty;
- measures to address unforeseen contamination;
- a requirement for the development to be undertaken in accordance with the Environment Act / Anglian Water Act agreements referring to flood defences and the safeguarding of land associated with a new Thames Barrier.

The December 2018 consultation response requested that an informative was added to any planning permission referring to the Water Framework Directive.

Following receipt of the December 2018 response officers discussed the detailed wording of the planning conditions with the EA and proposed a number of minor amendments. A final consultation response, dated 29<sup>th</sup> March 2019 states:

*"The Environment Agency confirms that if at Planning Committee the Committee:*

- 1. approves the conditions in the form in which they appear in this letter;*
- 2. the conditions are excluded from any post committee amendments that may occur by the Council; and*
- 3. resolves to grant the application subject to a referral under the 2009 Direction the Environment Agency will the next morning formally remove its objections to the application."*

The planning conditions sought by the EA in their final consultation response appear at Appendix 1 to this report (refs. R11, R12, M4, Q12 and Q13).

#### 5.25 MAYOR OF LONDON:

In a letter dated 9<sup>th</sup> March 2018 and addressed to the Leader of the Council the Mayor refers to the objections from the Environment Agency and Port of London Authority which mention the safeguarding of land for a new Thames Barrier. The draft London Plan and London Environment Strategy both support the Thames Estuary 2100 Plan and the need to safeguard land for a future Thames Barrier which will be required by 2070. Thurrock Council is urged to work with the EA and PLA to reach agreement on safeguarding the required land whilst still allowing for regeneration.

#### 5.26 NATURAL ENGLAND:

An initial response from March 2018 stated that further information is required to determine the impacts of development on Purfleet Chalk Pits SSSI, as well as impacts on invertebrates, wintering birds, marine ecology and intertidal habitat.

Following correspondence with the applicant, a further consultation response (November 2018) welcomed the suggested planning condition requiring a Construction Environment Management Plan (CEMP). However, further information regarding avoidance of impacts on the SSSI during the development and conservation / enhancement of the SSSI was also requested prior to the determination of the application. Detailed comments were also made referring to suggested planning conditions for invertebrates, wintering birds, intertidal habitat, Water Framework Directive Assessment and coastal access.

A final consultation response was received in February 2019 confirming no objection, subject to appropriate mitigation for the SSSI being secured through a planning condition.

#### 5.27 PORT OF LONDON AUTHORITY:

In a consultation response dated 27<sup>th</sup> February 2018 the PLA raised the following issues:

- TE 2100 / future Thames Barrier – the potential need for a new barrier in this area in the future must be considered. The current proposals do not refer to the need for this nationally important infrastructure contrary to TE2100. The PLA object to the application in principle until this is addressed;



- Site layout and design – detailed designs of dwellings close to operational wharves must ensure there is no risk of wharf activities being constrained as a result of amenity complaints from future residents. Although the PLA is supportive of active use of the jetties within the site, it objects to the potential development of two-storey buildings in these locations;
- Noise and vibration – the PLA has a number of concerns regarding the assessment within the Environmental statement and requests that the assessment is updated. The concerns refer to the assessment of noise and vibration in relation to existing operational wharves close to the site;
- Air quality – the PLA request that future Construction Environment Management Plans refer to measures to mitigate impact on the River Thames;
- Transport and access – consideration should be given to use of the river Thames for the transportation of construction materials and waste. Consideration should also be given to riverbus services to the site;
- River wall strategy – the PLA should be consulted on future details of river wall replacement;
- Environment – the proposed river cladding on the River wall will not mitigate the loss of intertidal habitat. Consideration should be given to the structural integrity of Cory's Wharf, marine invasive non-native species pollution and litter control; and
- Lighting – further information of external lighting is required to demonstrate that impacts on navigation and ecology would be minimised.

In response to the above comments the Applicant provided additional information to the PLA in July 2018. A further response from the PLA, dated 1<sup>st</sup> August 2018, states:

- Noise and vibration – the PLA maintains its position that additional assessment is required to model impacts and inform mitigation measures. The relationship between existing operational wharves and future residential uses is highlighted.
- Other issues – the PLA notes that other matters are to be addressed via condition and through reserved matters submissions. It is requested that the use of the River Thames during construction is seriously considered in each Construction Environment Traffic Management Plan. Potential riverbus services should also be explored.

Following receipt of the ES Addendum in November 2018, a further consultation response was received in January 2019. This response refers to previous consultation comments and expresses disappointment that the updated TA lacks consideration of the use of the River Thames for construction of the development. The use of the river for the transportation of construction materials must be considered in each Construction Traffic Management Plan and CEMP and

conditioned as such. Consideration must also be given to the potential for future river bus services as part of a package of sustainable transport measures.

A final consultation response was received dated 5<sup>th</sup> February 2019 which, in light of the s30 Agreement between the applicant, EA and the landowner, withdraws the earlier objection referring to the safeguarding of land for a future Thames Barrier. However, previous comments regarding noise assessment and the use of river transport are repeated. The PLA confirm that planning conditions can be used to address a lighting strategy, the river wall, Water Framework Directive matters and proposals for the riverside walkway and jetty.

5.28 RSPB:

No reply received.

5.29 SPORT ENGLAND:

Summary of initial response dated 23<sup>rd</sup> January 2018:

Active Design – Sport England is supportive of the approach taken in the development in relation to creating opportunities to encourage physical activity through the design of the development and the proposals broadly follow Sport England's Active Design guidance although some comments are made about further opportunities that should be considered through the outline or subsequent reserved matters applications.

Community Sports Provision – objection is made to the proposals for community sports facility provision to meet the needs of the proposed development in its current form due to the lack of confirmed provision. This position would be reviewed if it was proposed that appropriate financial contributions would be made towards off-site indoor and outdoor sports facility provision, secured through a section 106 agreement, as set out in this response or if revised proposals for the secondary school site were progressed.

Schools – comments are made about the need to secure community access to the facilities provided in the proposed primary school.

Following a series of discussions between Sport England, the applicant and officers an updated consultation response was received from Sport England, dated 19<sup>th</sup> December 2018. In summary, this response withdraws the earlier objection, subject to the s106 agreement being completed in accordance with the recommended heads of terms set out at Appendix 2 of this report.

### 5.30 TRANSPORT FOR LONDON (TFL):

Comments are offered in relation to the A13 within London for which TFL is responsible. With reference to the A13 / A1306 Wennington Interchange southern roundabout –

- currently operates with spare capacity in the AM and PM peaks with a ratio of flow to capacity (RFC) below 0.7 within the desired limit of 0.85 with no significant queues
- Saturday RFC below 0.6 with predicted minor changes to queues
- AM RFC below 0.8 for all scenarios with no concerns regarding queues
- PM shows RFC of up to 0.86 on the A1306 arm and average queues of 6 vehicles; other approaches are well within capacity.

With regard to the northern roundabout of this junction:

- AM peak shows negligible change from existing situation
- PM peak shows the roundabout operates within capacity for the 2034 scenario; however applying the proposed VMS strategy pushes more traffic to use the A13 eastbound slip road increasing the RFC to 0.91. 9 vehicles is the mean queue, the slip road is sufficiently long enough to cope with 300m of queuing per lane (9 vehicles = 50-60m). Sustainable measures bring the figures down on all approaches and look to be helpful in mitigating this increase. To secure this mitigation the sustainable measures should be brought forward at an early stage and their implementation and timing should be secured through the planning permission.

Conclusion - whilst there are some increases in traffic loading/queues they are not of concern to the safety and operation of the A13 within London, subject to the implementation of sustainable measures and considering the figures presented.

### 5.31 THURROCK COUNCIL – EMERGENCY PLANNER:

Assuming a satisfactory flood risk assessment is submitted and that there is no objection from the HSE, a flood warning and evacuation plan should be secured via planning condition.

### 5.32 THURROCK COUNCIL – EDUCATION:

The residential development proposed will significantly increase demand for early years, primary and secondary school places locally. However, it is recognised that the Harris Academy Riverside (currently under construction and due to open in Autumn 2019) will provide sufficient secondary school places to meet the demand for secondary school places generated by the development. S106 obligations are

required to ensure the adequate provision of early years and primary school place provision.

### 5.33 THURROCK COUNCIL – ENVIRONMENTAL HEALTH:

Air Quality – an initial consultation response from March 2018 expressed concerns with some of the air quality modelling in relation to nitrogen dioxide (NO<sub>2</sub>) and Nitric Oxides (NO<sub>x</sub>) and future background adjustments. There were also some major concerns about road traffic data and calculations projected forward to 2034. It was suggested that traffic data was re-visited for future scenarios and re-modelled.

In response to these comments, the Applicant submitted an update in June 2018. Further comments from the Environmental Health Officer (EHO) (also dated June 2018) concluded that the Applicant's update did not fully satisfy concerns and that modelling needed explanation.

The Applicant provided further clarification in August 2018. In response the EHO is satisfied with the explanation provided in regards to the uplift in traffic and confirms that this has been assessed in a conservative worst case scenario. The EHO agrees that the overall impact will "likely" be insignificant in terms of air quality. However the worst case scenario does identify a moderate impact at receptors R6, R11 & R13. This will result in an increase of nitrogen dioxide (NO<sub>2</sub>) at 2.0 µg/m<sup>3</sup> at R6, an increase of 2.3 µg/m<sup>3</sup> at R11 and an increase of 0.9 µg/m<sup>3</sup> at R13. Although it is considered unlikely that these increases will result, as the traffic levels will likely to be lower than it was estimated in the modelling scenario. It will be important to consider the impact of air quality particularly at R6 which is in Air Quality Management Area (AQMA) 10. Any further increase in concentrations for NO<sub>2</sub> and particulate matter (PM<sub>10</sub>) & (PM<sub>2.5</sub>) in this AQMA is not desirable. In addition to this further increases of traffic along Purfleet By-Pass at AQMA 26 at R13 will also not be desirable. Future planning in terms of re-routing of HGV's away from these AQMA's as a result of the future developments activities must be taken into account and may require detailed Travel Plans to be submitted and adhered to along the London Road Purfleet AQMA10 and the Purfleet by-Pass AQMA26, if the end scenario is fully realised in terms of air quality once all stages of the development are completed. The EHO confirms based on the additional comments received from the consultant that no further modelling of the overall scheme will be required. Further modelling of air quality will only be required as and when each future phase'(s) of the application are submitted.

Ground Conditions – the assessment submitted by the applicant provides a sound basis for investigation and remediation. Further risk assessments and remediation proposals will be required for component elements of the site.

Noise and Vibration – the assumptions within the Environmental Statement (ES) are considered reasonable. The assessment methodology and baseline survey are appropriate. Detailed comments are offered referring to road traffic noise. The demolition and construction noise assessment is satisfactory and shows that there would be major short term impacts for some noise-sensitive receptors. Mitigation measures are therefore required during construction. New dwellings are likely to require some mitigation to achieve acceptable internal noise levels. The proposed primary school will require a more detailed assessment when its final position is known. Noise from fixed plant and non-residential uses will also require assessment. Noise from external filming activities will also require control.

Construction Environment Management Plan – the submitted Plan outlines a framework, although for each stage of development a more detailed plan is required.

Following receipt of the ES Addendum in November 2018, a further consultation response was received in January 2019. With reference to air quality, based on the updated TA it is confirmed that the development overall will not have a significant impact on receptors nearby, although there would be moderate adverse impacts at receptors R6, R8 and R11. Receptor 6 is located within an AQMA and any further increases in NO<sub>2</sub> and PM<sub>10</sub> concentrations are not desirable. However, the applicant's modelling is conservative and the likely impact is less significant. The modelled uplift in concentration to R6 is within the air quality objective limit. Routing of HGVs away from the AQMA is raised as an issue. Receptor R13 has a modelled exceedance of air quality objectives with the development, however this leads to an improvement in air quality as the without development scenario is higher. The proposed Heating Plant as part of the development has also been modelled and the overall impact of this at receptor locations is insignificant.

With regard to noise and vibration the revised traffic assessment has resulted in some changes to the predicted noise levels with most predictions moving from minor to insignificant and Botany Way (ATC 3) moving from moderate to insignificant. Botany Way (ATC8) remains a moderate impact but the predicted change reduces. Consequently no adverse comments are raised.

#### 5.34 THURROCK COUNCIL – FLOOD RISK:

No objections – subject to planning conditions addressing surface water drainage.

#### 5.35 THURROCK COUNCIL – HOUSING:

As the application is at outline stage the full detail on the treatment, quantum and viability of affordable housing provision is not available and a more comprehensive

response cannot be made. The aspiration to provide high quality housing as part of a mixed use regeneration scheme is supported. The adoption of the national described space standards across tenure is welcomed together with the achievement of high level energy performance standards, secured by design standards and lifetime home design.

In the absence of specific proposals on affordable housing the position set out below should be considered in response to this application, subject to detailed discussion on quantum, affordability and viability.

1. 35% of the dwellings on site should be provided as affordable housing.
2. at least 70% of the total affordable residential units should be provided as affordable rented accommodation to meet priority housing needs (as based on the up to 80% market rent model) and should be capped at Local Housing Allowance Levels. The balance should be provided at a range of costs that are less than minimum market prices or rents e.g. intermediate housing (shared ownership / intermediate rented).
3. A similar mix is sought in the private and affordable elements of the scheme to aid visual integration. The affordable housing should be provided in groups of no more than 15% of the total number of units being provided.
4. The affordable housing units should achieve standards that comply with minimum Homes & Communities Agency funding requirements. The garden/private amenity areas and the car parking arrangements and the car parking arrangements should be no less than those of the private dwellings.
5. 100% of the affordable housing is required to conform to lifetime homes standard with 3% to be wheelchair accessible.
6. The cost of the affordable housing obligation is to be reflected in the overall financial appraisal in respect of the whole development and in negotiations from the start of the land acquisitions and development process. Hence the assumption the scheme will receive nil grant unless it delivers affordable housing in excess of evidenced viability. Any economic site viability is required to be verified by an independent assessor with numeration coming from the developer.
7. It is requested that the developers partners with a Registered Social Landlord to deliver the affordable housing element of the development as early as possible and it is noted that Swan Housing are the selected Registered provider in this case. Swan are a well-regarded and established provider in the Borough and a valued affordable housing partner.
8. The developer should allow for a cascade mechanism in the s.106 with regards to affordable housing to allow for changes and flexibility within the housing market.
9. Intermediate housing preferably should be provided as shared ownership with equity rents typically not exceeding 2.75% of the unsold equity. The role of

starter homes in providing a range of home ownership opportunities is supported however in line with the 2016 South Essex Strategic Housing Market Assessment (see below) para 6.86 starter homes are considered unlikely to directly contribute towards meeting the identified levels of affordable housing need and so their inclusion should be in addition rather than in place of affordable housing.

#### General Comments:

A recent Strategic Housing Market Assessment for South Essex (SHMA - undertaken by Turley Economics in May 2016) together with a May 2017 Addendum conducted on behalf of the Thames Gateway South East Housing sub region sets out affordable housing needs. It states that Thurrock requires 472 units of affordable accommodation per annum to meet the existing backlog of housing need together with newly arising need. The Council's estimated need for Affordable Housing by priority groups for rehousing shows a requirement for new affordable housing provision as below:

- 58% to be 1 bed accommodation
- 33% to be 2 bed accommodation
- 7% to be 3 bed accommodation
- 2% to be 4 bed or larger

However each development will be considered on the suitability of property type and tenure based on several factors including location.

#### 5.36 THURROCK COUNCIL – HEALTH & WELL-BEING:

##### Summary

The outline planning application for this urban mixed use development seems to have dedicated a large amount of resource to aspects of good quality design that should, if taken forward have a positive impact on health. At this outline stage it is too early to say whether this has been achieved, but the details suggests the plans are heading in the right direction. While the scheme is encouraging in its potential to have positive health impacts we would recommend that health impact assessments are built-in at each phase of the development to assure positive health impacts and identify and mitigate any potential negative unintended consequences of the development. This should be proportionate to the size of each phased application and in view of the overall master plan. The inclusion of Active Design Principles is welcomed, together with the key priorities of good development and design set out by the TCPA and Public Health England and these components conveyed into the detailed design stage. There are however, some specific health needs of this area and to assist with future planning stages it may be useful to highlight some of the local demographics, health status and needs of the

current population. One of the key outcomes for the proposal will be adequately addressing these identified housing and health issues that exist within the area.

#### 5.37 THURROCK COUNCIL – HIGHWAYS:

An initial consultation response was received in June 2018. In summary, this response notes that the site has potential for sustainable transport connections, nevertheless there are a handful of strategic issues that will need to be resolved. The submitted Transport Assessment (TA) gives a positive view regarding potential traffic impact. However, it is considered that the proposals will impact on the highways and increase queue lengths on junctions. Consequently there is a need to implement or contribute to measures to mitigate the impact of the development. Subject to conditions and s106 obligations there are no objections to the application.

Policy PMD10 (Transport Assessment & Travel Plans) – the TA accompanying the application gives a positive view towards impact. This view is not fully supported regarding the potential impact at junctions associated with the M25.

Policies PMD8 (Parking Standards) / PMD9 (Road Network Hierarchy) – although elements of the TA are not agreed, there is a range of highway, pedestrian and public transport measures that will go some way to reduce traffic impact of the development, potentially making this development proposal acceptable.

Planning conditions are suggested requiring details of phasing, details of the proposed road bridge, parking provision / parking management and a Construction Environment Management Plan. Suggested s106 obligations are:

- contribution towards the ITS signal improvements at Junction 31;
- contribution towards the linking of the traffic signals at Tank Hill Road and the new Ponds Farm signals at Purfleet Road;
- contribution towards measures to control HGV movement along London Road and Tank Hill Lane;
- prescribed routing agreement for HGV construction access to be provided solely from the A1036 / Botany Way junction to London Road and vice versa;
- prescribed routing agreement for HGV servicing access to be provided solely from the A1036 / Botany Way junction to London Road and vice versa for the life of the development;
- provision of dedication of cycle paths and footways.

A further consultation response (October 2018) confirmed the need for an updated TA to reflect the various technical notes submitted by the applicant.



Following receipt of the updated Transport Assessment in November 2018, a further consultation response was received (December 2018). In summary, this response confirms that the development will impact on the highway and increase queue lengths on junctions around the M25. Mitigation measures to be secured via s106 obligations address impacts at jct. 31 of the M25 and at the Tank Hill Road / Purfleet Road junction. It is recognised that the proposals for new multi-modal and cycle bridges in particular will provide a benefit for routing around Purfleet and accessibility to sustainable transport choices. A further Transport Note (no.14) has been produced by the applicant addressing the impact of the proposals on M25 jct. 30 and issues raised by Highways England (responsible for the Strategic Road Network).

The applicant's proposals now include a variable messaging system (VMS) and a traffic control signal system in between the jct. 31 and jct. 30 link (northbound) to hold traffic from jct. 31 and allow priority for diverging traffic from the M25 (northbound) onto jct. 30. The Transport Note refers to the potential phasing of the signals and also references reserve capacity in the link road that would not affect jct. 31; specifically that the average maximum queue length would be c.176m on a length of road of c.430m. However, this does not appear to be backed up by any definitive modelling assessment to demonstrate that this is accurately assessed and is therefore a suitable measure. It would be irresponsible for any mitigation measure for Highways England asset to negatively impact upon the local road network and accordingly, it needs to be suitably assessed.

With regards to the potential VMS, there does not appear to be any specific information about where this system will be placed (i.e. on Thurrock or Highways England assets), who will manage and maintain the system, will it be linked to any existing system, what the types of messaging would be displayed, etc. This needs to be expanded upon, so that a review of its effectiveness can be made.

Finally, after submission by the applicant of Transport Note 14B (TN14B), a further consultation response was received (March 2019). This response confirms that TN14B specifically deals with the impact at J30 of the M25 and Highways England's comment regarding impact of the development and queues onto the 'mainline' of the M25. The applicant's mitigation proposals refer to a Variable Messaging System (VMS) and a traffic signal system in between the J31 and J30 link (northbound) to hold traffic from J31 and allow priority for diverging traffic from M25 (northbound) onto J30. TN14B makes note of potential phasing of the signals and also refers to reserved capacity in the link road that would not affect J31; specifically that the average maximum queue length would be around 176m on a 430m length of road. However, this does not appear to be backed by any definitive modelling assessment to demonstrate that this mitigation measure is suitable. It

would be irresponsible for any mitigation measure for a Highways England asset to negatively impact upon the local road network and accordingly, further assessment is required, particularly with regard to safety audit and detailed design. If the Council is minded to approve the application, suitable obligation and / or condition is required to ensure the mitigation measure is fully submitted to HE/local highways authority prior to commencement. With regards to the VMS, there does not appear to be any specifics about where this system will be placed, either on local highways asset or HE asset; who will manage and maintain the system, will it be linked to any existing system, what the types of messaging would be displayed, etc. This needs to be expanded upon, so that a review of its effectiveness can be made.

#### 5.38 THURROCK COUNCIL – LANDSCAPE & ECOLOGY:

The submitted Landscape and Visual Impact Assessment (LVIA) concludes that there would be no significant adverse impacts. This conclusion is agreed. The proposed approach to public realm provisions is acceptable in principle, however a comprehensive landscape masterplan should be provided for each reserved matters application.

The applicant's tree survey confirms that the majority of trees on-site are of lower value (Category B or C). A significant number of trees would be removed but there is the opportunity to plant new, higher quality specimens. Detailed comments are offered in relation to the proposed Tree Strategy. Hollow Wood should be a priority area for improvement.

Ecological surveys identify the importance of parts of the site for invertebrates. Although the Ecological Strategy identifies key mitigation measures, further details are required through an Ecological Mitigation and Management Plan.

#### 5.39 THURROCK COUNCIL – HERITAGE ADVISOR:

No objections – although the sensitivity of the Purfleet conservation area is noted.

#### 5.40 THURROCK COUNCIL – PUBLIC RIGHTS OF WAY:

Public footpath no. 141 commences at London Road (Railway Cottages) and passes eastwards through the site adjacent to the river frontage. The route should be relocated onto the river frontage and retained as a definitive route.

#### 5.41 THURROCK COUNCIL – REGENERATION:

No reply received.

#### 5.42 THURROCK COUNCIL – SPORTS & LEISURE:

There is a significant existing lack of sports and leisure provision in Purfleet. New facilities at the Harris Academy Riverside (under construction) as currently designed will not meet the community demands generated by the development. There are very limited other options in Purfleet to provide formal sports provision and therefore any investment from the development should be directed to the Academy to re-design and build the Sports Hall, synthetic floodlight pitch and associated facilities.

#### 5.43 THURROCK COUNCIL – TRAVEL PLANNING:

Travel Plan – detailed comments are offered regarding the need for a dedicated site-wide travel plan, individual residential, commercial and school travel plans, commitments, measures timescales and monitoring. A travel plan co-ordinator is also required. Travel plan commitments should be secured through s106 obligations.

Parking – allocated parking for dwellings is encouraged with measures to manage demand for parking and discouraging new residents from parking within existing residential communities. A parking management strategy should form part of the travel plan. The enforcement of parking controls is an important consideration.

Car Club – the provision of a car club for both residential and commercial occupiers of the development is encouraged.

Walking & cycling – adequate secure cycle parking spaces should be available to both residents and non-residential elements of the development. Cycle parking facilities should also be provided at the upgraded Purfleet railway station. Convenient cycle and walking routes within the development should be provided linking to schools and connecting with routes outside of the site. Facilities to support cycling can form part of the detailed Travel Plans.

Electric vehicle charging – all dwellings must be constructed with the necessary infrastructure to allow the future installation of a charging point for vehicles. Provision should also be made for on-street charging points.

Public transport – the Council will seek the provision of shelters accompanying the provision of bus stops, with associated route and timetable information and potential real-time passenger information. Provision for a bus service to serve the development is required, with routes ideally located no more than 400-500m from building entrances.

Routes to schools – measures to prevent congestion outside school entrances, including park and stride schemes, are encouraged.

Travel Plan monitoring charges – an annual charge is sought in order to monitor, review and support Travel Plan measures over a 20 year period.

#### 5.44 THURROCK COUNCIL – WASTE STRATEGY:

No reply received.

#### 5.45 CABE DESIGN REVIEW

Shortly before the submission of the outline planning application the emerging proposals were the subject of a Thurrock Design Review Panel in October 2017. In summary, the conclusions of the Panel were:

- recognition of the strategic importance of the site as a major housing allocation and an opportunity to establish a vibrant community and town centre;
- commitment and ambition of the project team is evident;
- consultation with the local community has been at the heart of the design process;
- the masterplan however lacks coherence and the vision and narrative for the scheme should be more clearly defined;
- the potential unique selling points (health / riverfront / creative industries) are appropriate but should be more coherent;
- a plan showing the site within the wider urban context and movement network is required;
- the town centre proposals require clarification in order to create a functional and active place;
- the separation created by the railway line and the proposals to bridge-over the railway represent a challenge;
- further work to test site layout, building typologies and sustainable design should be undertaken;
- parameters and design codes should be agreed with the LPA to ensure future confidence over the quality of the development;
- given the timescales of development a flexible design code is encouraged; and
- a clear statement of deliverability and phasing is required.

## 6.0 POLICY CONTEXT

## 6.1 National Planning Policy Framework (NPPF)

The revised NPPF was published on 24<sup>th</sup> July 2018 (and subsequently updated with minor amendments on 19<sup>th</sup> February 2019). The NPPF sets out the Government's planning policies. Paragraph 11 of the Framework sets out a presumption in favour of sustainable development. This paragraph goes on to state that for decision taking this means:

- c) *approving development proposals that accord with an up-to-date development plan without delay; or*
- d) *where there are no relevant development plan policies, or the policies which are most important for determining the application are out of date<sup>1</sup>, granting permission unless:*
  - i. *the application of policies in this Framework that protect areas or assets of particular importance provides a clear reason for refusing the development proposed<sup>2</sup>; or*
  - ii *any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in this Framework taken as a whole.*

<sup>1</sup> *This includes, for applications involving the provision of housing, situations where the local planning authority cannot demonstrate a five year supply of deliverable housing sites ...*

<sup>2</sup> *The policies referred to are those in this Framework relating to: habitats sites and/or SSSIs, land designated as Green Belt, Local Green Space, AONBs, National Parks, Heritage Coast, irreplaceable habitats, designated heritage assets and areas at risk of flooding or coastal change.*

The assessment of the proposals against the development plan set out below refers to a large number of policies, reflecting both the significant and complex nature of the proposals. Clearly the principle of redevelopment in central Purfleet accords with the broad spatial vision of the adopted Core Strategy and in this respect paragraph 11(c) of the NPPF is engaged. However, as the proposals include a significant element of residential development, paragraph 11(d) is also relevant to a degree in respect of the five year supply of deliverable housing. The Council's most recently published figure for housing land supply (July 2016) refers to a supply of between 2.5 to 2.7 years and it is to be expected that this figure has reduced as completions on large development sites has progressed. Accordingly, as residential development is a key component of the proposals the 'tilted balance' in favour of granting permission is engaged (subject to paragraph 11 (d) (i) and (ii)).

Paragraph 2 of the NPPF 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. The following chapter headings and content of the NPPF are particularly relevant to the consideration of the current proposals:

5. Delivery a sufficient supply of homes;
6. Building a strong, competitive economy;
7. Ensuring the vitality of town centres;
8. Promoting healthy and safe communities;
9. Promoting sustainable transport;
11. Making effective use of land;
12. Achieving well-designed places;
14. Meeting the challenge of climate change, flooding and coastal change;
15. Conserving and enhancing the natural environment; and
16. Conserving and enhancing the historic environment.

## 6.2 National Planning Practice Guidance (NPPG)

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. NPPG contains a range of subject areas, with each area containing several sub-topics. Those of particular relevance to the determination of this planning application include:

- Air quality;
- Climate change;
- Conserving and enhancing the historic environment;
- Design;
- Determining a planning application;
- Ensuring the vitality of town centres;
- Environmental Impact Assessment;
- Flood Risk and Coastal Change;
- Hazardous Substances;
- Health and wellbeing;
- Land affected by contamination;
- Light pollution;
- Natural Environment;
- Noise;
- Open space, sports and recreation facilities, public rights of way and local green space;

- Planning obligations;
- Renewable and low carbon energy;
- Travel plans, transport assessments and statements in decision-taking;
- Tree Preservation Orders and trees in conservation areas;
- Use of Planning Conditions; and
- Viability.

### 6.3 Local Planning Policy: Thurrock Local Development Framework (2015)

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

Overarching Sustainable Development Policy:

- OSDP1 (Promotion of Sustainable Growth and Regeneration in Thurrock).

Spatial Policies:

- CSSP1 (Sustainable Housing and Locations);
- CSSP2 (Sustainable Employment Growth);
- CSSP3 (Infrastructure); and
- CSSP5 (Sustainable Greengrid).

Thematic Policies:

- CSTP1 (Strategic Housing Provision);
- CSTP2 (The Provision Of Affordable Housing);
- CSTP5 (Neighbourhood Renewal);
- CSTP6 (Strategic Employment Provision);
- CSTP7 (Network of Centres);
- CSTP8 (Viability and Vitality of Existing Centres);
- CSTP9 (Well-being: Leisure and Sports);
- CSTP10 (Community Facilities);
- CSTP11 (Health Provision);
- CSTP12 (Education and Learning);
- CSTP14 (Transport in the Thurrock Urban Area);
- CSTP16 (National and Regional Transport Networks);
- CSTP18 (Green Infrastructure);
- CSTP19 (Biodiversity);
- CSTP20 (Open Space);
- CSTP22 (Thurrock Design);

- CSTP23 (Thurrock Character and Distinctiveness);
- CSTP24 (Heritage Assets and the Historic Environment);
- CSTP25 (Addressing Climate Change); and
- CSTP27 (Management and Reduction of Flood Risk).

Policies for the Management of Development:

- PMD1 (Minimising Pollution and Impacts on Amenity);
- PMD2 (Design and Layout);
- PMD3 (Tall Buildings);
- PMD4 (Historic Environment);
- PMD5 (Open Spaces, Outdoor Sports and Recreational Facilities);
- PMD7 (Biodiversity, Geological Conservation and Development);
- PMD8 (Parking Standards);
- PMD9 (Road Network Hierarchy);
- PMD10 (Transport Assessments and Travel Plans);
- PMD12 (Sustainable Buildings);
- PMD13 (Decentralised, Renewable and Low Carbon Energy Generation);
- PMD14 (Carbon Neutral Development);
- PMD15 (Flood Risk Assessment); and
- PMD16 (Developer Contributions).

#### 6.4 Thurrock Local Plan

In February 2014 the Council embarked on the preparation of a new Local Plan for the Borough. Between February and April 2016 the Council consulted formally on an 'Issues and Options (Stage 1)' document and simultaneously undertook a 'Call for Sites' exercise. In December 2018 the Council began consultation on an 'Issues and Options (Stage 2 Spatial Options and Sites)' document.

#### 6.5 Thurrock Design Strategy

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

### 7.0 **ASSESSMENT**

#### 7.1 Procedure:

With reference to procedure, this application has been advertised (inter-alia) as being accompanied by an Environmental Statement and as a departure from the



Development Plan. Should the Planning Committee resolve to grant planning permission, the application will first need to be referred to the Secretary of State under the terms of the Town and Country Planning (Consultation) (England) Direction 2009. Similar to planning reference 11/50401/TTGOUT, the reason for the referral as a departure relates to the quantum of development outside of a recognised town centre. Although the adopted Core Strategy defines a new centre within the application site, the extent of this new centre is undefined and therefore the application will need to be referred under paragraph 5 of the Direction (development outside town centres). In addition, unless the EA formally removes its Objections (as defined, and intended, in the EA's consultation response dated 29<sup>th</sup> March 2019) the application will also be referred under paragraph 8 (flood risk area development). The Direction allows the Secretary of State a period of 21 days 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.

## 7.2 The assessment below covers the following areas:

- I. Principle of Development (Conformity with Planning Policies);
- II. Traffic Impact, Access, Car Parking and Other Transport Issues;
- III. Layout / Design Issues;
- IV. Effect Upon the Purfleet Conservation Area, Listed Buildings and Heritage Assets;
- V. Impact on Preserved Trees;
- VI. Impact Upon Ecology and Biodiversity;
- VII. Retail Impact Assessment;
- VIII. Visual and Landscape Impact;
- IX. Ground Conditions & Contamination;
- X. Noise and Vibration;
- XI. Air Quality;
- XII. Open Space and Green Infrastructure;
- XIII. Energy and Sustainability;
- XIV. Flood Risk and Site Drainage;
- XV. Socio-Economics;
- XVI. Impact of Hazardous Uses;
- XVII. Sunlight, Daylight and Overshadowing;
- XVIII. Viability and Planning Obligations; and
- XIX. Cumulative Impacts.

## 7.3 I. PRINCIPLE OF DEVELOPMENT (CONFORMITY WITH PLANNING POLICIES):

The application site is a prominent brownfield site in the Borough and in the wider 'Thames Gateway'. 'Purfleet Centre' formed part of the former Thurrock Development Corporation's planning and regeneration proposals and now forms part of the existing Core Strategy adopted by the Council. Parts of the site were also specifically identified as prime development opportunities in the Communities and Local Government Thames Gateway Interim Plan – Development Prospectus (2006), although no weight can be attached to this Interim Plan as planning policy. By way of background the former Development Corporation approved a non-statutory 'Thurrock Spatial Plan' in 2007. This high-level corporate document identified the broad locations for future regeneration and growth and introduced the concept of the 5-hubs (Purfleet, Lakeside, Grays, Tilbury and London Gateway) as the main areas of change and development. Within the Purfleet 'hub' the Thurrock Spatial Plan suggested the potential for employment growth based on indigenous growth in industry and distribution (1,000 jobs), new housing (up to 2,400 dwellings) based on relatively high urban densities and a primary care centre. The Spatial Plan set out a vision for the future development of Purfleet as follows:

*"The vision for Purfleet is that it will develop as a significant housing and employment area with a new centre of community activity focused around an upgraded rail station with new local shops, significantly improved health and education facilities, new and improved public open space, leisure and recreation opportunities".*

- 7.4 At the same time as publishing the non-statutory Thurrock Spatial Plan in 2007, the former Thurrock Development Corporation also produced a non-statutory Purfleet Masterplan. The vision within the Masterplan reflected the Spatial Plan in identifying Purfleet as a *"new focus for community activity through the provision of new school facilities and shared community facilities, improved healthcare, new leisure and recreational opportunities supported by an improved public transport network , new homes and employment opportunities"*. The study area for this document included the wider area of Purfleet i.e. south of the Mardyke, west of the M25 motorway and east of Aveley Marshes. However, the Masterplan identified a number of key sites as 'development opportunities', including locations within Botany Quarry, the former Paper Mills site, Cory's Wharf, the Yara depot, Hollow Woods and the railway station. Potential spatial options for the delivery of the vision for Purfleet were therefore identified in 2007 by this non-statutory document.
- 7.5 Finally, before the adoption of the LDF Core Strategy by the Council in 2011, the former Thurrock Development Corporation agreed a non-statutory "Purfleet Centre Development Framework" in September 2009. The study area for this document largely corresponds with the current planning application site (and that of the extant outline planning permission). The Development Framework provided a greater level of detail than the previous non-statutory Spatial Plan and Masterplan and

‘tested’ a number of potential spatial development options. The document presented a preferred option with the potential to deliver:

- c. 10,000 sq.m. retail uses;
- c. 40,000 sq.m. employment uses;
- c. 3,500 homes;
- a primary school; and
- a health and community centre.

7.6 The broad spatial concept within these historic documents has been carried forward into the Council’s current adopted Core Strategy (as amended 2015).

7.7 The Thurrock Spatial Vision for 2026, as defined by Chapter 3 (The Future of Thurrock), paragraph 3.10 of the adopted LDF Core Strategy states:

*“The regeneration of Thurrock will be concentrated in five regeneration areas (as described below), with the nature of growth in each designed to create the establishment and maintenance of new purpose and identity. Purfleet will have a new centre with a thriving community at its heart”.*

7.8 Chapter 3 goes on to describe the five key regeneration areas / hubs and paragraph 3.20 advises that regeneration in Purfleet centre will be founded on the development of a mix of dwellings, employment and community facilities focused around a new centre adjoining the railway station and riverside. Approximately 3,000 new homes will be built in a variety of dwelling types. Paragraph 3.23 goes on to state that public access to and along the riverfront will be improved and new urban open spaces will be provided.

7.9 The adopted Core Strategy Policies particularly relevant to this application are listed in section 6 of this report above. A brief summary of the proposals against the requirements of these policies is provided below:

7.10 OSDP1 (Promoting Sustainable Growth and Regeneration in Thurrock):

In summary this policy promotes sustainable growth and reflects the presumption in favour of sustainable development set out in the NPPF. The proposals would, if approved, have the potential to result in the phased regeneration of central Purfleet with new residential development, town centre uses, employment opportunities and supporting social and physical infrastructure. It is considered that there is no conflict with the intentions of Policy OSDP1.

7.11 Spatial Policies

### CSSP1 – (Sustainable Housing and Locations):

This policy sets out new housing delivery targets, phasing, allocations and spatial distribution over until the period to 2021. Paragraph 3 of the policy states that the great majority of new housing and associated development will be located in and around the Thurrock urban area, including Purfleet. Identified dwelling capacity (as at 2009) for Purfleet is identified by the policy as 3,180. The development of up to 2,850 new dwellings as proposed by the application broadly corresponds to the spatial allocation of new housing growth set out in CSSP1.

### 7.12 CSSP2 – (Sustainable Employment Growth):

Policy CSSP2 promotes and supports economic development in the 'Key Strategic Economic Hubs'. Paragraph 1 (IV) of the policy promotes flagship developments that will generate and provide a catalyst for securing high quality jobs. Purfleet is identified by the policy as an economic hub with growth sectors including recreation, leisure and creative industries. It is considered that the proposals for film and TV production space accord with the objectives of this Core Strategy policy referring to creative industries and flagship developments. The proposals would potentially result in a net increase in the number of jobs within Purfleet. Consequently, it is considered that the proposals comply with the intentions of CSSP2.

### 7.13 CSSP3 (Infrastructure):

This policy identifies a list of key strategic infrastructure projects as essential to the delivery of the Core Strategy. Of relevance to Purfleet, this list includes:

- M25 jct. 30/ 31 improvements;
- additional secondary school places in the major regeneration areas;
- a new primary school;
- the development of new and improved health facilities and GP Practice facilities;
- multi-hub community centres;
- the development of the greengrid network linking major residential areas with open space; and
- improved public access to and along the riverfront.

The description of development for the application includes reference to a new primary and secondary school (with the Harris Riverside Academy secondary school and sixth form already being developed within the application site under a separate planning permission), medical and community uses open space and access to the riverfront. Improvements to existing or new items of infrastructure

could also be delivered as mitigation for the impacts of the development. Therefore, the proposals would provide key strategic infrastructure directly and through associated mitigation in compliance with policy CSSP3.

#### 7.14 CSSP5 (Sustainable Greengrid)

In summary, this policy promotes the provision, retention and enhancement of greengrid assets (i.e. open spaces, landscaping, links, views etc.). In general terms the application proposes new areas of public open space and public realm, new and replacement tree planting and a riverside walk. These elements of the proposals generally accord with the objectives of Policy CSSP5.

#### 7.15 Thematic Policies

##### CSTP1 (Strategic Housing Provision):

This policy sets out the Council's thematic approach to housing growth, density, mix, lifetime homes and accessible housing. Under the heading of density, CSTP1 states that within regeneration areas a minimum density of at least 60 dwellings per hectare will be sought, subject to other development plan policies. As noted above, a range of densities across residential elements of the site are proposed which accord with the intentions of the policy in making the best use of land. The proposed mix of dwelling types is indicative only, but would deliver c.75% one and two-bedroom dwellings. It is considered that, subject to detailed design and layout issues to be considered with the submission of reserved matters, this mix could be appropriate and sympathetic to the Core Strategy aspiration of creating a new centre for Purfleet.

##### 7.16 CSTP2 (The Provision of Affordable Housing):

The Council will seek the minimum provision of 35% of the total number of residential units built to be provided as affordable housing under this policy. CSTP2 seeks a 70/30% split between affordable rented and intermediate tenures, with smaller one and two-bedroom affordable units sought. However, the policy recognises that *"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"*.

The description of development includes reference to the inclusion of affordable housing and this matter is addressed later in this report.

#### 7.17 CSTP5 (Neighbourhood Renewal):

Purfleet is identified as a priority regeneration area by this policy. All developments are required by the policy to, inter-alia, deliver high quality new dwellings, enhance the environment through the provision of community facilities, health and education facilities, public open space, recreation facilities and open spaces and enhance the areas economic viability. It is considered that the development proposals are consistent with these policy aims.

#### 7.18 CSTP6 (Strategic Employment Provision):

This policy suggests that 2,800 new jobs could be created in Purfleet by 2026. It is recognised by CSTP6 that the core sectors of storage, warehousing and freight transport dominate business activity in Purfleet. However, potential growth sectors are identified within business services, recreation, leisure and the creative industries. Furthermore, paragraph 7 (Knowledge and Cultural Based Regeneration) of the policy recognises Purfleet as one of a number of priority areas for knowledge based, cultural, retail, leisure and office developments.

#### 7.19 Responding to CSTP6, the application proposes a range of non-residential (i.e. non Class C3) floorspace with the potential to generate employment as follows:

Use Class A1 (shops) – up to 8,880 sq.m.

Use Class A3 (restaurants and cafes) – up to 5,220 sq.m.

Use Class A4 (drinking establishments) – up to 900 sq.m.

Use Class B1 (business) – up to 11,000 sq.m.

Use Class C1 (hotels) – up to 20,000 sq.m.

Use Class D1 (non-residential institutions) – up to 18,300 sq.m.

Use Class D2 (assembly and leisure) – up to 6,200 sq.m.

Sui-generis (film and TV studios) – up to 135,000 sq.m.

#### 7.20 The applicant estimates that during construction of the development up to 1,250 temporary construction jobs would be created per annum, with up to 2,198 created associated with the operation of the completed development. As a result of the redevelopment proposals, existing jobs, mainly based at businesses within Botany Quarry and at the International Timber site will be lost. The application estimates that c.400 existing jobs based within the application site will be lost. However, this loss is more than offset by the predicted total of new jobs that would be created, albeit that the full quantum of new jobs will not be realised until the development is completed. The proposals would make an important contribution to employment growth within Purfleet, as encouraged by this Core Strategy policy. The proposals

would also contribute towards sustainable economic growth, in line with national planning policies.

#### 7.21 Policy CSTP7 (Network of Centres):

This policy designates a “new local centre” at Purfleet with a new food store of between 1,500-2,000 sq.m. (net) convenience retail floorspace and complementary floorspace with an appropriate mix of day to day services to accommodate the needs of the residential development. The application proposes the development of up to 8,880 sq.m. Class A1 (retail) floorspace with up to 6,120 sq.m. of complementary Class A3 and A4 development. These maximum floorspace figures are in excess of the figures mentioned by CSTP7 and a fuller assessment of retail impact is set out later in this report. However, Members will be aware of the scarcity of town centre uses available to existing residents in Purfleet, notwithstanding the new population associated with the current proposals.

#### 7.22 CSTP8 (Viability and Vitality of Existing Centres):

Policy CSTP8 sets out the Council’s objective of maintaining and promoting the retail function of existing (town) centres. Grays; Aveley, Socketts Heath, South Ockendon; Corringham; Stanford le Hope; and Tilbury are defined as town centres for the purposes of this policy, although the Core Strategy (para. 3.24) also seeks the transformation of the Lakeside Basin into a regional centre (town centre). An assessment of retail impact is set out later in this report.

#### 7.23 CSTP9 (Well-Being, Leisure and Sports):

This policy generally supports the provision of high quality sports and leisure facilities and requires developer contributions towards leisure and sports needs generated by development. Class D2 (assembly and leisure) floorspace is proposed by the application (up to 6,200 sq.m.). The ‘Town Centre Uses Assessment’ submitted with the application suggests that this floorspace would come forward with market demand and could include fitness, cinema or club use. With regard to outdoor sports provision, the approved Harris Riverside Academy includes a football pitch and multi-use games area which are subject to a planning condition requiring a community use agreement.

#### 7.24 Policy CSTP10 (Community Facilities):

Under the sub-heading of ‘key projects’ this policy states that the Council will work with relevant partners to deliver a number of facilities including a multifunctional hub community centres at locations including Purfleet. The application proposes up to

18,300 sq.m. of Class D1 floorspace which includes reference to “community uses”. This element of the proposals complies with CSTP10.

**7.25 Policy CSTP11 (Health Provision):**

This policy supports the development of health centres, with community and extended services at locations in the Borough, including Purfleet. The policy notes that over the next 10 years the population of Purfleet is expected to increase linked to new residential development. Healthcare facilities will be needed to meet new demand though the level and timing of provision will depend upon the phasing of the new development. As above, the application seeks permission for Class D1 floorspace, including reference to medical floorspace. The proposals therefore have the potential to deliver health provision in accordance with Core Strategy policy.

**7.26 Policy CSTP12 (Education and Learning):**

Under the heading of primary education, this policy notes that the Council has outlined a programme of refurbishment, expansion and new schools required to support long term growth. This programme includes a new primary school in Purfleet and the description of development includes reference to a new primary school in compliance with this policy. The Harris Riverside Academy secondary school with sixth form is ‘allocated’ within the submitted application, but is being delivered under a separate full planning permission.

**7.27 CSTP14 (Transport in the Thurrock Urban Area):**

This policy sets out a general aspiration to deliver a reduction in car traffic through the promotion of sustainable transport measures. This matter is considered in more detail later in this report. Highways and transportation matters are considered in more detail at section 8 of this report (below).

**7.28 CSTP15 (National and Regional Transport Networks):**

Paragraph VII of this policy supports the delivery of additional highway capacity and improved public transport with priority given to regeneration areas. This matter is considered in more detail later from paragraph 8.22 of this report (below).

**7.29 CSTP18 (Green Infrastructure):**

Part 2 of this policy promotes a net gain in green infrastructure with a requirement for new development to contribute to delivery. The application proposes a mix of



public open spaces and strategic landscaping in compliance with the intentions of this policy.

7.30 CSTP19 (Biodiversity):

CSTP19 sets out a general aim that development should include measures to contribute the biodiversity of the Borough. Compliance with this policy is considered in more detail at section 12 of this report (below).

7.31 CSTP20 (Open Space):

A range of open spaces, public realm and strategic landscaping is proposed to comply with the broad intentions of this policy. As noted above, formal outdoor play areas are to be provided at the Harris Riverside Academy and wider community use by existing and future residents of Purfleet will need to be secured. Any play areas at the proposed primary school would also need to perform a wider function for the community.

7.32 CSTP22 (Thurrock Design):

In accordance with the NPPF, this policy promotes high quality design within Thurrock and particularly within regeneration areas. The submitted application reserves the matters of appearance, landscaping, layout and scale for future approval, although a building heights parameter plan has been submitted for consideration. The outline application has been subject to a Thurrock Design Review with CABI and is accompanied by a Design and Access Statement. This Statement sets out a design approach to factors influencing urban design such as street hierarchy, access, movement, open spaces and character areas. Although a Design Code has not been submitted, this matter is proposed to be addressed by planning condition on any grant of planning permission.

7.33 CSTP23 (Thurrock Character and Distinctiveness):

Allied to thematic policy CSTP22 (Thurrock Design), CSTP23 identifies the regeneration areas as places where character is a key issue. It is considered that the use of a design code, secured by planning condition, could secure a distinct character for the development.

7.34 CSTP24 (Heritage Assets and the Historic Environment):

This policy requires new development proposals to consider and appraise options to demonstrate that the final option is the most appropriate for heritage assets and their setting. An assessment of the impact of the proposals on Purfleet

Conservation Area, listed buildings and other heritage assets is set out at section 10 of this report (below).

7.35 CSTP25 (Addressing Climate Change):

CSTP25 requires new development proposals to consider climate change and incorporate measures to reduce carbon emissions. The environmental sustainability of the proposals is considered from section 19.0 of this report (below).

7.36 CSTP27 (Management and Reduction of Flood Risk):

Paragraph II of this policy states that the Council will “*work collaboratively with the Environment Agency by supporting the area based policy approach adopted in the Thames Estuary 2100 Project. In particular the Council will seek to safeguard existing flood defences and new areas for flood defences, water storage and drainage areas, as well as seeking secondary defences for key assets*”. Flood risk and drainage issues are considered below.

7.37 In conclusion under this section of the report it is considered that the proposals comply with the spatial objectives of the Core Strategy which promote Purfleet as a centre for regeneration. The development would also broadly comply with a number of adopted Core Strategy Spatial and Thematic policies set out above. Compliance with the Policies for the Management of Development set out above is considered in the following chapters.

8.0 II. TRAFFIC IMPACT, ACCESS, CAR PARKING & OTHER TRANSPORT ISSUES:

The planning application is accompanied by a Transport Assessment (TA) which forms an appendix to the Environmental Statement. During consideration of the application the applicant provided a number of highways and transportation technical notes, which principally provided technical clarification as a result of discussion with Highways England and the local highways authority. As several of these technical notes were provided by the applicant over a period of time, the applicant was requested to consolidate the information provided into a refreshed TA. Therefore, a request for ES ‘further information’ was served on the applicant and in November 2018 an updated TA was submitted.

8.1 This is an application seeking outline planning permission, however ‘access’ is not a matter reserved for subsequent approval and a ‘Primary Access Plan’ parameter drawing and Site Access Location plans have been submitted for approval. The Primary Access parameter plan shows the alignment of the primary road network and cycle routes through the site. The submitted site access location drawings

show four locations where the site would connect to the existing road network comprising. A further drawing titled 'Plan Showing Location of Bridges, Crossings and Station Ticketing Facilities' shows the location of four proposed crossings over the railway line comprising (from east to west) an 'Eastern All Purpose Highway Bridge', an 'Eastern Cycleway Crossing', a 'London Road All Purpose Highway Bridge' and a 'Purfleet Railway Station Footbridge'.

## 8.2 Baseline Conditions

Traffic surveys at a number of road junctions within and adjacent to the site were undertaken by the applicant in 2016. At the time of the 2016 survey junction improvements at jct.30 of the M25 were ongoing and the re-routing of vehicles to avoid this junction was apparent. Traffic flow data from a 2011 survey was used as a comparison with a growth factor applies to reflect the growth in traffic since 2011. The existing 2016 baseline two-way traffic flows are presented in the table below:

<u>Road Link</u>	<u>2016 AM Peak</u>	<u>2016 PM Peak</u>
Arterial Rd, N of A13	1,608	2,050
A13 slip roads, W of Arterial Road	1,019	1,290
A13 slip roads, E of Arterial Road	484	676
Arterial Road, S of New Tank Lane	1,499	1,704
Arterial Road, W	962	925
Arterial Road, E	1,580	981
Purfleet Bypass	1,061	925
New Tank Hill Road, W of Botany Way	283	421
London Road, E of Stonehouse Lane	1,096	1,391
Stonehouse Lane	936	655
A282, N	1,841	1,577
A282, S	2,130	2,514
Source: ES Volume 1, Chapter 7, Table 7.6		

- 8.3 The applicant's TA considers these baseline peak hour traffic flows and concludes that all of the above junctions, apart from jct. 31 of the M25 and the A1306 / New Tank Hill Road, operate within acceptable traffic capacity thresholds. These two junctions are considered to operate beyond acceptable capacity thresholds during the 2034 + cumulative development scenario (i.e. without the proposed development).
- 8.4 Analysis of collision and accident data between 2010 and 2015 forms part of the baseline data presented in the TA. The applicant concludes that the network surrounding the site does not have a significant accident record and, although there are some common factors, road layout is not a contributing factor. Walking and cycling routes along London Road between Lockyer Road and the former Yara

Terminal site (adjacent to Harrison's Wharf) are considered by the TA. Footpath links on the northern side of London Road are generally good however on the southern side of the carriageway a footpath is in part absent or is narrow and impeded by parked vehicles or vegetation. A section of National Cycle Network route 13 extends along London Road to the west of Purfleet railway station and traffic free cycle routes are located to the north and west of the site along parts of Tank Lane, New Tank Hill Lane and the Arterial Road.

- 8.5 Three bus routes currently pass close to the site. Route no. 25 links Purfleet to the Hathaway Academy, but only operates as a school service with one bus in each direction Mondays to Saturdays. Route no. 11 links Purfleet railway station with Basildon bus station and operates on weekdays only with a 90 minute frequency. Finally route no. 44 links Lakeside bus station with Grays town centre via Purfleet, with a 30 minute frequency Mondays to Saturdays and a 120 minute frequency on Sundays. Purfleet railway station is within the site is served by a maximum of 4 morning peak hour trains travelling to Fenchurch Street, with 2 trains per hour in the off-peak and at weekends. There are currently 5 AM peak hour trains from Purfleet travelling to Grays, with 2 trains per hour in the off-peak and at weekends.
- 8.6 The level crossing on London Road at the railway station causes severance when barriers are down and the TA provides the following summary of 'barrier down' duration times and associated vehicle queuing:

		AM Peak (07.00-08.00)	PM Peak (18.00-19.00)	Saturday peak
Barrier Down Time	Times per hour	6 times	6 times	4 times
	Shortest	43 secs.	2 mins. 20 secs.	2 mins. 19 secs.
	Average	4 mins. 3 secs.	3 mins. 30 secs.	3 mins. 5 secs.
	Longest	8 mins. 20 secs.	6 mins. 8 secs.	4 mins. 7 secs.
	Total Average Hour	25 mins. 40 secs.	12 mins. 11 secs.	12 mins. 32 secs.
Vehicle Queuing (E.bound / W.bound)	Shortest	0/1	5/1	4/3
	Average	10/6	14/7	6/7
	Longest	26/13	22/15	11/18
Source: : TA November 2018 Table 4				

- 8.7 The final element of baseline considerations considered by the TA are a number of extant planning permissions for commercial development at the Purfleet Thames Terminal site (C.Ro Ports) to the east of the application site and the International Timber site which forms the eastern part of the site. The predicted traffic flows from these permissions have been included within the applicant's TA.

## 8.8 Policy Context:

The national planning policy context for transport issues is set out at part 9 of the NPPF (Promoting Sustainable Transport). In particular paragraph 108 (Considering development proposals) states that in assessing sites that may be allocated for development in plans, or specific applications for development, it should be ensured that:

- a) appropriate opportunities to promote sustainable transport modes can be – or have been – taken up, given the type of development and its location;
- b) safe and suitable access to the site can be achieved for all users; and
- c) any significant impacts from the development on the transport network (in terms of capacity and congestion), or on highway safety, can be cost effectively mitigated to an acceptable degree.

8.9 Paragraph 109 goes on to states that development should only be prevented or refused on highways grounds if there would be an unacceptable impact on highway safety, or the residual cumulative impacts on the road network would be severe.

8.10 Core Strategy policies PMD8 (Parking Standards), PMD9 (Road Network Hierarchy) and PMD10 (Transport Assessment and Travel Plans) are relevant to the proposals. Policy PMD10 reflects the national planning policy position by stating that where adequate affordable mitigation is not secured or achievable and the residual cumulative impacts of development proposals are likely to be severe, such development will be resisted.

## 8.11 Predicted Traffic Impacts – Demolition / Construction

The Transport and Access chapter of the submitted ES considers the potential disruption to road users and pedestrians as a result of the temporary demolition and construction phase of the redevelopment. The ES assumes that HGV routes during demolition and construction would be from the M25 / A13 and A1306 Arterial Road and then, dependent on Zone, Botany Way, New Tank Hill Road or Stonehouse Lane. However, as the route from the Stonehouse Corner roundabout junction to the site via London Road passes through an AQMA and an existing weight restriction, a planning condition is required to prohibit HGVs associated with the construction phase from using London Road, from its junction with Linnet Way to the London Road / A1090 Stonehouse Corner roundabout.

8.12 The ES estimates that if demolition / construction of the development is undertaken at the same time as cut and fill operations then c.326 two-way daily vehicle movements could be created, with a peak of 56 two-way HGV movements daily. Given existing traffic generated by existing commercial uses on-site and the fact

that construction traffic could be spread out across the day, rather than the AM and PM peaks, the ES predicts that the increase of traffic on the local highways network during demolition and construction would be insignificant.

- 8.13 The proposed realignment of London Road across the railway line and the upgrading of the railway station have the potential to result in disruption to road and rail users. However, as the road realignment would be undertaken in phases the ES suggests that disruption would be minimised. Similarly, the applicant proposes a phased replacement of railway station facilities, with a temporary facility available after demolition of the existing building and before the replacement opens. Minimal disruption to road and rail users is predicted by the ES. The ES also recognises the potential effect on bus services and pedestrians as a result of increased construction traffic and temporary highways restrictions.
- 8.14 In summary, all of these impacts on road, rail and bus users and pedestrians / cyclists are assessed by the ES as adverse impact, but of temporary duration and affecting only a local population. The significance of the impact is therefore assessed as minor.
- 8.15 Trip Rates and Traffic Distribution

Chapter 8 of the TA provides the methodology for calculating trip rates generated by the development and a growth factor for trips over the construction phase of the development. Trip rates for future residential occupiers (flats and houses) have been modelled based on local census data travel modes. Trip rates associated with the proposed commercial uses, including the hotel floorspace and film & TV studios have also been assessed in order to capture all potential trips generated by the development. The total development trips by mode for the peak periods are presented in the table below

<b>AM, PM &amp; Saturday Peak (Two-Way) Total Development Trips</b>			
<u>Mode</u>	<u>Development AM Peaks</u>	<u>Development PM Peaks</u>	<u>Development Saturday Peak</u>
Work at / from home	66	73	53
Underground/ metro, light rail , tram	96	107	78
Train	683	761	555
Bus, minibus, coach	113	126	92
Taxi	17	19	14
Motorcycle, scooter, moped	62	69	50
Car / van driver	1,462	1,628	1,187
Car / van passenger	93	104	76
Bicycle	17	19	14

On foot	108	120	88
Other method	30	33	24
<b>TOTAL</b>	<b>2,747</b>	<b>3,059</b>	<b>2,231</b>
Source: TA November 2018 Tables 23, 24, 25.			

- 8.16 The table above demonstrates that a significant proportion of the trips generated by the development will be by car and van drivers during the AM, PM and Saturday peaks. However, these totals do not allow for any changes in modal shift which may be brought about through Travel Plan measures.

#### 8.17 Traffic Impact of Development

Turning to traffic impacts as a result of the development, the overall impact of the proposals compared with vehicle movements from existing uses on-site is set out below:

<b>Overall Impact of Proposals Compared to Existing Commercial Uses</b>			
	<u>Existing commercial vehicle (two-way) trips</u>	<u>Proposed (two-way) vehicle trips</u>	<u>Difference</u>
AM Peak	418	1,462	+988
PM Peak	404	1,628	+1,178
Saturday	175	1,187	+1,012
Source: TA November 2018 Table 45.			

- 8.18 The TA notes that the uplift in vehicle movements is greatest during the PM peak period. However, Travel Plan measures have the potential to reduce vehicle trips and the figure in the above table should be viewed as a worst case.

- 8.19 The road traffic impact of the proposals on surrounding road junctions and links for the AM, PM and Saturday peaks, as modelled in the applicant's updated TA are shown below.

<b>Forecast Peak AM Traffic Flows</b>			
<u>Link</u>	<u>2034 Base + Cumulative Schemes + Development</u>	<u>Net Development (- Cumulative Schemes)</u>	<u>% Change</u>
Arterial Rd, N of A13	2,260	194	8.6%
A13 slips, W of Arterial Rd	1,313	206	15.7%
A13 slips, E of Arterial Rd	722	45	6.3%
Arterial Rd, S of New Tank Hill Rd	2,589	294	18.1%
Arterial Rd, W	1,313	254	22.4%
Arterial Rd, E	2,303	431	18.7%

Purfleet Bypass	631	-58	-9.2%
New Tank Hill Rd, W of Botany Way	1,060	175	16.5%
London Rd, E of Stonehouse Ln	1,256	137	10.9%
Stonehouse Ln	1,231	167	13.6%
A282, N	1,734	248	14.3%
A282, S	2,308	27	1.2%
Source: TA November 2018 Table 46.			

<b>Forecast Peak PM Traffic Flows</b>			
<u>Link</u>	<u>2034 Base + Cumulative Schemes + Development</u>	<u>Net Development (- Cumulative Schemes)</u>	<u>% Change</u>
Arterial Rd, N of A13	2,741	135	4.9%
A13 slips, W of Arterial Rd	1,647	242	17.7%
A13 slips, E of Arterial Rd	913	32	3.5%
Arterial Rd, S of New Tank Hill Rd	2,936	421	14.3%
Arterial Rd, W	1,477	354	24.0%
Arterial Rd, E	2,552	763	29.9%
Purfleet Bypass	738	-77	-10.4%
New Tank Hill Rd, W of Botany Way	893	161	18.1%
London Rd, E of Stonehouse Ln	1,560	186	11.9%
Stonehouse Ln	1,333	183	13.7%
A282, N	2,116	285	13.5%
A282, S	2,827	28	1.0%
Source: TA November 2018 Table 47.			

<b>Forecast Saturday Peak Traffic Flows</b>			
<u>Link</u>	<u>2034 Base + Cumulative Schemes + Development</u>	<u>Net Development (- Cumulative Schemes)</u>	<u>% Change</u>
Arterial Rd, N of A13	1,933	109	5.6%
A13 slips, W of Arterial Rd	1,427	159	11.2%
A13 slips, E of Arterial Rd	1,077	15	1.4%
Arterial Rd, S of New Tank Hill Rd	1,913	165	8.6%
Arterial Rd, W	1,228	230	18.7%
Arterial Rd, E	3,741	143	3.8%



Purfleet Bypass	798	-22	-2.8%
New Tank Hill Rd, W of Botany Way	281	111	39.4%
London Rd, E of Stonehouse Ln	1,024	171	16.7%
Stonehouse Ln	587	125	21.3%
A282, N	1,107	200	18.0%
A282, S	2,685	39	1.4%
Source: TA November 2018 Table 48			

8.20 The analysis from the TA shown in the tables above suggests that the majority of surrounding links would experience an increase in traffic of less than 20%. Although the highest AM and PM peak increases would be experienced on Arterial Road (east and west) with increases above 20% within both peak periods. A large increase in the Saturday peak traffic flow would affect New Tank Hill Rd, west of Botany Way, however this increase should be seen in the context of low existing traffic flows.

8.21 Following discussions within Highway England (who are responsible for the Strategic Road Network, including jct. 30 of the M25), the applicant's updated TA provides additional analysis of the impact of traffic flows on that junction. The applicant's analysis suggests that the development will add 308 two-way vehicle movements to this junction in AM peak and 375 movements in the PM peak. The TA equates these additional movements to a 0.9% increase in traffic which would have a 'marginal' impact on capacity and queuing. The updated TA also considers the impact of the Tilbury2 port expansion proposals on this junction. Members of the Planning Committee may be aware that the Secretary of State for Transport issued a decision granting a Development Consent Order (DCO) for the port expansion on 20<sup>th</sup> February 2019. The DCO came into force on 13<sup>th</sup> March 2019. PM peak traffic movements are marginally increased in this scenario. However, the TA emphasises that this impact does not take into account potential sustainable transport measures.

#### 8.22 Proposed Sustainable Travel Measures

In order reduce the road traffic impact of the development on surrounding junctions and road links, the applicant proposes a number of measures aimed at reducing the need to travel. These measures include:

- car parking restraint;
- improvement / upgrading of Purfleet railway station;
- a Car Club; and
- Travel Plans

### 8.23 Impacts on Public Transport Demand

The table above (AM, PM & Saturday Peak (Two-Way) Trips Generated) suggests that occupiers of the development will generate additional bus trips in the AM, PM and Saturday peaks. A recommended planning condition requires that no dwelling can be occupied unless and until it is located within 400m walking distance (approximately 5 minutes) of a bus stop served by a regular bus service (i.e. a service no less frequent than the existing no. 44 bus route). A bus route would therefore have to penetrate into the site from London Road and it is understood that the applicant has initiated discussions with local bus operators.

- 8.24 As with bus trips, the proposals would lead to an increase in rail trips. However, the proposals include upgraded railway station facilities and the provision of temporary facilities in the interim. Recommended planning condition H13 (Appendix 1 below) refers to this matter. The replacement of the existing level crossing with a new London Road bridge and a Purfleet Railway Station Footbridge would also address the severance issues faced when the existing level crossing barriers are down.

### 8.25 Consultation Responses

Initial comments received from the highways officer (June 2018) recognised the significant potential of the site for sustainable transport connections and acknowledged the potential of the development to deliver a much needed third access into central Purfleet (via a re-alignment of Botany Way). Although the applicant's TA takes a positive view of traffic impacts, the highways officer noted that the development will impact on the highway and increase queue lengths on junctions particularly around the M25. Accordingly, the officer recommended that mitigation measures are required, to be secured by planning conditions and s106 obligations. A number of suggested planning conditions within Section H of the conditions schedule set out at Appendix 1 of this report provide for appropriate mitigation of the local transportation and highways network. The recommended heads of terms for the s106 agreement set out at Appendix 2 of this report also refer to two measures to mitigate impact on the local network. These s106 mitigation measures comprise (i) a financial contribution for both the design and implementation of works at junction 31 of the M25 required to improve traffic flow and optimise capacity and (ii) a financial contribution to works linking the traffic signals at the A1306 (Arterial Road) / Tank Hill Road and A1306 (Arterial Road) / Purfleet Road junctions.

- 8.26 Following submission of the application in December 2017, the applicant continued discussions with the highways officer and HE, resulting in the submission of a series of 'Highways and Transport Technical Notes', intended to provide

clarification. However, given the accumulation of several of these notes, the highways officer instructed an independent transport consultant to undertake a peer review. This review identified that the combination of submitted technical notes had introduced material changes to the original TA, principally in the form of increased trip rate and distribution patterns. The applicant was requested to submit an updated TA and this document was received in November 2018.

- 8.27 Responding to the updated TA, a consultation response from the highways officer (December 2018) commends the proposals for improving accessibility across the railway line in Purfleet and considers that mitigation measures can address impacts at junction 31. However, this response acknowledged outstanding queries regarding impact on junction 30 (HE asset), the potential for further modelling work at this junction and the fact that measures to mitigate impact at junction 30 should not have a consequential impact to the detriment of junction 31 (a Thurrock Council asset).
- 8.28 Shortly after the submission of the updated TA (November 2018) the applicant produced a technical note (No. 14 - December 2018) to assess the impact of development traffic on junction 30 and the A13 / A1306 (Wennington interchange) junction. In particular, this note considered the impacts on the northbound off-slip from the M25 approaching junction 30. Members of the Planning Committee may be aware that this two lane northbound off-slip merges with the single lane northbound link between junction 30 and junction 31. The applicant's technical note acknowledges that, during peak periods, traffic merging between the M25 off-slip and the junction 31 to 30 link can occasionally contribute toward queueing back towards the M25 main carriageway. The applicant's modelling suggests that traffic from the development would only have "minimal" impact on junction 30, although in the AM peak queueing would increase on the northbound off-slip. The technical note further considered that the installation of variable message signing (VMS) near the application site to advise drivers in peak hours to route via the A1306 Arterial Road and the A13 / A1306 Wennington Interchange instead of Stonehouse Lane and junction 31 would reduce queues on the off-slip. Finally, the technical note included a potential improvement scheme for the northbound off-slip in the form of new traffic signals on the single carriageway northbound link between junctions 31 and 30 and located at a position before the merge with the M25 off-slip. These signals are promoted by the applicant as part-time and would only operate when sensors indicate queueing on the M25 off-slip or at peak periods. The applicant considers that the implementation of these traffic signals would reduce the likelihood of queues affecting the M25 anti-clockwise mainline carriageway and would leave sufficient capacity for northbound vehicles existing junction 31 towards junction 30.

8.29 Following further dialogue between the applicant, HE and the highway officer, a further technical note (TN14B) was submitted by the applicant in February 2019. This note provides additional modelling of potential impacts at junction 30 and concludes that the development would have a negligible impact on the A13 westbound and M25 northbound off-slip approaches to this junction. Further mitigation measures, in addition to those measures introduced by technical note no. 14) are also referred to comprising:

i. A13 westbound off-slip at jct. 30 – local widening to increase capacity –

- realignment of off-side carriageway edge
- relocation of existing off-side Vehicle Restraint System
- relocation of existing off-side signs / poles / street lighting
- revised kerb line
- lane re-marking.

ii. Changes to existing signal timings on southern half of jct.30 circulatory carriageway

iii. Clearer destination road marking on northbound link (jct. 31 to 30) and westbound approach to jct. 30 –

- this measure was included as part of the Tilbury2 proposals
- if at commencement of the PCRL development the Tilbury2 scheme has not delivered this measure, the applicant will undertake this mitigation.

8.30 The applicant promotes a Grampian condition (i.e. a condition restricting occupation of any development) until a scheme for the mitigation measures has been submitted, approved and an agreement has been entered into to carry out the approved scheme.

8.31 A final consultation response from the highways officer (dated 1<sup>st</sup> March 2019) responded to the applicant's further technical notes (14 and 14B) and recommended 'no objection' to the proposals, subject to planning conditions and a s106 agreement. Nevertheless, the highways officer noted that were still outstanding issues with regards to jct. 30 requiring the agreement of HE and that the details of the proposed traffic signal scheme identified in TN14B may have a slight impact on jct. 31.

8.32 The proposals include reference to upgraded railway station facilities, both temporary and permanent, and new crossings over the railway lines. Network Rail (acting as the infrastructure manager of the relevant railway land) has been consulted and provided a number of responses which are summarised above. The

formal position of Network Rail is that no objections are raised to the application, subject to specified planning conditions and informatives referring to new and existing railway crossings. Recommended planning conditions H10-H15 at Appendix 1 of this report respond to the Network Rail consultation response.

8.33 The current position with reference to the strategic road network and the response from HE is set out at paragraph 5.19 above. In order to mitigate the impact of the development proposals on jct. 30 the applicant has formulated measures principally comprising (i) widening of the A13 westbound carriageway at the junction and (ii) the introduction of ramp metering on the jct. 31 to jct. 30 link. At the time of writing a response is awaited from HE regarding mitigation (i). As set out at paragraph 5.19, HE has not been able to agree mitigation (ii) and HE has suggested to the applicant that other mitigation measures should be agreed.

8.34 For these reasons the formal consultation response from HE, dated 4<sup>th</sup> April 2019, recommends that planning permission is not granted for a specified time period. Annex A to the formal consultation response confirms the recommendation that:

*“planning permission is not granted until such time as a suitable mitigation package can be agreed up to, and including, RSA1 (road safety audit) approval”.*

8.35 The recommendation to Committee set out at section 27.0 below refers to the grant of planning permission “subject to all of the following” (emphasis added) items listed (a) to (g). Items (f) and (g) on this list comprise:

(f) the approval of a scheme by Highways England (or any respective succeeding strategic highways company) and Thurrock Council (highways) to mitigate the impacts of the development on Junction 30 of the M25 which may include, but shall not be limited to, Ramp Metering, Clearer Road Markings, Changes to Existing Signal Timings, Road Widening at M25 Junction 30 and Variable Message Signs including any modelling to determine the operational frequency and the sequencing of the Ramp Metering prior to its operation and the timescale for delivering such scheme (the “Approved Scheme”) where the aforementioned terms are defined as follows:

“Ramp Metering” means a scheme for the installation of traffic signals within the public highway on the northbound link between Junction 31 and Junction 30 of the M25 at the point where it joins the off-slip of the M25 to Junction 30. The works include white lining, loop detection, control cabinets, dynamic variable message warning signs linked to loop detection and other area wide UTC (urban traffic control) systems plus associated civils works;

“Clearer Road Markings” means a scheme for those markings on northbound link road and westbound A13 approach to Junction 30 to improve lane share and capacity at these stop lines;

“Changes to Existing Signal Timings” means a scheme to change the timing of the traffic signals on southern half of Junction 30 circulatory carriageway;

“Road Widening” means a scheme within the public highway for the widening of the A13 westbound approach lanes to Junction 30 including white lining and associated civil works; and

“Variable Message Signs” means signs located within or near to the Site to advise drivers of vehicles to route via the A1306 Arterial Road and the A13 / A1306 Wennington Interchange instead of Stonehouse Lane and M25 Junction 31, in order to avoid the links in this area which are typically congested during the peak hours.

- (g) the completion of a Stage 1 road safety audit to the satisfaction of Highways England in respect of the mitigation works for Junction 30 of the M25 comprised within the Approved Scheme.

- 8.36 Accordingly, the HE recommendation that planning permission is not granted until such time as a suitable mitigation package can be agreed up to, and including, RSA1 (road safety audit) approval is reflected in limbs 1(f) and 1(g) of the recommendation below. The effect of these elements of the recommendation is that planning permission will not be granted until the HE approve mitigation measures for jct.30 and a road safety audit is completed for those measures.

### **9.0 III. LAYOUT / DESIGN ISSUES:**

The former Development Corporation’s Purfleet Master Plan (2007) provided suggested design principles for the application site. These included:

- Building for Life ‘Silver’ quality design standards for housing;
- Lifetime Homes standards to promote housing that is flexible, adaptable and robust to changing social and demographic trends;
- Secured by Design accreditation to provide natural surveillance, defensible space and community interaction;
- reduced parking standards;
- the use of pedestrian and cycle routes and access to public transport;
- integration of tenure so that housing types are not differentiated by design, quality or location; and
- provision to encourage waste minimisation and recycling.

- 9.1 The Master Plan also placed a strong emphasis on sustainability. It recommended the minimisation of water use, Sustainable Urban Drainage Systems, grey water

recycling, Green Roofs, microgeneration, low carbon energy solutions, heat pumps and CHP systems.

- 9.2 The Purfleet Centre Development Framework (2009) published by the former Development Corporation also promoted high quality design and suggested an approach to movement through the site, land uses, density, building heights public realm and public spaces.
- 9.3 Members of the Committee will be aware of the importance placed on design in a number of adopted Core Strategy policies. The revised and updated NPPF (February 2019) also devotes a chapter to 'Achieving Well-Designed Places'.
- 9.4 As this is an outline planning application, with all matters reserved apart from access, and as the development will be delivered over an extended period, the applicant understandably seeks some flexibility regarding design issues. However, it is considered essential that high quality design is delivered in all phases of the scheme, although there may be a tension between 'fixing' elements of design at the outline planning stage and allowing flexibility for future phases.
- 9.5 The planning application is accompanied by a Design and Access Statement (DAS), although a Design Code has not been submitted for consideration at this stage, despite encouragement by Officers prior to submission. The use of design codes or guides is encouraged by paragraph 126 of the NPPF and the omission of a code to accompany the outline application is disappointing.
- 9.6 Nevertheless, the DAS has been submitted which presents the applicant's ambitions for the redevelopment, an analysis of the site and its context, strategies for place making and the components of the 'masterplan'. The parameters plans listed earlier in this report are submitted for approval and would form the only 'fixed' elements influencing layout and design. To recap, the parameters plan which address layout and design issues comprise:
- land use;
  - open space and green infrastructure;
  - building heights;
  - ground levels;
  - residential density;
  - primary access; and
  - access locations.
- 9.7 The DAS provides a further level of detail and refinement to these plans and introduces options for street hierarchies, urban fabric, urban form, open spaces and ecological habitats etc. Parts 4.19 and 4.20 of the DAS provide further

amplification with part 4.19 describing a number of 'urban catalysts' across the site comprising the new town centre, high street, riverside esplanade, secondary school and film / television studios. Principles for layout, sections and visualisations are suggested, although the secondary school is now being developed via a separate planning permission.

- 9.8 Part 4.20 of the DAS defines a total of 12 character areas across the whole site and for each area sets out key features for architectural character, landscape character, sections and 3D illustrations. In order to ensure a translation between the limited 'fixed' parameters plans, the principles set out within parts 4.19 and 4.20 of the DAS and detailed layout, appearance, scale and landscaping within reserved matters submissions, a planning condition is recommended requiring submission, approval and compliance with a Design Code. However, it should be noted that, as a reserved matters for Zone 1A (Hollow Woods) has already been submitted (ref. 18/00313/REM) the Design Code could not apply to this part of the development. Similarly, as the secondary school is currently under construction pursuant to a 'stand-alone' full planning permission, design coding would not apply to this part of the site (Zone 6).
- 9.9 Turning to consideration of the parameters plans and their impact on site layout and design, the 'Primary Access Plan' presents the principal road and cycle networks through the site with associated road connections to London Road and the Purfleet bypass. Cycle route connections would be made along the riverfront and adjacent to the railway line to connect to existing networks. In order to reduce the severance caused by the railway a re-alignment of London Road close to the existing station would bridge-over the rails. A new 'eastern all purpose highway bridge' would carry a road a cycle link over the railway. These access parameters are considered to be logical.
- 9.10 The Land Use parameter is strongly influenced the constraints imposed by the HSE consultation distances, Hollow Woods / Purfleet Conservation Area and the approved secondary school. The position of the film and television studios and the associated large-scale buildings within Botany Quarry and below ground levels of existing dwellings at Beacon Hill is also logical. When the development is complete convenient access to this large scale commercial operation will be available via the Purfleet bypass.
- 9.11 The tallest buildings on the site, as proposed by the Building Heights parameter plan, would be located at the film and television studios around the town centre / railway station and along part of the riverfront. The location of large footprint studio buildings within Botany Quarry is logical and would minimise visual impact. There is no urban design objection to building heights up to 8-10 storeys for mixed



residential and town-centre uses in the town centre and at the riverside as this could to aid legibility within the scheme and mark the significance of the river.

- 9.12 With reference to residential density, the associated parameter plan expresses density in habitable rooms per hectare, rather than the dwellings per hectare referred to by Core Strategy policy CSTP1. Solely residential development or mixed use development including residential is proposed within Zones 1, 2, 5, 6 and 8, with the railway edge of Zone 5 and elements of Zone 1 achieving densities of up to 600 habitable rooms per hectare.
- 9.13 Policy CSTP1 refers to densities of at least 60 dwellings per hectare in the regeneration areas. Based on the combined site areas of Zones 1, 2, 5, 6 and 8 (c.36.52 hectares), residential density across the site would be c. 78 dwellings per hectare. However, as a range of densities are proposed, parts of the site will be developed at high densities compared to existing development in the Borough. The site is well located relative to Purfleet railway station, which will be enhanced as part of the proposals. This, along with the facilities provided in the scheme, justifies the relatively compact development. However, there is no denying that the quantum of residential units and available land for development will result in a dense urban form, of a different nature to exiting town centres in Thurrock.
- 9.14 As mentioned above, a recommended planning condition would require the submission and approval of a design code before the submission of any zonal masterplans (although this requirement would not apply to Sub-Zone 1A (where a reserved matters application has already been submitted) and Zone 4 (where the stand-alone full planning permission for the secondary school has been implemented). The Design Code to be submitted pursuant to the suggested condition is required to have reference to the Design and Access Statement and address and 'codify' a number of issues including:
- site wide character, movement and landscape;
  - character areas;
  - site-wide detailed coding of public realm, landscaping, frontages, lighting, wayfinding etc.
- 9.15 Finally, this recommended planning condition requires reserved matters submissions and applications for the approval of zonal masterplans to have regard to the Design Code.
- 9.16 At a zonal level across the site, a number of recommended planning conditions would also touch upon design and layout issues at a zonal spatial level in-between the potential site-wide outline permission for the whole site and individual reserved matters submissions. These recommended conditions would require the

submission and approval of a zonal masterplan prior to the submission of any reserved matters applications within any Zone (except Sub-Zone 1A where a reserved matters application has already been submitted). Subsequent reserved matters applications would be required to be in accordance with the relevant zonal masterplan. The content of each zonal masterplan would be defined by reference to a specification to include:

- spatial distribution of land uses;
- minimum and maximum building heights;
- road, footpath and cycle connections, including links to the existing network;
- location of public open space and play spaces.

9.17 It is considered that the recommended planning conditions summarised above strike a reasonable balance between allowing for flexibility across the construction phase of the development and providing adequate controls over design and layout matters.

#### **10.0 IV EFFECT UPON THE PURFLEET CONSERVATION AREA, LISTED BUILDINGS AND HERITAGE ASSETS:**

The western edge of the application site, comprising Harlow Cottage and the gardens and wooded areas north and south of Hollow Cottages, is located within the Purfleet Conservation Area. The majority of the Conservation Area extends beyond the application site to the west and it is only a relatively small part of the application site which is within the Conservation Area. There are no listed buildings within the application site, with the nearest listed buildings located at Hollow Cottages (Grade II) immediately to the west of the site. To the north-west of the site Church House is also Grade II listed, as is the Royal Hotel to the south-west. Further to the west of the site and within the Conservation Area, the Purfleet Magazines and Clock Tower buildings are also listed. These structures form a cluster of listed buildings close to the western edge of the application site. Approximately 500m to the east of the site, along London Road, there is a further cluster of listed buildings located at High House.

10.1 Section 72 of the Planning Listed Buildings and Conservation Areas Act 1990 confers a general duty on local planning authorities regarding Conservation Areas and requires that, in the exercising of their functions, special attention is paid to the desirability of preserving or enhancing the character or appearance of that area. In interpreting the terms 'preserve or enhance', the Courts have held that these terms include development which leaves the character or appearance of a Conservation Area unharmed.

- 10.2 The Listed Buildings and Conservation Areas Act also confers duties with regard to listed buildings. Section 66 of this Act states that in considering whether to grant planning permission for development which affects a listed building or its setting, the local planning authority shall have special regard to the desirability of preserving the building or its setting or any features of special architectural or historic interest which it possesses.
- 10.3 Both Listed Buildings and Conservation Areas are defined as 'Designated Heritage Assets' by the NPPF. In determining planning applications, the NPPF advises local planning authorities to take account of:
- the desirability of sustaining and enhancing the significance of heritage assets and putting them to viable uses consistent with their conservation
  - the positive contribution that conservation of heritage assets can make to sustainable communities including their economic vitality
  - the desirability of new development making a positive contribution to local character and distinctiveness
- 10.4 The NPPF also advises that when considering the impact of a proposed development on the significance of a designated heritage asset, great weight should be given to the asset's conservation. The more important the asset, the greater the weight should be. Where a proposed development will lead to substantial harm to or total loss of significance of a designated heritage asset, local planning authorities should refuse consent, unless it can be demonstrated that the substantial harm or loss is necessary to achieve substantial public benefits that outweigh that harm or loss. Where a development proposal will lead to less than substantial harm to the significance of a designated heritage asset, this harm should be weighed against the public benefits of the proposal, including securing its optimum viable use.
- 10.5 Demolition

In order to accommodate the redevelopment of the application site, one dwelling house (Harlow Cottage), and associated fences, gates and walls, within the Purfleet Conservation Area would be demolished. Conservation Area Consent for the demolition of this dwelling and these structures was previously granted Council in December 2011. In reaching this decision, the Council considered that the dwelling and ancillary structures were not a significant component of the historic character of Purfleet Conservation Area. In addition, the proposed demolition was not considered to have a significant impact on the setting of nearby listed buildings (Hollow Cottages) within the Conservation Area. This consent was not time limited, although a condition requires a redevelopment scheme to be approved prior to demolition.

- 10.6 Since the date of this conservation area consent (2011), the Enterprise and Regulatory Reform Act 2013 abolished the requirement for conservation area consent and introduced a replacement requirement for planning permission. Accordingly a building in a conservation area, subject to limited exemptions, cannot be demolished without consent of the local planning authority and it is a criminal offence to fail to obtain such consent in the form of planning permission. The description of development for this application includes reference to “the demolition of existing buildings and other structures”.
- 10.7 Elsewhere within the application site, beyond the boundary of the Purfleet Conservation Area, the redevelopment proposals would require the demolition of a number of commercial and residential buildings and structures. Appendix 13.1 of the ES comprises a Historic Environment Statement which describes the following buildings (to be demolished) as of a low, local level of importance:
- Botany Cottages / Railway Cottages – provide evidence of the development associated with Purfleet railway station. Railway Cottages would have been similar in appearance to Botany Terrace but have been extensively modified, with historic details now obscured. Botany Cottages are similar in age and design to Jarrah Cottages (east of the site).
- 10.8 It is considered that these buildings are of some local merit. However, the structures do not meet the criteria for listing, as they would not meet the criteria of age or rarity. The loss of these buildings of local interest only can be justified on the basis of the overall regeneration benefits of the scheme.
- 10.9 The remaining commercial buildings and structures within this site, which are shown to be demolished, are assessed in the ES as having no architectural or historic significance. These buildings comprise the remaining former Paper Mills (now International Timber) factory and warehouse buildings, commercial buildings at Botany Quarry, Purfleet railway station and buildings at the Yara depot and former Cornwall House sites. There are no objections to the removal of these structures on heritage grounds.
- 10.10 Turning to the tests set out within the NPPF and referred to above, it is necessary to consider the effect of the proposed demolitions on the setting of heritage assets (i.e. listed buildings and the Purfleet Conservation Area). The demolition of Harlow Cottage, which is located within the Conservation and located close (c.35m) to the Grade II listed terrace of Hollow Cottages would, as a matter of judgement, lead to some harm to the significance of heritage assets. However, the level of harm is considered to be less than ‘substantial’ and in line with paragraph 196 of the NPPF such harm should be weighed against the public benefits of the proposal. It is considered that the effect of the proposals in regenerating central Purfleet and

delivering new housing clearly outweigh the less than substantial harm to heritage assets. The demolition of other buildings on the site which are located at a greater distance from the conservation area and listed buildings would not result in harm to heritage assets.

#### 10.11 Impact of new development within the Purfleet Conservation Area

As noted above a small part (approximately 1.5 hectares in area) of the western edge of the application site is located within the Purfleet Conservation Area. The Land Use parameter plan proposes residential, open space, landscaping and limited mixed use development on this part of the site. The Density and Building Heights parameters plans propose up to five-storey development and densities of up to 200 and up to 400 habitable rooms per hectare. The Design and Access Statement devotes a chapter addressing the Purfleet Conservation Area and recognises the sensitivities of the quieter character of Hollow Woods and the potential transition from this character to the new town centre based around the railway station. The existing woodland east of Cornwall House and rear of Botany Terrace would be largely retained and it is likely that this part of the redevelopment would be the lowest density proposed.

10.12 The Hollow Woods area is referred to in the Purfleet Conservation Area Character Appraisal (Thurrock Council, 2007) as a 'significant open space'. The woods are currently in a poor condition, offer minimal public use and make a limited contribution to the appearance of the conservation area. Nevertheless, enhancement of Hollow Woods has the potential to improve public access, visual amenity and the setting of the listed buildings (Hollow Cottages) to the south.

10.13 Paragraph 4.20 of the Design and Access Statement describes a number of character areas across the site, with Hollow Woods referred to as comprising family housing within a woodland setting. This part of the site is also described as low density, with walking routes and communal open areas including a local play area. The illustrative layout within the Design and Access Statement suggests development along the northern and eastern edges of Hollow Woods only, such that a buffer of woodland would be retained between the new dwellings and Hollow Cottages / Botany Terrace to the south.

10.14 Development elsewhere within the application site has the potential to impact upon the setting of the Conservation Area. Adjacent to the eastern and southern boundaries of the Conservation Area the Land Use and Building Heights parameters plans suggest mixed use development with maximum heights up to five-storeys (north of London Road) and eight-storeys (south of London Road). Town centre uses to the east of the Conservation Area would need to reflect a 'transition' between the lower density and wooded character of the Conservation

Area and the mix of uses and urban character around the railway station. The tallest built development on the western part of the site would be located on and adjacent to the riverside to the south-east of the Conservation Area. This development would be separate from the Conservation Area and seen in the context of the River Thames. Consequently, it is considered unlikely that there would be a significant harmful impact from tall buildings on the setting of the Conservation Area.

- 10.15 As with the proposed demolition of buildings referred to above, the impacts of new development within and adjacent to the conservation area should be considered against the requirements of the NPPF. New buildings within the conservation area (Sub-Zone 1a) and immediately adjacent (Zone 1) will result in some harm to the significance of the heritage asset. However, this harm is considered to be less than substantial in which case paragraph 196 of the NPPF requires the harm to be weighed against the public benefits of the proposals. As above, the long-standing planning policy objective of a new town centre for Purfleet and the delivery of a significant number of new dwellings is a public benefit which outweighs the less than substantial harm to the character and setting of the conservation area.

10.16 Impact on Listed Buildings

The closest listed buildings to the site are the terrace of dwellings forming Hollow Cottages. As noted above lower density residential development is proposed within the Hollow Woods area adjacent to these buildings. The lower-density, family housing development proposed on this part of the site would not harm the setting of the listed buildings. A belt of retained preserved woodland would also separate Hollow Cottages from the closest proposed development, which would assist in screening new from existing development. Therefore, it is considered that development within the Hollow Woods would not harm the setting of Hollow Cottages.

- 10.17 Proposed development elsewhere within the application site is located at greater distances from the listed buildings and, consequently, would not significantly harm the significance of the setting of these heritage assets.
- 10.18 With regard to paragraph 196 of the NPPF, it is concluded that the proposals would result in less than substantial harm to listed buildings and that the public benefits of the proposals (identified above) outweigh this harm.

10.19 Archaeology

The Archaeology and Built Heritage chapter of the ES includes an assessment of the likely significance of below ground archaeology on-site as follows:

<u>Period</u>	<u>Significance</u>
Palaeo-Environmental	High
Prehistoric	High
Roman	Low
Early and later Medieval	Low
Post-Medieval	Low
Industrial	Low
20th Century onwards	Neutral
Source: ES Volume 1, Chapter 13, paragraphs 13.35-13.47	

10.20 The Historic Environment Advisor at Essex County Council (Place Services) states that the site lies in a highly sensitive area of Palaeolithic and geological importance. Furthermore, although large parts of Botany Quarry have had the majority of deposits removed by quarrying, the boundaries of the quarries are nationally significant for Palaeolithic and geological deposits. The Advisor therefore recommends that a number of planning conditions are attached to any grant of planning permission addressing archaeological mitigation, recording of built heritage assets, archaeological fieldwork, preservation or recording of Botany Quarry boundaries and a post-excavation assessment.

10.21 The ES recognises that the construction and operation of the development will have a range of impacts on archaeological interests, ranging from 'insignificant' to 'major adverse'. However, accounting for mitigation measures, the residual impacts are reduced to between 'insignificant' and 'moderate adverse'. No objections to the proposals are raised on the grounds of impact on archaeological interests, subject to planning conditions.

## 11.0 V. IMPACT ON PRESERVED TREES:

Adopted Core Strategy Policy CSTP24 (Heritage Assets and the Historic Environment) recognises trees as heritage assets and requires that the contribution made by trees is appropriately considered in all development proposals. Policy PMD2 (Design and Layout) requires that features contributing to the natural landscape, including trees and woods are protected and, where appropriate, enhanced.

11.1 There are a total of four Tree Preservation Orders (TPOs) which protect trees within the application site as detailed in the table below:

<u>TPO Ref.</u>	<u>Location</u>	<u>Description</u>
13/1988	East of Botany Way, north of London Road and south of Beacon	Large number of individual specimens, three small areas of

	Hill	trees and one small woodland
08/1992	West of Botany Terrace and north of Hollow Cottages	Four individual specimens and two woodland areas
01/1999	Immediately west of Purfleet railway station	Woodland area
05/2000	Corridor on the eastern side of the railway line and generally in between Purfleet railway station and Botany Way	Woodland area

- 11.2 Trees which are located on the western part of the application site within the Purfleet Conservation Area, but which are not preserved by TPO reference 8/1992, are also afforded protection by Section 211 of the 1990 Town and Country Planning Act. Section 211 requires the serving of notice of any intention to remove or prune trees in a Conservation Area although, if these works are required to implement a full planning permission, an exemption from the requirements of the Act applies.
- 11.3 Therefore the existing situation is of a number of individual trees, areas of trees and woodlands across the site which are afforded a level of protection with a particular concentration of protected trees located east and west of Purfleet railway station.
- 11.4 Appendix D to the Landscape and Visual Impact Assessment (volume 3 of the ES) comprises an Arboricultural Survey Report. This report includes a survey of the entire application site and assesses trees against a British Standard quality rating. All trees within the application site, whether or not protected by a TPO or the protection conferred by location within a Conservation Area, are assessed by the Tree Survey Report.
- 11.5 Impact on Preserved Trees  
By way of background, if a full planning permission is granted for development, the requirements to apply for consent to undertake works to preserved trees do not apply. Therefore, a TPO is overridden in circumstances where a tree has to be removed to make way for a building for which full planning permission has been granted. This exemption does not apply where an outline planning permission has been granted.
- 11.6 Planning legislation sets out a general objective of preserving trees, where they are of amenity value. However, as is the case with competing land use objectives, this general objective has to be weighed in the mix of planning considerations before a balanced decision can be taken.
- 11.7 With regard to TPO Reference 13/1998, this Order protects a large number of individual trees, areas of trees and a woodland generally located north of London



Road. This area was redeveloped with dwellings in the late 1980's / early 1990's which now comprise Linnet Way and Oakhill Road. Part of two areas of protected trees is located within the application site on the eastern side of Botany Way. The Survey Report categorises both areas as Grade C (low quality and value) and one of the areas (ref. A2) is proposed to be removed.

- 11.8 Adjacent to Hollow Cottages and Botany Terrace TPO ref. 8/92 preserves two woodland areas and four individual trees. These specimens are classified as either Grade B (moderate) or Grade C (low) by the Survey Report. The individual trees would be retained by the proposals along with one of the woodland areas. The southern and eastern edges of the second area of woodland (ref. W2) would be removed to accommodate development.
- 11.9 Immediately to the west of Purfleet railway station an area of woodland protected by TPO reference 1/99. This woodland is assessed as of low quality (Grade C) and would be completely removed by the proposed redevelopment.
- 11.10 Finally a belt of woodland on the eastern side of the railway line is protected by TPO Reference 05/2000. This woodland is categorised as Grade B (moderate) and would be largely retained by the proposals, apart from the removal of two areas of trees east of the railway station and a section of the eastern edge.
- 11.11 Comments have been received from the Council's landscape and ecology advisor. These comments note that the existing tree stock contains large numbers of self-sown sycamore and elm and many of these have suffered through the lack of appropriate management in past decades. The comments recognise that many of these trees are of limited amenity value due to both their species and past management. The development therefore offers an opportunity to plant new, better quality specimens that will have a higher amenity value in the longer term.
- 11.12 The applicant's Design and Access Statement includes a Tree Strategy which provides an indicative list of new tree species for the various zones across the site. These are considered to be generally appropriate by the Council's advisor and it is agreed that, given the area's botanical heritage and the current prevalence of tree diseases, there should be a good diversity of species within the planting palette. Consequently, there are no objections to the proposed tree plans subject to a detailed planting plan being developed for each zone which relates to the agreed wider landscape masterplan.
- 11.13 It is clear that the development proposals would involve the loss of trees across the site, including trees which are currently protected by TPOs. The submitted Arboricultural Survey Report generally concludes that there are very few individual trees on-site, either protected or unprotected which are of any significant amenity

value. Groups of trees and woodland areas perform a screening function, but this function is limited due to lack of management. The substantial retention of preserved trees is proposed at the western edge of the site (Hollow Woods), which would ensure that the impact tree removal within the Purfleet Conservation Area is reduced. It is considered that a high quality landscaping scheme, which could be secured through a planning condition, could mitigate the loss of preserved and other trees on the site.

## **12.0 VI. IMPACT ON ECOLOGY & BIODIVERSITY:**

### Background

The assessment of the potential impact of redevelopment on ecological interests was a key aspect in the consideration of the 2011 outline planning application (ref. 11/50401/TTGOUT). In connection with this earlier planning application, Natural England provided several consultation responses, with particular emphasis on the impact of redevelopment on invertebrates. Natural England originally objected to 11/50401/TTGOUT for reasons related to inadequate survey information for invertebrate species. Therefore, prior to the determination of 11/50401/TTGOUT, a full-year survey for invertebrates was undertaken in order for Natural England to remove their objection.

- 12.1 Due to the nature of surveyed on-site habitats in 2009-2011 and the phased nature of development, mitigation proposals to address ecological impacts were required to be flexible and adaptable. An Invertebrate Mitigation Strategy (2012) was formulated to support 11/50401/TTGOUT and this planning permission was subject to conditions requiring detailed mitigation measures for each phase of development based on updated survey information. When considered by the Planning Committee in December 2012 the Officer's report noted that adverse impacts of the development were assessed as 'significant' on invertebrate interests. However, it was also considered that the updated survey work presented a robust baseline to inform mitigation proposals, which could be secured through planning conditions.

### 12.2 Baseline Assessment

For the purposes of the baseline assessment, the ES considers a 2km study area drawn around the application site for ecological receptors (habitats and species), although a larger study area applies to bats. There are no internationally designated sites within the 2km study area, although four nationally designated sites (SSSI's) are found within or close to the site as follows:

- Purfleet Chalk Pits – located partly within and adjacent to the site's north-eastern boundary. Designated for geological interest;

- Inner Thames Marshes – located c. 400m to the west of the site. Designated for bird assemblage, plant and insect communities;
- Purfleet Road, Aveley – located c. 1km to the north of the site. Designated for geological interest;
- West Thurrock Lagoon and Marshes – located c. 1.5km to the south-east of the site. Designated for its importance to overwintering birds.

12.3 A total of eight non-statutory Local Wildlife Sites (LWS) are found within the study area. Those within and closest to the site are:

- Purfleet Pit – located partly within and adjacent to the site's north-eastern boundary (also partly Purfleet Chalk Pits (SSSI). Supports scarce invertebrate species;
- Tank Lane – located c.30m to the west of the site. Chalk grassland habitat with invertebrate interest;
- Mar Dyke – located c. 250m to the north of the site. River flood plain grassland system;
- Watt's Wood – located c.250m to the north-east of the site. Ancient woodland.

12.4 An Extended Phase 1 Habitat Survey of the site was undertaken between November 2015 and January 2016. This survey concludes that habitats on-site are “predominantly manmade”, comprising hardstandings and buildings and therefore a large proportion of the habitat on-site is of limited value to ecological interests. However, the survey also notes that there are “relatively extensive” areas comprising semi-natural and brownfield habitats, including woodland, scrub and regenerating grassland, which are of ecological value and have the potential to support protected and notable species. Habitats of principal importance on-site, and listed under s41 of the Natural Environment and Rural Communities Act (2006), comprise open mosaic habitats on previously developed land, mixed deciduous woodland and chalk grassland.

Specific surveys for species have also been conducted and are summarised below.

#### 12.5 Botanical Report

An extended botany survey (Phase 2) was undertaken in August 2016 and considered five areas within the site which were identified by the Phase 1 Habitat Survey. These areas are:

- Thameside plot (former Cory's Wharf and Yara depot) – c.10.2 hectares consisting a mosaic of short ephemeral vegetation, neutral damp grasslands and scrub with scattered trees and ditches;
- Tank Road (north) – c. 0.7 hectares located adjacent to High Speed 1. Short ephemeral vegetation;

- Old Playground Site – c.0.3 hectares located north of London Road and west of Botany Way. Includes areas of species-rich grassland;
- Triangular Plot, west of the former Smufitt Kappa building – c.0.3 hectares open mosaic habitat with short ephemeral vegetation, tall ruderal vegetation, scattered scrub and trees. This area forms the western part of the Harris Riverside Academy site. The approved plans for the Academy show part of the area retained as amenity grassland with features for invertebrate species;
- EEDA Plot – c.2.8 hectares located within Botany Quarry adjacent to the railway line. At the time of the survey (2016) it was noted that the plot comprised levelled, made-up ground with temporary storage units and a belt of tree planting along the western and north-eastern boundaries.

12.6 Between these five areas, the survey estimates that c. 14.8 hectares of Habitats of Principal Importance are present on-site comprising 9.5Ha of open mosaic habitat on previously developed land, 4.2Ha of mixed deciduous woodland and 1.1Ha of chalk grassland.

#### 12.7 Invertebrate Survey

The ES acknowledges that the site is generally located within the 'Thames Gateway', identified as an area of high conservation importance for invertebrates with regard to both invertebrate diversity and abundance. An invertebrate survey has been undertaken by the same consultant entomologist involved in the 2011-12 surveys associated with planning application ref. 11/50401/TTGOUT. A survey of five land parcels of importance to invertebrates within the site was undertaken between June-September 2015. These parcels were:

- Hollow Woods;
- Old Playground Site (as described above);
- Tank Road (north) (as described above);
- Cory's Wharf / former Paper Mills site (south of railway); and
- EEDA Plot (as described above).

12.8 No legally protected invertebrate species were recorded during the 2015 survey. However three UK Biodiversity Action Plan Priority Species were recorded and a further six species recorded as Red Book Data (endangered / nationally rare). 21 species encountered by the 2015 survey were 'nationally scarce'. The 2015 survey concludes no significant alteration in the level of invertebrate interest on-site since the previous 2011-2012 surveys. Invertebrate interest is "high", with the five surveyed parcels of at least "County Level Significance". The survey therefore considers that mitigation / enhancement measures are required to respond to the likely adverse impacts on invertebrate ecology.

## 12.9 Bat Survey

Surveys for bat activity were undertaken in the summer of 2015 and 2016. At least six bat species were recorded on-site, with activity (commuting and foraging) concentrated along Botany Way, London Road and the riverside. No bats were recorded as emerging from buildings, structures or trees on-site. However, as bat activity commenced relatively soon after sunset, it is likely that bats are roosting close to the site. No bat roosts were recorded at the site.

## 12.10 Reptile Survey

A survey undertaken in 2016 included five areas of the site containing suitable habitat for reptiles as follows:

- A. South side of High Speed 1;
- B. South side of Tank Lane;
- C. EEDA plot;
- D. Hollow Woods (part); and
- E. Cory's Wharf.

12.11 Two reptile species (common lizard and slow worm) were recorded on-site. Based on the life-stage of recorded specimens, population estimates suggest a low population of common lizard in all five areas, a low population of slow worms in areas A, B and D and a medium slow worm population in Areas C and E.

## 12.12 Wintering Bird Survey

Following a wintering bird survey conducted in 2011-12 (to accompany 11/50401/TTGOUT), further surveys were undertaken in February 2015 and late-2016. A total of 20 waterbird species were recorded on the site during the combined 2011-12 and 2015-16 survey effort, including three species of high conservation concern and 13 of medium conservation concern. At high tide the site supports 16 species using the river wharf (Cory's) and particularly the eastern ship berthing dolphin within the river. At low tide the site supports 18 species which most birds foraging on the foreshore.

12.13 On a broader scale, data from the Wetland Bird Survey confirms that the Thames Estuary as a whole is a nationally important location for waterbirds, with the Purfleet-Grays area supporting large numbers of waterbirds during the winter months.

## 12.14 Breeding Birds

The 'original' 2011 survey of breeding birds on-site was updated by survey work in

2015. The more recent survey recorded a total of 31 bird species on-site, with at least 14 species nesting on-site. The mixed habitats across the site support a diversity of bird species, including five species of high conservation concern and 13 species of medium conservation concern.

#### 12.15 Intertidal Benthic Ecology Survey

A survey of the sediment surface and sub-surface layers at the inter-tidal zone within and adjacent to the site recorded an impoverished, muddy foreshore with characteristics of instable sediments and variable water salinity. No rare or protected species were recorded by the survey.

#### 12.16 Baseline Conclusions

The ES considers that the site is of moderate importance for nature conservation, resulting from the Thames Gateway location and the importance of this area to invertebrates and waterbirds. Elements of the habitats found on-site are also of ecological interest. The key receptors which may be subject to impacts during the construction and operation of the development are identified in the ES and set out in the table below.

<b>Key Receptor Evaluation</b>		
Key Receptor	Highest Legal / Policy Status	Value / Sensitivity
<u>Designated Sites</u>		
Inner Thames Marshes SSSI	National	National
Watts Wood LSW	National	County
Purfleet Pit LWS	County	County
Tank Lane LWS	County	County
Mar Dyke LWS	County	County
Thames Estuary & Marshes Important Bird Area	Local	Site
<u>Habitats</u>		
Open mosaic habitat on previously developed land	National	County
Lowland mixed deciduous woodland	National	Site
Lowland chalk grassland	National	Site
River	National	Site
Intertidal mudflat	National	Site
<u>Species</u>		
Invertebrates	National	County
Benthic intertidal invertebrates	National	Site
Bats	International	Local
Reptiles	National	Site
Breeding birds	National	Site

Wintering birds	Local	Site
Fish	National	Site
Source: ES Chapter 10, Table 10.4		

### 12.17 Demolition and Construction Impacts

With regard to statutory and non-statutory designated sites, no works would be undertaken at the Purfleet Chalk Pits SSSI / Purfleet Pit LWS within the site. However, indirect impacts from construction activities (overspill light, dust and noise) will result in temporary, indirect, adverse impacts of slight significance. Similar impacts would be likely at the Tank Lane LWS.

12.18 Construction activities would result in the loss c.8.4 hectares of open mosaic habitat on previously developed land, albeit on a phased basis reflecting the redevelopment of the site. This loss of habitat is assessed by the ES as a direct, medium term, adverse impact of moderate significance. Similarly construction would lead to the phased loss of c.2.1 hectares of lowland mixed deciduous woodland habitat. This loss is assessed as a direct, medium term, adverse impact of neutral to slight significance. The loss of c.1 hectare of lowland chalk grassland is also assessed by the ES as a direct, medium term, adverse impact of neutral to slight significance. The construction of the development would result in the temporary and permanent loss of intertidal mudflat habitat. Depending on the final length of river wall replacement, between 574 sq.m. and 1,435 sq.m. of habitat would be lost and is assessed as a direct, permanent adverse impact of slight significance.

12.19 With reference to demolition and construction impacts on fauna, a range of impacts are predicted by the ES and set out below:

Receptor	Impact
Invertebrates	Direct, Temporary, County Level Adverse Impact of Slight Significance
Benthic Intertidal Invertebrates	Site Level Impact of Slight significance
Bats	Direct and Indirect, Temporary, Local Level Adverse Impact of Neutral or Slight Significance
Reptiles	Direct, Permanent, Local Level Adverse Impact of Moderate Significance
Breeding Birds	Direct and Indirect, Temporary, Local Level Adverse Impact of Neutral or Slight Significance
Wintering Birds	Indirect, Temporary, Local Level Adverse Impact of Neutral or Slight Significance
Fish & Marine Mammals	Indirect, Temporary, Site Level Adverse Impact of Slight Significance

## 12.20 Operational Impacts

As the Purfleet Chalk Pits SSSI / Purfleet Pit LWS (within the site) is located at the top of chalk cliff (and therefore inaccessible from the development) the ES predicts that there would be no direct significant impacts on these designated sites. However, lighting from the development would result in indirect, long-term, site-level adverse impacts of neutral significance. Because the Watt's Wood LWS is some distance to the north of the site and separated by road and rail links, it is not considered that the operation of the development would adversely impact on this non-statutory designated site. However, as the Tank Lane LWS is only short walk from the site the ES considers that recreational visitors from the development could lead to indirect, long-term, site-level adverse impacts of neutral or slight significance.

12.21 During operation, as the development seeks to provide an overall net gain in biodiversity through habitat creation etc. the ES considers that there would be a beneficial impact on open mosaic habitat, lowland mixed deciduous woodland habitat and lowland chalk grassland habitat. The significance of these beneficial impacts is assessed as between 'neutral' and 'slight'. However, as new surface water drainage outfalls from the site to the River Thames could result in scouring and gullying at low tide, the operational impact on intertidal mudflat habitat is assessed as a direct, long-term site-level adverse impact of neutral to slight significance.

12.22 With regard to operational impacts on fauna, the ES considers that recreational activities by future residents, workers and visitors to the development, as well as artificial lighting and surface water outfalls will result in a range of impacts. The potential connectivity between new invertebrate habitats and habitat creation for reptiles are presented in the ES as beneficial impacts of neutral or slight significance. Although adverse impacts of neutral or slight significance are predicted for invertebrates, bats, reptiles, wintering birds and breeding birds as a result of recreational pressures and artificial lighting. The operation of the development would not impact on benthic intertidal invertebrates.

## 12.23 Mitigation Measures

During demolition and construction the ES refers to a range of measures within the CEMP and a lighting strategy to reduce adverse impacts on habitats, designated sites and species to a residual impact of "not significant". For the completed development the proposals promote a range of habitat enhancement and habitat creation measures and measures for protected and notable species. These



measures are also referred to by the Ecological Strategy forming an appendix to the ES. With the implementation of mitigation measures the residual impact on ecological receptors from the operation of the development is assessed by the ES as “not significant”.

#### 12.24 Consultation Responses

Natural England:

As the development proposals require an environmental impact assessment Natural England (NE) were consulted on a statutory basis. The written consultation response received from NE (dated 1<sup>st</sup> March 2018) requests that further information is required to determine impacts on the Purfleet Chalk Pits SSSI and the scope for mitigation. Furthermore NE also requested further information regarding impacts on invertebrates, wintering birds, marine ecology and the intertidal habitat.

- 12.25 In response to these comments the applicant suggested a number of draft planning conditions. These draft conditions comprise a CEMP to provide specific mitigation for the SSSI, as well as mitigation, monitoring and management for invertebrates, wintering birds and intertidal habitat. NE acknowledged the applicant's response in July 2018 and provided updated comments in November 2018 broadly welcoming the use of planning conditions to address impacts on invertebrates, wintering birds and intertidal habitat. However, this response maintains a concern regarding potential impacts on the SSSI and negotiations between the applicant and Natural England continued.
- 12.26 Planning permission ref. 11/50401/TTGOUT includes a planning condition (no.54) requiring the submission and approval of an invertebrate mitigation strategy with each reserved matters application. A similar planning condition (R8) is recommended to be imposed on the grant of planning permission to secure mitigation measures for invertebrates. With reference to wintering birds, conditions attached to 11/50401/TTGOUT require the protection of existing roosts at Cory's Wharf (no. 57) and monitoring of overwintering birds (no, 58). A similar planning condition (R6) is recommended to be imposed on the grant of planning permission to address these issues. Consultation responses from Natural England in relation to 11/50401/TTGOUT did not refer to marine ecology and no conditions attached to that grant of planning permission address this receptor. The consultation response from NE (dated 1<sup>st</sup> March 2018), under the heading of 'Impacts of Marine Ecology', refers to the recommended Marine Conservation Zone sites within the Thames Estuary. This response notes the location of the QEII Bridge to Grays section of the River Thames as an important area for the tentacled lagoon-worm but confirms that the proposed works are not located within this site. NE's response also states that these sites are not currently a material consideration, but the sites and features

that are put forward to consultation will become a material consideration at that stage. Finally NE refer to the proposed loss of intertidal habitat, which although not designated as part of a protected site, is considered significant. Planning conditions (R5 and R11) are recommended to be imposed on the grant of planning permission to require a scheme of compensation / mitigation for loss of intertidal habitat.

12.27 A final consultation response was received from NE on 19<sup>th</sup> February 2019. In summary, this response confirms no objection to the application subject to mitigation via planning condition. Detailed points refer to the Purfleet Chalk Pits SSSI and a specific condition is requested to provide a buffer zone to safeguard the geological interest and also provide for its management and enhancement. NE note the wording of draft planning conditions referring to invertebrates, wintering birds and intertidal habitat but offer no further comment on these matters.

12.28 Environment Agency (EA):

The EA's initial consultation response, dated 2<sup>nd</sup> March 2018, raised an objection on ecological grounds referring to loss of intertidal / saltmarsh habitat, future use of the jetties and impact on roosting birds, impact of lighting and lack of surveys for marine mammals. The applicant has been in correspondence with the EA and has suggested planning conditions to address these objections. The EA acknowledge that a planning condition could be used to require a survey of marine mammals prior to the commencement of any river wall or associated channel works. As noted above, the ES estimates that between 574 sq.m. and 1,435 sq.m. of intertidal habitat would be removed, depending on the final length of river wall replacement. The ES also notes that this loss would be an adverse impact, albeit of slight significance. The applicant has suggested a planning condition to require a scheme of habitat mitigation or compensation. As this is an application seeking outline planning permission and as the full extent of riverwall repair or replacement is not known, it is difficult for details of mitigation / compensation to be confirmed at this point.

12.29 The EA also referred to loss of saltmarsh habitat and objected on this basis. The applicant's ES records the presence of localised, scattered saltmarsh indicator species. However, the applicant's view is that these species do not qualify as a saltmarsh habitat and the indicator species were not recorded in a position affected by the riverwall repair or replacement works. The applicant has suggested 'vertical beaches' as part of the river wall works to provide habitat, which could be secured through a planning condition.

12.30 As noted above, the EA's consultation responses dated 21<sup>st</sup> December 2018 and 29<sup>th</sup> March 2019 remove previous ecological objections subject to the imposition of

planning conditions, which are included in the schedule of conditions at Appendix 1 to this report. In particular, conditions R4, R5, R6, R9, R11 and R12 refer to river mammal surveys, saltmarsh habitat, wintering birds, roosting sites, inter-tidal habitat and Cory's Wharf respectively.

#### 12.31 Port of London Authority (PLA):

The PLA's written consultation response (dated 27<sup>th</sup> February 2018) also makes reference to the proposed loss of intertidal habitat and the need for mitigation measures. The applicant's proposals for timber cladding on the river wall are seen as a positive measure, but unlikely to equal the habitat lost. As noted above, the ES acknowledges the loss of this habitat as an adverse impact which cannot be fully mitigated. Members of the Committee will need to weigh this factor into the planning balance.

### 13.0 VII. RETAIL IMPACT ASSESSMENT:

This planning application seeks permission for a range of main town centre uses. Annex 2 (Glossary) to the NPPF defines 'main town centre uses' as comprising retail development, leisure, entertainment, intensive sport and recreation uses, offices, arts, culture and tourism development. In detail, permission is sought for:

- up to 8,880 sq.m. (GEA) retail (Use Class A1);
- up to 5,220 sq.m. (GEA) restaurants & cafes (Use Class A3);
- up to 900 sq.m. (GEA) drinking establishments (Use Class A4);
- up to 11,000 sq.m. (GEA) business uses (Use Class B1);\*
- up to 20,000 sq.m. (GEA) hotel accommodation (Use Class C1);
- up to 6,200 sq.m. (GEA) of assembly and leisure (Use Class D2).

\* Permission is sought for 'open' Class B1 use. This use class comprises offices (B1(a)), research and development (B1(b)) and light industry (B1(c)). Permission is sought for flexible use of the proposed floorspace in any combination of B1(a) / B1(b) / B1(c).

13.1 Class A1, A3 and A4 uses are proposed within Zones 1, 2, 5, 6 and 8. Class B1 uses are also proposed within these Zones and also within Zone 9 (the retained river jetties). Proposed Class C1 uses are also spatially located in Zones 1, 2, 5, 6 and 8 with Class D2 uses within Zones 2 and 5.

13.2 Paragraph 86 of the NPPF states that local planning authorities should apply a sequential test to planning applications for main town centre uses which are neither in an existing centre nor in accordance with an up-to-date plan. Paragraph 89 goes on to state that the local planning authority should require an impact assessment in

the above circumstances if the development is over a default threshold of 2,500 sq.m. floorspace. As a point of reference the extant outline planning permission for the site (ref. 11/50401/TTGOUT) includes the following main town centre uses:

- up to 6,900 sq.m. (GIA) Use Classes A1-A5;
- maximum of 20,100 sq.m. (GIA) Use Class B1;
- up to 3,300 sq.m. (GIA) Use Class C1;
- up to 6,500 sq.m. (GIA) Use Class D2.

13.3 A comparison between the approved and proposed main town centre uses is shown in the table below:

	Floorspace (sq.m.)							
Extant Permission 11/50401/TTGOUT	A1 / A2 / A3 / A4 / A5					B1	C1	D1 / D2
	6,600					20,100	3,300	6,550
Current Proposal 17/01668/OUT	A1	A2	A3	A4	A5	B1	C1	D2
	8,880		5,220	900		11,000	20,000	6,200

13.4 Therefore compared to the extant approval the current application proposes more floorspace within Use Classes A1, A3, A4 and C1 and a broadly similar amount of Class D2 floorspace. A direct comparison of Class B1(a) office floorspace is difficult as permission 11/50401/TTGOUT did not disaggregate Class B1. A 'Town Centre Uses Assessment' (June 2018) has been submitted by the applicant. This documents draws upon information within the South Essex Retail Study (2017) prepared on behalf of Basildon, Castle Point, Rochford, Southend-on-Sea and Thurrock Councils.

### 13.5 Policy Context

The adopted LDF Core Strategy and Policies for the Management of Development (2015), provides the development plan policy for local centres in the Borough. Policy CSTP7 (Network of Centres) identifies the creation of a "new local centre" in Purfleet. Part 4 (i) of this policy encourages the provision of a new food store in Purfleet of between 1,500-2,000 sq.m. (net) convenience retail floorspace and complementary floorspace. Part 4 (ii) encourages an appropriate mix of day to day services to accommodate the needs of the new residential population in Purfleet (and other new local centres in the Borough). The Thurrock Spatial Vision for 2026 described in the LDF Core Strategy notes that Purfleet will have a new centre (para.3.10) and that place-making will result in recognisable centres (para. 3.15). This new centre would constitute one of the five strategic economic hubs, as promoted by the Core Strategy. The Core Strategy therefore clearly identifies the potential for a new local centre at Purfleet with associated retail and complementary floorspace. It should be noted that the Core Strategy does not define the term "local centre", although CSTP7 refers to a hierarchy of centres comprising Lakeside

Regional Centre, Grays Town Centre, existing local centres at Corringham, Stanford-le-Hope, South Ockendon, Tilbury, Aveley and Socketts Heath and finally new neighbourhood centres at West Thurrock and South Stifford.

- 13.6 Although the adopted LDF Core Strategy establishes the broad principle of a new local centre in Purfleet, the LDF Site Specific Allocations DPD has not been progressed to confirm its precise location or extent. Policy CSTP7 encourages “*a new food store of between 1,500-2,000 sq.m. (net) convenience retail floorspace and complementary floorspace*” but is perhaps unclear on whether complementary floorspace is in addition to the 2,000 sq.m. figure. In any case the proposed total Use Class A1 floorspace of up to 8,880 sq.m. floorspace could be interpreted as in excess of the floorspace contemplated by CSTP7.
- 13.7 As noted above, the NPPF generally requires planning decisions to support the roles that town centres play within local communities (para. 85). Paragraph 86 of the NPPF refers to the sequential test requiring main town centre uses to be located in town centres, then in edge of centre locations and only if suitable sites are not available should out of centre sites be considered. Finally paragraph 89 sets out the circumstances where an impact assessment is required. Such assessments should refer to:
- a) the impact of proposals on existing, committed and planned public and private investment in a centre or centres in the catchment area of the proposal; and
  - b) the impact of the proposal on town centre vitality and viability, including local consumer choice and trade in the town centre and the wider retail catchment.
- 13.8 Paragraph 90 states that where an application fails to satisfy the sequential test or is likely to have significant adverse impact on considerations a) and b) above it should be refused.
- 13.9 Therefore a key consideration for Members of the Committee will be whether the proposed town centre uses fulfil the requirements of providing a new local centre for existing and future residents of Purfleet, in accordance with Core Strategy policy, or whether the proposals would result in a significant adverse impact on the vitality and viability of existing centres in the wider area contrary to the NPPF.
- 13.10 Town Centre Uses Assessment:  
Paragraphs 3.6-3.8 of the Assessment provide further detail on the proposed retail elements (Use Class A1) and a breakdown of the maximum 8,880 sq.m. floorspace as follows:
- 2,750 sq.m. gross (2,000 sq.m. net foodstore);
  - 5,330 sq.m. gross “high street” floorspace split between convenience, comparison and retail service uses as follows –

- 2,000 sq.m. convenience goods
- 2,000 sq.m. comparison goods
- 1,330 sq.m. service uses
- 800 sq.m. garden centre

(“convenience” goods are broadly defined as widely available items purchased frequently with minimal effort e.g. food, drinks, tobacco, newspapers, magazines, cleaning materials and toiletries.

“comparison” goods are purchased relatively infrequently and involve a customer evaluation of process, features etc. before purchase i.e. clothes, shoes, furniture, appliances etc.)

13.11 Paragraph 3.8 states that while delivery of retail floorspace will be dependent on the market, floorplates are intended to be “local” in their function and of a “relatively modest scale i.e. 50 sq.m. to 300 sq.m.”.

13.12 Chapter 5 of the Town Centre Uses Assessment describes the existing retail context and defines a Primary Catchment Area (PCA) and wider Secondary Catchment Area (SCA) as a basis for the assessment of impact. As mentioned above, the only shopping parade in Purfleet west of the M25 / A282 designated by the Core Strategy is the terrace of six units located at Chieftan Drive. The Assessment defines the PCA as including Thurrock and adjoining areas to the west in LB Havering. Those existing centres both within the PCA and within Thurrock comprise:

Regional Centre-	Lakeside
Town Centre-	Grays
Local Centres-	Aveley / South Ockendon / Socketts Heath / Corringham / Stanford-le-Hope / Tilbury
Neighbourhood Centres-	Chafford Hundred / Grays / Stifford Clays / East Tilbury / Little Thurrock / Chadwell St. Mary / Tilbury / Corringham

13.13 The hierarchy of centres located within LB Havering but also within the PCA considered by the Assessment comprise:

Metropolitan Centre-	Romford
Major District Centres-	Upminster / Hornchurch
Minor District Centres-	Rainham / Elm Park
Major Local Centres-	Cranham / Rainham / South Hornchurch / Cranham / Hornchurch / Squirrels Heath / Rush Green

13.14 The SCA considered by the Town Centre Uses Assessment includes a hierarchy of centres in areas adjoining Thurrock to the north, east and south and including the administrative areas of Basildon, Brentwood, Dartford, Gravesham and LB Bexley. These areas include the Regional Centres of Basildon and Bluewater, the Town / Strategic Centres of Dartford, Gravesend, Bexleyheath and Brentwood, as well as numerous district and local centres.

13.15 The Assessment goes on to provide a health check of the centres listed above. With regard to Lakeside Regional Centre and Grays Town Centre, both located within the PCA, the conclusions of the health check are summarised below.

13.16 Lakeside Shopping Centre:

This regional centre provides c.135,000 sq.m. of predominantly comparison shopping floorspace. Only c.2% of floorspace within centre comprises convenience goods and this space is largely limited to the Marks & Spencer foodhall. In March 2017 11 of the 118 units within the centre were vacant (9.3%). This level of vacancy was below the national vacancy rate for England of 11.1% in September 2017.

13.17 Lakeside Retail Parks:

The retail parks (Junction retail park, Lakeside retail park, Lake Rise and Cygnet Way) situated to the west and south of Lakeside Shopping Centre provide c.151,000 sq.m. of floorspace. Comparison goods make up the majority of floorspace, with convenience shopping offered by the Tesco Extra store at Cygnet Way. This store is referred to in the Assessment as one of the largest convenience stores in the Borough with c.8,000 sq.m. net floorspace, although a number of concessions (clothes retailers) now occupy part of the floorspace. The retail parks accommodate 104 units with a vacancy rate (March 2017) of 3.8%, significantly below the national vacancy rate (11.1% - September 2017).

13.18 Grays Town Centre:

A vacancy rate of 8.4% was recorded in January 2016 (22 units from a total of 262 units). However Use Class A1 retail uses only comprise c. 35% of the total number of units. There is a convenience shopping presence in the town centre comprising Morrisons (c.6,400 sq.m.), Aldi (c.1,500 sq.m.), Iceland (c.1,000 sq.m.) and Farmfoods (c.600 sq.m.).

13.19 Sequential Approach:

The aim of the sequential approach, as defined in the NPPG (Ref. ID: 2b-008-20140306), is to guide main town centre uses towards town centre locations first,

then to edge of centre locations, then finally to out of centre locations. NPPG further advises that it is for the applicant to demonstrate compliance with the sequential test and that the application of the test should be proportionate and appropriate for the given proposal. Finally NPPG states that use of the sequential test should recognise that certain main town centre uses have particular market and locational requirements which mean that they may only be accommodated in specific locations. A sequentially preferable site will only exist if it meets the criteria of being (i) available for development now or within a reasonable timeframe (ii) suitable for the proposed development and (iii) viable.

13.20 The applicant's Assessment concludes that there are no suitable or available alternative sites within the PCA that could accommodate the proposed retail and other town centre uses proposed, even if a degree of flexibility was applied to the proposals. The applicant considers that proposals are location-specific in order to meet the intention of Policy CSTP7 of creating a new local centre for Purfleet and it is not appropriate to disaggregate them from the wider development. Accordingly the proposed town centre uses cannot meet their intended function of providing a new local centre for Purfleet at any other location within or adjacent to the network of centres within the PCA.

13.21 For reference, the Sequential Test Assessment accompanying the 2011 outline planning application (ref. 11/50401/TTGOUT) reached the same conclusion as the current Assessment. Albeit the 2011 Assessment went into greater detail and identified the potential of individual vacant units at Lakeside, Grays etc. to accommodate the town centre development proposed as part of that submission. Nonetheless, it is concluded that there are no sequentially preferable sites, which are available or suitable in existing centres, which can accommodate the town centre uses proposed.

13.22 Impact Assessment:

Paragraph 89 of the NPPF requires an impact assessment when considering proposals for retail and leisure development outside of town centres, which are not in accordance with an up to date plan. Such an assessment should consider:

- the impact of the proposal on existing, committed and planned public and private investment in a centre of centres in the catchment area of the proposal; and
- the impact of the proposal on town centre vitality and viability, including local consumer choice and trade in the town centre and wider retail catchment (as applicable to the scale and nature of the scheme).

13.23 Advice in NPPG (Ref. ID: 2b-013-20140306) describes the purpose of the impact test is to ensure that the impact over time (up to 5 years (10 for major schemes)) of



certain out of centre and edge of centre proposals on existing town centres is not significantly adverse. The test relates to retail, office and leisure development (not all main town centre uses) which are not in accordance with an up to date Local Plan and outside of existing town centres. However, although NPPG refers to undertaking an impact assessment for “office” as well as retail and leisure development, the more recently published NPPF only refers to an impact assessment for retail and leisure development. NPPG goes on to state that it is for the applicant to demonstrate compliance with the impact test in support of relevant applications and that the impact test should be undertaken in a proportionate and locally appropriate way (Ref. ID: 2b-015-20140306).

13.24 The submitted Town Centre Uses Assessment includes an impact assessment which tests a retail development comprising:

<u>Use</u>	<u>Gross F/Sp</u>	<u>Net F/Sp</u>	<u>Net Convenience F/Sp</u>	<u>Net Comparison F/Sp</u>
Foodstore	2,750sq.m.	2,000 sq.m.	1,500 sq.m.	500 sq.m.
Convenience Goods	2,000 sq.m.	1,500 sq.m.	1,500 sq.m.	
Comparison Goods	2,000 sq.m.	1,600 sq.m.		1,600 sq.m.
Retail Service Uses	1,330 sq.m.	1,064 sq.m.		
Garden Centre	800 sq.m.	560 sq.m.		560 sq.m.
Source: Town Centre Uses Assessment, Table 5A				

13.25 The methodology employed by the impact assessment adopts a retail catchment area comprising the PCA and SCA referred to above. A base year of 2018-19 is adopted, with the projected delivery of retail floorspace over a ten year period from 2021-22 to 2030-31. The Assessment shows projected convenience and comparison goods expenditure per capita for the PCA and SCA, including a deduction for ‘special forms of trading’ such as internet and mail order sales. A projection of total retail expenditure within the catchment is also provided, along with projected retail expenditure from new households within the proposed development. Finally, the applicant’s impact assessment models projected retail turnover from the development, the market shares of existing centres within the catchment, the turnover of these centres and current retail ‘leakage’.

13.26 The methodology summarised above enables the impact assessment to estimate potential diversion of retail trade from existing centres to the proposed development. The assessment models impact for the years 2021, 2026 and 2031 to reflect the proposed phased build-out of the development. The year 2021 is presented as the worst case scenario. With reference to the potential impact on Lakeside, the applicant’s assessment predicts a trade diversion of £4.8 million (2%) for convenience goods and £6.45 million (0.5%) for comparison goods in 2021. By

the year 2031, the applicant's predicted impact on Lakeside has reduced to £3.05 million (1%) for convenience goods and £2.82 million (<1%) for comparison goods. The applicant therefore considers that the proposed retail development would not result in a significant impact on the vitality and viability of Lakeside regional centre.

- 13.27 The potential impact on Grays town centre, the next largest centre to the site, is modelled as £5.75 million (9%) for convenience goods and £0.10 million (10%) for comparison goods in 2021. Reducing to £3.65 million (5%) for convenience and £0.04 million (3%) for comparison goods in 2031. The 'worst-case' impact on Grays for the year 2021 has to be seen in the context that Class A1 retail uses only comprise c. 35% of the total number of units in this centre. The assessment considers that the impact of the proposals on the vitality and viability of Grays centre would not be significant.
- 13.28 For the other centres (listed above) within the PCA and SCA trade diversion for the year 2021 varies between <1% and 6% for convenience goods and between <1% to 4% for comparison goods. In 2031 the applicant's modelling suggests that trade diversion in the PCA and SCA for convenience shopping will vary between <1% and 3% and up to 1% for comparison goods.
- 13.29 The Town Centre Uses Assessment refers to the remaining main town centre uses and justifies the proposed Class A3 and A4 retail uses by stating that restaurant, café and drinking establishment uses are commonplace within town centres and complementary to the proposed retail uses. As the NPPF definition of 'main town centre uses' (Annex 2) includes reference to restaurants, bars and pubs the principle of Class A3 and A4 uses within the development is accepted. Hotel use (Class C1) also falls within the NPPF definition of 'main town centre development' and the applicant refers to this as being supplementary to the proposed film and TV studios. The application proposes hotel uses up to a total 20,000 sq.m. floorspace. For the purposes of comparison, the recently opened Travelodge hotel on West Thurrock Way, Lakeside (ref. 12/00524/FUL) provides c. 80 bedrooms and has a gross floorspace of c.3,200 sq.m. As a rough comparison, the proposed 20,000 sq.m. could provide hotel accommodation of c.500 bedrooms, assuming the same gross floorspace / no. of bedrooms ratio as at the Travelodge. There are a number of existing hotels located in around the Lakeside Basin (Premier Inn, Howard Road / Travelodge, West Thurrock Way / Travelodge, M25 services / Thurrock Hotel, Ship Lane / Premier Inn, jct. 31 / Ibis, London Road), arguably reflecting the attraction of the regional centre and location close to the Dartford Crossing. Although the Assessment does not provide a detailed needs assessment to justify the proposed quantum of Class C1 use, it is reasonable to allow for the principle of new hotel floorspace given the considerable film and TV studio floorspace (up to 135,000 sq.m.) proposed.

13.30 Earlier in this report it is noted that objections to the application have been submitted by Lichfields on behalf of Intu Lakeside Ltd. In summary, these objections refer to:

- the proposed town centre uses are disproportionate to the local centre designation set out by Policy CSTP7 and is beyond the needs of the proposed residential development and will attract trade from a wide catchment;
- the applicant's Town Centre Uses Assessment does not consider the impact of Use Class A3, A4 and D2 floorspace and the impact of the proposed development has been significantly underestimated.

13.31 Notwithstanding these concerns, Lichfields state that if the Council is minded to grant planning permission planning conditions should be used to:

- limit maximum floorspace for each of the proposed town centre uses;
- limit Use Class A1 retail floorspace by reference to the proposed foodstore, convenience floorspace, comparison floorspace, service floorspace and the garden centre (as modelled by the applicant's assessment);
- limit maximum floorspace for Class A1 units; and
- restrict the insertion of mezzanine floors.

13.32 In response to these objections the applicant has provided a commentary maintaining that the town centre uses are acceptable in planning policy terms. The applicant's assessment considers the proposals to be "*broadly in line with the provisions of Policy CSTP7*", in particular the proposed foodstore meets the 2,000 sq.m. floorspace limit and remaining retail floorspace will be delivered to provide an appropriate mix of day to day services for new residents. The applicant also refers to the proposed modest size of floorplates (50-300 sq.m.) and relies on the statistic that comparison goods expenditure generated by new residents is projected to exceed goods turnover of the floorspace within the proposals. Although convenience goods turnover from the development would exceed the expenditure created by the residential development, this is largely due to the proposed foodstore. Nevertheless, the applicant concedes that it is difficult to accurately estimate impacts for leisure uses (Use Classes A3, A4 and D2). Paragraph 89 of the NPPF refers to the need to assess the impacts of both retail and leisure proposals and the lack of an assessment of leisure is a shortcoming.

13.33 However, the applicant is agreeable to the planning conditions suggested by Lichfields and has offered additional controls to limit potential impact. The list of potential planning conditions offered by the applicant are:

- limits on maximum floorspace by Use Class;
- limits on maximum floorspace within Use Class A1 retail;

- limit on maximum floorspace of individual units within Use Classes A1, A3, A4 and D2;
- submission of a schedule confirming floorspace for relevant reserved matters submissions;
- no cinema use with Use Class D2;
- restriction on mezzanine floors;
- restriction on permitted development rights for Use Class A1 and B1 units.

13.34 It is considered that these conditions will assist in controlling the impact of the proposed town centre uses and arguably go beyond the conditions suggested by Lichfields.

13.35 As noted above, the key considerations under this heading are whether the proposed town centre uses fulfil the requirements of providing a new local centre in accordance with Core Strategy policy, or whether the proposals would result in a significant adverse impact on the vitality and viability of existing centres in the wider area contrary to the NPPF. The term 'local centre' referred to by CSTP7 is not defined in the Core Strategy or in the NPPF. Policy CSTP7 does refer specifically to a new foodstore (max. 2,000 sq.m. net floorspace) and an appropriate mix of day to day services to accommodate the needs of the residential development. A planning condition can be used to limit the floorspace of the foodstore in compliance with policy. The consideration of what comprises an "appropriate mix" is a matter of judgement for the Committee. Planning conditions could limit total convenience, comparison and retail uses to 2,000, 2,000 and 1,300 sq.m. (gross) respectively. This quantum of floorspace is considered reasonable, bearing in mind that South Ockendon and Tilbury local centres contain 10,350 sq.m. and 10,200 sq.m. floorspace respectively (according to the applicant's assessment). A total of 6,120 sq.m. floorspace within Use Class A3 and A4 is proposed along with hotel accommodation (max. 20,000 sq.m.) and assembly and leisure uses (max. 6,200). These elements of town centre use reflect the fact that a substantial film and TV studio use is now proposed, which does not form part of the existing consented scheme (ref. 11/50401/TTGOUT).

13.36 Although a direct like-for-like comparison between the town centre uses currently proposed and those already consented is not possible, a broad comparison between the approved and proposed main town centre uses is provided in the table earlier in this chapter. The proposed maximum total of town centre uses currently proposed (52,200 sq.m. A1 / A3 / A4 / B1 / C1 / D2 – assuming all Class B1 space is office) exceeds the potential maximum approved town centre uses (47,750 sq.m. A1 / A2 / A3 / A4 / A5 / B1 / B2 / B8 / C1 / D1 / D2 – assuming all B1 space is office and all D1 / D2 space is D2). Other local centres in the Borough do not contain the proposed hotel and leisure floorspace currently proposed. However, these elements relate to arguably unique elements of the proposal which provide film and

TV studios. Clearly the Core Strategy policy promoting a new local centre for Purfleet was formulated at a time when these unique elements were unknown.

- 13.37 This matter is a judgement for Members, but on balance it is considered that the proposals are broadly compliant with relevant Core Strategy and would not result in significant adverse effects on surrounding centres, subject to the imposition of the recommended planning conditions.

#### **14.0 VIII. VISUAL & LANDSCAPE IMPACT:**

The planning application is accompanied by a Landscape and Visual Impact Assessment (LVIA) which forms Volume 3 of the ES.

##### **14.1 Baseline Conditions**

At a national level, Natural England has devised a landscape character map of England which designates a number of national character areas. The site is designated within the 'Greater Thames Estuary' national character area which is defined by a number of diverse landscapes including flat, low-lying land, salt marshes, mudflats and grazing marshes. The Thames-edge marshes are described as subject to the chaotic activity of various major developments including ports, waste disposal, urbanisation and industry.

- 14.2 At a Borough level, the Council's Landscape Capacity Study (2005) describes the application site as an urban landscape (West Thurrock and Purfleet Urban Area) containing small to medium sized settlements, linear riverside development, industrial areas, housing developments and redundant / redeveloped mineral workings.
- 14.3 Finally, at a site level, the LVIA identifies a number of local character areas (LCAs) across Purfleet, including land in, and adjacent to, the site. These character areas are defined as:

<b>Local Character Area</b>	<b>Key Features</b>	<b>Sensitivity</b>
LCA 1 Botany Quarry	Commercial buildings / Strong visual presence of chalk cliffs / HGV activity / Lack of public open space	Medium
LCA 2 London Road (north)	Modern residential development 2 – 4 storeys (Beacon Hill / Linnet Way) / areas of vegetation and tree planting / sloping topography towards London Road	Low

LCA 3 London Road (south)	Large scale commercial structures (International Timber) / open hardstandings & parking areas / Lack of public space	Low
LCA 4 Riverside 1	Disused former industrial land and modern residential development (Cory's / Harrison's Wharf) / flood defences / former jetties	Low
LCA 5 Riverside 2	Large-scale utilities (Littlebrook power station, south of River Thames) / office & light industrial uses	Low
LCA 6 Riverside 3	Flat, open landscape of scrubland / drainage ditches / walking trails (Dartford Marshes)	Low
LCA 7 Railway Corridor	Transport corridor (within site) / belt of tree planting, including TPOs / terraced dwellings	Medium
LCA 8 Hollow Wood / Purfleet Conservation Area	19 <sup>th</sup> / 20 <sup>th</sup> Century housing / vegetation and TPOs / Listed Buildings / varying topography / intimate scale	Medium
LCA 9 Purfleet Centre Residential	Modern residential development (Caspian Way) / apartment blocks and terraced housing	Low
LCA 10 Tank Lane / Arterial Road	Road infrastructure / industrial and warehousing uses / hardstandings / lack of greenspace	Low
LCA 11 Arterial Road North	20 <sup>th</sup> century residential uses / semi-detached and terraced dwellinghouses	Low
LCA 12 Arterial Road South	Road and rail infrastructure / modern warehousing / small area of woodland	Low
Source: LVIA paras. 3.13-3.47 & Table 6		

- 14.4 In order to provide a baseline from which to assess the visual impact of the development, the ES identifies a number of viewpoints located both within and outside the site, which are receptors to potential visual impacts. A total of 14 viewpoints are assessed in the LVIA located within and adjacent to the site as assigned a visual sensitivity set out below:

Ref.	Location	Visual Sensitivity
1	Junction of London Road / Botany Way	Low
2	Junction of Linnet Way / London Road	Low

3	Beacon Hill	Low
4	Junction of Coniston Avenue / London Road	Low
5	Junction of Church Hollow / Caspian Way	Medium
6	London Road, west of railway station	Low
7	London Outer Orbital Path / RSPB Visitor Centre path	Medium
8	Tank Lane footpath	Low
9	London Road @ Esso Fuels Terminal	Low
10	Thames Path Walk (south of River Thames)	Medium
11	Darent Valley Path (south of River Thames)	Low
12	Coldharbour Lane / Outer London Orbital Path	Medium
13	Clare Crescent / Love Lane, Aveley	Low
14	Public footpath on north side of River Thames (SE corner of site)	Low
Source: LVIA table 7		

14.5 The site and its surroundings are clearly in the Thames-edge designation of the 'Greater Thames Estuary' national landscape classification. The landscape can be described as fragmented and disjointed. Historic quarrying within the site has modified the natural topography. Despite the proximity of the site to the River Thames, views of the river are limited. The ES classifies much of the site as of generally low landscape and visual quality with a low sensitivity to change. Limited areas of a higher landscape value and visual significance with a higher sensitivity to change are located within the site (around Hollow Woods) at outside the site (public rights of way along the River Thames). However, the landscape and visual quality of the site is largely undistinguished, with a weakly developed identity. Purfleet lacks a clearly defined centre and is characterised by large areas of cleared, brownfield land and industrial uses which give the impression of a landscape in flux.

#### 14.6 Demolition and Construction Impacts

During the construction phase, operations such as site clearance, earthworks, creation of stockpiles and compounds, lighting, plant and HGV movements will all impact on landscape and visual receptors. Once the development, or individual phases of the development, are completed potential impacts will include the effect on scenic quality and landscape designations, effect on character, the effect of new buildings on visual receptors, night-time impacts from lighting and changes to views.

14.7 The ES considers that construction activities would result in temporary, local adverse impacts of moderate significance of landscape receptors LCA 1 (Botany Quarry), LCA 7 (Railway Corridor) and LCA 8 (Hollow Wood / Purfleet Conservation Area), with minor adverse or neutral impacts from construction activities on other landscape receptors.

14.8 Impacts on visual receptors are modelled by the ES to range from 'neutral' significance, through 'minor adverse' to 'moderate adverse' (viewpoints 5 and 10).

#### 14.9 Operational Impacts

The ES suggests that the completed development would have a range of impacts on landscape receptors, varying from 'minor adverse' to 'moderate beneficial' as described below:

Ref.	Impact on Landscape Receptor
LCA 5 (Riverside 2)	Minor Adverse
LCA 6 (Riverside 3)	Minor Adverse to Neutral
LCA 9 (Purfleet Centre Residential), LCA 11 (Arterial Road North) & LCA 12 (Arterial Road South)	Neutral
LCA 2 (London Road (north)), LCA 3 (London Road (south), LCA 4 (Riverside 1), LCA 8 (Hollow Wood / Purfleet Conservation Area) & LCA 10 (Tank Lane / Arterial Road)	Minor Beneficial
LCA 1 (Botany Quarry) & LCA 7 (Railway Corridor)	Moderate Beneficial
Source: LVIA paras.4.13-4.22	

14.10 The predicted effects on viewpoints are described in the table below:

Ref.	Visual Sensitivity	Impact Magnitude	Impact Significance
1. Junction of London Road / Botany Way	Low	Minor to Moderate	Minor Adverse
2. Junction of Linnet Way / London Road	Low	Minor	Minor Adverse
3. Beacon Hill	Low	Negligible	Neutral
4. Junction of Coniston Avenue / London Road	Low	Minor to Moderate	Minor Adverse
5. Junction of Church Hollow / Caspian Way	Medium	Minor	Minor Beneficial
6. London Road, west of railway station	Low	Moderate to Major	Moderate Adverse
7. London Outer Orbital Path / RSPB Visitor Centre path	Medium	Minor	Minor Adverse
8. Tank Lane footpath	Low	Moderate	Minor Adverse
9. London Road @ Esso Fuels	Low	Negligible to	Neutral to



Terminal		Minor	Minor Adverse
10. Thames Path Walk (south of River Thames)	Medium	Moderate	Moderate Adverse
11. Darent Valley Path (south of River Thames)	Low	Negligible	Neutral
12. Coldharbour Lane / Outer London Orbital Path	Medium	Negligible	Neutral
13. Clare Crescent / Love Lane, Aveley	Low	Negligible	Neutral
14. Public footpath on north side of River Thames (SE corner of site)	Low	Minor	Minor Beneficial
Source: LVIA Table 9			

- 14.11 Mitigation measures (implemented through a CEMP) during the demolition and construction phase can, to a limited degree, reduce impact on landscape and visual receptors. However, the regeneration of central Purfleet as proposed by the application will result in comprehensive changes to the landscape and townscape of the area. Landscape Character Areas 5 and 6, located on the south side of the River Thames would be likely to experience an impact of minor adverse significance. All other Landscape Character Areas within and adjacent to the site are considered by the ES to experience neutral or beneficial impacts. Some minor adverse and moderate adverse impacts on view points are anticipated as a result of the development, alongside neutral or minor beneficial impacts on other viewpoints.
- 14.12 Comments received from the Council's Landscape and Ecology Advisor confirm the conclusions of the LVIA that much of the area is currently of low to medium sensitivity in terms of landscape character and visual amenity. The Advisor considers that this 'baseline' is primarily due to the effects of the large areas of poor quality, large scale commercial sites within the development area. The conclusions of the LVIA that there would be no 'significant' impacts on landscape and visual receptors during construction and operation of the development are agreed.
- 14.13 Nevertheless, to ensure that the development is as beneficial to the local townscape as possible it is considered important that the design, implementation and management of the public realm are of a high quality. The approaches set out in the application are considered appropriate in principle. However, it will be necessary to ensure that a comprehensive landscape masterplan is provided as part of Reserved Matters submissions. This can then inform more detailed landscape plans for each zone and will help ensure the overarching design principles are integrated throughout the development to achieve a coherent public realm that is a positive benefit to the character of the town. Planning conditions (E1 to E4) are recommended to address this matter.

## 15.0 IX. GROUND CONDITIONS & CONTAMINATION:

This topic forms a chapter heading within the ES and both a Preliminary Environmental Risk Assessment and an Outline Remediation Strategy form appendices to the ES.

### 15.1 Baseline conditions

As background, the existing site contains a number of industrial and commercial uses within the former Botany Quarry and at the International Timber site. Recently active industrial use of the Yara terminal and the former Smurfitt Kappa buildings have now ceased. The Beacon Hill industrial estate (within Botany Quarry) includes a range of commercial uses including road haulage, distribution, vehicle and plant servicing / repair and waste recycling. A number of existing businesses within the site operate under Environmental Permits issued by the Environment Agency.

- 15.2 Historically parts of the site and adjacent land has been used for bulk oil / petrol storage and processing, packaging manufacture, tank cleaning, chemical storage and distribution. These uses and activities have the potential to generate sources of contamination and there have been a number of recorded historical pollution incidents on the site. Cory's Wharf was partially remediated in the mid-2000s and remediation of the Smurfitt Kappa site was undertaken in association with the development of the Harris Riverside Academy. Made ground is widespread across the site, underlain by a sequence of alluvium, river terrace deposits and chalk.
- 15.3 The steep chalk cliffs are a characteristic feature of the eastern and southern boundaries of Botany Quarry. The applicant's visual inspection of the northernmost section of cliff face concludes a low risk of instability. However, remaining sections are considered to be at some risk of instability.
- 15.4 With regard to ground contamination, based on the findings of historical ground investigations and the conceptual model of potentially significant pollutant linkages, the ES considers that risk is high. The Preliminary Environmental Risk Assessment records high levels of metals and Polycyclic-aromatic Hydrocarbons (PAH) within soils. Total Petroleum Hydrocarbons (TPH) soil contamination was recorded as widespread in parts of Botany Quarry and at the Yara terminal. Localised TPH soil contamination may exist elsewhere on-site. Volatile Organic Compound (VOC) soil contamination has also been encountered on part of Botany Quarry and at the Yara terminal.

- 15.5 Widespread groundwater contamination by PAH and metals has been recorded across the site, with localised areas of TPH groundwater contamination. Plumes of groundwater contamination have also been encountered associated with former oil / petrol storage and processing uses. As above, the locations of these plumes are principally at Botany Quarry and the Yara terminal. Finally, potentially significant ground gas and vapour occur on the site.
- 15.6 The ES identifies a number of potential pathways which could link these sources of contamination to receptors. Potential receptors to mobilised contaminants comprise the Purfleet Chalk Pits SSSI, human health, controlled waters, building structures / services and adjoining Local Wildlife Sites.

15.7 Likely Impacts – Demolition / Construction

Appendix 12.2 of the ES comprises an Outline Remediation Strategy promoting an overall approach and principles for remediation of the site. However, it is intended that updated risk assessments and more detailed remediation strategies would be developed for each Zone or Sub-Zone. The greatest risk of exposure to contamination would be associated with demolition and construction workers. The ES emphasises that statutory controls for the protection of construction workers exist elsewhere in legislation and that proposed land raising could provide an effective capping layer. However, in the absence of mitigation measures, the exposure of construction workers to dust, soils and shallow groundwater is assessed by the ES as a direct, temporary, adverse impact of minor significance.

- 15.8 Re-profiling of ground levels on-site will involve the excavation of existing material and the importation and stockpiling of engineering materials / soils. These activities have the potential to mobilise wind-blown contaminants which could affect commercial and residential occupiers near the site. In the absence of mitigation measures, this potential impact is assessed by the ES as a direct, temporary, adverse impact of minor significance.
- 15.9 Construction activities, including ground excavations would have the potential to reduce, although not completely remove, contamination present in groundwater. Therefore, residual contamination would be likely to remain in groundwater with potential unforeseen contamination during construction. The ES identifies that potential viable pathways between contaminated soils and the underlying aquifers could be created during piling operations. The ES also identifies a risk of leakage and contamination to groundwater during construction as a result of oils, fuels and chemicals which may be brought onto the site. The risk of contamination to groundwater and surface water during demolition and construction is therefore assessed as an adverse impact of minor significance.

15.10 Although no built development is proposed within the Purfleet Chalk Pits SSSI (located at the north-eastern corner of Botany Quarry), the ES notes that accidental impact damage to the cliff face and unmanaged surface water run-off at the cliff base during construction could impact adversely on the SSSI. This is assessed as of moderate significance. Similarly accidental damage, unmanaged water run-off and vibration from piling etc. could impact on the stability of the chalk cliff face within Botany Quarry. As sections of the cliff face within Botany Quarry are considered to be at risk of instability, demolition and construction activities could pose a risk to human safety and potentially damage to property. In the absence of mitigation measures, the impact of demolition and construction activities on cliff stability is assessed as significant.

15.11 Finally during the demolition and construction phase of development, the potential for the mobilisation of contaminated dust to affect Local Wildlife Sites close to the site is assessed as an adverse impact of minor significance, without mitigation measures.

#### 15.12 Completed Development

The ES considers that the risks of exposure to contamination by future residents and adjoining occupiers following development would be insignificant. This is because remediation measures would treat areas of contamination and, on parts of the site, raised ground levels would provide a capping layer. With reference to operational impacts on groundwater and surface water, the ES considers that the new sections of riverwall would represent a beneficial impact of minor significance. This is because the new wall would be at a greater depth than the existing structure and thus would inhibit possible migration of contaminated groundwater into the River Thames. Nevertheless, the presence of piles linking groundwater to underlying aquifers is seen as an adverse impact of minor significance. The likely operational impacts of the development on the SSSI and buried structures / services is assessed as insignificant.

#### 15.13 Mitigation Measures

The ES refers to the need for further ground investigations, updated risk assessments and detailed remediation strategies as detailed designs emerge. It is standard practice for planning condition(s) to address ground remediation under the headings of risk assessment, site investigation, a remediation strategy, verification, long term monitoring / maintenance and procedures for dealing with unforeseen contamination. In addition to such planning conditions, the ES notes that the CEMP could include handling and dust management measures to reduce residual impacts on construction works and adjoining occupiers. With such mitigation, the residual impact on these receptors is assessed as insignificant.

15.14 Measures within a CEMP would also mitigate residual impacts on groundwater and surface water. A planning condition could also be used to minimise risk to groundwater from piling operations. CEMP measures could also address impacts of the Purfleet Chalk Pit SSSI and adjacent Local Wildlife Sites such that residual impacts would be insignificant.

15.15 As noted above, sections of the chalk cliffs at Botany Quarry are considered by the ES to be at risk of instability. As mitigation to minimise this risk, the ES promotes more detailed surveys of the cliff faces and measures to improve stability through a Cliff Management Plan.

#### 15.16 Consultation Responses

The response from the Environment Agency (dated 2<sup>nd</sup> March 2018) agrees with the applicant's overall proposals for dealing with contaminated land set out within the Preliminary Environmental Risk Assessment (Appendix 12.1 of the ES). The EA confirm that further investigation of ground conditions on a Zone or Sub-Zone basis will be required to inform detailed risk assessments. The EA require a number of 'standard' planning conditions to be attached to any grant of planning permission addressing:

- risk assessment;
- site investigation;
- remediation strategy;
- verification strategy;
- long term monitoring and maintenance;
- unforeseen contamination;
- surface water infiltration; and
- foundation design.

15.17 The recommended planning conditions below include conditions covering these matters.

15.18 The Council's EHO has reviewed the 'Ground Conditions and Contamination' chapter of the ES and confirms that this provides a sound basis for further investigation and remediation.

15.19 Under this topic heading it is concluded that there are no reasons to object to the application, subject to the recommended planning conditions.

## 16.0 X. NOISE & VIBRATION:

The proposals have the potential to influence the noise and vibration levels within the surrounding environment. This will be due mainly to changes in traffic flows and also, to a degree, from activities within the site itself. Construction activities over the phased build-out of the development will also be a source of noise and vibration. The ES accompanying the application therefore addresses the matters of noise and vibration using the following assessment methodology:

- identification of existing and future sensitive receptors within and surrounding the site;
- establishing baseline noise and vibration conditions on and adjacent to the site based on surveys;
- establishing the suitability of future residential and school uses;
- modelling likely noise and vibration resulting from construction activities;
- establishing design objectives for future plant and services at the development; and
- assessing future operation noise and vibration levels with mitigation measures where necessary.

- 16.1 The ES identifies existing sensitive residential receptors located at London Road, Harrison's Wharf, Botany Terrace, North Road, Dippings Bungalow and Caspian way. All of these receptors are immediately adjacent to or within 120m of the site boundary and are identified as receptor locations A-G. Future sensitive residential receptor locations within the site are identified within Zones 1, 2, 5, 6 and 8 and future sensitive school receptor locations within Zones 4 and 5 (receptor locations H-I). The full list of modelled receptor location comprises:

<u>Receptor</u>	<u>Type</u>	<u>Location</u>	<u>Distance from site</u>
A	Residential	London Road / Linnet Way	10m
B	Residential	London Road (Station Terrace)	10m
C	Residential	Harrison's Wharf	10m
D	Residential	Botany Terrace	10m
E	Residential	North Road	120m
F	Residential	Dippings Bungalow	10m
G	Residential	Caspian Way	10m
H	Future Residential	Zones 1, 2, 5, 6 & 8	Within
I	Future School	Zones 4 & 5	Within

Source: ES Vol. 1 Chapter 9 Table 9.10

- 16.2 Baseline noise and vibration surveys were undertaken in October and November 2016. Noise monitoring was undertaken at 13 locations comprising long term monitoring stations and short term locations, including positions associated with the calculation of road traffic noise. The chosen noise monitoring locations reflect the

potential road, railway, industrial and riverside noise sources close to and within the site. Three vibration monitoring locations were at positions adjacent to the High Speed 1 and Fenchurch Street – Grays railway lines. Dominant noise sources detected at the various monitoring locations emanated from road traffic, industrial activity and train movements. From the three vibration monitoring locations “tactile vibration” was only recorded at one location within Botany Quarry at a location very close (c.2m) from the railway.

### 16.3 Likely Impacts – Demolition / Construction

The ES assesses a worst-case scenario of demolition and construction operations being undertaken up to the site boundary. As the build-out of the development is phased over a 16-year period, the ES also assumes occupation within the site whilst construction activities are ongoing. The assessment models the unmitigated impact of various construction activities (demolition, earth moving, sheet piling, continuous flight auger (CFA) piling, concreting etc.) with the following levels of significance:

<b>Demolition / Construction Activity and Level of Significance (unmitigated)</b>						
<u>Receptor</u>	<u>Demolition</u>	<u>Earth Moving</u>	<u>Sheet Piling</u>	<u>CFA Piling</u>	Concreting	Pavement
A	Moderate	Moderate	Insignificant	Major	Moderate	Moderate
B	Moderate	Moderate	Insignificant	Major	Moderate	Moderate
C	Moderate	Major	Major	Major	Major	Major
D	Minor	Moderate	Insignificant	Insignificant	Moderate	Moderate
E	Insignificant	Insignificant	Insignificant	Insignificant	Insignificant	Insignificant
F	Major	Major	Insignificant	Major	Major	Major
G	Major	Major	Insignificant	Major	Major	Major
H	Major	Major	Major	Major	Major	Major
I	Major	Major	Moderate	Major	Major	Major
Source: ES Vol. 1 Chapter 9 Table 9.15						

16.4 Unmitigated worst-case impacts from demolition and construction activities are therefore assessed as either insignificant, or adverse and between minor to major significance, albeit that such activities are temporary. Unmitigated piling activities (sheet and CFA piling) are assessed as of temporary duration, and either insignificant or an adverse impact of moderate to major significance.

### 16.5 Demolition / Construction Traffic Noise

The ES assumes that construction traffic would be distributed across a 10-hour working day with a worst case maximum forecast of 326 two-way traffic movements, including 56 two-way HGV movements. For all road links the impact of traffic noise associated with demolition and construction activities is assessed as

an insignificant impact. Noise levels would increase on Botany Way near the London Road junction and this is assessed in the ES as an adverse impact of minor significance.

#### 16.6 Completed Development

Noise modelling suggests that mitigation for the impacts of noise is likely to be required in all Zones where residential uses are proposed (Zones 1, 2, 5, 6 and 8). This is a result of transportation noise from the railway lines and new major road links through the site. The ES considers that vibration from the Fenchurch Street – Grays railway line should not impact negatively on future residential properties in Zones 2, 5 and 6. However, as residential uses in Zones 1 and 8 could be built closer to the railway lines, mitigation may be required in these Zones.

16.7 The secondary school site (Zone 4) is assessed by the ES as suitable for school amenity. The full planning permission for the Harris Riverside Academy (ref. 17/01171/FUL) was supported by a noise impact assessment which concluded that road traffic noise from London Road was the dominant noise source but the design of the school building could achieve a satisfactory internal noise level. The proposed primary school would be located in Zone 5 which is influenced from noise generated by Botany Way, High Speed 1 and the Purfleet Bypass. Mitigation measures for the primary school may be necessary dependent upon its final location in relation to these sources.

16.8 The operation of the proposed film and television studios could impact on residential receptors south of Botany Quarry along Beacon Hill and Oakhill Road. The ES notes that existing prevailing noise levels at these receptors are above WHO (World Health Organisation) Guidelines, although typical of an urban setting. The ES considers that the insulation performance of studio buildings would be likely to control noise break-out and therefore this impact would be insignificant. However, external activities at the studios (backlot) have the potential to give rise to temporary adverse noise impact assessed as of minor or moderate significance. Noise impacts from other proposed non-residential uses are assessed as insignificant. It is notable that any industrial within the Class B1 business uses proposed are required, by definition, to be carried out in a residential area only where no harm to amenity would result.

16.9 Operational road traffic noise is assessed by the ES as an adverse impact of moderate significance for Botany Way at its northern junction with the Purfleet Bypass and at its southern junction with London Road.

#### 16.10 Mitigation Measures



During demolition and construction operations the ES promotes a Construction Environmental Management Plan (CEMP) to mitigate the impacts of noise and vibration on sensitive receptors. A planning condition (O1) is recommended to secure a CEMP. Based on potential mitigation measures (hoardings, exhaust silencers etc.) the noise impact significance of activities is assessed as per the table below:

<b>Demolition / Construction Activity and Level of Significance (mitigated)</b>						
<u>Receptor</u>	<u>Demolition</u>	<u>Earth Moving</u>	<u>Sheet Piling</u>	<u>CFA Piling</u>	<u>Concreting</u>	<u>Pavement</u>
A	Insignificant	Insignificant	Insignificant	Insignificant	Insignificant	Insignificant
B	Insignificant	Insignificant	Insignificant	Insignificant	Insignificant	Insignificant
C	Insignificant	Moderate	Moderate	Moderate	Moderate	Moderate
D	Insignificant	Insignificant	Insignificant	Insignificant	Insignificant	Insignificant
E	Moderate	Moderate	Insignificant	Moderate	Moderate	Moderate
F	Moderate	Moderate	Moderate	Moderate	Moderate	Moderate
G	Moderate	Moderate	Moderate	Moderate	Moderate	Moderate
H	Moderate	Moderate	Moderate	Moderate	Moderate	Minor
I	Moderate	Moderate	Insignificant	Moderate	Moderate	Minor
Source: ES Vol. 1 Chapter 9 Table 9.19						

16.11 With mitigation the residual impacts of vibration are assessed as insignificant. A Construction Traffic Management Plan (CTMP) is proposed to mitigate the noise impact of construction traffic and would include avoiding peak hour movements and agreed routing. This is secured as part of the recommended CEMP condition (O1). With these measures, the ES assesses the residual impact as temporary, locally adverse and of minor significance.

16.12 During operation of the completed development the ES sets out a glazing specification for those residential properties likely to be impacted by road and rail noise. A specification is also proposed by the ES to mitigate the noise impact of fixed plant on buildings. Measures to control noise from external operations at the film and television studios are set out in a proposed Management and Operational Plan. This Plan would include measures in addition to a restriction on noise levels during unsociable hours. With mitigation the noise impact of the film and television studios is assessed as adverse and of minor significance. The operational impact of road traffic noise from the development could be mitigated to a degree through Travel Plan measures. However, a residual adverse impact of moderate significance would result.

#### 16.13 Environmental Health Officer comments

Consultation comments from the Council's Environmental Health Officer (EHO) confirm that the assumptions made by the applicant in the ES are reasonable. The

assessment methodology and significance criteria adopted by the ES are also considered appropriate. The EHO considers that the results of the noise and vibration survey are in accordance with expectations. The EHO confirms that demolition and construction activities are predicted to result in major, short term adverse impacts which require mitigation to reduce impacts to an acceptable level. Although the ES assumes CFA piling, if driven piles are required then restrictions on the hours of piling would be required. The EHO agrees that most dwellings are likely to require some mitigation to achieve acceptable internal noise levels and a recommended planning condition (K7) addresses this issue. This would be in the form of an enhanced glazing and acoustic ventilation specification. Noise from fixed plant and non-residential uses will need to be assessed as applications for the approval of reserved matters come forward. Finally, the EHO notes that noise from backlot operations at the film and television studios will require mitigation through a Management and Operational Plan.

16.14 Subject to these mitigation measures (which are secured by the recommended planning conditions O1, O3, L4, L5, L20 and K7 below) no objections are raised to the proposals on the grounds of impacts from noise or vibration.

16.15 Consultation Comments from the Port of London Authority (PLA)

Comments received from the PLA refer, inter-alia, to noise and vibration. The PLA considers that, given the location of the site in relation to operational wharves (Esso Petroleum and C RO Ports), the ES should also assess noise impacts with reference to BS 4142 (Method for Rating Industrial Noise Affecting Mixed Residential and Industrial Areas). The PLA maintain that this is required to properly assess the potential impact of activities at the existing wharves on future residential receptors within Zone 8 (located c. 320m from the Esso jetty).

16.16 The PLA is right to point out the proximity of the site to operational wharves which are active round the clock. It is also legitimate to refer to the potential for noise complaints from future residents regarding activities at the wharves.

16.17 The Council's EHO has reviewed the points raised by the PLA as responds as follows:

*"Given the applicant has determined that noise mitigation will be required for most residential receptors, we will be looking for a mitigation target design and specification based on the noise emission from all the incident sources that can meet the guidelines in BS 8233:2014 (Guidance on Sound Insulation and Noise Reduction for Buildings). Since the dominant noise source is transportation close to the receptors, this will necessarily require a higher level of mitigation than for the more distant industrial sources.*

*Determining the noise impact of port operations via BS 4142:2014 is not going to provide any useful information in this case, since the assessment can only determine its impact in isolation. BS 4142:2014 clause 1.3 h) states “The standard is not intended to be applied to the rating and assessment of sound from: h) other sources falling within the scopes of other standards or guidance” and so the final mitigation target specification would not (and could not see below) be based upon it.*

*Clause 1.3 also states “The determination of noise amounting to a nuisance is beyond the scope of this British Standard” and “The standard is not intended to be applied to the derivation of indoor sound levels arising from sound outside, or the assessment of indoor sound levels”.*

*The applicant’s response to the PLA is well made and covers my points above. Therefore, in this case, I do not agree with the PLA that a BS 4142:2014 assessment is necessary in order to determine a suitable mitigation specification for the proposed residential receptors.*

*I note from the PLA’s further response that they are concerned with the “risk of disturbance to future residents”. A BS 4142:2014 assessment will not help them in this regard as it does not relate to nuisance (see above). In my experience the typical activities that give rise to complaint are not those that formed part of any assessment.”*

- 16.18 In light of these comments it is considered that the noise and vibration assessment within the ES is satisfactory and that, as expressed by the Council’s EHO, the assessment sought by the PLA would not provide any useful further information and is not necessary to formulate mitigation.

16.19 ES Further Information

In November 2018 the applicant submitted an updated TA. As this document forms an appendix to the ES, the update comprises ‘further information’ under the EIA Regulations. In summary, the updated TA consolidates a series of previously submitted technical notes into a single document. As the updated TA includes a number of amendments to traffic data, there are consequential implications for noise and vibration. Therefore an accompanying ES Addendum considers the implications on noise and vibration.

- 16.20 The Addendum considers the impacts of the amended traffic data on noise and vibration during construction and concludes that there are no changes to the impacts predicted within the 2017 ES, that is the impacts from noise and vibration

during construction would range in significance between insignificant to minor adverse.

16.21 Noise and vibration impacts during the operation of the development are also assessed in the ES Addendum, based on the revised traffic data. The predicted change in noise levels at road links and the significance of impact is detailed in the table below:

<u>Link</u>	<u>Change in noise level (ES 2017)</u>	<u>Significance of impact (ES 2017)</u>	<u>Change in noise level (ES Addendum)</u>	<u>Significance of impact (ES Addendum)</u>
Botany Way (near A1306)	+3.1 dB	Moderate Adverse	+0.6 dB	Insignificant
Botany Way (near London Rd)	+8.5 dB	Moderate Adverse	+4.5 dB	Moderate Adverse
London Rd (arm C Stonehouse Ln)	+1.2 dB	Minor Adverse	-0.2 dB	Insignificant
London Road (W of Botany Way)	+2.3 dB	Minor Adverse	-0.4 dB	Insignificant
London Rd (E of Botany Way)	+2.4 dB	Minor Adverse	+0.7 dB	Insignificant
All other links	<1.0 dB	Insignificant	<1.0 dB	Insignificant
Source: ES Addendum November 2018 Table 3				

16.22 Therefore the results of the updated noise assessment do not change the overall conclusions presented in the 2017 ES. In fact, the significance of noise impact at a number of road junctions is predicted to lessen.

## 17.0 XI. AIR QUALITY:

The proposals have the potential to impact on air quality through the generation of dust and emissions during construction, by changing traffic flows during both construction and operation of the development and by generating emissions during operation. The air quality chapter within the ES focuses on the impact of nitrogen dioxide (NO<sub>2</sub>) and particulate matter (PM<sub>10</sub>) or dust.

### 17.1 Baseline Conditions / Assessment

No part of the application site lies within any Air Quality Management Area (AQMA) declared by the Council. However, four AQMAs are located close to the site as follows:

- AQMA 10 London Road, Purfleet (near to Jarrah Cottages). Pollutants: NO<sub>2</sub> and PM<sub>10</sub>. Declared 2001, Amended 2005. Located c.240m (minimum) from the application site;
- AQMA 26 Purfleet Bypass. Pollutant: NO<sub>2</sub>. Declared 2016. Located c.200m (minimum) from the application site;
- AQMA 12 Watts Wood Estate (A1306). Pollutant: NO<sub>2</sub>. Declared 2001, Amended 2005. Located c. 200m (minimum) from the application site;
- AQMA 13 London Road (A1306), Aveley. Pollutant NO<sub>2</sub>. Declared 2001, Amended 2005. Located c. 730m (minimum) from the application site.

- 17.2 Continuous automatic monitoring of air quality is undertaken at a roadside location on the northern side of London Road opposite Jarrah Cottages and approximately 520m from the site boundary. The results from monitoring at this station are presented in the table below. In summary, recorded concentrations of NO<sub>2</sub> have exceeded Air Quality Strategy (AQS) objectives over recent years reflecting road conditions along this heavily-used section of road, although AQS objectives for PM<sub>10</sub> have been met.

Annual Mean Monitored Concentrations at London Road (micrograms (µg) / m <sup>3</sup> )						
Pollutant	Averaging Period	AQS Objective	2013	2014	2015	2016
NO <sub>2</sub>	Annual Mean (µg/m <sup>3</sup> )	40µg/m <sup>3</sup>	<b>62.8</b>	<b>61.0</b>	<b>55.5</b>	<b>55.0</b>
PM <sub>10</sub>	Annual Mean (µg/m <sup>3</sup> )	40µg/m <sup>3</sup>	27.4	26.8	24.9	25.0
Exceedances of the AQS Objectives shown in <b>bold</b>						
Source: ES Vol. 1 Chapter 8 Table 8.10						

- 17.3 NO<sub>2</sub> concentrations are also measured at a number of locations across Thurrock using diffusion tubes. The results for those locations within 1km of the application are set out below. A number of the diffusion tube locations are within designated AQMAs where exceedances of the annual mean AQS Objective for NO<sub>2</sub> have been recorded.

Recorded Concentration of NO <sub>2</sub> at Diffusion Tube Locations Near The Site						
Site	Location	Distance to Site (km)	2013	2014	2015	2016
PRS	Purfleet Station	within site	35.3	34.7	33.5	35.0
PBP	Purfleet Bypass	0.2	<b>40.7</b>	38.1	37.0	37.8
PBPA	Purfleet Bypass	0.2	No Data	35.7	32.9	34.7
WC	Watts Crescent (*12)	0.4	<b>43.4</b>	<b>40.7</b>	38.6	<b>50.2</b>

JC	Jarrah Cottages (*10)	0.5	<b>58.8</b>	<b>56.8</b>	<b>53.4</b>	<b>48.6</b>
LRARS	London Rd Arterial Rd (south) (*13)	0.7	30.0	32.6	27.7	31.1
LRARMS	London Rd Arterial Rd (mid-south) (*13)	0.8	38.8	39.7	33.9	<b>43.6</b>
LRAR	London Rd Arterial Rd (*13)	0.8	<b>58.3</b>	<b>58.5</b>	<b>52.2</b>	<b>62.5</b>
LRARMN	London Rd Arterial Rd (mid-north) (*13)	0.8	<b>44.5</b>	<b>43.4</b>	38.1	<b>45.6</b>
STON	Stonehouse Lane (*21)	1.0	<b>41.4</b>	Site Ended		
Exceedances of the AQS Objectives shown in bold (*XX) – AQMA the location is within						
Source: ES Vol. 1 Chapter 8 Table 8.11						

#### 17.4 Likely Impacts – Demolition and Construction

The ES identifies a number of air quality issues resulting from demolition, site preparation and construction works. All of these works include activities which have the potential to release dust, which could give rise to nuisance, depending on wind conditions, rainfall, topography and the presence of screening. Construction activities will generate associated vehicle movements which will give rise to exhaust emissions and the generation of fine particles. The ES considers the risks arising from demolition, earthworks, construction and trackout and the potential effects on human health, ecological interests and the effects of dust soiling. It concludes medium and high risks given the sensitivity of receptors. Without mitigation, the impacts of demolition and construction activities on air quality would be adverse and of major significance, albeit temporary in duration.

- 17.5 With regard to vehicle and plant emissions associated with the demolition and construction phase, the ES considers that as two-way heavy vehicle movements would not exceed 56 per day with 270 two-way construction workers vehicle movements, this is below the recognised threshold for significant impacts.

#### 17.6 Completed Development

The ES assumes an operational development date of 2034 for assessing the impact of both traffic associated with the development and the impact of the proposed on-site energy centre on air quality. This assessment is based upon 13 receptor locations close to the site, including locations at the AQMAs referred to above. The results of Atmospheric Dispersion Modelling System (ADMS) modelling presented in the ES suggest that both the 'with development' and 'without development' scenarios for 2034 are predicted to meet annual mean objective values for NO<sub>2</sub> and particulate matter (PM<sub>10</sub> and PM<sub>2.5</sub>) at all receptor locations. The operational impact of the development is assessed as 'insignificant' by the ES.

17.7 However, the ES also includes a NO<sub>2</sub> sensitivity analysis using Highways England methodology. Based on this methodology, modelling of the 13 receptor locations for the 2034 'with development' and 'without development' scenarios predicts that one receptor (AQMA 26) will experience NO<sub>2</sub> levels above AQS objectives in the 2034 'with development' scenario. Although the Highways England methodology is considered to be a 'pessimistic' worst-case scenario the ES nevertheless concludes a significant impact on this receptor without mitigation.

#### 17.8 Mitigation Measures

During the demolition and construction phase the ES suggests a number of measures to control dust which could be implemented through a CEMP secured by recommended condition O1. With the implementation of these measures during demolition and construction the residual impacts on human and ecological receptors are assessed by the ES as insignificant.

17.9 The ES considers that emissions from construction vehicles and plant could be restricted through compliance with a Construction Traffic Management Plan. Potential measures within such a Plan could include routing agreements, avoidance of peak hours and use of river or rail modes of transport. With the implementation of such measures (again secured by recommended condition O1) the residual impacts are assessed as insignificant.

17.10 With reference to the completed development and the modelled 'significant' impact on one sensitive receptor the ES promotes mitigation through a Framework Travel Plan to reduce the number of car trips and encourage clean technology such as electric vehicles (secured by recommended conditions H2 to H6 and N7). The ES notes that further assessment of impacts on air quality would be undertaken with the submission of reserved matters to consider effects on this receptor. With mitigation, the residual effect on air quality from the operation of the development is assessed as insignificant.

#### 17.11 Environmental Health Officer comments

Initial comments from the EHO (dated March 2018) raised queries against the submitted assessment of impacts on air quality on the following grounds:

- model inputs for NO<sub>2</sub> and NO<sub>x</sub> queried;
- application of future background factor adjustments for the various future scenarios queried;
- road traffic data and projections to the operational development at 2034 queried.

17.12 In response, the Applicant provided a clarification note in June 2018. Responding to this clarification, the EHO provided further comments (June 2016) stating that the Applicant had not addressed all previous concerns. Crucially the Applicant had not explained an uplift in vehicle movements between the 2016 baseline and the 2034 'with development' scenario.

17.13 A further clarification note was submitted by the Applicant in August 2018. Final comments from the EHO (August 2018) confirm that the Applicant's clarification regarding the modelled uplift in traffic is satisfactory. The EHO also confirms that modelling has been undertaken on a conservative, worst-case basis. There is agreement that the overall impact on air quality will likely be 'insignificant'. However, the EHO notes that the worst-case scenario identifies a moderate impact at three receptors (R6, R11 and R13) within increases in NO<sub>2</sub>. Although the EHO considers that it is unlikely that these increases will actually result as the traffic levels will likely be lower than was estimated in the modelling scenario. Nevertheless, it will be important to consider the impact of air quality particularly at R6 which is in AQMA 10 and R13 within AQMA 26. The EHO suggests that the routing of HGVs away from AQMAs should be an important objective of Travel Plans (and this is secured in recommended conditions H2 and H4).

#### 17.14 ES Further Information

In November 2018 the applicant submitted an updated TA. As this document forms an appendix to the ES the update comprises 'further information' under the EIA Regulations. In summary, the updated TA consolidates a series of previously submitted technical notes into a single document. As the updated TA includes a number of amendments to traffic data, there are consequential implications for air quality. Therefore an ES Addendum document and an accompanying Updated Air Quality Assessment Technical Note (both November 2018) consider the implications on air quality.

17.15 The Addendum considers the impacts of the amended traffic data on air quality during construction and concludes that there are no changes to the impacts predicted within the 2017 ES, that is the impacts from dust and emissions would be insignificant.

17.16 Traffic emissions during the operation of the development are also assessed in the ES Addendum based on the revised traffic data. For the 13 modelled air quality receptor locations within and surrounding the application site the significance of impact on air quality (NO<sub>2</sub>) for both the 2017 ES and ES Addendum are presented in the table below:

<u>Receptor (ID &amp; Location)</u>	<u>2017 ES Impact</u>	<u>ES Addendum Impact</u>
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1 – Broomhill, Arterial Road	Minor Adverse	Insignificant
2* – Hilery, Arterial Road	Minor Adverse	Minor Adverse
3* – Alandale, London Road	Minor Adverse	Minor Adverse
4 – 1 Marlow Avenue	Minor Adverse	Minor Adverse
5 – Purfleet Primary School	Minor Adverse	Insignificant
6* – 37 Jarrah Cottages	Moderate Adverse	Moderate Adverse
7 – A Stars Nursery / Pre-School	Minor Adverse	Minor Adverse
8 – 15 Riverview Terrace	Moderate Adverse	Moderate Adverse
9 – 5 Sussex Terrace	Minor Adverse	Minor Adverse
10 – 7 Duncombe Court	Minor Adverse	Minor Adverse
11 – 6 Botany Cottages	Moderate Adverse	Moderate Adverse
12 – 363 Caspian Way	Insignificant	Insignificant
13* – 2 Bridgland Road	Moderate Adverse	Moderate Beneficial
* - located within AQMA.		
Source: ES Addendum November 2018 Table 1		

17.17 Therefore the results of the updated air quality assessment do not change the overall conclusions presented in the 2017 ES. Indeed concentrations of NO<sub>2</sub> are predicted to reduce at receptor nos. 1, 5 and 13 such that the significance of impact is reduced at these locations.

17.18 In conclusion under this heading, it is considered, that subject to the mitigation measures to be secured by conditions O1, H2-H6, K8 and N7 in Appendix 1, there are no reasons to object to the proposals on the grounds of impact on air quality.

## **18.0 XII. OPEN SPACE & GREEN INFRASTRUCTURE:**

Although consideration of 'layout' is a matter reserved for subsequent approval, the application includes Land Use and Open Space & Green Infrastructure parameters plans submitted for approval. Both of these plans show an allocation for 'Strategic Landscape' and 'Strategic / Open Space' (the latter allocation being referred to slightly differently as 'Public Open Space on the Open Space & Green Infrastructure parameters plan'). In this report the term 'Strategic Open Space' is used to mean the area identified as such on the Land Use parameter plan which corresponds with the area identified as 'Public Open Space on the Open Space & Green Infrastructure parameter plan.

18.1 Strategic Landscape is allocated principally on part of the International Timber site, the former Paper Mills site (south of the railway line) and at Hollow Woods. Smaller areas and 'ribbons' of Strategic Landscape are proposed along the northern / eastern edge of the railway line through the entire site, along the south-eastern cliff edge of Botany Quarry, at the edges of High Speed 1 and Tank Lane, around the railway station / London Road and adjacent to the Harrison's Wharf residential

development. 'Public / Strategic Open Space' is shown on the parameters plans as located within Hollow Woods, adjacent to Caspian Way, adjacent to the railway station and along the riverfront (excluding the former Paper Mills frontage).

18.2 Adopted Core Strategy policies CSTP20 (Open Space) and PMD5 (Outdoor Spaces, Outdoor Sports and Recreational Facilities) are relevant. Thematic policy CSTP20 generally encourages the provision of new open space, particularly in areas of deficiency, including Purfleet. This policy also requires adequate provision of a range of accessible, high quality open spaces including natural and semi-natural green space. CSTP20 encourages the provision of multi-use space and states that consideration must be given to the open space standards at Appendix 5 of the Core Strategy. Policy for the Management of Development PMD5 requires new development to provide new open spaces, outdoor sports and recreational facilities in accordance with adopted standards to meet the needs of the development and to address deficiencies. With reference to 'standards', policy PMD5 refers to 'current' standards at Appendix 5 of the Core Strategy (the Layout and Standards SPD referred to by the policy has not been progressed).

18.3 Relevant national planning policy set out in the NPPF states:

- to provide the social, recreational and cultural facilities and services the community needs, planning policies and decisions should ... plan positively for the provision and use of shared spaces, community facilities (such as ... sports venues, open space ...) – para. 92 (Promoting healthy and safe communities);
- access to a network of high quality open space spaces and opportunities for sport and physical activity is important for the health and well-being of communities – para. 96 (Promoting healthy and safe communities); and
- planning policies and decisions should ensure that developments ... optimise the potential of the site to accommodate and sustain an appropriate amount and mix of development (including green and other public space) – para. 127 (Achieving well-designed places).

18.4 The Design and Access Statement (DAS) accompanying the application includes an open space strategy. This strategy refers to a mix of open spaces across the site comprising:

- amenity green space;
- natural and semi-natural green space;
- parks, gardens and country parks;
- allotments; and
- public open space

18.5 This collection of open spaces largely reflects the detail shown on the two

parameters plans referred to above, although the 'Strategic Landscape' at the south-eastern corner of Botany Quarry is omitted from the strategy set out in the DAS. This omission reflects the fact that this element of Strategic Landscape comprises cliff edge / face and cannot reasonably be considered as performing a role as usable open space. Nevertheless, the mix of spaces suggested within the DAS could provide a range of formal and informal outdoor spaces in general compliance with CSTP20. It should be noted that the open space strategy within the DAS includes hardsurfaced 'urban' spaces adjacent to the riverfront and close to the railway station. It is also notable that the network of open spaces would also perform the functions of providing ecological habitat and cycle links (adjacent to the railway corridor and riverfront). Given the quantum of development proposed and the constraints acting on the site it is reasonable to expect that open space and landscaping within the site will perform multiple functions. However, it is emphasised that the proposed Strategic Landscape located within the Development Proximity Zone and inner zone adjacent to the Purfleet Fuels Terminal would serve a limited function as public space. Comments received from the HSE note that this area should contain footpaths / walkways only and should not contain features (such as seating, shelters or play equipment) which would encourage members of the public to congregate. For information the area of Strategic Landscape within the DPZ and inner zone extends to c. 9 hectares in area.

- 18.6 With reference to play space, the DAS promotes the provision of equipped and non-equipped areas for play across the site as follows:
- 1 no. Neighbourhood Equipped Area for Play (NEAP) @ c.1,000 sq.m.;
  - 3 no. Local Equipped Areas for Play (LEAP) @ c. 400 sq.m. each;
  - 10 no. Local Areas for Play (LAP)
- 18.7 The DAS suggests that this provision is based on the Fields In Trust 'Guidance for Outdoor Sport and Play (2014). The objective of this 2014 Guidance is not dissimilar from Open Space Standards for children's play space set out at Appendix 5 of the Core Strategy. The provision of NEAPs, LEAPs and LAPs set out in the DAS is therefore considered acceptable in principle and the meet the needs of the development in this respect. Recommended condition E5 would secure the provision of these play areas.
- 18.8 With regard to formal indoor and outdoor sports provision the Council's Sports and Leisure Policy & Development Manager has noted the existing significant lack of sports and leisure provision within Purfleet. The Thurrock Open Spaces Strategy 2006-2011 referred to in the pre-ambles to Core Strategy policies CSTP20 and PMD5 refers to a general open space deficiency within Purfleet, including playing pitch provision. Sport England has provided a detailed consultation response to the application which, although supportive of the approach in relation to creating

opportunities to encourage physical activity through design, is critical of the lack of confirmed proposals for community sports facility provision. Sport England notes that the Harris Riverside Academy (being delivered through planning permission reference 17/01171/FUL) includes facilities which offer potential to help meet the needs of the community in the proposed development.

18.9 To this end, the planning permission for the Academy includes the provision of:

- 1 no. natural grass surface football pitch (c. 82m x 50m);
- 1 no. multi-use games area (MUGA) containing 3 no. pitches marked for basketball / tennis / netball;
- Indoor sports hall (4 court) c. 594 sq.m. area; and
- Fitness studio (first floor of sports hall) c.99 sq.m. area.

18.10 The planning permission is subject to a condition (no. 22) requiring the submission for approval of a community use agreement (CUA) to secure wider public access to facilities at the Academy including the sports hall, fitness studio, MUGA and football pitch. The CUA is required prior to first operation of the development (i.e. first opening of the Academy) and at the time of writing this report the requirement to comply with the planning condition has not yet been triggered. However, assuming that the CUA secures reasonable access to the facilities by the wider community it is considered that the Academy could meet some of the sport and recreation demands generated by users of the Purfleet Centre redevelopment.

18.11 Nevertheless, Sport England notes that the school has been designed principally for meeting the needs of students at the proposed school and has not been designed for meeting the needs of the community, although the facilities would be made available via the CUA. For example, the approved sports hall meets the Education Funding Agency's guidance in terms of dimensions (33m x 18m / 594 sq.m.) which is suitable for meeting educational needs, but would not meet Sport England's guidance for meeting community needs (34.5m x 20m / 690 sq.m.). Furthermore the permission for the Academy only makes provision for a single playing pitch.

18.12 When the planning application for Harris Academy was reported to Planning Committee in November 2017, Officers considered it very doubtful whether a natural grass playing pitch would be able to withstand intensive use by pupils and also provide meaningful use to the wider community. The fact that a 3G artificial playing surface was not proposed by the Academy was seen as a missed opportunity.

18.13 However, at the time of writing this report it is anticipated that a planning application will be submitted to 'upgrade' the approved natural grass pitch to an artificial 3G

surface, with accompanying floodlights. If such a planning application is submitted and approved then, subject to an appropriate CUA, a 3G pitch could meet some of the demand for outdoor sport generated by the redevelopment of central Purfleet. However, it is notable that the playing pitch, if used for football, is slightly less than the 'full-size' standard and could only meet the demands for mini and youth soccer.

18.14 Nevertheless, Sport England's current position remains that if a 'sub-standard' 3G facility is provided at Harris Academy (i.e. a pitch which does not meet Sport England's technical specifications for run-off areas etc.) then a financial contribution would be required towards providing mini and youth soccer provision off-site located either at Belhus Park or Blackshots. The recommended heads of terms for the s.106 agreement set out at Appendix 2 of this report therefore refer to this 'fall-back' contribution if a satisfactory 3G facility is not delivered at the Academy site.

18.15 In conclusion under the heading of formal sport and recreation, there is an existing identified lack of these facilities in Purfleet. The ES estimates that the new population of the completed development would be a maximum of c.6,200 residents which will generate a demand for use of indoor and outdoor sports facilities. The consented facilities at the Harris Riverside Academy have the potential to meet some of this demand subject to the submission, approval and implementation of a suitable CUA. A potential planning application for a 3G playing pitch to replace the approved grass pitch could also meet some of the demands generated by communities in Purfleet (subject to CUA). However, it is the case that a 'residual' demand for sports and recreation facilities would be unmet by the facilities at the Academy. Consequently, the recommended s106 heads of terms set out at Appendix 2 of this report refer to a range of financial contributions towards outdoor and indoor sports facilities which are considered necessary to make the development acceptable in planning terms and would be triggered as residential occupations progress across the site.

## **19.0 XIII. ENERGY & SUSTAINABILITY:**

Policy PMD12 (Sustainable Buildings) of the adopted Core Strategy refers to environmental sustainability standards for new residential and non-residential development. This policy was amended in the revised 2015 Core Strategy in order to be compliant with the previous 2012 version of the NPPF (which was in turn revised in July 2018). In summary, PMD12 requires new residential development to achieve a "Code for Sustainable Homes" level 4 rating, except in respect of any of the Code's requirements that have been officially superseded by mandatory national standards. In respect of major non-residential development (more than 1,000 sq.m. floorspace) PMD12 requires the following BREEAM standards (or equivalent), where appropriate:

BREEAM 'Very Good' up to 2016;

BREEAM 'Excellent' from 2016;

BREEAM 'Outstanding' from 2019 (in addition to national standards for zero carbon).

- 19.1 However the policy states that the above requirements may be relaxed where the developer is able to prove that these requirements will be economically unviable, rendering development of the site undeliverable.
- 19.2 Core Strategy policy PMD13 (Decentralised, Renewable and Low-Carbon Energy Generation) requires the development to secure the following proportions of its predicted energy from decentralised and renewable or low-carbon sources:
- 15% from 2015; and  
20% from 2020.
- 19.3 However, as with Policy PMD12 this requirement can be varied if it can be demonstrated to the Council's satisfaction, by way of a full viability assessment, that this is not feasible or viable. PMD13 also requires all opportunities for establishing district energy networks to be secured in 'priority locations' such as the application site.
- 19.4 Under the heading of 'Planning for climate change' paragraph 153 of the NPPF states, inter alia, that in determining planning applications, local planning authorities should expect new development to:
- a) comply with any development plan policies on local requirements for decentralised energy supply unless it can be demonstrated by the applicant, having regard to the type of development involved and its design, that this is not feasible or viable.
- 19.5 The applicant has submitted an Energy Strategy in support of the application. Paragraph 2.1.3 of this Strategy sets out a number of proposed targets for the development comprising:
- a site wide energy network "will be proposed". Although initiation of the energy centre will be subject to load demand, phasing and economic viability to be assessed on a phase by phase basis as part of application for the approval of reserved matters;
  - dwellings will achieve a minimum 19% below Building Regulations Approved Document Part L 2013 (Code for Sustainable Homes (CfSH) Level 4), with suitable renewable / low carbon technologies as appropriate to achieve carbon reduction targets;

- Non-domestic buildings are proposed to achieve BREEAM “Very Good”, with an aspiration to achieve “Excellent”. Retail units below 1,000 sq.m. floorspace will not be assessed under BREEAM.

19.6 A number of recommended planning conditions addressing the environmental sustainability of the proposals have been discussed and agreed with the applicant. These comprise:

- a requirement for the submission and approval of a Sustainable Construction Code to accompany the first reserved matters application for any Zone and implementation thereafter (condition N1);
- a requirement for the submission and approval of an Energy Statement to accompany each reserved matters application and implementation thereafter (condition N2);
- a requirement for the residential development to achieve, as a minimum, 19% below CO2 emissions required by Building Regulations Approved Document Part L 2013, with suitable renewable / low carbon technologies (condition N3);
- BREEAM Outstanding for major commercial buildings (unless otherwise justified with reference to Policy PMD12) (conditions N4 and N5); and
- a requirement for the submission and approval of water efficiency measures to accompany each reserved matters application and implementation thereafter (condition N6).

19.7 It is considered that these conditions will satisfactorily address issues of sustainable construction and design.

## **20.0 XIV. FLOOD RISK & SITE DRAINAGE:**

### Baseline:

The majority of the planning application site, including land located to the south of London Road, land at Hollow Woods and the southern part of Botany Quarry, is within Flood Zone 3a (High Probability). Zone 3a is defined as land having a 1 in 100 or greater annual probability of river flooding, or land having a 1 in 200 or greater annual probability of sea flooding. A small part of the site, located both east and west of Purfleet railway station is at medium risk of flooding (Flood Zone 2), defined as between a 1 in 100 and 1 in 1,000 annual probability of river flooding having between a 1 in 200 and 1 in 1,000 annual probability of sea flooding. The remainder of the site, located largely on the northern part of Botany Quarry but also adjacent to London Road west of the railway in the low risk flood area (Flood Zone 1) i.e. having a less than 1 in 1,000 annual probability of river or sea flooding. In this case, the principal cause of flood risk to the site is tidal encroachment from the adjacent River Thames. Nevertheless the site is ‘defended’ and benefits from

tidal defences (river wall) adjacent to the foreshore. There are no main rivers (as defined by the Environment Agency) within the site.

- 20.1 Much of the site is low lying although there are varying ground levels across the site as a result of historic quarrying. The highest areas within the site are found at the cliff-tops surrounding Botany Quarry (c. 25m AOD). Levels within the quarry itself range between 0.5m-10m AOD. Former and existing commercial uses located south of London Road are between 1-3m AOD. A flood risk assessment (FRA) forms an appendix to the ES. The FRA includes a breach analysis, as well as both surface and foul water drainage strategies.
- 20.2 Tidal defences adjacent to the River Thames have a crest height of between 6.9-7.2m AOD which are a minimum of 0.55m above peak tidal levels for the river in the 1 in 1,000 year event (6.35m AOD). There is a residual risk of flooding in the unlikely event of a failure of flood defences (a breach event). In a breach event low lying areas of the site would be inundated.
- 20.3 Risk of pluvial flooding (from surface water and sewer sources) varies across the site from a very low risk to a high risk. The risks from groundwater flooding on-site are low. Existing surface water is drained either by infiltration or outfalls to the River Thames via private drains or culverts.
- 20.4 Flood Risk Assessment:

As the proposals include a range of land uses, there are a variety of flood zone vulnerability classifications applicable to the proposals with reference to Table 2 of NPPG (Paragraph: 066 Reference ID: 7-066-20140306). The vulnerability classifications applying to the development are set out below:

<u>Flood Risk Vulnerability Classification</u>	<u>Proposed Use</u>
More Vulnerable	Class C1 hotels Class C3 dwellings Class A4 drinking establishments Class D1 non-residential institutions
Less Vulnerable	Class A1 retail Class A3 restaurants and cafes Class B1 business Class D2 assembly and leisure Film & TV studios
Water-Compatible Development	Flood control infrastructure (flood defence works)



20.5 Table 3 of NPPG shows a matrix of flood zone vulnerability (Table 2) and flood zone compatibility. Within Flood Zone 3a 'less vulnerable' and 'water-compatible' development can be considered appropriate. However, the Exception Test is applicable to more 'vulnerable development'. Furthermore, Table 3 of NPPG does not show the application of the Sequential Test.

20.6 Sequential Test:

Paragraph 158 of the NPPF confirms that the aim of the Sequential Test is to steer new development to areas with the lowest risk of flooding. Development should not be permitted if there are reasonable available sites appropriate for the proposed development in areas with a lower risk of flooding.

20.7 The adopted Core Strategy (2015) is supported by a suite of supporting documents including a Thurrock Strategic FRA Level 1 Report (2009) and a Thurrock Strategic FRA Level 2 Report (2010). Policy CSTP27 of the Core Strategy refers to the management and reduction of flood risk and this policy was subject to the focused review to ensure consistency with the NPPF. The written introduction to CSTP27 (page 148 of the Core Strategy) refers to the Strategic FRA and the confirmation within this document that the majority of the Thurrock Urban Area is within the high risk flood zone. However the tidal floodplain associated with the River Thames is considered by CSTP27 to be defended from tidal flooding to the 1 in 1,000 year standard, including climate change. Paragraph 5.166 of the Core Strategy states that policies CSSP1 to CSSP5 (which, inter-alia, identify new housing development and a Key Strategic Economic Hub at Purfleet) have all been subject to the Sequential Test. With reference to paragraph 158 of the NPPF, it is not considered that there are reasonably available sites for the proposals in lower flood risk areas. Consequently, the Sequential Test is passed.

20.8 Exception Test:

Paragraphs 159-161 of the NPPF refer to the Exception Test which may have to be applied if it is not possible for development to be located in zones with a lower risk of flooding. The application of the test should be informed by a site-specific FRA and for the test to be passed it should be demonstrated that:

- a) the development would provide wider sustainability benefits to the community that outweigh the flood risk; and
- b) the development will be safe for its lifetime taking account of the vulnerability of its users, without increasing flood risk elsewhere, and, where possible, will reduce flood risk overall.

Both limbs of the test should be satisfied before development is permitted.

- 20.9 With regard to part (a) above, when application ref. 11/50401/TTGOUT was determined the application of the Exception Test was also relevant and at that time the local planning authority considered that the proposals would regenerate the centre of Purfleet. In addition, as the proposals would provide the homes, jobs, community facilities and open space promoted by the Core Strategy, it was considered that the development offered sustainability benefits outweighing flood risk. These considerations remain unchanged and part (a) of the Exception test is passed.
- 20.10 Part (b) of the test requires the development to demonstrate that it will be safe during its lifetime, without increasing flood risk elsewhere. Advice in NPPG addresses the points which should be covered by a FRA as follows:
- the design of any flood defence infrastructure;
  - access and egress;
  - operation and maintenance;
  - design of development to manage and reduce flood risk wherever possible;
  - resident awareness;
  - flood warning and evacuation procedures (see also advice on when flood warning and evacuation plans are needed); and
  - any funding arrangements necessary for implementing the measures.
- 20.11 The submitted FRA provides detail on the design of flood mitigation measures, safe access / egress routes and design measures to reduce flood risk. A recommended planning condition (Q6) secures the submission and approval of a flood warning and evacuation plan prior to the first use or operation of development within each Sub-Zone. In light of these factors it is concluded that the Exception Test is passed.
- 20.12 The initial consultation response received from the EA (dated 2<sup>nd</sup> March 2018) raised a holding objection to the proposals on flood risk grounds as hydraulic modelling was not agreed with the applicant. However, a further response from the EA dated 25<sup>th</sup> June 2018 removed this ground of flood risk objection. This consultation response confirmed the location of the site in tidal flood zone 3a and therefore subject to the requirements of the Sequential and Exception Tests.
- 20.13 Flood Defences:

The description of the proposals includes reference to “... *other associated engineering, utilities and infrastructure works including but not limited to, rebuilding, repairing, replacing and upgrading of river wall and flood defence wall and associated works of repair and reinstatement of the former Yara Purfleet Terminal Jetty and the former Cory’s Wharf Jetty to facilitate the river wall and flood defence*”

*works ...*". Chapter 6 (Development Programme, Demolition and Construction) of the ES provides further details of these river works and describes the replacement of c.338m of existing river wall and flood defences located between Harrison's Wharf and the Cory's Wharf jetty. This section of flood defence, comprising timber and suspended concrete slab, is described as in poor condition. A further 238m long section of timber wall adjacent to the Esso fuels terminal may be replaced, subject to structural condition. Land behind the river wall and flood defences would be raised. Although details of the replacement defences are reserved for future approval, the applicant states that the new river wall would be built on the river-side of the existing defence in a position between 1-2.5m from the existing structure.

20.14 The EA raised a holding objection to the application with reference to flood defences in its initial consultation response (2<sup>nd</sup> March 2018). In essence, the EA was concerned that the flood defences should be designed to an agreed specification in order to provide suitable protection. Negotiations between the EA and the applicant have continued following this consultation response. In July 2018 the EA set out its position that, in situations where flood defences were being improved in connection with development proposals, a legal agreement under s30 of the Anglian Water Authority Act 1977 should be in place. Such an agreement would require the landowner / developer to design the flood defence works to the specification of the EA and undertake and maintain the works to an agreed standard. For information, the Port of Tilbury's proposals (ref. 10/50157/TTGOUT) for expansion onto part of the flood storage area at Tilbury Marshes (now the Travis Perkins / Amazon site) involved a partial re-alignment of flood defences. This re-alignment was 'secured' through a s30 agreement which was signed prior to the consideration of the application by Planning Committee. The EA's formal position was that this holding objection referring to flood defences will be maintained until a s30 agreement is signed. In addition to any agreement under the Anglian Water Authority Act 1977, improvements to the flood defences will also require a flood risk permit under the Environmental Permitting (England and Wales) Regulations 2016.

20.15 Following a series of negotiations between the applicant and the EA an agreement under s30 of the Anglian Water Authority Act 1977 in relation to flood defence works was signed on 21<sup>st</sup> December 2018. This event has enabled the EA to conditionally remove its previous objection to the application referring to flood defences. In summary, the s30 agreement entered into between the EA, the developer (PCRL) and the Council (as landowner) places the following obligations on the applicant and landowner:

- to construct, at their own cost, the flood defence works to a level of 7.2m AOD in accordance with a detailed design, the planning permission and any EA requirements. The works to be carried out to the satisfaction of the EA before

occupation of development within Zone 1 south of London Road. The flood defence works to be retained;

- prior to the commencement of the flood defence works to submit a detailed design to the EA for its approval;
- during the construction of the flood defence works to ensure that the current standard of flood defence is retained. Where this is not possible to submit contingency arrangements to the EA for approval;
- once constructed, the flood defence works cannot be removed without the prior consent of the EA;
- once constructed, the flood defence works to be maintained in accordance with an inspection and management programme to be submitted to and approved by the EA;
- any defects in the flood defence works to be remedied to the reasonable satisfaction of the EA;
- after construction of the flood defence works, if the EA reasonable considers that the defence should be raised in height to 8.5m AOD it can require the developer and landowner to raise the defence; and
- the landowner and developer to obtain necessary authorisations and consents from the EA before commencement of works.

#### 20.16 Future Thames Barrier:

The EA's response of 2<sup>nd</sup> March 2018 also raised an objection to the application referring to the lack of safeguarded land within the site for the future Thames Barrier. For information, the EA's 'Thames Estuary (TE) 2100 Plan – Managing flood risk through London and the Thames Estuary' (November 2012) refers to a tidal surge event as the most significant flood risk for the estuary. There is an existing system of defences in place, including the Thames Barrier at Woolwich, to reduce this risk. The TE2100 Plan was developed to provide a strategic flood risk plan for London and the Thames Estuary to adapt to climate change. Given predicted rises in sea levels and changes to both the size and frequency of storm surges, the TE2100 Plan considers that investment in a new flood defence system will be required by the year 2070. New defences include a new Thames flood barrier. The Plan identifies an estuary-wide action zone (Action zone 0) as well as smaller, area-based action zones. Estuary-wide options for flood defence include a new barrier (Option 3) with two 'sub-options' of a new barrier location at Tilbury (option 3.1) or Long Reach (option 3.2). The summary of options appraisal (page 58 of the TE2100 Plan) states that improvement of existing defences and a new barrier at Long Reach (Purfleet) are the two front-runners for managing (estuary-wide) tidal flood risk up to the end of this century and into the 22<sup>nd</sup> century.

- 20.17 The EA's consultation response confirms that a new Long Reach barrier would take approximately 10 years to construct and would require land on both north and south sides of the River Thames to complete. During construction, 6 hectares of land would be required on the north bank, with 1 hectare retained on the north bank for operational purposes. Navigational modelling and infrastructure constraints dictate that 2 hectares of land within the application site, located at its south-western corner, will be required during construction of the new barrier.
- 20.18 As the development proposals when first submitted did not take into account the future barrier or safeguard the land required for its construction, an objection was raised by the EA. Similar concerns were voiced by the Port of London Authority and the Mayor of London.
- 20.19 In June 2018 the applicant was formally requested to provide further information addressing the future barrier and safeguarding issues, pursuant to the EIA Regulations. A response from the applicant (July 2018) refers to the TE2100 Plan and states that within this Plan there are no detailed proposals publicly available which can be used to assess the impact of the proposals. The applicant's comments were subsequently advertised as further information to the ES.
- 20.20 Development plan policy context for this issue is provided by adopted Core Strategy policy CSTP27 (Management and Reduction of Flood Risk). Part (II.) of this policy states that the Council will work collaboratively with the Environment Agency by supporting the area based policy approach adopted in the TE2100 project. In particular, the Council will seek inter-alia to safeguard existing flood defences and new areas for flood defences.
- 20.21 Therefore, although there are no detailed designs currently available for the future barrier at Long Reach, development plan policy generally supports the TE2100 Plan in the interests of managing and reducing flood risk. Although CSTP27 does not specifically refer to a new barrier, it is considered that the EA's concern that land should be safeguarded is nevertheless a material planning consideration. This matter needs to be taken into account in the overall balance of relevant planning considerations.
- 20.22 As with the flood defence issue referred to above, the EA and applicant have engaged in a series of negotiations in an attempt to resolve this issue. In particular, discussions have focussed on an agreement under s30 of the Anglian Water Authority Act 1977 relating to the safeguarding of land within the site for future barrier construction purposes. As with the matter of flood defences, an agreement under s30 of the Anglian Water Authority Act 1977 was signed on 21st December 2018. This event has enabled the EA to conditionally remove its previous objection

to the application concerning the safeguarding of land within the site in connection with a future Thames Barrier.

20.23 However, despite the conditional removal of the EA objection, it is important that the Committee understands the implications of the safeguarding agreement on the development parameters for which permission is sought.

20.24 The s30 agreement designates a parcel of land (the “Safeguarded Site) c.1.73 Ha in area and located close to the south-western corner of the application site adjacent to both the River Thames frontage and close to the Harrison’s Wharf residential development (outside of the application site). The Safeguarded Site closely corresponds with the extent of the former Yara depot site.

20.25 With reference to the parameter plans which are submitted for approval, the Safeguarded Site forms part of Zone 1 (Sub-Framework Location Plan). The ‘Land Use’ parameter plan allocates the western part of the Safeguarded Site adjacent to the Harrison’s Wharf site as ‘Strategic Landscape’ and the corridor adjacent to the River Thames frontage as ‘Strategic Open Space’. The remainder of the Safeguarded Site, comprising the majority of the area, is shown as part of a mixed use area (Use Classes A1 (retail) / A3 (restaurants and cafes) / A4 (drinking establishments) / B1 (business) / C1 (hotels) / C3 (dwellinghouses) and D1 (non-residential institutions). The proposed land uses, by area, within the Safeguarded Site are set out below:

<b>Safeguarded Site – Land Uses</b>	
<u>Proposed Land Use</u>	<u>Site Area</u>
Strategic Landscape	c.989 sq.m.
Strategic Open Space	c.2,336 sq.m.
Mixed Use (Classes A1 / A3 / A4 / B1 / C1 / C3 / D1)	c.13,976 sq.m.

20.26 If approved, the Land Use parameter plan would therefore allow for any of these individual Use Classes or combinations of Use Classes within the developable mixed use part of the Safeguarded Site. Both the Land Use and Open Space & Green Infrastructure parameter plans confirm the Strategic Landscape and Strategic Open Space allocations which apply to the Safeguarded Site. The Building Heights parameter plan allocates two potential heights within the developable part of the Safeguarded Site, namely up to 8 storeys and up to 10 storeys. These heights are at the upper end of the range of building heights across the whole application site for which permission is sought. Finally, the Density parameter plan identifies a density of up to 600 habitable rooms per hectare for most of the developable land within the Safeguarded Site, with a density of up to 400 habitable rooms per hectare for the remainder of the developable land within the Safeguarded Site.

20.27 Although the parameter plans seek a degree of flexibility in the building uses, building heights and densities which could be delivered on the developable part of the Safeguarded Site, these plans would potentially allow for the construction of some of the highest density residential development on the site as a whole. Accordingly, consideration of the impact of the Safeguarding Agreement on housing delivery, the delivery of town centre uses and the transformational change envisaged by the Core Strategy is necessary.

20.28 In summary, the s30 agreement entered into between the EA, the developer (PCRL) and the Council (as landowner) places the following relevant obligations on the developer and landowner:

- the operative period of the Agreement is 60 years (i.e. until 21<sup>st</sup> December 2078);
- leases cannot be granted in the Safeguarded Site unless –
  - commercial leases exclude security of tenure rights;
  - there is an enforceable landlord break allowing for vacant possession;
  - residential uses are assured shorthold tenancy only.
- the Safeguarded Site cannot be used for residential uses (other than assured shorthold tenancies) and the site is prevented from becoming open space capable of registration under the Open Spaces Act 1906;
- the EA cannot compulsorily acquire the Safeguarded Site until the earlier of (i) 28 years from the date of the Agreement (i.e. 21<sup>st</sup> December 2046) or (ii) the date of implementation of the extant planning permission (ref. 11/50401/TTGOUT);
- the EA can serve a notice (Vacant Possession Notice) requiring the landowner to obtain vacant possession at least 3 years before the date specified in the notice for giving vacant possession. The vacant possession date cannot be a date before the expiry of 28 years from the date of the Agreement;
- following service of a Vacant Possession Notice the landowner must obtain vacant possession of the Safeguarded Site by the Vacant Possession Date and maintain vacant possession for 1 year after the Vacant Possession Date. Leases must be terminated before the Vacant Possession Date.

20.29 In relation to land use planning, the main implications of the Safeguarding Agreement are the impacts on the duration and the nature of development.

20.30 With reference to the duration of development, under the terms of the Safeguarding Agreement the EA could compulsorily acquire the Safeguarded Site, in order to facilitate construction of a new or replacement Thames Barrier, after 21<sup>st</sup> December

2046 or the implementation of the extant planning permission (which is considered unlikely). The EA may also serve at any time a Vacant Possession Notice at least 3 years before the Vacant Possession Date, although the Vacant Possession Date cannot be earlier than 21<sup>st</sup> December 2046. Therefore, if planning permission were to be granted, any development within the Safeguarded Site would have a minimum lifespan until 21<sup>st</sup> December 2046 after which date the EA could either acquire or require Vacant Possession up until the end of the Agreement (21<sup>st</sup> December 2078). Accordingly mixed use development as proposed within the Safeguarded Site could be considered, to a degree, temporary in nature, as the site could be required by the end of 2046 to facilitate construction of the barrier. The lifetime of a development is usually considered to be of a longer duration than the minimum 28 years which is the 'worst-case' presented by the Safeguarding Agreement. For reference, the draft s106 agreement referred to elsewhere in this report defines the term "Perpetuity" as a period not exceeding 80 years.

- 20.31 As noted above, the submitted Land Use parameter plan proposes mixed use development (Classes A1 / A3 / A4 / B1 / C1 / C3 / D1), Strategic Open Space and Strategic Landscape within the Safeguarded Site. Any commercial leases for non-residential floorspace in the Safeguarded Site would be subject to security of tenure restrictions, i.e. the right of a commercial tenant to be granted a new lease at the end of the lease term would be curtailed. Any residential uses within the Safeguarded Site are only possible where tenancy is in the form of an assured shorthold tenancy. These tenancies are typically between 6 months and 3 years in duration. The Safeguarding Agreement therefore prevents the development of market housing for sale, although private rented sector housing would be permissible.
- 20.32 With reference to the impact of safeguarding on housing delivery, the Safeguarded Site includes an area of 1.39 Ha allocated for mixed use development. The Safeguarded Site is located within Zone 1 which would deliver c.1,045 dwellings across an area of c.10.72 Ha. At a Zone-wide level the density of residential development is therefore c.97 dwellings per hectare across Zone 1. If this density is applied to the Safeguarded Site, and on the assumption that residential uses only would be developed, the safeguarding could impact on c.135 dwellings. However, this is a very simplistic calculation and it is known that non-residential development is also proposed across Zone 1, comprising utilities and mixed uses particularly adjacent to the railway station. Furthermore, a range of residential densities are proposed across Zone 1, including relatively low density family housing at Hollow Woods. Consequently, the number of dwellings which could be developed in the Safeguarded Site will be higher than the broad estimate of c.135 referred to above.
- 20.33 Part 3.9 of the applicant's Design and Access Statement refers to residential density in terms of one of the strategies shaping the overall framework for the



masterplan. The Statement maps a range of potential densities across the site up to 135 dwellings per hectare and applying this density the Safeguarded Site could deliver c. 187 dwellings. Nevertheless, the parameters for which outline planning permission is sought refer to residential densities of up to 400 and 600 habitable rooms per hectare within the Safeguarded Site. The applicant's indicative housing mix includes studio apartments, one-bedroom and two-bedroom apartments and it is considered that the high densities proposed on the Safeguarded Site would rely on these dwelling types.

- 20.34 The applicant was asked to provide an estimate of the number of dwellings which potentially would be located in the Safeguarded Site and, in responding to viability considerations referred to elsewhere in this report, has confirmed that the safeguarding would affect sub-zones 1B and 1D. The indicative accommodation schedule for these two sub-zones is set out in the table below:

<u>Unit Type</u>	<u>Sub-Zone</u> <u>1B</u>	<u>Sub-Zone</u> <u>1D</u>	<u>Total</u>	<u>%</u>
Studio apartment	7	16	23	5%
1-bed apartment	23	51	74	16%
2-bed, 3-person apartment	46	98	144	31%
2-bed, 4-person apartment	53	113	166	36%
3-bed, 5-person apartment	10	22	32	7%
2-bed house	2	5	7	1%
3-bed house	5	14	19	4%
4-bed house	1	1	2	1%
Total	147	320	467	

- 20.35 Accordingly, c.467 dwellings, equating to approximately 16% of the total number of dwellings for which permission is sought, are impacted. From the table above it can be seen that the vast majority (c.88%) of dwellings affected by safeguarding are small units, that is studios, one and two-bedroom apartments.

- 20.36 Outline planning permission is sought for other uses (A1 / A3 / A4 / B1 / C1 / D1), which include town-centre uses. Development Plan policies referred to above set out the ambition for a new centre for Purfleet and safeguarding could affect this vision for Purfleet. Nevertheless, it is difficult to assess at this stage the amount of mixed uses which could be located within the Safeguarded Site. The Site is clearly a small distance from the railway station, which can be assumed as a focus for town centre uses. It is considered that any mixed uses within the Safeguarded Site are more likely to comprise ground floor commercial uses within Classes A1, A2 and A3 with residential accommodation above, rather than 'concentrated' blocks of commercial uses. As a matter of judgement it is considered that the impact of safeguarding on the provision of mixed, town centre uses would be minor.

20.37 The extent of the Safeguarded Site also affects the proposed parameters for the provision of Strategic Landscape and Strategic Open Space. An area of approximately 989 sq.m. for Strategic Landscape located at the site's south-western corner is within the Safeguarded Site and it must be assumed that this space would be lost if or when required as part of the future Thames Barrier construction area. The 989 sq.m. of Strategic Landscape within the Safeguarded site forms a part of the proposed habitat areas across the site totalling c.15.6 Ha in area and referred to at paragraph 4.11.1 of the Design and Access Statement and Volume 4, Appendix 5.3 of the ES. In simple numeric terms the potential loss of 989 sq.m. of Strategic Landscape from a total provision of c.15.6 Ha (156,000 sq.m.) is not considered to be significant and no objections are raised to the potential future loss. However, it is notable that the landscaped buffer adjacent to the Harrison's Wharf development would reduce from a maximum of c.30m to c.20m.

20.38 The far-western end of the proposed Strategic Open Space along the river frontage would not be directly affected by the safeguarding. However, a river frontage of c.150m is affected by the safeguarding. It is assumed that during the construction of any future barrier this frontage would not be available as Strategic Open Space. However, during operation of a future barrier it is considered possible that some of this river frontage could be publicly accessible. For information, the Thames Path National Trail runs along the south bank of the River Thames with the route passing underneath the operational compound for the Thames Barrier. Therefore, it is possible that the construction phase only of the future barrier would impact on the proposed Strategic Open Space within the Safeguarded Site.

20.39 The jetty serving the forming former Yara Depot is within the application site and the Land Use parameter plan allocates business uses within Use Class B1 for the jetty. The jetty, on the river-side of the tidal defence, is not within the Safeguarded Site. Nevertheless, any access to the jetty would pass through the Safeguarded Site and any future construction of the barrier could impact on access.

20.40 Surface Water Drainage:

There are no adopted surface water sewers within the site. It is understood that existing surface water for land within Botany Quarry drains to the ground via soakaways. Surface water from land located south of London Road drains through land drains and culverts to the River Thames via outfalls.

20.41 Advice within NPPG, under the heading of 'Reducing the causes and impacts of flooding', advocates sustainable drainage systems for surface water drainage. Paragraph 080 (ref. ID: 7-080-20150323) refers to a hierarchy of surface water

drainage options with the aim of encouraging systems as far up the hierarchy as reasonably practicable. The hierarchy comprises:

1. into the ground (infiltration);
2. to a surface water body;
3. to a surface water sewer, highway drain, or another drainage system;
4. to a combined sewer.

20.42 The submitted FRA refers to the known geology of the site and the history of former land uses, including oil storage and industrial uses. In this context it is known that groundwater contamination is present on parts of the site. Therefore, it is assumed that the discharge of surface water via ground infiltration (i.e. at the top level of the hierarchy) will not be possible.

20.43 The proposed surface water drainage strategy promoted by the FRA would drain to a surface water body (the River Thames) via three mechanisms: (i) discharge to existing land drains at greenfield run-off rates; (ii) gravity discharge to the River Thames; and (iii) pumped discharge to the River Thames. The proposed strategy divides the site into a series of ten catchments designed to accommodate the 1 in 100 year event.

20.44 The consultation response received from the flood risk manager confirms no objection to the proposals for surface water drainage, subject to a number of planning conditions. Recommended planning conditions set out in Section Q of Appendix 1 to this report address this point.

20.45 Foul Water Drainage Strategy:

Similar to the proposed surface water drainage strategy, the strategy for foul water has also been devised on a zonal basis, relying on connection to existing, diverted or new Anglian Water foul sewerage network.

20.46 The consultation response received from Anglian Water confirms the presence of assets within and adjacent to the site, and that waste water from the site is in the catchment of the Tilbury Water Recycling Centre. Anglian Water are obligated to accept foul water flows from the development with the benefit of planning consent and would take the necessary steps to ensure that there is sufficient treatment capacity at Tilbury should planning permission be granted.

20.47 The submission and approval of further details of the foul water drainage strategy is secured by recommended planning condition Q7.

**21.0 XV. SOCIO-ECONOMICS:**

### Baseline

Baseline data under this topic heading is presented in the ES for the Local Impact Area (LIA) i.e. West Thurrock and South Stifford Ward, in comparison to Borough and regional / national areas. In terms of population, figures from the 2011 census recorded a usually resident population of 10,478 within the LIA, an increase of c.34% from the c.7,800 resident population recorded at the 2001 census. This rate of population increase between 2001 and 2011 was significantly higher than the Borough and national increases in the same time period (10% and 8% respectively). The LIA contained a higher proportion of younger people (aged 0-15) and people of working age (aged 16-64) at the 2011 census compared to the Borough average and also a much lower proportion of retirement age population compared to the Borough average.

- 21.1 Regarding economic activity, based on the total of commercial floorspace within the site, it is estimated that c.400 FTE jobs are supported. As the LIA includes the Lakeside Basin and extensive commercial areas at West Thurrock and Purfleet c.26,000 jobs are supported. The rate of job growth in the LIA between 2009 and 2015 was greater than the Borough or national figures.
- 21.2 At 51% the proportion of home ownership in the LIA is below the Thurrock and national averages (66% and 63% respectively). The proportion of flats or maisonettes (43%) as part of the total housing stock in the LIA is also materially larger than the Borough average (23%).
- 21.3 Local health data for the LIA is available on the Public Health England website and lists a total of 56 indices. Records indicate that the LIA scores 'significantly worse' than the English average for the following 16 indices:
- Income deprivation – English indices of deprivation 2015;
  - Child poverty – English indices of deprivation;
  - Overcrowding;
  - Pensioners living alone;
  - Older people in deprivation – English indices of deprivation;
  - Children with excess weight (reception year);
  - Obese children (year 6);
  - Children with excess weight (year 6);
  - Emergency hospital admissions for heart attack;
  - Emergency hospital admissions for chronic obstructive pulmonary disease;
  - Life expectancy at birth for males, 2011-2015;
  - Deaths from all causes, all ages;
  - Deaths from circulatory disease, under 75 years;

- Deaths from coronary heart disease, all ages; and
- Deaths from coronary heart disease, under 75 years.

- 21.4 In terms of healthcare facilities, the health centres within 2km of the site are located at Purfleet Care Centre (Tank Hill Road) and Dr L Leighton & Partners (High Street, Aveley). According to the ES these centres provide 6 no. GPs (full time equivalents), with an average of 2,955 patients per GP (full time equivalent). The average patient to GP ratio for the Borough is 2,180. According to the NHS Choices web-site, both of these practices are currently accepting new patients.
- 21.5 The Council's Pupil Place Plan (PPP) 2018-2022 locates the application site within the 'Aveley, Ockendon and Purfleet' Primary Planning Area' (primary school provision), although some primary schools within the adjoining 'Grays Primary Planning Area' to the east are geographically located close to the site. The site is allocated by the PPP as within 'West Secondary Planning Area' (secondary school provision), although secondary schools within the adjoining 'Central Secondary Planning Area' are also relatively close to the site.
- 21.6 The ES considers the capacity of primary schools within 3.2 km (2 miles) of the site based on Education Funding Agency data for 2015-16. However, projections for primary school population for the PPP for these schools is presented in the table below:

Primary Schools Within 3.2km (2 miles) of the site						
Aveley, Ockendon & Purfleet Primary Planning Area	Whole School Forecast					
School	PAN	Sep-18	Sep-19	Sep-20	Sep-21	Sep-22
Purfleet Primary Academy	630	539	624	691	812	934
Aveley Primary	420	446	450	467	482	481
Kenningtons Primary Academy	420	441	468	516	575	603
Somers Heath Primary	420	352	358	352	375	368
Dilkes Academy	420	420	423	427	426	429
Grays Primary Planning Area	Whole School Forecast					
West Thurrock Academy	420	455	453	447	478	501
Harris Chafford Hundred	630	592	585	530	526	504
Harris Mayflower	1,050	533	634	736	748	760
PAN – Published Admission Number						
Source: Pupil Place Plan 2018-2022						

- 21.7 The grey-coloured cells in the above table indicate where school population numbers are projected to exceed the published admission number (PAN) for each

school. The PPP notes that Aveley Primary and Kenningtons Primary have increased their class base by adding classes to year groups 2 and 3 and 3 and 4 respectively. The projections in the table include child yield from recent residential developments locally, and include the extant permission for Purfleet Centre. In simple terms, the above table confirms a total PAN of 4,410 primary school places for the primary schools within 3.2km of the site. Projected total primary school age population for the eight schools above exceeds the 4,410 places from 2021 onwards, however the table above identifies those schools currently 'oversubscribed'.

- 21.8 The ES also considers secondary schools within 4.8 km (3 miles) of the site which includes one school within LB Havering. The latest information from the PPP for secondary schools within Thurrock is set out below:

<u>Secondary Schools Within 4.8km (3 miles) of the site</u>						
West Secondary Planning Area	Whole School Forecast					
School	PAN	Sep-18	Sep-19	Sep-20	Sep-21	Sep-22
Ormiston Park Academy	900	584	662	727	794	896
Ockendon Academy	1,200	1,191	1,275	1,337	1,388	1,452
Central Planning Area	Whole School Forecast					
Harris Academy Chafford Hundred	900	973	1,008	1,044	1,044	1,084
PAN – Published Admission Number						
Source: Pupil Place Plan 2018-2022						

- 21.9 The grey-coloured cells in the above table indicate where school population numbers are projected to exceed the PAN for each school. The PPP notes that the Harris Riverside Academy, Purfleet is currently under construction and is scheduled to open in September 2019 when 6 forms of entry will be admitted to Year 6. The above table confirms a total PAN of 3,000 secondary school places for the secondary schools within 4.8km of the site. Projected total secondary school age population for the three schools above exceeds the 3,000 places from 2020 onwards, however the table above identifies those schools currently 'oversubscribed'.

- 21.10 In terms of other local social infrastructure St. Stephen's Anglican parish church is located opposite the Royal Hotel a short distance to the west of the site. This venue also provides facilities for non-religious community groups. There are also located two evangelical churches within Purfleet – the All Nations Evangelical Church and the New Covenant Church which utilises Purfleet Primary School. There is a limited provision of shopping facilities and local services in Purfleet. There is a newsagent / convenience store in London Road, east of Purfleet Railway

Station and a small terrace at the Garrison Estate, west of the application site, including a post office. However, there are no supermarkets, banks, or local library within Purfleet.

#### 21.11 Likely Impacts

The ES estimates that the demolition and construction phase of the development will take place over a 16 year period. Although not all jobs associated with demolition and construction will be full-time equivalent (FTE), the ES estimates that these activities could result in an average of 1,250 construction workers per annum. The development therefore has the potential to use local labour and reduce unemployment. Labour Market Profile data for 2017/8 shows an unemployment rate of 4.3% in Thurrock, slightly higher than the national average of 4.2%. The impact of new construction jobs is therefore assessed as a temporary, beneficial impact of moderate significance.

21.12 The completed development is assessed by the ES as having a range of socio-economic impacts as follows.

#### 21.13 Population:

Based on the indicative mix of housing the ES assumes a net population increase of between 5,059 and 6,159. The indicative estimate of the new population age structure is:

0-15 years	18%;
16-64 years	71%; and
65+ years	11%.

21.14 The population within the LIA is predicted to increase by between 47% and 59% when the development is completed and the Borough's total population would increase by between 3% and 3.5% as a result of the development. The magnitude of this population change is assessed as 'major' for the LIA and 'minor' for the Borough.

21.15 As Members of the Planning Committee will be aware, adopted Core Strategy policy CSTP1 (Strategic Housing Provision) sets out housing delivery targets of 18,500 dwellings between 2001 and 2021 and 4,750 dwellings between 2021 and 2026. The provision of up to 2,850 new dwellings as proposed, assuming an annual delivery rate of c.150 units per annum would make an important contribution to housing supply figures and this is assessed as a beneficial impact.

#### 21.16 Employment:

Existing commercial occupiers on the application site, principally located within Botany Quarry and at the International Timber site, employment c.400 FTE jobs. These existing jobs would be lost as business uses are displaced. Based on the maximum floorspace proposed across Class A1, A3, A4, B1, C1, D1, D2 and the film / t.v. studio uses, the ES estimates that a maximum of c.2,200 new jobs could be created, representing a significant increase in net employment compared to the existing situation. It is considered that compared to the existing employment sectors on-site, the proposals would result in the provision of a greater range of employment opportunities which could be considered a positive benefit of the proposals.

21.17 Expenditure:

When the development is completed, the ES estimates that new household income will provide beneficial impacts in terms of expenditure within the LIA, the Borough and surrounding areas. This expenditure will in turn support jobs locally and further afield. Increased household expenditure is therefore a beneficial impact.

21.18 Labour Force:

When complete, the development of up to 2,850 dwellings could create working age population of up to 3,560 and an economically active working age population of up to 2,850 residents. This is considered by the ES as another beneficial impact of the development.

21.19 Education:

The new population generated by the development will result in children of school-age population, in turn leading to demand for nursery, primary and secondary school places. Regarding nursery and early years provision, the ES estimates a child yield of up to 250. Woodlands pre-school nursery, located adjacent to Purfleet Primary School, is currently operating at full capacity (according to the ES). Therefore measures are needed to mitigate the impact of the development on nursery school places locally.

21.20 The ES estimates that there will be a primary school age population of up to 540 pupils when the development is completed. The table earlier in this part of the report notes that there is projected to be some capacity within primary schools locally, although some schools are also oversubscribed. The description of development includes provision for a new primary school which would be located on the northern part of Botany Quarry. The recommended heads of terms for the s106 legal agreement, set out at Appendix 2 of this report secure the provision of a 2-form entry primary school.

21.21 The Harris Riverside Academy is currently under construction in Zone 4 of the application site. It is intended that the Academy will open in September 2019 and,



when fully occupied, will accommodate 1,150 students (including 250 sixth form pupils). It is considered that the impacts of the completed development on secondary school provision will be adequately mitigated.

#### 21.22 Healthcare:

The consultation response from NHS England reported above notes that the Purfleet Care Centre practice does not have capacity for the additional growth resulting from this development and therefore suitable mitigation should be secured linked to any grant of planning permission, in the form of a Section 106 planning obligation. The applicant's description of development includes reference to medical uses within Use Class D1. The recommended heads of terms for the s106 legal agreement set out at Appendix 2 of this report secure the provision of a new medical centre or integrated medical centre as part of the development, and furthermore include a financial contribution to be used for the provision of temporary facilities / additional services pending the provision of the new medical centre or integrated medical centre.

#### 21.23 Community Uses:

Adopted Core Strategy CSTP10 states, inter-alia, that the Council will work with partners to deliver new community facilities at locations including Purfleet. The application seeks permission for Use Class D1 floorspace, which could include community floorspace. The recommended heads of terms for the s106 agreement (Appendix 2 below) include obligations relating to both the provision of facilities and a community use coordinator.

21.24 In conclusion under this heading, the development proposals would lead to an increase in the population of Purfleet which, in turn, will place pressure on existing facilities, such as education and healthcare provision. With regard to impacts on education, the application proposes the provision of a new primary school and a new secondary school is currently being developed on-site pursuant to a separate full planning permission. The recommended heads of terms for the s106 legal agreement set out at Appendix 2 of this report include a financial contribution towards upgrading facilities at the Woodlands pre-school nursery in order to mitigate the impact for the development of Zone 1A. A separate obligation requires either a further financial contribution or provision of a facility on site to mitigate the impacts on early years from the remainder of the development.

21.25 A larger local population as a result of the new residential development would, through expenditure, support the viability of other services, such as shops and local services to the benefit of both the existing community and new residents. The description of development includes reference to medical and community uses

which would support the new as well as existing populations. The provision of medical and community facilities on-site can be secured through s.106 obligations.

- 21.26 The development when complete would also lead to a net increase in employment and potentially a wider range of job opportunities than those currently provided on-site. Members will need to balance the positive socio-economic benefits of the proposals against any negative impacts on local infrastructure and whether those impacts can be adequately mitigated. It is concluded that the positive benefits clearly outweigh the potential impacts on the provision of infrastructure and that mitigation can be secured through planning obligations.

## **22.0 XVI. IMPACT OF HAZARDOUS USES:**

The south-eastern part of the site is located within consultation zones drawn around the Purfleet Fuels Terminal (ESSO) major hazard site. As this terminal is a large scale petrol storage site the local planning authority is required to consult with the Health and Safety Executive (HSE) directly, rather than using the HSE's on-line planning advice web app in order to generate a consultation response. Following the Buncefield explosion and fire in 2005 the HSE introduced more stringent land use restrictions in areas close to the site perimeter of large scale petrol storage sites, such as the Purfleet terminal. The HSE has introduced an additional Development Proximity Zone (DPZ) extending 150m from the boundary of the relevant storage tank bunds. The DPZ is in addition to the 'normal' inner, middle and outer zones around major hazard sites drawn at distances of 250m, 300m and 400m respectively from the storage tank bund. In this case, the DPZ and inner, middle and outer zones extend into the south-eastern corner of the site.

- 22.1 The consultation response from the HSE is based on their 'Land Use Planning Advice Around Large Scale Petrol Storage Sites' document (SPC/TECH/GENERAL/43). This document allocates land uses to various sensitivity levels across the DPZ and zones as set out in the table below. It is notable that only Sensitivity Level 0 (not normally occupied developments) are considered appropriate in the DPZ.

<u>HSE consultation matrix – location and land use</u>				
Sensitivity Level	Development in DPZ	Development in Inner Zone	Development in Middle Zone	Development in Outer Zone
0 (not normally occupied developments)	DAA	DAA	DAA	DAA
1	AA	DAA	DAA	DAA

(workplaces / parking areas)				
2 (development for use by general public)	AA	AA	DAA	DAA
3 (development for use by vulnerable people)	AA	AA	AA	DAA
4 (very large and sensitive developments)	AA	AA	AA	AA
Key: DAA – HSE does not advise against the development AA – HSE advises against the development				
Source: HSE – SPC/TECH/GENERAL/43				

22.2 The submitted Land Use parameter plan shows that only 'Strategic Landscape' would be located within the DPZ extending into the application site. The area of the site within the inner zone would be a mix of 'Strategic Landscape' and Class B1 business units. Proposed land uses within both the middle and outer zones would comprise residential-only areas and mixed use residential, retail, business use, hotel and non-residential institutions with strategic landscaping. A small part of the Harris Riverside Academy site, to be used as the sports pitch, is also located within the outer zone.

22.3 The formal consultation response from HSE notes that, as the application seeks outline planning permission, details of the layout and scale of development in relation to the Esso Fuel Terminal are unknown. However, it is acknowledged that appendices of the ES refer to HSE consultation distances. The HSE response is based on the Land Use parameters plan (submitted for approval) as well as the illustrative masterplan drawing. In summary, the HSE would not advise against the granting of planning permission with the following land use restrictions:

- Use Classes A1, A3, A4 and D2 not exceeding a total of 5,000 sq.m. floorspace within the middle zone;
- Use Class B1 if all buildings will contain less than 100 occupants and less than three occupied storeys within the inner zone;
- Use Class C1 if no more than 100 beds are provided within both the middle and outer zones;

- Use Class D1 (if a crèche, day nursery or school) not exceeding 1.4 hectares in area within the outer zone.

22.4 With regard to Class C3 (dwellinghouse) use, HSE advise that only limited, low density development should be built in the middle zone. Thirty dwelling units at a density of no more than 40 dwellings per hectare is cited as the limit at which the HSE would not object to the grant of planning permission. The HSE also advise of their policy to advise against any proposals which involve outdoor use by the public within the DPZ and inner zone. However, the HSE would not advise against proposed landscaping / open space within the DPZ and inner zone as long as no features or facilities, other than footpaths or walkways, are provided which would encourage members of the public to gather at any one time. Therefore, subject to the use of suitable planning conditions the HSE confirmed they have no objections on the basis of proximity to hazardous uses near to the site. Recommended planning condition P8 secures the restrictions sought by the HSE.

### **23.0 XVII SUNLIGHT, DAYLIGHT & OVERSHADOWING:**

Chapter 16 of the ES assesses the impact of the development with reference to potential levels of sunlight and daylight to buildings and the overshadowing of spaces adjacent to the site. This assessment has been undertaken using the guidance within the Building Research Establishment (BRE) guidance “Site Layout Planning for Daylight and Sunlight: A Guide to Good Practice”, which is the “industry-standard” reference document. Daylighting and sunlighting to proposed dwellings within the development have not been assessed as the outline application reserves layout for future approval and the position of individual buildings and spaces cannot be defined.

23.1 BRE guidance refers to a number of methodologies for assessing impact on sunlight and daylight. The Vertical Sky Component (VSC) is a measure of the amount of daylight falling onto a window. A VSC of at least 27% or where a window retains at least 80% of its existing VSC after development indicates the potential for good interior daylighting. Regarding sunlight, it is possible to calculate an Annual Probable Sunlight Hours (APSH) for windows, apart from those within 90° of due north which have no expectation of direct sunlight. BRE guidelines state that if a window can receive at least 25% of APSH, including at least 5% APSH during winter months then the room should still receive adequate sunlight. Finally the assessment of overshadowing (outdoor spaces) relies on a benchmark that at least 50% of an amenity area should receive direct sunlight for at least 2 hours at the spring equinox (21<sup>st</sup> March).

#### **23.2 Baseline Conditions**

The ES identifies a large number of residential receptors close to the site for the purposes of assessing impact on daylight and sunlight. These receptors comprise both individual dwellings and communal blocks located at Harrison's Wharf, Hollow Cottages, Dipping Cottages, Botany Terrace, Caspian Way, London Road, Wingrove Drive, Beacon Hill, Linnet Way, Coniston Avenue and Kendal. The ES modelling for overshadowing of outdoor spaces is based on locations at Harrison's Wharf, Hollow Cottages, Botany Terrace, Caspian Way, London Road and Beacon Hill.

23.3 It should be noted that the daylight and sunlight assessments only consider the building facades of dwellings adjacent to the site. The ES does not model individual windows, only the elevations which could contain a window. Members of the Committee will be aware of the distinction which can be drawn between windows serving non-habitable rooms or areas (landings, stairwells, bathrooms / WCs, kitchens etc.) and those windows serving habitable rooms (bedrooms, living rooms etc.). The ES notes that existing outlook through the site from adjoining residential receptors is across undeveloped, open land or low-rise buildings.

23.4 With reference to daylight, the ES models facades at adjoining properties and identifies those facades, or elements of facades, where the VSC is below the recommended level. These facades are influenced by the light-blocking effects of existing extensions or building projections, or are close to neighbouring properties. However, the modelling would suggest that daylighting to the interior of existing surrounding dwellings is generally adequate. Modelling of sunlight indicates that the majority of south-facing facades at adjoining receptors achieve the suggested APSH. As above, those facades which do not achieve the recommended APSH are influenced by existing extensions etc. or are within east or west-facing facades where direct sunlight may be limited. Finally, modelling of existing overshadowing of adjoining amenity areas reveals that all receptors, apart from 3, achieve 2 hours direct sunlight to 50% of the area at the spring equinox. Three gardens, all at Caspian Way, do not currently meet this guideline due to the influence of fences and buildings.

#### 23.5 Likely Impacts

As existing buildings on-site are generally small scale and well separated from adjoining receptors, the ES considers that the demolition of these building would result in an insignificant magnitude of impact on daylight, sunlight and overshadowing to neighbours. During construction, as the proposed phased development of the site progresses and buildings 'populate' the site, the impact on daylight and sunlight to adjoin receptors is assessed between a range of 'insignificant' to 'adverse and of major significance'. Overshadowing of adjoining amenity areas is also assessed as adverse and of major significance.

- 23.6 With regard to the completed development, the likely impacts on daylight and sunlight to sensitive residential receptors adjoining the site are summarised in the table below:

<b>Sensitive Receptor</b>	<b>Daylight (VSC) – Significance of Loss</b>	<b>Sunlight (APSH) – Significance of Loss</b>
1-20 Harrison's Wharf	Major Adverse	Insignificant
Dipping Bungalows	Major Adverse	Insignificant
4-6 Botany Terrace	Major Adverse	Minor Adverse
10-28, 365-409, 343-347 & 363 Caspian Way	Major Adverse	Major Adverse
Station Terrace	Major Adverse	Minor Adverse
Malakwa, Riverview Terrace	Major Adverse	Minor Adverse
1-21 Howburgh Court	Major Adverse	Insignificant
7-18 Heberden Court	Major Adverse	Minor Adverse
1-6 Sawston Court	Major Adverse	Minor Adverse
15-23 Bradfield Court	Major Adverse	Minor Adverse
1-16 Riverview Flats	Major Adverse	Minor Adverse
12-23 Wroxhall Court	Major Adverse	Minor Adverse
10-23 Dunnose Court	Major Adverse	Minor Adverse
1-21 Branstone Court	Major Adverse	Minor Adverse
141-151 Kendal	Major Adverse	Insignificant-Minor Adverse
1-21 Coniston Avenue	Major Adverse	Minor Adverse
Riverview Terrace	Moderate-Major Adverse	Minor Adverse
Southland Terrace	Moderate-Major Adverse	Minor Adverse
1-3 Botany Terrace	Moderate Adverse	Insignificant
321-341 Caspian Way	Moderate Adverse	Minor Adverse
Hill House	Moderate Adverse	Insignificant
1-19 Duncombe Court	Minor-Moderate Adverse	Minor Adverse
349-355 Caspian Way	Minor Adverse	Minor Adverse
21-92 Harrison's Wharf	Insignificant	Insignificant
125-146 Harrison's Wharf	Insignificant	Insignificant
6-18 Hollow Cottages	Insignificant	Insignificant
1-315 & 357-361 Caspian Way	Insignificant	Insignificant
2-236 & 2-42 Caspian Close	Insignificant	Minor Adverse
1-6 Heberden Court	Insignificant	Minor Adverse
Trayford Court	Insignificant	Insignificant
7-12 Sawston Court	Insignificant	Minor Adverse
1-12 Kyrkly Court	Insignificant	Insignificant

1-9 Bradfield Court	Insignificant	Minor Adverse
1-9 Wroxhall Court	Insignificant	Minor Adverse
1-9 Dunnose Court	Insignificant	Minor Adverse
2-52 Coniston Avenue	Insignificant	Minor Adverse
52-129 Kendal	Insignificant	Insignificant
Hill House	Insignificant	Insignificant
Beach House	Insignificant	Insignificant
Highlands	Insignificant	Insignificant
Woodlands	Insignificant	Insignificant
Highcliffe	Insignificant	Insignificant
Kent View	Insignificant	Insignificant
Methven	Insignificant	Insignificant
Roborough	Insignificant	Insignificant
Wharfedale	Insignificant	Insignificant
St. Margaret's	Insignificant	Insignificant
Shorewell Court	Insignificant	Insignificant
Brightstone Court	Insignificant	Insignificant
Bonchurch Court	Insignificant	Insignificant
20-28 Linnet Way	Insignificant	Insignificant
1-21 Rookley Court	Insignificant	Insignificant
Source: ES Volume 1 Chapter 16 Tables 16.2 & 16.3		

- 23.7 Regarding potential impacts on daylight to adjoining properties, the ES assumes a worst-case scenario based on the maximum building height and land use parameters drawings submitted for approval. When compared to the current baseline of large areas of open land with low-rise buildings, the proposals would result in significant impacts to a number of receptors closest to the site. However, it is emphasised that this impact is predicated on a solid and unrelieved built form based on the maximum extent of the parameters. In reality, areas of open space in between and around individual buildings would reduce impact. Nevertheless, based on the worst-case scenario those residential receptors closest to the development (located at Harrison's Wharf, Caspian Way, Botany Terrace etc.) would experience adverse impacts of major significance.
- 23.8 Similarly, with reference to impacts on sunlight, those receptors closest to the site are modelled to experience adverse impacts of major significance in the worst-case scenario. However, as with daylighting, impacts will diminish with distance from the site. The detailed layout of the development, with open spaces between buildings, will reduce impacts.
- 23.9 For the purposes of assessing the impact of overshadowing, the ES models the worst-case effects of the development on 102 amenity areas (private and communal areas) adjacent to the site. 65% of the areas are predicted to maintain

the 50% / 2 hours / 21<sup>st</sup> March 'standard' referred to above. However, the remaining areas, comprising private rear garden areas to properties at Botany Terrace, Caspian Way, Riverview Terrace (London Road), Sussex Terrace (London Road) and Southland Terrace (London Road), are modelled to experience adverse impacts of major significance.

### 23.10 Mitigation Measures

As the results of the daylight, sunlight and overshadowing modelling summarised above have been generated on a worst-case scenario using the maximum parameters set out in this outline application, the ES relies on the detailed design of zones or sub zones to minimise impacts. For example, it is suggested that on the edges of the development close to sensitive receptors, the massing of individual buildings could be reduced below the maximum parameters in order to reduce impact. The details of individual buildings and the spaces in-between will obviously emerge through the submission of applications for the approval of reserved matters. The ES suggests that reductions in the massing of buildings close to sensitive receptors will reduce adverse impacts to a level of minor significance.

23.11 Policy PMD1 (Minimising Pollution and Impacts on Amenity, Health, Safety and the Natural Environment) states that development will not be permitted where it would cause unacceptable effects on, inter-alia, the amenities of the area. Paragraph 3 of the policy requires planning applications to be accompanied by relevant assessments, including assessments of potential loss of light which is considered above. Finally, paragraph 4 of PMD1 states that where an assessment confirms potential harm, as is the case here, planning permission will only be granted where suitable mitigation can be secured.

23.12 In this case the ES models a worst-case scenario for the impact on daylight, sunlight and overshadowing based on the maximum development parameters. In reality, the development will not be built to these maximum parameters and, although elements of the development would be a dense urban form, open spaces around and between individual buildings would reduce the modelled impact. As this outline planning application only seeks to 'fix' access parameters at this stage, the layout and scale of development within each zone and sub-zone will only emerge with future reserved matters submissions. The detailed impact of development within each zone or sub-zone can be considered through subsequent applications and it is reasonable to assume that the worst-case impacts set out above would reduce. A recommended planning condition (K6) provides a mechanism for assessing the sunlight / daylight and overshadowing implications of reserved matters submissions on both existing receptors outside of the site and potential future occupiers of the development. Consequently, it is considered that there is no serious conflict with the intentions of Policy PMD1 in this case.



## 24.0 XVIII. VIABILITY & PLANNING OBLIGATIONS:

Part 4 (Decision-making) of the NPPF includes reference to planning conditions and obligations and paragraph 56 states that planning obligations must only be sought where all of the following tests are met:

- necessary to make the development acceptable in planning terms;
- directly related to the development; and
- fairly and reasonably related in scale and kind to the development.

24.1 Under the heading of 'How should a viability assessment be treated in decision making' National Planning Practice Guidance advises that *"the weight to be given to a viability assessment is a matter for the decision maker, having regard to all the circumstances in the case, including whether the plan and viability evidence underpinning the plan is up to date, any change in site circumstances since the plan was brought into force, and the transparency of assumptions behind evidence submitted as part of the viability assessment"* (Paragraph: 008 Reference ID: 10-008-20180724).

24.2 Core Strategy policy PMD16 (Developer Contributions) is the Council's relevant adopted development plan policy and part (1.) of this policy states that the Council will seek to secure planning obligations under s106 *"where needs would arise as a result of the development"*. Part (2.) of this policy notes that through obligations the Council will seek to ensure that development proposals:

- i. where appropriate contribute to the delivery of strategic infrastructure to enable the cumulative impact of development to be managed.
- ii. meet the reasonable cost of new infrastructure made necessary by the proposal.
- iii. mitigate or compensate for the loss of any significant amenity or resource.
- iv. provide for the ongoing maintenance of facilities provided as a result of the development.

24.3 Finally PMD16 refers to a wide range of matters that may be covered by planning obligations including housing, education and training, transport infrastructure, community, cultural and social infrastructure, built environment, environmental sustainability and utilities. In order to inform potential planning obligations for development proposals, and pending the production of the new Local Plan, the Council uses an Infrastructure Requirement List (IRL). The IRL is essentially a list of individual physical, social and green infrastructure schemes on a Borough-wide and Ward-level geographical scale which can potentially be applied to a range of residential and commercial development scenarios. Members of the Committee will be aware of the pooling restrictions, introduced by the Community Infrastructure

Levy (CIL) Regulations which provide a limit of five obligations relating to the same infrastructure project. Although, by way of further update, in November 2018 the Government published its response to the consultation on reforming developer contributions to affordable housing and infrastructure which signalled an intention to lift the current pooling restriction.

- 24.4 Members will also recognise that a number of the Core Strategy policy requirements and objectives, mentioned earlier in this report, also refer to the matter of financial viability. For example, the Council's planning policy for the provision of affordable housing (CSTP2) seeks 35% affordable housing. However, part (2.)(ii) of the policy states that this policy requirement will be subject to *"the economics of providing affordable housing"*. Part (3.) of policy CSTP2 also recognises that housing land supply on previously developed land is often subject to a variety of physical constraints. Consequently, 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"*. As a further example, policy PMD13 (Decentralised, Renewable and Low-Carbon Energy Generation) sets targets for clean energy and district energy networks, unless it can be demonstrated to be unviable or unfeasible by way of a financial viability assessment.

24.5 Extant Planning Permission

By way of background information, the existing outline planning permission for the site (ref. 11/50401/TTGOUT) was accompanied by a Planning Obligations Paper which sought to provide a lower level of planning obligations than those set out by the Planning Obligations Strategy (POS). Members of the Committee are reminded that the Council adopted the former Thurrock Development Corporation's POS in 2012 on an interim basis. The POS applied at the time when 11/50401/TTGOUT was determined required a discounted standard charge of £5,000 per dwelling and £50 per metre of specified commercial floorspace, in addition to the standard requirement for affordable housing. In relation to the development proposed by 11/50401/TTGOUT, the POS required a financial contribution of £16.895 million. In promoting the reduced contributions within their Planning Obligations Paper the applicant cited commercial constraints acting on the development as follows:

- land assembly – most of the site is, or has been, in industrial use. Industrial land values exceed residential values in the area and site acquisitions have been based on industrial land values. The site is not in full control of the applicant and CPO powers may be needed to complete site assembly, increasing costs;
- remediation and infrastructure – significant investment in remediation and infrastructure are required to make the site suitable for mixed use development;

- residential values – house sale values and volumes are weak in this location resulting in low residential land values. In order to overcome the site acquisition, remediation and infrastructure costs developers must assume that residential values will increase ahead of the current market. This assumption increases the risks to residential developers.

24.6 In light of these commercial constraints the applicant's Planning Obligations Paper proposed the following:

1. provision of remediated land (2.8ha) within the site for a new primary school;
2. after the construction of the 1,300th residential unit, 10% of any subsequent units to be constructed as affordable housing (i.e. a maximum of 170 dwellings (10% of 1,700 dwellings));
3. beyond the attainment of a 25% Internal Rate of Return by the applicant, any additional funds generated by the scheme to be used -
  - (a) reimbursement of the Council's costs in constructing the new school (capped);
  - (b) any sums remaining after the payment of (a) shall be in accordance with the POS discounted standard charge (£5,000 per dwelling and £50 per sq.m. of commercial floorspace)
  - (c) any sums remaining after the payment of (b) shall be applied by the Council to provide additional affordable housing anywhere within the Borough; and
  - (d) the additional affordable housing referred to in (c) above shall be in addition to the affordable housing provided in (2) above and shall be capped once the scheme has provided a total affordable housing level of 35% beyond the 1,300th dwelling.

24.7 As per usual practice the applicant's planning obligations 'offer' was independently assessed by consultants acting on behalf of the local planning authority. This independent assessment considered the standard inputs into financial viability modelling (private sale residential values / ground rents / affordable housing revenue / commercial rents and yields / construction costs / return of investment levels / interest payments / professional fees / marketing costs etc.) and concluded that the assumptions made by the applicant at that time were reasonable, although a review mechanism was recommended.

24.8 The recommendation presented to the Planning Committee in December 2012 contained the above heads of terms and the Committee agreed the recommendation. Outline planning permission was subsequently granted May 2013.

24.9 Financial Viability of the Current Proposals

The current application is accompanied by a viability assessment. As is usual practice, planning officers have instructed an independent consultant to act on behalf of the local planning authority. This independent consultant has liaised with the applicant's consultant to agree inputs and methodology for the financial viability assessment of the proposals. The information contained within both the applicant's viability assessment and the independent consultant's appraisal contains commercially sensitive information and so is confidential. However, the executive summaries of both documents have been made available on-line.

- 24.10 The executive summary from the independent consultant representing the local planning authority confirms that the inputs and assumptions within the applicant's report are on the whole reasonable, although build cost rates and abnormal costs have been reduced, sales rates have been amended and ground rents have been included. On the basis of these amendments, the independent consultant's assessment of the scheme shows a residual site value of c. minus £14.7 million, therefore below the benchmark land value (c.£121 million) and not including any allowance for affordable housing or s106 contributions. This also assumes that the Council, as landowner of part of the site, will grant its landholding to the applicant for £1 and a share in development proceeds. The independent consultant confirms that, on the basis of current information, the scheme is not financially viable and could not support affordable housing or s106 contributions at this point of time. Nevertheless, a series of triggers for future viability reviews are recommended. A significant factor influencing the financial viability of the proposals are the "opening up" costs, including extensive infrastructure upgrades, incurred by the developer in the early stages of the project.
- 24.11 As noted above, the applicant, the EA and the Council (as landowner) entered into an agreement in December 2018 to safeguard part of the site for purposes associated with construction and operation of a future Thames Barrier. As this agreement has an impact on the duration and nature of development, particularly the tenure of residential development, the applicant was requested to provide an update to its viability assessment taking account of the restrictions in relation to the Safeguarded Site.
- 24.12 The applicant's note confirms that any dwellings constructed on the Safeguarded Site will not be capable of private sale as freehold or on long leases and could only be retained by the freeholder and let as private rented units on assured shorthold tenancies. Leases on any commercial properties within the Safeguarded Site would not benefit from security of tenure rights, in order for vacant possession to be gained easily if and when the EA require the land. However, the note principally details the impact on viability arising from the restricted residential tenure (private rented).

24.13 For the purposes of the assessment the Safeguarded Site is defined as sub-zones 1B and 1D and based on the following mix of dwellings:

<u>Unit Type</u>	<u>Sub-Zone 1B</u>	<u>Sub-Zone 1D</u>	<u>Total</u>
Studio apartment	7	16	23
1-bed apartment	23	51	74
2-bed, 3-person apartment	46	98	144
2-bed, 4-person apartment	53	113	166
3-bed, 5-person apartment	10	22	32
2-bed house	2	5	7
3-bed house	5	14	19
4-bed house	1	1	2
Total	147	320	467

24.14 The applicant's note concludes that private rented dwellings will generate a marginally lower net capital value than market sale dwellings, however the difference in value is considered de minimus. The slight effect on financial viability is considered by the applicant to have no effect on the deliverability of the scheme.

24.15 The local planning authority's independent consultant was instructed to appraise the applicant's note and the executive summary of the independent appraisal is available on-line. It is concluded that the inputs and assumptions used by the applicant are reasonable and that the conversion of the dwellings in the Safeguarded Site from open market sale to private rented has no additional value in the calculation of whether additional affordable housing could be produced. The change of tenure is appropriately factored into the viability review process set out in the recommended heads of terms for the s106 agreement set out at Appendix 2 of this report.

24.16 Notwithstanding the current viability position, officers have discussed potential heads of terms for a s106 legal agreement with the applicant. With regard to affordable housing, since the submission of the application in December 2017 the NPPF has been revised (July 2018) and chapter 5 (Delivering a sufficient supply of homes), paragraph 64 states:

*“where major development involving the provision of housing is proposed, planning policies and decisions should expect at least 10% of the homes to be available for affordable home ownership (as part of the overall affordable housing contribution from the site), unless this would exceed the level of affordable housing required in the area, or significantly prejudice the ability to meet the identified affordable housing needs of specific groups. Exemptions to this 10% requirement should also be made where the site or proposed development:*

- a) *provides solely for Build to Rent homes;*
- b) *provides specialist accommodation for a group of people with specific needs (such as purpose-built accommodation for the elderly or students);*
- c) *is proposed to be developed by people who wish to build or commission their own homes; or*
- d) *is exclusively for affordable housing, an entry-level exception site or a rural exception site."*

24.17 None of the exceptions to the 10% affordable home ownership referred to by paragraph 64 apply in this case and financial viability is not listed as an exception.

24.18 The applicant has responded to the independent assessment of viability and, notwithstanding the financial viability of the scheme as currently assessed, recognises the requirement set out by paragraph 64 of the NPPF. The applicant is therefore willing, regardless of current viability, to commit to the provision of a minimum of 10% of the proposed homes to be shared ownership or other affordable home ownership. For the avoidance of doubt, this 10% provision does not include affordable or social rented homes. Assuming that all of the proposed residential development is built-out, a minimum of 285 affordable home ownership dwellings would be secured, more than the maximum 170 affordable dwellings referred to by the current planning permission (ref. 11/50401/TTGOUT). If the proposed future viability reviews of the scheme reveal a surplus, then the maximum provision of affordable housing would be capped at 35%, including the 10% affordable home ownership referred to above. The proposals can therefore be said to be compliant with the NPPF in this respect.

24.19 With regard to Core Strategy policy CSTP2, the applicant's viability assessment of the proposals (which has been independently appraised) clearly shows that the scheme cannot support 35% affordable housing. However, as CSTP2 recognises that the ability of a proposal to deliver policy-compliant affordable housing will be influenced by financial viability, it is considered that there is no conflict with Core Strategy policy for the provision of affordable housing.

24.20 As noted above, discussions regarding potential planning obligations from the applicant to be secured through a s106 agreement have been ongoing for some time, notwithstanding the content of the more recent viability reports. A summary of the applicant's main planning obligations is provided below with further detail set out at Appendix 2 of the recommendation:

<b>Draft s106 – Owner / Developer Obligations</b>	
<u>Affordable Housing (AH)</u>	<ul style="list-style-type: none"> <li>• not less than 10% of dwellings in each residential zone to be provided as AH;</li> <li>• AH units to be provided as shared ownership units or, if</li> </ul>

	<p>agreed by the Council, discounted market sale units;</p> <ul style="list-style-type: none"> <li>• agreed mix for AH units;</li> <li>• submission, approval and compliance with AH scheme for each residential zone</li> <li>• agreed standards for AH units;</li> <li>• 3% of AH units to be wheelchair accessible;</li> <li>• 10% of AH units to be HAPPI homes;</li> <li>• arrangements for the transfer of AH units and land to a registered social housing provider,</li> <li>• restrictions on occupation of market units until construction, transfer of ready for occupation AH units;</li> <li>• detailed arrangements for shared ownership units and discounted market sale units;</li> <li>• recycling of staircasing receipts</li> <li>• periodic financial viability reviews across the construction of the development with arrangements for the sharing of any surplus generated.</li> </ul>
<u>Education</u>	<p>Early Years:</p> <ul style="list-style-type: none"> <li>• payment of Early Years Contribution for Sub Zone 1A (c.£58,000) prior to any occupation within Sub Zone 1A;</li> <li>• Early Years Provision comprising either a contribution of c.£1.180 million (in two instalments) or provision of an Early Years Facility as part of the development providing up to 90 places.</li> </ul> <p>Primary School:</p> <ul style="list-style-type: none"> <li>• payment of Primary School Contribution for Sub Zone 1A (c.£290,000);</li> <li>• safeguarding of a Primary School Site;</li> <li>• agreement of design for Primary School;</li> <li>• submission of reserved matters application for Primary School;</li> <li>• construct or procurement of construction of Primary School to shell and core by the start of the 2021/22 academic year;</li> <li>• lease or transfer of the Primary School to the LEA or a nominated provider.</li> </ul>
<u>Sports Provision</u>	Outdoor Sports:

	<ul style="list-style-type: none"> <li>• if a 3G pitch has not been delivered at the Harris Riverside Academy by 01.09.2020 payment of a Youth Soccer Contribution (c.£154,000) and a Mini Soccer Contribution (c.£34,000) at occupation of 300 dwellings;</li> <li>• payment of an Adult Soccer Contribution (c.£194,000) at occupation of 300 dwellings;</li> <li>• payment of a Rugby Contribution (c.£70,000) at occupation of 750 dwellings;</li> <li>• payment of a Cricket Contribution (c.£110,000) at occupation of 500 dwellings.</li> </ul> <p>Indoor Sports:</p> <ul style="list-style-type: none"> <li>• payment of a Sports Hall Contribution (total c.£1.087 million) in two instalments at occupation of 850 and 1,000 dwellings;</li> <li>• payment of a Swimming Pool Contribution (total c.£1.2 million) in two instalments at occupation of 1,700 and 2,000 dwellings;</li> <li>• payment of a Bowls Contribution (total c.£132,000) at occupation of 1,000 dwellings.</li> </ul>
<u>Health</u>	<ul style="list-style-type: none"> <li>• payment of Health Contribution (c.£20,000) prior to any residential occupation;</li> <li>• submission for approval of the location for a Medical Centre or an Integrated Medical Centre prior to occupation of 50 dwellings;</li> <li>• safeguarding of approved location of Medical Centre or Integrated Medical Centre;</li> <li>• submission for agreement the design etc. of the Medical Centre or Integrated Medical Centre prior to occupation of 100 dwellings;</li> <li>• submission of Reserved Matters for the Medical Centre or Integrated Medical Centre prior to occupation of 200 dwellings;</li> <li>• construct or procurement of construction of the Medical Centre or Integrated Medical Centre to shell and core by 31.12.2022;</li> <li>• lease / transfer of the Medical Centre Site or Integrated Medical Centre Site to the NHS / CCG by 31.12.2022</li> </ul>
<u>Community</u>	<ul style="list-style-type: none"> <li>• appointment of a Community Use Co Ordinator prior to</li> </ul>



<u>Facilities</u>	<p>occupation;</p> <ul style="list-style-type: none"> <li>• submission for approval of a location for Community Use Facilities prior to occupation of 300 dwellings;</li> <li>• safeguarding of the site for the Community Use Facility;</li> <li>• submission for agreement of a specification for the Facility prior to occupation of 500 units;</li> <li>• submission of Reserved Matters for the facility prior to occupation of 600 units;</li> <li>• construct or procure the construction of the Facility within 24 months of obtaining Reserved Matters approval.</li> </ul>
<u>Green Infrastructure</u>	<ul style="list-style-type: none"> <li>• safeguarding of Green Infrastructure Land;</li> <li>• submission for approval of a Management and Maintenance Plan;</li> <li>• completion of Green Infrastructure (GI) within Zones 2, 6, and 8 prior to the occupation of 50 dwellings in those Zones;</li> <li>• completion of GI within Zones 1 and 5 prior to the occupation of 300 dwellings in those Zones;</li> <li>• completion of GI within Zone 3 prior to occupation of 50,000 sq.m. of commercial floorspace within that Zone;</li> <li>• completion of GI within Zone 4 prior to occupation of 1,000 dwellings;</li> <li>• completion of GI within Zone 7 prior to occupation of more than 50 dwellings in Zone 6;</li> <li>• Future management and maintenance of GI.</li> </ul>
<u>Employment</u>	<ul style="list-style-type: none"> <li>• submission, approval and implementation of a Construction Training and Employment Plan;</li> <li>• submission, approval and implementation of an End Use Training and Employment Plan (with the exception of Zones 4 (secondary school) and 7 (strategic landscaping)).</li> </ul>
<u>Highways</u>	<p>M25 Junction 31 Improvements:</p> <ul style="list-style-type: none"> <li>• payment of J.31 Design Contribution (c.£60,000) prior to Commencement of Development;</li> <li>• payment of First J.31 Works Contribution (max. c.£345,000) prior to occupation of more than 500 dwellings or occupation of more than 50% of Film &amp; TV Studios or commercial units;</li> <li>• payment of Second J.31 Works Contribution (max. c.£345,000) prior to occupation of more than 1,000</li> </ul>

	<p> dwellings or occupation of more than 75% of the Film &amp; TV studios or commercial units.</p> <p>Local Signalisation Improvements:</p> <ul style="list-style-type: none"> <li>• payment of Local Signalisation Improvement Contribution (max. c.£50,000) prior to any residential occupation.</li> </ul>
<u>Car Club</u>	<p>in the event that the Council has procured the services of a Borough-wide Car Club prior to any Occupation: payment of a total of c.£100,000 in five equal annual instalments of c.£20,000 from the date of first Occupation; in the event that the Council has not procured the services of a Borough-wide Car Club prior to any occupation: submission for approval details of a Car Club Scheme prior to the occupation of 50 dwellings; Implementation of approved Car Club Scheme prior to occupation of 100 dwellings; Car Club Scheme to retain / maintain parking spaces, provide 5 vehicles.</p>
<u>Estate Management</u>	<p>Estate Management Company:</p> <ul style="list-style-type: none"> <li>• prior to occupation submission for approval of proposals for an Estate Management Company;</li> <li>• management and maintenance of play areas, SUDS, GI, refuse areas, underground parking, communal gardens, woodland, ecological mitigation areas, flood defence works and unadopted areas of public realm;</li> <li>• arrangements for service charges.</li> </ul> <p>Estate Management Plan:</p> <ul style="list-style-type: none"> <li>• prior to occupation within any Zone submission of an Estate Management Plan for approval,</li> </ul> <p>Estate Management Account:</p> <ul style="list-style-type: none"> <li>• establishment of an Estate Management Account and maintenance of a minimum balance of £150,000 within that Account in perpetuity.</li> </ul>
<u>Travel Plan</u>	<ul style="list-style-type: none"> <li>• payment of an Initial Travel Plan Monitoring Fee (c.£1,025) and annual Travel Plan Monitoring Fees</li> </ul>

	(c.£1,025).
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24.21 A summary of the Council's (local planning authority) obligations is provided in the table below:

<b>Draft s106 –Council Obligations</b>	
<u>Third Party Funding</u>	<ul style="list-style-type: none"> <li>• use of reasonable endeavours to secure appropriate s106 contributions to the Local Signalisation and j31 Highways Improvements from proposals which could impact on these links from the date of the agreement until to the payment of the contributions.</li> </ul>
<u>Use of Contributions</u>	<ul style="list-style-type: none"> <li>• use of contributions for their intended purposes and repayment of unexpended contributions 10 years after payment.</li> </ul>

24.22 The obligations set out in the table above secure a minimum level of affordable home ownership and, subject to future viability reviews, could deliver up to policy-compliant (35%) affordable housing within each zone. The local planning authority's independent consultant has suggested a series of financial viability reviews across the construction phase of the development as follows:

- i. if the development has not reached slab level on 50 plots within 2 years of the final reserved matters approval for Phase 1;
- ii. completion of 700 dwellings;
- iii. completion of 1,400 dwellings;
- iv. completion of 2,100 dwellings; and
- v. completion of 2,750 dwellings.

These financial viability reviews are secured in the recommended heads of terms. The recommended mechanism ensures that the local planning authority's share of any surplus identified as part of a viability review would be either applied towards increasing affordable housing on site or paid as a financial contribution for offsite provision (at the local planning authority's election). The agreed share is 100% to the local planning authority on any delayed commencement review, and 60% to the local planning authority on any subsequent review.

24.23 The draft obligations include a financial contribution towards early years education provision for Sub Zone 1A and either a further financial contribution for early years provision serving the rest of the development or the provision of a facility providing 90 places. A further financial contribution, to be used for primary school places associated with the development of Sub Zone 1A, would be secured by obligation.

A new primary school to serve the rest of the development is addressed by obligations. Members of the Committee will be aware that the Harris Riverside Academy secondary school providing 6-forms of entry plus a 6<sup>th</sup> Form (total 1,150) school places is currently under construction on Zone 4 (ref.17/01171/FUL). No further mitigation for secondary school places is required in these circumstances.

- 24.24 Obligations within the above table also provide mitigation addressing the impacts of the development on the provision of outdoor and indoor sports. An obligation requires a financial contribution towards the provision of temporary facilities / additional health services within Purfleet, pending the provision of an on-site medical centre or integrated medical centre. The provision of a facility for community uses is also secured by obligation.
- 24.25 The provision and maintenance of Strategic Landscape and Strategic Open Space within the site is subject to planning obligations and obligations would require a scheme for local employment and training during both the construction and operation of the development.
- 24.26 With reference to the impact of the development proposals on transport and highways, obligations would secure financial contributions towards mitigation measures at M25 jct. 31 and junctions on Purfleet Road (A1306). The establishment and operation of a car club would be covered by obligation as would arrangements for monitoring Travel Plans.
- 24.27 Finally, the above schedule of obligations would provide for estate management arrangements across the development.
- 24.28 These obligations have been the subject of ongoing dialogue with the applicant and it is considered that they meet the tests for planning obligations set out in Regulation 122 of the CIL Regulations and at paragraph 56 of the NPPF.
- 24.29 Members of the Committee could legitimately query why, if the scheme is currently financially unviable as confirmed by the independent consultant representing the local planning authority, the applicant is prepared to enter into the planning obligations summarised above. The following factors are relevant to the above s106 obligations negotiated with the applicant and the financial viability of the proposals:
- a mainstream housing developer, such as a volume housebuilder, would be unlikely to develop the proposals as they are not capable of delivering the level of financial return necessary for them to secure funding. A volume housebuilder would typically seek a return of 20% on GDV (gross development value) on private housing for sale;

- the applicant (PCRL) is in a different position from a mainstream housing developer and has entered into a separate development agreement with the Council to deliver the regeneration of Purfleet. The PCRL team includes Swan Housing Association;
- the applicant is prepared to accept a lower return at current day values than a volume housebuilder would be willing to accept. The applicant anticipates that the regenerative effect of the proposals could improve viability over the build programme, such that a margin in-line with the applicant's target levels could be generated in time;
- the applicant's appraisal demonstrates that the scheme would be capable of generating a residual return of 12.2% on GDV. Whilst below the return expected by volume housebuilders, this return is acceptable to the applicant;
- the financial viability appraisal has been undertaken on the established practice of 'current day values, current day costs'. The applicant considers that values in Purfleet are depressed due to stock condition, local socio-economic conditions and lack of new residential development in recent years;
- the applicant anticipates that the regenerative benefits of the development would create an uplift in values. Therefore the risk of commencing development now on an unviable scheme can be mitigated by a rise in values at a later stage.

24.30 In conclusion under the heading of viability and planning obligations, the viability assessment submitted by the applicant demonstrates that the development is currently unable to support affordable housing or s106 contributions. This conclusion has been verified by the independent consultant acting on behalf of the local planning authority. However, the applicant is willing to accept a lower level of financial return and over the build-out of the scheme anticipates that values will improve, improving financial viability. Officers and the applicant have negotiated a s106 'package' which complies with Regulation 122 of the CIL Regulations and the requirements of the NPPF and ensures that the impacts of the development will be adequately mitigated.

## **25.0 XIX. CUMULATIVE IMPACTS:**

Schedule 4 (Information for inclusion in Environmental Statements) of the both the 2011 and 2017 EIA Regulations require an ES to describe cumulative effects. The submitted ES includes a chapter providing a cumulative assessment which defines two types of cumulative impact as follows:

- Type 1 combination of individual impacts (noise, air quality etc.)
- Type 2 combination of impacts arising from the proposals in combination with impacts from other schemes either with permission or under consideration.

25.1 The ES identifies a number of projects with planning permission located close to and also partly within the application site in order to assess Type 2 cumulative impacts. Members of the Committee may recall recent planning permissions at the C.RO Port terminal and International Timber sites which are included in the assessment.

25.2 Type 1 Cumulative Impacts:

The ES considers that there would be a number of likely adverse cumulative impacts during the demolition / construction and operational phases of the development. These impacts are assessed as either of temporary or long-term duration, of local extent only and of either minor or moderate significance. These likely adverse impacts are summarised in the table below:

<b>Type 1 Cumulative Impacts</b>				
<u>Duration</u>	<u>Extent</u>	<u>Nature</u>	<u>Significance</u>	<u>Impact</u>
Temporary	Local	Adverse	Moderate	<ul style="list-style-type: none"> <li>• demolition &amp; construction generated noise for residents</li> <li>• flood (breach) off site</li> <li>• archaeology in the Hollow Wood &amp; Purfleet Station area</li> <li>• demolition &amp; construction impacts on Landscape Character Areas 1, 7 &amp; 8</li> <li>• demolition &amp; construction impacts on viewpoints 5 and 10</li> </ul>
Temporary	Local	Adverse	Minor	<ul style="list-style-type: none"> <li>• demolition &amp; construction generated vibration for residents</li> <li>• demolition &amp; construction traffic generated noise</li> <li>• wind environment around the site</li> <li>• demolition &amp; construction impacts on Landscape Character Areas 2, 3, 4, 9, 10 &amp; 12</li> <li>• demolition &amp; construction impacts on viewpoints 1, 2, 3, 4, 6, 7, 8, 9 &amp; 14</li> </ul>
Long Term	Local	Adverse	Moderate	<ul style="list-style-type: none"> <li>• noise impacts from operational</li> </ul>

				traffic <ul style="list-style-type: none"> <li>archaeology in the Hollow Wood, Purfleet Station area, London Road industrial area &amp; Riverside area</li> <li>completed Development on viewpoints 6 and 10</li> </ul>
Long Term	Long	Adverse	Minor	<ul style="list-style-type: none"> <li>noise impacts from operation of the film/TV studios</li> <li>foul water drainage capacity</li> <li>construction &amp; completed development on daylight, sunlight &amp; overshadowing at properties surrounding the site</li> <li>completed Development on Landscape Character Areas 5 and 6</li> <li>completed Development on viewpoints 1, 2, 4, 7, 8 and 9</li> </ul>
Source: ES Volume 1, Chapter 17				

25.3 From the above table it is notable that all of the Type 1 cumulative impacts are assessed as affecting a local area only. None of these impacts are assessed as of major significance.

25.4 Type 2 Cumulative Impacts:

The ES assessment of Type 2 cumulative impacts concludes that impacts would be 'insignificant' apart from the following:

- Air Quality – exhaust emission from combined construction traffic will be likely result in **temporary, local, adverse** impacts of **minor significance**;
- Noise & Vibration – demolition and construction activities will be likely result in **insignificant** to **temporary, local, adverse** impacts of **minor** to **moderate significance**;
- Noise & Vibration – demolition and construction road traffic noise will be likely to result in **insignificant** to **temporary, local, adverse** impacts of **moderate significance**;
- Ground Conditions & Contamination – remediation activities will be likely to result in **long term, local beneficial** impacts of **minor significance**;
- Archaeology & Built Heritage – demolition and construction activities will be likely to result in **insignificant** to **moderate adverse** impacts on archaeology;

- Socio-Economics – employment generation and associated spending during demolition and construction will be likely to result in **temporary, local / borough beneficial** impacts of **moderate significance**;
- Socio-Economics – employment generation during operation of the development will be likely to result in **long term, local beneficial** impacts of **moderate significance**;
- Landscape & Visual – demolition and construction activities will be likely to result in **negligible to short-term adverse** impacts of moderate significance.

25.5 It can be concluded that there be no predicted long term adverse Type 2 cumulative impacts of major significance.

## 26.0 CONCLUSIONS AND REASONS FOR RECOMMENDATION

This outline planning application proposes the comprehensive brownfield redevelopment of the central area of Purfleet with a residential-led, mixed use development. The objective of achieving residential growth and the creation of a new community focus for Purfleet is recognised in the adopted LDF Core Strategy which allocates Purfleet as a regeneration area and a location for new housing, shopping facilities, a new school and community facilities. Accordingly, it is considered that the principle of the new land uses proposed is consistent with development plan policy.

- 26.1 The scheme would also contribute to new housing and economic growth objectives contained within the adopted Core Strategy. The proposals can be expected to deliver up to 2,850 new homes and approximately 2,200 jobs when fully operational.
- 26.2 This report addresses the highways and transportation issues associated with both the construction and operation of the development. The report refers to the updated TA (further information to the ES) which responds to issues raised by relevant technical consultees. Subject to mitigation measures to be secured through a s106 agreement and planning conditions there are no objections to the proposals with regard to impact on the local highways network. The need for measures to mitigate the impact of the proposals on the strategic highways network (M25 jct. 30) have been identified by HE. At the time of writing this report, the applicant's mitigation proposals are either still under consideration or are not agreed. The formal consultation response from HE recommends that planning permission is not granted until suitable mitigation is agreed by HE and the recommendation below (1(f) and 1(g)) ensures this outcome. Layout and design issues are considered above and it is concluded that, subject to planning conditions, the proposals strike a satisfactory balance between ensuring design quality and affording reasonable flexibility through the construction phase. Impacts



on heritage assets and preserved trees are assessed above and are considered to be acceptable, subject to planning conditions. The ES is accompanied by the full range of surveys for ecological interests. The redevelopment of the site would result in direct adverse impacts on ecological interests through loss of both terrestrial and foreshore habitats. These adverse impacts are mainly of local interest, although impacts on invertebrates would be at county level. As with the extant planning permission (ref. 11/50401/TTGOUT) a range of mitigation measures are proposed to be secured through planning conditions. Subject to agreement and implementation of such measures the impact of the proposals on ecological interests would not be significant.

- 26.3 A Town Centre Uses Assessment accompanies the application which considers the impact of the main town centre uses proposed on the vitality and viability of surrounding centres. Core Strategy policy promotes the creation of a new local centre for Purfleet comprising a new foodstore of between 1,500-2,000sq.m. and complementary floorspace. The application seeks permission for a broad range of town centre uses and objections to the proposals suggest that the quantum of floorspace goes beyond a reasonable interpretation of a 'local centre'. The adopted Core Strategy does not define the term 'local centre' and a judgement is required from the Committee balancing the policy objective of creating a new centre to meet the needs of the proposed population and protecting the vitality and viability of nearby centres. Subject to a number of recommended planning conditions it is considered that the proposals would not have a significant adverse impact.
- 26.4 Large parts of the application site are currently vacant and open former industrial land and the redevelopment of these areas will result in a range of impacts on landscape and visual receptors. However, the area is currently is of low to medium sensitivity and consequently impacts on landscape and visual receptors would not be significant.
- 26.5 Subject to appropriate planning conditions, there are no objections to the proposals with regard to ground contamination matters. Measures to be secured through a CEMP are required to mitigate the noise and vibration impacts during the construction of the development. During operation of the development conditions are also required to address the issues of rail and road noise and backlot activities at the film and TV studios.
- 26.6 Air Quality Management Areas are located close to the site and the impacts of construction activities and the operation of the development on air quality is assessed in the ES. Planning conditions requiring submission, approval and implementation of a CEMP and HGV routing will mitigate impacts on air quality during construction. The applicant proposes Travel Plan measures to reduce vehicle movements, and therefore emissions, during the operation of the

development.

- 26.7 Open space and green infrastructure for the development would be secured at this stage in the planning process through a parameter plan which is submitted for approval and associated site-wide planning conditions. Recommended planning conditions would also secure green infrastructure at a zonal level. Reserved matters submissions would provide the 'fine grain' details of public realm, play areas etc. The recommended heads of terms for the s106 agreement set out at Appendix 2 of this report address the needs for indoor and outdoor sports facilities generated by the development and secure appropriate financial contributions. Planning conditions can also be used to address the environmental sustainability of the development.
- 26.8 With reference to the issue of flood risk the EA initially raised an objection to the planning application referring, in particular, to flood defences on the River Thames frontage and the need to safeguard land within the site for purposes associated with a potential future Thames Barrier. Following discussions and the completion of two agreements under s30 of the Anglian Water Authority Act, the EA have withdrawn objections subject to planning conditions which are set out below. Under the heading of socio-economic impacts, the proposals would lead to a substantial increase in the population of Purfleet. However, a new secondary school, located within Zone 4, is currently under construction and will meet the demands generated by the residential development. Early years and primary school provision, as well as healthcare and community facilities, are items referred to in the recommended heads of terms for the s106 agreement set out at Appendix 2 of this report. The Esso terminal large scale petrol storage use constrains development on the eastern part of the site. However, subject to planning conditions, there are no objections to the proposals on health and safety grounds. As this is an application for outline planning permission, the impacts of the development with reference to sunlight, daylight and overshadowing will be considered in detail through the submission of reserved matters.
- 26.9 The applicant has submitted a viability appraisal which has been independently audited on behalf of the local planning authority. Due to increased development costs associated with bringing forward redevelopment, the proposals are not currently financially viable. However, as the applicant is not a conventional housebuilder and is prepared to accept a lower level of financial return, the risk of developing the site is acceptable to the applicant. A package of s106 obligations has been negotiated with the applicant, which includes on-site affordable housing as well as other items of infrastructure.
- 26.10 Environmental Statement

In coming to its view on the proposed development the local planning authority has taken into account the content of the ES submitted with the application, further information to the ES, as well as representations that have been submitted by third parties. The ES considers the potential impacts of the proposal and sets out appropriate mitigation measures.

26.11 The ES considers the impact of the development on a range of environmental receptors. Subject to appropriate mitigation which can be secured through a S.106 legal agreement and appropriate planning conditions, the ES concludes that any impact arising from the construction and operation of the development would be within acceptable limits and would not be significant. Having taken into account representations received from others, Officers consider that the proposed development is acceptable, subject to referral to the Secretary of State, a legal agreement securing s106 obligations and compliance with a number of planning conditions to be imposed upon any planning permission.

26.12 Mechanism for securing s106 obligations

The applicant, PCRL, does not currently own any legal interest in the site. This is not itself a barrier to granting planning permission, but the local planning authority must be satisfied that in doing so appropriate mitigation is secured either by imposing planning conditions on their own, or by a combination of imposing planning conditions and planning obligations under s106 of the Town and Country Planning Act 1990. In the present case a combination of planning conditions and planning obligations is proposed because the nature of some mitigation measures (e.g. financial contributions, affordable housing, land transfers) cannot be dealt with by condition.

26.13 The local planning authority's standard position is that all parties with an interest in an application site must enter into the section 106 agreement associated with the application prior to the grant of planning permission. This ensures that the planning obligations contained in the s106 agreement bind the site, such that the local planning authority can enforce the obligations not just against the original signatories to the agreement, but also against their successors in title.

26.14 In the case of the current application site, entering into the section 106 agreement prior to the grant of planning permission is not possible for the following reasons:

- (1) Over 60% of the site is currently in the freehold ownership of the Council (as landowner) and, as a matter of contract law, the Council (as landowner) cannot enter into an agreement with the Council (as local planning authority) since they are not separate legal entities;
- (2) The balance of the site is currently owned by third parties who are under no

obligation to enter into the s106 agreement. Whilst the Council (as landowner) is seeking to acquire third party interests in the site, once those interests are no longer owned by third parties, the same issue outlined in (1) above arises because the Council cannot contract with itself.

26.15 However, it is understood (based on the summary provided to the local planning authority) that under the terms of the Development Agreement:

- (1) The applicant, PCRL, has the right to acquire building leases from the Council (as landowner) in respect of each Zone/Sub-Zone of the development following the grant of planning permission (and the satisfaction of other conditions precedent). Those building leases, once granted, will be capable of being bound by the section 106 agreement;
- (2) Upon completion of each part of the development, the relevant building lease will terminate and the Council (as landowner) will transfer title of the completed part of the development to third party purchasers. Once title to part of the site has been transferred by the Council (as landowner) to a third party, that title can bound by the section s106 agreement.

26.16 The following approach to securing s106 planning obligations has been agreed between the local planning authority, the applicant and the Council (as landowner) (steps 2 to 4 below are referred to as the "triple lock mechanism"):

- (1) Prior to the grant of planning permission, the local planning authority and the applicant will negotiate and agree a form of section 106 agreement in accordance with the recommended heads of terms set out in Appendix 2 (Agreed Form S106).
- (2) Also prior to the grant of planning permission, the applicant will enter into a s111 agreement with the local planning authority in which it covenants to:
  - (a) enter into the Agreed Form S106 Agreement each and every time it acquires an interest in the site which is capable of being bound; and
  - (b) comply with specified obligations in the Agreed Form S106 whether or not it has entered into the Agreed Form S106.
- (3) Also prior to the grant of planning permission, the Council (as landowner) will provide a unilateral undertaking to the local planning authority in which it covenants:
  - (a) to abide by the terms of the Agreed Form S106 with the intention that the planning obligations shall bind all of its interests in the site currently existing;
  - (b) to enter into a unilateral undertaking each and every time it acquires an

- additional legal interest in the site;
  - (c) not to dispose of any of its interests in the site without first imposing a legally enforceable obligation on the donee to enter into the Agreed Form S106; and
  - (d) to register a notice of the unilateral undertaking on the Charges Register of its registered interests in the site.
- (4) Finally, the Agreed Form S106 will be appended to the planning permission and recommended condition S3 prohibits development from commencing in any Zone or Sub-Zone unless and until:
- (a) the Agreed Form S106 has been entered into by all third parties owning an interest in the relevant Zone or Sub-Zone (other than operational land owned by Network Rail and statutory undertakers); and
  - (b) the Council (as landowner) has provided a unilateral undertaking in respect of its interest in the relevant Zone or Sub-Zone.

## 27.0 RECOMMENDATION

The Committee is recommended to:

1. Approve the application for the reasons given in this report and delegate authority to the Assistant Director – Planning, Transport and Public Protection to grant planning permission subject to all of the following:
    - a. Referral to the Secretary of State (National Planning Casework Unit) under the Town and Country Planning (Consultation) (England) Direction 2009 in particular:
      - i. under paragraph 5 (development outside town centres); and
      - ii. unless the Environment Agency formally removes its Objections (as such term is defined in the Environment Agency's letter dated 29<sup>th</sup> March 2019 and in accordance with the Environment Agency's intention conditionally expressed therein) also under paragraph 8 (flood risk area development)
- and the application not being 'called-in' for determination.
- b. The conditions set out at Appendix 1 of this report.
  - c. The agreement of a draft form of legal agreement under section 106 of the Town and Country Planning Act 1990 ("Agreed Form S106") together with an agreed form of confirmatory deed ("Confirmatory Deed") which will secure the planning obligations set out in the recommended heads of terms

set out at Appendix 2. The Agreed Form S106 and Confirmatory Deed shall be appended to:

- i. the planning permission for the purposes of Condition S3;
  - ii. the s111 agreement referred to in (d) below; and
  - iii. the unilateral undertaking referred to in (e) below.
- d. The satisfactory completion of a legal agreement under section 111 of the Local Government Act 1972 between the applicant and the local planning authority (in a form which is satisfactory to the local planning authority) (S111 Agreement) in which:
  - i. the applicant covenants to:
    - 1. pay the local planning authority's costs of negotiating the Agreed Form s106, Confirmatory Deed and S111 Agreement;
    - 2. enter into the Agreed Form S106 or Confirmatory Deed (as appropriate) each and every time it acquires a legal interest in the application site; and
    - 3. comply with certain identified obligations contained in the Agreed Form s106 notwithstanding that it has not yet been entered into
  - ii. and the local planning authority covenants to comply with the certain identified obligations contained in the Agreed Form s106 notwithstanding that it has not been entered into.
- e. the satisfactory completion of a unilateral undertaking under section 106 of the Town and Country Planning Act 1990 from the Council as landowner to the local planning authority (in a form which is satisfactory to the local planning authority) in which the Council as landowner undertakes as follows:
  - i. to abide by the terms of the Agreed Form S106 with the intention that the planning obligations contained therein bind its interest in the Site and will become enforceable against successors in title and persons deriving title under them;
  - ii. to enter into a confirmatory unilateral undertaking each and every time it acquires an additional legal interest in the application site;
  - iii. not to dispose of any of its interests in the Site without first imposing a legally enforceable obligation on the donee to enter into the Agreed Form S106 or Confirmatory Deed (as appropriate); and
  - iv. to register a notice of the unilateral undertaking on the Charges Register of its registered interests in the Site.
- f. the approval of a scheme by Highways England (or any respective

succeeding strategic highways company) and Thurrock Council (highways) to mitigate the impacts of the development on Junction 30 of the M25 which may include, but shall not be limited to, Ramp Metering, Clearer Road Markings, Changes to Existing Signal Timings, Road Widening at M25 Junction 30 and Variable Message Signs including any modelling to determine the operational frequency and the sequencing of the Ramp Metering prior to its operation and the timescale for delivering such scheme (the “Approved Scheme”) where the aforementioned terms are defined as follows:

“Ramp Metering” means a scheme for the installation of traffic signals within the public highway on the northbound link between Junction 31 and Junction 30 of the M25 at the point where it joins the off-slip of the M25 to Junction 30. The works include white lining, loop detection, control cabinets, dynamic variable message warning signs linked to loop detection and other area wide UTC (urban traffic control) systems plus associated civils works;

“Clearer Road Markings” means a scheme for those markings on northbound link road and westbound A13 approach to Junction 30 to improve lane share and capacity at these stop lines;

“Changes to Existing Signal Timings” means a scheme to change the timing of the traffic signals on southern half of Junction 30 circulatory carriageway;

“Road Widening” means a scheme within the public highway for the widening of the A13 westbound approach lanes to Junction 30 including white lining and associated civil works; and

“Variable Message Signs” means signs located within or near to the Site to advise drivers of vehicles to route via the A1306 Arterial Road and the A13 / A1306 Wennington Interchange instead of Stonehouse Lane and M25 Junction 31, in order to avoid the links in this area which are typically congested during the peak hours.

- g. the completion of a Stage 1 road safety audit to the satisfaction of Highways England in respect of the mitigation works for Junction 30 of the M25 comprised within the Approved Scheme.
2. Agree to delegate authority to the Assistant Director – Planning, Transport and Public Protection to:
  - a. finalise the recommended conditions as set out in Appendix 1 including such refinements, amendments, additions and/or deletions (including to dovetail with and where appropriate, reinforce, the final planning obligations to be contained in the Agreed Form S106) as the Assistant Director –

Planning, Transport and Public Protection considers reasonably necessary PROVIDED THAT no such authority is delegated in respect of Conditions M4, Q12, Q13, R11 and R12 the wording of which has been agreed with the Environment Agency;

- b. finalise the Agreed Form S106 and Confirmatory Deed, including refining, adding to, amending and/or deleting the obligations detailed in the heads of terms set out at Appendix 2 (including to dovetail with and where appropriate, reinforce the final conditions and informatives to be attached to the planning permission) as the Assistant Director – Planning, Transport and Public Protection considers reasonably necessary;
- c. finalise the s111 agreement referred to in paragraph 1(d) above; and
- d. finalise the unilateral undertaking (and confirmatory unilateral undertaking) referred to in paragraph 1(e) above.



**APPENDIX 1 – RECOMMENDED CONDITIONS****Definitions**

1. Within the following conditions the definitions listed below apply:

Agreed Form S106	Means the agreed form of s106 agreement contained at Annexure 3
Commencement	Means commencing or carrying out on site of a material operation as defined in Section 56 (4) of the Town and Country Planning Act 1990 and "Commence" shall be construed accordingly
Commercial Uses	Means uses falling within Use Classes A1, A3, A4, B1, C1 and D2 and excludes the Film and Television Studios unless otherwise specified
Condition	Means a condition imposed on this permission
Confirmatory Deed	Means the agreed form confirmatory deed annexed to the Agreed Form S106
Design and Access Statement	Means the 'Purfleet Centre Regeneration Design & Access Statement – Outline Masterplan' submitted in support of the planning application (December 2017)
Design Code	Means the Design Code to be approved pursuant to Condition C2
Eastern All Purpose Highway Bridge	Means the proposed all purpose bridge providing for vehicular, cycle and pedestrian users of the highway to replace the Thames Board Mills MCB Crossing the location of which is shown indicatively on drawing reference PFT-WAT-Z1-A-XX-DR-C-0004-132 Rev. P05
Eastern Cycleway Crossing	Means the cycleway bridge providing for pedestrian and cyclist only crossing of the railway line, the location of which is shown indicatively on drawing reference PFT-WAT-Z1-A-XX-DR-C-0004-132 Rev. P05
Environmental Statement	Means the environmental statement submitted in support of the planning application dated December 2017 and the further environmental information submitted in July 2018 and November 2018
Film and Television Studios	Means development used for the production of film and television programming and broadcasts within the part of the site identified on the Land Use Parameter Plan (drawing reference PFT-KSS-00-ZZ-DR-A-0100-010 Rev. P04) for the purposes of Film / TV Studio

	development
Film and TV Studios Backlot	Means the external backlot production space which forms part of Film and Television Studios
Green Infrastructure	Means the network of multifunctional green spaces to be provided within the development (which may include parks, open spaces, playing fields, woodlands, street trees, allotments, private gardens, water bodies and features such as green roofs and walls)
Infrastructure Works	Means an operation or item of work connected with or ancillary to one or more of the following: <ul style="list-style-type: none"> <li>a) construction of new or realigned roads and footpaths; and works associated with the closure of any such roads or footpaths;</li> <li>b) construction or repair of river walls, construction of flood defences and repairs or works to jetties;</li> <li>c) construction of bridges, tunnels, underpasses and works associated with the closure of level crossings;</li> <li>d) creation of new or improved open space</li> </ul>
Illustrative Masterplan	Means a two dimensional illustrative masterplan of the Site at a scale of 1:1000 to be submitted with each application for approval of a Zonal Masterplan and each application for the approval of Reserved Matters which shall illustrate the proposal in the context of any Zonal Masterplans and Reserved Matters approved or submitted for approval at the date of the relevant application, together with emerging design proposals for other Zones and Sub-Zones
Large Unit	Means a single unit forming part of the development in excess of 800 square metres (gross internal area) excluding any unit falling within Use Class C3 (residential) and D1 (education)
Legal Interest	Means a legal interest in land that is capable of registration at HM Land Registry
London Road All Purpose Highway Bridge	Means the proposed all purpose bridge to be constructed over the railway together with the associated reprofiling and realignment of London Road providing for vehicular, cycle and pedestrian users of the highway to replace the Purfleet MCB-CCTV (London Road) Crossing, the locations of which are shown indicatively

	on drawing reference PFT-WAT-Z1-A-XX-DR-C-0004-132 Rev. P05
Material Interest	Means an interest in land including but not limited to a Legal Interest but excluding a licence or a lease which has less than 12 months remaining and which has been contracted out of the Landlord and Tenant Act 1954
Network Rail Operational Land	Means property interests owned by Network Rail in land that is currently utilised, or has a foreseeable use, as part of the railway
Open Space	Means the public open space, landscaping, verges and play areas (comprising neighbourhood and locally equipped areas and local areas for play (NEAPs, LEAPs and LAPs) which do not form part of the Green Infrastructure, the principles of which are to be identified in each Zonal Masterplan and the siting and details of which are to be approved as part of the Reserved Matters for each Sub-Zone
Preliminary Works	<p>Means an operation or item of work of or connected with or ancillary to:</p> <ul style="list-style-type: none"> <li>a) archaeological investigation;</li> <li>b) investigations for the purpose of assessing ground conditions including exploratory boreholes and trial pits;</li> <li>c) decontamination works and remedial works in respect of any contamination or other adverse ground conditions;</li> <li>d) site clearance including earthworks, regrading and landscape clearance works (but excluding demolition of a building or structure);</li> <li>e) diversion decommissioning and/or laying of services for the supply or carriage of water, sewerage, gas, electricity, telecommunications or other media or utilities;</li> <li>f) the erection of fences and hoardings around the Site;</li> <li>g) provision of temporary construction site accommodation; and</li> <li>h) construction of temporary access and service roads</li> </ul> <p>but for the purposes of Condition R11 excluding any</p>

	operation or item of work connected with or ancillary to the river wall and flood defence works
Primary School	Means the 2-form entry primary school and associated multi use games area to be provided as part of the development
Purfleet MCB-CCTV (London Road) Crossing	Means the existing at-grade crossing of the railway line the location of which is shown on drawing reference PFT-WAT-Z1-A-XX-DR-C-0004-132 Rev. P05
Purfleet Railway Station Footbridge	Means the proposed pedestrian bridge with lifts to provide access for rail users to both platforms and segregated general pedestrian access over the railway line, the location of which is shown indicatively on drawing reference PFT-WAT-Z1-A-XX-DR-C-0004-132 Rev. P05
Purfleet Station Ticketing Facilities and Gatelines Works	Means demolition of all existing station buildings and structures and the construction a ticketing hall, staffed ticket booth, staff welfare facilities and ticket barriers (gatelines), the location of which is shown indicatively on drawing reference PFT-WAT-Z1-A-XX-DR-C-0004-132 Rev. P05
Reserved Matters	Means the layout, scale, appearance and landscaping of the Site to be submitted to, and approved in writing by, the local planning authority pursuant to Condition A1
Reserved Matters Parcel	Means the defined areas of land within each Sub-Zone in respect of which applications for the approval of Reserved Matters shall be made such areas to be defined on a plan submitted for the local planning authority's approval as part of the Zonal Masterplan for each Zone (and for the avoidance of doubt a Zonal Masterplan may identify that a whole Sub-Zone shall be brought forward as a single Reserved Matters Parcel)
Reserved Matters Specification	Means the list of information required to support each application for approval of Reserved Matters contained in Annexure 1
Residential Unit	Means a unit forming part of the development falling within Use Class C3 (residential)
Secondary School Site	Means the site of the full planning permission identified edged in red on drawing number 17075-LSI-A1-GF-DR-A-1170 granted on 10th November 2017 with reference 17/01171/FUL.

Shell and Core	Means accommodation constructed to shell and core finish as that expression is understood in the commercial development industry together with:  (a) all statutory services supplied to the accommodation, capped, tested and separately metered;  (b) all drainage installed and connected; and  (c) conduits installed for suitable incoming data cabling
Site	Means the land edged red on the approved Site Location Plan (drawing reference PFT-KSS-00-ZZ-DR-A-0001-000 Rev. P01)
Small Unit	Means a single unit forming part of the development which is 800 square metres (gross internal area) or less excluding any unit falling within Use Class C3 (residential) and D1 (education)
Statutory Undertaker Operational Land	Means property interests owned by statutory undertakers in land that is solely utilised for the purpose of the supply of electricity; gas; water; drainage, telecommunications services
Sq.m	Means built floorspace quantified in square metres (gross external area unless otherwise specified)
Strategic Green Infrastructure	Means the public open space and strategic landscape identified on the Open Space and Green Infrastructure Plan approved pursuant to Condition B2 with a total area of 16.8 hectares
Sub-Zone	Means the defined areas of land within each Zone, the boundaries of which (with the exception of development within Sub-Zone 1A) are to be defined on a plan submitted for the local planning authority's approval as part of the Zonal Masterplan for each Zone (and for the avoidance of doubt a Zonal Masterplan may identify that a whole Zone shall be brought forward as a single Sub-Zone)
Sub-Zone 1A	Means the Sub-Zone edged in red as identified on drawing number PFT-KSS-Z1-A-ZZ-DR-A-9001 Rev. P04 submitted with application ref. 18/00313/REM
Thames Board Mills MCB Crossing	Means the existing at-grade crossing of the railway line the location of which is shown on drawing reference

	PFT-WAT-Z1-A-XX-DR-C-0004-132 Rev. P05
Use Class	Means as use class as defined in the Schedule to the Town and Country Planning (Use Classes) Order 1987 which shall be interpreted with reference to the Town and Country Planning (Use Classes) Order 1987 as amended on the date of this permission unless otherwise specified
Zone	Means one of the Zones within the Site identified on the Sub-Framework Location Plan (PFT-KSS-00-ZZ-DR-A-0100-014 - Revision P02) marked "Zones 1" to "Zone 9"

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## **Section A – Time Limits / Reserved Matters**

### **A1 Submission of Outstanding Reserved Matters**

The development shall be carried out in accordance with plans and particulars relating to the Reserved Matters, for which approval in respect of each Reserved Matters Parcel shall be obtained from the local planning authority in writing before any development in that Reserved Matters Parcel is begun. The development shall be carried out fully in accordance with the details as approved.

Reason: The application as submitted does not give particulars sufficient for consideration of the Reserved Matters.

A2 Time Limits for the Submission of the Outstanding Reserved Matters

Application for the approval of the Reserved Matters shall be made to the local planning authority as follows:

- (i) in relation to Sub-Zone 1A before the expiration of 3 (three) years of the date of this permission; and
- (ii) in relation to all Sub-Zones before the expiration of 12 (twelve) years from the date of this permission.

Reason: To comply with the requirements of Section 92(2) of the Town & Country Planning Act 1990 as amended by Section 51 of the Planning and Compulsory Purchase Act 2004.

A3 Time limits for Commencement of Development

The development hereby permitted shall be begun as follows:

- i) in relation to Sub-Zone 1A before the expiration of 3 (three) years from the date of this permission or before the expiration of 2 (two) years from the date of approval of the last Reserved Matters for Sub-Zone 1A (whichever is the later); and
- ii) in relation to all other Sub-Zones of the development before the expiration of 12 (twelve) years from the date of this permission or 2 (two) years from the date of approval of the last Reserved Matters for the relevant Sub-Zone (whichever is the later).

Reason: To comply with the requirements of Section 92(2) of the Town & Country Planning Act 1990 as amended by Section 51 of the Planning and Compulsory Purchase Act 2004.

A4 Reserved Matters

No Development shall Commence within any Reserved Matters Parcel until the Reserved Matters in relation to that Reserved Matters Parcel have been submitted to, and approved in writing by, the local planning authority. The Reserved Matters

shall accord with the approved plans listed in Condition B2. Each application for the approval of Reserved Matters shall contain the information and other details specified in the Reserved Matters Specification. Development shall be carried out in accordance with the approved details.

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 with this outline permission.

## **Section B – Approved Plans / Extent of Permission**

### **B1 Secondary School Site**

Notwithstanding the plans and details approved by this permission, no applications for the approval of Reserved Matters shall be submitted and no Development shall be carried out pursuant to this permission in respect of any part of Site which is coterminous with the Secondary School Site.

Reason: The secondary school approved pursuant to this permission is being constructed pursuant to a separate full planning permission, and to avoid the unacceptable risk of potentially incompatible permissions, the applicant has agreed to a condition which ensures that the secondary school cannot be developed pursuant to this permission.

### **B2 Accordance with plans**

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

Reference	Name	Received
PFT-KSS-00-ZZ-DR-A-0001-000 Rev. P01	Site Location Plan	19.12.17
PFT-WAT-00-ZZ-DR-C-0004-001 Rev. P01	Site Access Plan	19.12.17
PFT-WAT-ZZ-XX-DR-C-0004- 002 Rev. P01	Site Access Location 1	19.12.17
PFT-WAT-ZZ-XX-DR-C-0004- 003 Rev. P01	Site Access Location 2	19.12.17
PFT-WAT-ZZ-XX-DR-C-0004-	Site Access Location 3	19.12.17



004 Rev. P01		
PFT-WAT-ZZ-XX-DR-C-0004-005 Rev. P01	Site Access Location 4	19.12.17
PFT-KSS-00-ZZ-DR-A-0400-000 Rev. P02	Site Demolition Plan	19.12.17
PFT-KSS-00-ZZ-DR-A-0100-010 Rev. P04	Land Use Plan	27.09.18
PFT-KSS-00-ZZ-DR-A-0100-011 Rev. P02	Open Space & Green Infrastructure Plan	19.12.17
PFT-KSS-00-ZZ-DR-A-0100-013 Rev. P02	Building Heights Plan	19.12.17
PFT-KSS-00-ZZ-DR-A-0100-014 Rev. P02	Sub-Framework Location Plan	19.12.17
PFT-KSS-00-ZZ-DR-A-0100-015 Rev. P03	Ground Level Plan	19.12.17
PFT-KSS-00-ZZ-DR-A-0100-016 Rev. P02	Density Plan	19.12.17
PFT-KSS-00-ZZ-DR-A-0100-024 Rev. P03	Primary Access Plan	19.12.17
PFT-WAT-Z1-A-XX-DR-C-0004-132 Rev. P05	Plan showing location of bridges, crossings and ticketing facilities	22.03.19
PFT-KSS-00-ZZ-DR-A-0100-031 Rev. P04	Land referred to in the Network Rail condition H10	05.02.19
422-dRMM-PCR-P1-ZZ-SK-A-118 Rev. 01	SSSI Buffer Zone	07.02.19
PCR_KSS-ZZ-ZZ-ZZ-DR-A-0001-004 Rev. P09	Site Ownership	22.03.19

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

### B3 Environmental Statement

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, 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 than those assessed in the Environmental Statement.

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 on this decision notice.

## **Section C – External Finishes / Design**

### **C1 Details of Materials / Samples**

Notwithstanding the information on the approved plans, no development (excluding Preliminary Works) shall Commence within any Sub-Zone above ground level until written details or samples of all materials to be used in the construction of the external surfaces of the development hereby permitted within that Sub-Zone have been submitted to, and approved in writing by, the local planning authority. The development shall be carried out using the materials and details as approved. This is with the exception of Zone 7 as defined on the approved Sub-Framework Location Plan (PFT-KSS-00-ZZ-DR-A-0100-014 – Revision P02).

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

### **C2 Design Code**

Prior to the approval of any Zonal Masterplan pursuant to Condition P2, a Design Code document for the Site (excluding Sub-Zone 1A and the Secondary School Site) shall be submitted to, and approved in writing by, the local planning authority. The Design Code shall, where relevant, have reference to the Design and Access Statement, and shall in any case address and codify the following:

#### **Introductory matters**

- The vision for the development;
- The site and its context;
- The planning context;
- The purpose and status of the document;
- How the Design Code is to be used;
- The structure of the development;

#### **Site-wide Coding**

- Character and Urban Design;

- Movement and Street Typologies;
- Landscape and Open Space;

#### Character Areas

- Riverside West (excluding land lying within Sub-Zone 1A);
- Riverside East;
- Civic Centre West and Civic Centre East (excluding land lying within Sub-Zone 1A);
- Avenue & Rowhouses;
- Hollow Woods (excluding land lying within Sub-Zone 1A);
- London Road;
- Greenway;
- Paper Mill Eco-zone;

#### Site-wide Detailed Coding

- Designing Good Public Realm;
- Detailed Landscape Requirements;
- Sustainable Design Principles;
- Designing Positive Edges / Frontages;
- Designing Good Buildings;
- Cycle Parking: Standards and Design Requirements;
- Waste, Recycling and Utilities;
- Play and Youth Facilities;
- Hard Landscape;
- Soft Landscape;
- Surface Water Drainage and SUDS
- Lighting Strategy
- Biodiversity
- Lit, safe and accessible walking and cycling routes through the Development, including safe routes to the Primary School and the Secondary School Site;
- Wayfinding; and,
- Bus shelter designs.

Proposals contained within applications for the approval of Reserved Matters (other than the Reserved Matters application submitted under application reference 18/00313/REM or any replacement application for the approval of Reserved Matters for Sub-Zone 1A) pursuant to Condition A1 and proposals contained within applications for the approval of Zonal Masterplans pursuant to Condition P2 shall comply with the Design Code and shall have regard to the illustrative material and non-mandatory codes. Construction shall be in accordance with the approved Design Code. There shall be no amendment to the approved Design Code unless otherwise agreed in writing by the local planning authority.

Reason: In order to ensure the design quality of the proposals over the lifetime of the development and to ensure high quality design in accordance with part 12 of the NPPF and policies CSTP22 and PMD2 of the adopted Thurrock LDF Core Strategy and Policies for the Management of Development (2015).

## **Section D – Boundary Treatment**

### **D1 Details of Boundaries**

No Development (excluding Preliminary Works) shall Commence within any Sub-Zone until details of the siting, height, design and materials of the treatment of all boundaries for that Sub-Zone have been submitted to, and approved in writing by, the local planning authority, with the exception of any temporary hoardings or fences. The approved boundary treatments shall be completed prior to the first operational use and/or occupation of the development in that Sub-Zone and shall be retained and maintained as such thereafter.

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

## **Section E – Landscaping**

### **E1 Landscaping Scheme with Reserved Matters Application**

The Reserved Matters details to be submitted in accordance with Condition A1 shall include a Landscaping Scheme relating to the relevant Reserved Matters Parcel and shall include, but not be limited to, details of:

- (a) the Green Infrastructure and Open Space(s) to be provided within the Reserved Matters Parcel in accordance with the Zonal Masterplan for the relevant Zone;
- (b) in respect of any play area proposed details of all items of play equipment, ground surfacing, enclosure of the area incorporating self closing gates, seating, refuse facilities and safety notices;
- (c) trees, hedgerows and other landscape features to be removed, retained, restored or reinforced;
- (d) the location, species and size of all new planting including trees, shrubs, hedging, herbaceous plants and grass;
- (e) a programme of implementation, including a timetable linked to the occupation of development in the Reserved Matters Parcel;

- (f) written planting specifications (including cultivation and other operations to achieve successful establishment);
- (g) hard landscape materials;
- (h) pit design for tree planting within streets or areas of hard landscaping;
- (i) existing and proposed levels comprising spot heights, gradients and contours, grading, ground modelling and earth works;
- (j) locations and specifications and product literature relating to street furniture including signs, seats, bollards, planters, refuse bins;
- (k) whether public access will be permitted to such land;
- (l) how the details proposed promote ecological interests and biodiversity in a manner which accords with the Environmental Statement (including the installation of bird, bat and invertebrate roosting and nesting boxes) and the Ecological Mitigation and Management Plan approved for that Zone pursuant to Condition R1.

The approved Landscaping Scheme and associated works shall be implemented in accordance with the programme of implementation contained therein. The Green Infrastructure and Open Space(s) shall be implemented, completed and available for use at a point in time relative to the development that it is designed to serve, such time to have been set out in the submitted details pursuant to this Condition and shall be retained for such purposes thereafter. 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 Landscaping 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.

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 CSTP18 and PMD2 of the Adopted LDF Core Strategy and Policies for the Management of Development (2015).

## E2 Site-wide Green Infrastructure Strategy

No applications for the approval of Zonal Masterplans shall be submitted pursuant to Condition P2 unless and until a Site-wide Green Infrastructure Strategy has been submitted to the local planning authority detailing the extent and type of Green Infrastructure to be provided in each Zone. The Site-wide Green Infrastructure Strategy shall:

1. be in accordance with the Open Space and Green Infrastructure Plan approved pursuant to Condition B2;

2. set out the broad approach to providing Green Infrastructure throughout the Site, addressing not only the provision of Strategic Green Infrastructure but also including indicative plans and details of additional Green Infrastructure to be provided within each Zone including for active travel, SUDS, ecological and biodiversity mitigation (including invertebrates) and enhancement measures as described in the Design and Access Statement; and
3. set out how the Green Infrastructure will be delivered across the Zones to form a well-connected and comprehensive network of Green Infrastructure.

No applications for the approval of Zonal Masterplans shall be approved pursuant to Condition P2 unless and until a Site-wide Green Infrastructure Strategy has been approved in writing by the local planning authority. All applications for the approval of Zonal Masterplans shall be in accordance with the approved Site-wide Green Infrastructure Strategy.

Reason: In order to ensure the satisfactory provision green infrastructure and open space across the development in accordance with policies CSTP18, CSTP20 and PMD5 of the adopted LDF Core Strategy and Policies for the Management of Development (2015).

### E3 Site-wide Green Infrastructure and Open Space Management Strategy

No development (excluding Preliminary Works and any development within Sub-Zone 1A) shall Commence and no development in Sub-Zone 1A shall be Occupied until a Site-wide Green Infrastructure and Open Space Management Strategy has been submitted to, and approved in writing by, the local planning authority. The Site-wide Green Infrastructure and Open Space Management Strategy shall set out overarching site wide principles for the following:

1. maintenance and management of Green Infrastructure (other than domestic gardens); and
2. maintenance and management of Open Spaces.

All Zonal Green Infrastructure and Open Space Management plans submitted for approval pursuant to Condition E4 shall be in accordance with the approved Site-wide Green Infrastructure and Open Space Management Strategy.

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

### E4 Zonal Green Infrastructure and Open Space Management Plan

No development (excluding Preliminary Works and any development within Sub-Zone 1A) shall Commence in any Zone and no development in Sub-Zone 1A shall be Occupied until a management and maintenance plan for the Green Infrastructure and Open Space(s) in that Zone has been prepared in compliance with the Site-wide Green Infrastructure and Open Space Management Strategy approved pursuant to Condition E3 and has been submitted to, and approved in writing by, the local planning authority. The plan shall set out:

1. details of the management responsibilities and maintenance schedules for the upkeep of all Green Infrastructure (other than domestic gardens) and Open Space(s) in the Zone; and
2. how the proposed details promote ecological interests and biodiversity in a manner which accords with the Environmental Statement and the Ecological Mitigation and Management Plan approved for that Zone pursuant to Condition R1.

The Green Infrastructure (other than domestic gardens) and Open Space(s) in each Zone shall be permanently managed and maintained following their completion in strict accordance with the approved management and maintenance plan for that Zone.

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

#### E5 Areas for Play

The development shall include, as a minimum, the following areas for play, the details of which shall be submitted for approval pursuant to Condition E1:

- 1 no. Neighbourhood Equipped Area for Play (NEAP) covering 1,000 square metres;
- 3 no. Locally Equipped Areas for Play (LEAP) covering 400 square metres; and
- 10 no. Local Areas for Play (LAP) covering 100 square metres.

Reason: To secure appropriate open amenity space within the development in accordance with policies CSTP18, CSTP20, PMD2 and PMD5 of the adopted Thurrock LDF Core Strategy and Policies for the Management of Development (2015).

#### E6 Strategic Green Infrastructure

The Strategic Green Infrastructure shall be provided in accordance with the obligations set out in Schedule 7 of the Agreed Form S106.

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

## **Section F – Trees & Hedges**

### **F1 Retention and Protection of Existing Trees and Hedges**

No Development shall Commence within any Sub-Zone until information has been submitted to, and approved in writing by, the local planning authority for that Sub-Zone in accordance with the requirements of BS5837:2012 in relation to tree and hedge retention and protection as follows:

1. tree and hedge survey detailing works required;
2. trees and hedges to be retained;
3. tree and hedges retention protection plan;
4. tree and hedge constraints plan;
5. arboricultural implication assessment;
6. arboricultural method statement (including drainage service runs and construction of hard surfaces).

The protective fencing and ground protection shall be retained until all equipment, machinery and surplus materials have been removed from the Sub-Zone. If within five years from the completion of the development within the relevant Sub-Zone an existing tree or hedge is removed, destroyed, dies, or becomes, in the opinion of the local planning authority, seriously damaged or defective, a replacement tree or hedge (as the case may be) shall be planted within the site of such species and size and shall be planted at such time, as specified in writing by the local planning authority. The tree and hedge protection measures shall be carried out and retained in accordance with the approved details.

Reason: To secure the retention of the trees within the site in the interests of visual amenity and the character of the area in accordance with policies CSTP18 and PMD2 of the adopted Thurrock LDF Core Strategy and Policies for the Management of Development (2015).

### **F2 Drainage and Service Runs**



Unless otherwise agreed in writing by the local planning authority, all underground drainage works and services to the development hereby approved shall be located in positions that do not adversely affect adjacent landscaping by reason of their alignment, in accordance with the British Standard Guide for Trees in Relation to Design, Demolition and Construction (BS5837:2012). Furthermore, the method of excavation, shall take account of the root habit and spread of the canopy of adjacent trees/shrubs in accordance with BS5837:2012.

Reason: In the interests of the health and stability of adjacent landscaping, in the interests of visual amenity and in accordance with policies CSTP18 and PMD2 of the adopted Thurrock LDF Core Strategy and Policies for the Management of Development (2015).

## **Section G – Communal Open Space**

### **G1 Communal Gardens (Flats)**

Any proposed residential communal garden amenity areas shall be implemented, laid out and available for use as amenity space for the occupants of the corresponding Residential Units hereby permitted prior to the first occupation of any of the Residential Units and retained for such purposes thereafter.

Reason: To secure appropriate open amenity space within the development in accordance with policies CSTP18, CSTP20, PMD2 and PMD5 of the adopted Thurrock LDF Core Strategy and Policies for the Management of Development (2015).

## **Section H – Highways**

### **H1 Movement Network**

Applications for approval of Reserved Matters shall include (where applicable) the following details:

- (a) movement network including layout of estate roads, internal roads, visibility splay(s), sightlines, accesses, turning space(s), carriage gradients, footways, cycleways, crossings and retaining walls. The details to be submitted shall include plans and sections indicating design, layout, levels, gradients, materials and method of construction;
- (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) signage;
- (e) surface finishes;
- (f) cycle parking;
- (g) drainage (including to roads, car parking areas, footways / cycleways);
- (h) measures to prevent unauthorised vehicular / motor cycle access where appropriate; and
- (i) timetable for provision, including how such timetable fits into a comprehensive movement network for the totality of the Site and links off site.

The development of each Reserved Matters Parcel shall be implemented in accordance with the details and timescales approved pursuant to this Condition and thereafter permanently retained and maintained.

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 and sustainability to accord with policy PMD2 of the adopted Thurrock LDF Core Strategy and Policies for the Management of Development (2015).

## H2 Site Wide Framework Travel Plan

No development (excluding Preliminary Works and any development within Sub-Zone 1A) shall Commence and no development in Sub-Zone 1A shall be Occupied until a Site Wide Framework Travel Plan has been submitted to and approved in writing by the local planning authority and implemented thereafter. The Site Wide Framework Travel Plan shall as a minimum:

1. set out an overall site wide strategy to minimise the number of journeys made by car to and from the Site including a detailed assessment of the feasibility of accommodating one or more piers within the Site for river bus services and the strategy for securing river bus services to serve the Site if the detailed assessment identifies such opportunities as feasible
2. incorporate a Residential Travel Plan for the residential uses at the Site authorised by this permission which shall as a minimum:
  - a. include detailed and specific measures, commitments and targets to minimise the number of journeys made by car to the Site and shall include specific details of the operation and management of the proposed measures;
  - b. contain a parking management strategy for the residential uses authorised by this permission;

- c. contain details of travel packs to be provided to all first households within the development which shall identify the reach of the local transport network and which shall include the provision of vouchers towards bus pass tickets, bicycles or other forms of sustainable transport;
  - d. set out the process for the regular review and update of the travel packs;
  - e. set out the process for monitoring the implementation and efficacy of the Residential Travel Plan, such monitoring to include at least annual household travel surveys and multi-modal counts; and
  - f. a process for review, consultation and approval of changes to the Residential Travel Plan with the local planning authority
3. incorporate a Travel Plan for Small Units ("Small Units Travel Plan") which shall as a minimum:
  - a. contain detailed measures, commitments and targets to minimise the number of journeys made by car to and from Small Units and contain measures to minimise the use of London Road, from its junction with Linnet Way to the London Road / A1090 Stonehouse Corner Roundabout, by heavy goods vehicles associated with servicing and deliveries to Small Units;
  - b. contain a parking management strategy for Small Units;
  - c. contain details of travel packs to be provided to all employees within Small Units which shall identify the reach of the local transport network;
  - d. set out the process for the regular review and update of the travel packs;
  - e. set out the process for monitoring the implementation and efficacy of the Small Units Travel Plan, such monitoring to include at least annual staff travel surveys and multi-modal counts; and
  - f. a process for review, consultation and approval of changes to the Small Units Travel Plan with the local planning authority
4. set out core principles and objectives relating to the primary education floorspace authorised by this permission, to inform the Primary School Travel Plan required by Condition H3 below;
5. set out core principles and objectives relating to Large Units to inform the Occupier Travel Plans required by Condition H4 below;
6. identify a single car share provider for the Site and a process for the identification of car sharing spaces;
7. set out the process for monitoring the implementation and efficacy of the Site Wide Framework Travel Plan from first occupation until the period ending 5 years following the completion and final occupation of the development (such monitoring to include at least annual travel surveys of residents, employees and visitors to the development and multi-modal counts);
8. set out the process for review, consultation and approval of changes to the Site Wide Framework Travel Plan with the local planning authority; and
9. detail the role of the travel plan co-ordinator to be retained pursuant to Condition H6 below, including but not limited to:

- a. overseeing the promotion, implementation and monitoring of the approved Site Wide Framework Travel Plan (incorporating the Residential Travel Plan and Small Units Travel Plan) and the Primary School Travel Plan and Occupier Travel Plans that sit beneath it;
- b. meeting with the Council's Strategic Transport team every six months to report on and review the promotion, implementation and monitoring of the travel plans;
- c. development of travel packs and materials; and
- d. engaging with residents and employees within the development to help inform suitable journey options using sustainable and active travel options.

Reason: To reduce reliance on the use of private cars, in the interests of sustainability, highway safety and amenity in accordance with Policy PMD10 of the adopted Thurrock LDF Core Strategy and Policies for the Management of Development (2015).

### H3 Primary School Travel Plan

The Primary School shall not be occupied until a Primary School Travel Plan for the Primary School has been submitted to and approved in writing by the local planning authority and implemented thereafter. The Primary School Travel Plan shall as a minimum:

1. be in accordance with the approved Site Wide Framework Travel Plan;
2. contain detailed measures, commitments and targets to minimise the number of journeys made by car to and from the Primary School;
3. contain a parking management strategy including the identification of:
  - a. dedicated car sharing spaces;
  - b. covered and secure cycle and scooter parking; and
  - c. secure motorcycle parking
4. contain measures for provision of sustainable travel information, staff induction, potential staggered arrival and departure times; cycle safety awareness course, encouragement of car sharing, sustainable transport events, personal travel planning;
5. set out the process for monitoring the implementation and efficacy of the Primary School Travel Plan from first occupation of the Primary School until the period ending five years following the full occupation of the Primary School, such monitoring to include at least annual travel surveys of staff, pupils and parents and multi-modal counts;
6. follow the 'Modeshift STARS' Travel Plan system (or similar system approved by the local planning authority) and the Primary School must demonstrate that the education provider is registered on the system and the Primary School must achieve Bronze, Silver and Gold awards within 12, 24, and 36 months

(respectively) of the Primary School being brought into use, and retain the highest level award achieved over the life of the travel plan; and

7. a process for review, consultation and approval of changes to the Primary School Travel Plan with the local planning authority.

Reason: To reduce reliance on the use of private cars, in the interests of sustainability, highway safety and amenity in accordance with Policy PMD10 of the adopted Thurrock LDF Core Strategy and Policies for the Management of Development (2015).

#### H4 Occupier Travel Plans

No Large Unit shall be occupied until an Occupier Travel Plan for that Large Unit has been submitted to and approved in writing by the local planning authority and implemented thereafter. The Occupier Travel Plan shall as a minimum:

1. be in accordance with the approved Site Wide Framework Travel Plan;
2. contain detailed measures, commitments and targets to minimise the number of journeys made by car to and from the Large Unit and contain measures to minimise the use of London Road, from its junction with Linnet Way to the London Road / A1090 Stonehouse Corner Roundabout, by heavy goods vehicles associated with servicing and deliveries to the Large Unit;
3. contain a parking management strategy including the identification of car sharing spaces;
4. contain details of travel packs to be provided to all employees working in the Large Unit which shall identify the reach of the local transport network;
5. set out the process for the regular review and update of the travel pack;
6. set out the process for monitoring the implementation and efficacy of the Occupier Travel Plan, such monitoring to include at least annual staff travel surveys and multi-modal counts; and
7. a process for review, consultation and approval of changes to the Occupier Travel Plan with the local planning authority.

Reason: To reduce reliance on the use of private cars, in the interests of sustainability, highway safety and amenity in accordance with Policy PMD10 of the adopted Thurrock LDF Core Strategy and Policies for the Management of Development (2015).

#### H5 Implementation and Monitoring of Travel Plans

The travel plans approved pursuant to Conditions H2, H3 and H4 above shall be:

1. actively promoted, implemented and maintained in full for the lifetime of the development or as otherwise agreed in writing by the local planning authority; and
2. subject to the approved monitoring measures contained within the relevant travel plan during the following monitoring periods ("Monitoring Periods"):
  - a. in the case of the Site Wide Framework Travel Plan, Residential Travel Plan and Small Units Travel Plan, from first occupation of the development until the period ending 5 years following the completion and final occupation of the development PROVIDED THAT the requirement for detailed monitoring in any Zone will cease five years following the completion and final occupation in that Zone, although some continued oversight of such Zones where road traffic and parking issues overlap Zones will be required until the end of the site wide monitoring period;
  - b. in the case of the Primary School Travel Plan, from first occupation of the Primary School until the period ending five years following full occupation of the Primary School; and
  - c. in the case of each Occupier Travel Plan, from first occupation of the Large Unit until the period ending five years following first occupation of the Large Unit.

Reason: To reduce reliance on the use of private cars, in the interests of sustainability, highway safety and amenity in accordance with Policy PMD10 of the adopted Thurrock LDF Core Strategy and Policies for the Management of Development (2015).

#### H6 Travel Plan Co-ordinator

No development shall be occupied until a suitably qualified and experienced travel plan coordinator has been appointed to implement, monitor and promote the success in meeting the targets set out in the travel plans approved pursuant to Conditions H2, H3 and H4 above. A suitably qualified and experienced travel plan coordinator shall be retained until the expiry of the final Monitoring Period. The identity (including relevant qualifications) of the appointed travel plan coordinator shall be notified to the local planning each time a travel plan coordinator is appointed or replaced.

Reason: To reduce reliance on the use of private cars, in the interests of sustainability, highway safety and amenity in accordance with Policy PMD10 of the adopted Thurrock LDF Core Strategy and Policies for the Management of Development (2015).

#### H7 Construction of Residential Roads / Footpaths / Cycleways

Prior to Commencement of the development in each Sub-Zone details of the geometric design and construction specification of all roads, turning spaces, footpaths and cycleways in that Sub-Zone shall be submitted to, and approved in writing by, the local planning authority. No Residential Unit shall be occupied until the proposed roads, turning spaces, footpaths and cycleways serving that Residential Unit and the footways commensurate with the frontage of each Residential Unit have been constructed to base course in accordance with the approved details in such a manner as to ensure that each Residential Unit, before it is residentially occupied, is served by a properly consolidated and surfaced carriageway, footway and (where relevant) cycleway between the Residential Unit and existing highway. The wearing surface shall be completed in accordance with the approved details within six months from the date of the first occupation of that Residential Unit, except for any roads that continue beyond completed residential areas and which are to be used as haul roads for construction provided that in any event the wearing surface of all roads, turning spaces, footpaths and cycleways in a Sub-Zone shall be completed in accordance with the approved details prior to the residential occupation of 80% of the Residential Units within that Sub-Zone.

Reason: In the interests of highway safety and amenity in accordance with policies PMD2 and PMD9 of the adopted Thurrock LDF Core Strategy and Policies for the Management of Development (2015).

#### H8 Internal Estate Road Junction

All visibility splays approved pursuant to Condition H1 'Movement Network' shall be provided before the corresponding road is first used by vehicular traffic and retained free of any obstruction.

Reason: To ensure intervisibility between users of the highway at or approaching the road junction in the interests of highway in accordance with policies PMD2 and PMD9 of the adopted Thurrock LDF Core Strategy and Policies for the Management of Development (2015).

#### H9 Permanent Errant Vehicle Protection Measures Adjacent HS1 Railway Line

Prior to the first occupation or operation of any development within the HS1 safeguarding area, as identified on drawing numbers 040-DDS-HISP1-00344 and 040-DDS-HISP1-00345 of the 'Safeguarding Directions for development affecting the route and associated works for High Speed 1' (3rd September 2018) details of permanent errant vehicle protection measures to protect the HS1 railway line shall be submitted to, and approved in writing by, the local planning authority in consultation with HS1. These errant vehicle protection measures shall be installed in

accordance with the approved details prior to the occupation or operation of any development in the safeguarded area.

Reason: In order to ensure the satisfactory development of the site in accordance with policy PMD2 of the adopted Thurrock LDF Core Strategy and Policies for the Management of Development (2015).

#### H10 London Road All Purpose Highway Bridge

No Residential Units to the south of London Road or on the land coloured purple as shown on plan PFT-KSS-00-ZZ-DR-A-0100-031 Rev. P04 and no more than 300 Residential Units within all Zones north of London Road shall be occupied until the Reserved Matters for the London Road All Purpose Highway Bridge have been submitted to and approved by the local planning authority in consultation with Network Rail and c2c or any respective succeeding rail infrastructure manager and train operating company.

No Residential Units to the south of London Road or on the land coloured purple as shown on plan PFT-KSS-00-ZZ-DR-A-0100-031 Rev. P04 and no more than 500 Residential Units within all Zones north of London Road or 50% of the floorspace of the Film and Television Studios shall be occupied until the construction of the London Road All Purpose Highway Bridge over the Railway has been completed and opened for public use and the highway over the Purfleet MCB-CCTV (London Road) Crossing has been stopped up or diverted and the level crossing closed.

The Purfleet MCB-CCTV (London Road) Crossing shall remain open until the works to construct the London Road All Purpose Highway Bridge have been completed and opened to the public and shall be closed (in consultation with Network Rail) immediately following the opening of the London Road All Purpose Highway Bridge to the public.

Reason: In order to ensure that satisfactory arrangements are in place for securing new and safeguarding existing transportation links along London Road during the construction of the development in the interests of the sustainable development of the site in accordance with Policy CSTP14 of the adopted Thurrock LDF Core Strategy and Policies for the Management of Development (2015).

#### H11 Purfleet MCB CCTV (London Road) Crossing

The Purfleet MCB CCTV (London Road) Crossing shall not be used at any time in connection with the construction of the development unless and until a scheme for the installation of Red Light Safety enforcement, or other suitable measures / works to ensure the safety of the users of the crossing has been submitted to and approved



in writing by the local planning authority in consultation with Network Rail and c2c or any respective succeeding rail infrastructure manager and train operating company. The scheme shall include an implementation and construction, management and maintenance plan detailing how and when the works will be implemented, managed and maintained and the Red Light Safety enforcement or other suitable measures/works shall be installed and maintained thereafter in accordance with the approved scheme.

Reason: In order to ensure that satisfactory arrangements are in place for securing new and safeguarding existing transportation links in the interests of the sustainable development of the site in accordance with Policies CSTP14 and PMD1 of the adopted Thurrock LDF Core Strategy and Policies for the Management of Development (2015).

#### H12 Thames Board Mills MCB Crossing

The Thames Board Mills MCB Crossing shall not be used at any time in connection with the construction of the Development.

Reason: In the interests of safety and in accordance with policy PMD1 of the adopted Thurrock LDF Core Strategy and Policies for the Management of Development (2015). In order to ensure that satisfactory arrangements are in place for securing new and safeguarding existing transportation links in the interests of the sustainable development of the site in accordance with Policy CSTP14 of the adopted Thurrock LDF Core Strategy and Policies for the Management of Development (2015).

#### H13 Purfleet Station Ticketing Facilities and Gatelines Works and Purfleet Railway Station Footbridge

No more than 500 Residential Units shall be occupied until the Reserved Matters Application for the Purfleet Station Ticketing Facilities and Gatelines Works and the Purfleet Railway Station Footbridge have been submitted to, and approved in writing by, the local planning authority in consultation with Network Rail and c2c or any respective succeeding rail infrastructure manager and train operating company.

No more than 850 Residential Units shall be occupied unless and until the construction of the Purfleet Station Ticketing Facilities and Gatelines Works and the Purfleet Railway Station Footbridge have been completed in accordance with the approved Reserved Matters and opened for public use.

Prior to the commencement of the Purfleet Station Ticketing Facilities and Gatelines Works a scheme for the provision of temporary railway station facilities to be made

available during the construction of the Purfleet Station Ticketing Facilities and Gatelines Works shall be submitted to and approved by the local planning authority in consultation with Network Rail and c2c or any respective succeeding rail infrastructure manager and train operating company, and such scheme shall be implemented as approved at all times during the construction of the Purfleet Station Ticketing Facilities and Gatelines Works.

Reason: In order to ensure that satisfactory arrangements are in place for delivering replacement and upgraded facilities at Purfleet Railway Station in the interests of promoting sustainable modes of transport in accordance with Policy CSTP14 of the adopted Thurrock LDF Core Strategy and Policies for the Management of Development (2015).

#### H14 Eastern All Purpose Highway Bridge

No Reserved Matters Applications for Zone 8 (other than Reserved Matters Applications which include the Eastern All Purpose Highway Bridge) shall be submitted until the Reserved Matters Application for the Eastern All Purpose Highway Bridge have been submitted to, and approved in writing by, the local planning authority in consultation with Network Rail and c2c or any respective succeeding rail infrastructure manager and train operating company.

No construction shall take place on Residential units within Zone 8 until the construction of the Eastern 'All Purpose Highway Bridge' has been completed in accordance with the approved Reserved Matters and opened for public use.

Reason: In order to ensure that satisfactory arrangements are in place for securing new and safeguarding existing transportation links during the construction of the development in the interests of the sustainable development of the site in accordance with Policy CSTP14 of the adopted Thurrock LDF Core Strategy and Policies for the Management of Development (2015).

#### H15 Eastern Cycleway Crossing

No Reserved Matters Applications for Zone 8 shall be submitted until the Reserved Matters Application for the Eastern Cycleway Crossing has been submitted to, and approved in writing by, the local planning authority in consultation with Network Rail and c2c or any respective succeeding rail infrastructure manager and train operating company.

No Residential Units within Zone 8 shall be occupied until the construction of the Eastern Cycleway Crossing has been completed in accordance with the approved Reserved Matters and opened for public use.

Reason: In order to ensure that satisfactory arrangements are in place for securing new transportation links during the construction of the development in the interests of the sustainable development of the site in accordance with Policy CSTP14 of the adopted Thurrock LDF Core Strategy and Policies for the Management of Development (2015).

**H16 Bus Stops (Distance from Residential Units to Bus Stop with Regular Bus Service)**

No Residential Unit shall be Occupied unless and until it is located no more than 400m walking distance of a bus stop with a stopping and direct regular bus service connecting the development with the surrounding area including Purfleet railway station, Lakeside and Grays. For the purpose of this condition “regular bus service” means a service running in 2 directions the route and frequency of which is to be agreed in writing with the local planning authority and which shall seek to enhance (and in any event shall be no less frequent than) the service currently provided at the date of this permission by the operator of the bus route no 44.

Reason: In order to ensure that the development includes provision for access to sustainable transport modes in accordance with Policy CSTP14 of the adopted Thurrock LDF Core Strategy and Policies for the Management of Development (2015).

**H17 Bus stops (Specification)**

The new bus stops to be provided pursuant to Condition H16 shall be provided to a specification to be agreed in writing with the local planning authority that shall include as a minimum a timetable and route information. Real time passenger information signs, shelters and lighting shall be provided at new primary pick up and drop off bus stops, the number and locations of which are to be approved by the local planning authority as part of the Zonal Masterplan for each Zone. All shelter designs shall be agreed with and approved by the local planning authority as part of the Design Code. All new bus stops shall be provided in accordance with the details approved by the local planning authority.

Reason: In order to ensure that the development includes provision for access to sustainable transport modes in accordance with Policy CSTP14 of the adopted Thurrock LDF Core Strategy and Policies for the Management of Development (2015).

**H18 Car Club**

Not less than 5 dedicated parking spaces in total shall be provided for car club vehicles across Zones 1 and 5, such spaces to be demarcated as "car club parking only", in publicly accessible and visible locations to be agreed as part of Zonal Masterplans for Zones 1 and 5.

Reason: To reduce reliance on the use of private cars, in the interests of sustainability, highway safety and amenity in accordance with Policy PMD10 of the adopted Thurrock LDF Core Strategy and Policies for the Management of Development (2015).

#### H19 Junction 30 Mitigation Measures

No Development shall be occupied until an agreement pursuant to section 278 of the Highways Act 1980 has been entered into with Thurrock Council (Highways) and Highways England (or any respective succeeding strategic highways company) to secure the carrying out of the scheme approved by Highways England and Thurrock Council (Highways) on [date to be inserted] prior to the grant of this permission to mitigate the impacts of the development on Junction 30 of the M25 which includes details of [details of relevant definitions (where relevant) to be inserted].

Reason: In order to ensure that any significant impacts upon the strategic highway network are mitigated to an acceptable degree in accordance with policies PMD2 and PMD9 of the adopted Thurrock LDF Core Strategy and Policies for the Management of Development (2015) and paragraph 108 of the NPPF.

### **Section I – Parking**

#### I1 Car Parking Provision

Save in respect of Reserved Matters for Sub-Zone 1A, no applications for Reserved Matters approval shall be submitted in respect of any Zone until a Car Parking Strategy has been submitted to, and approved in writing by, the local planning authority to identify the standard of car parking provision that is to apply within each Sub-Zone of that Zone of development. The submitted Car Parking Strategy for each Zone shall be in accordance with Thurrock Council's parking policy from time to time.

The details of car parking contained within Reserved Matters applications shall accord with the approved Car Parking Strategy for the Sub-Zone to which the Reserved Matters application relates. The parking areas shall be constructed, surfaced, laid out and made available for such purposes in accordance with the relevant Reserved Matters approval prior to the first occupation of the buildings/uses to which they relate and permanently retained as such thereafter.

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

12 Cycle Parking to Serve Purfleet Railway Station

80 (no.) secure and covered cycle parking spaces (the size, location, design and materials of which shall be approved in writing by the local planning authority and shall be capable of use by electric cycles) shall be provided within the Site on land in close proximity to, and to serve, Purfleet Railway Station. The approved cycle parking shall be provided and made available for use prior to the completion of the Purfleet Railway Station Ticketing Facilities and Gatelines Works and retained as such thereafter.

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

13 Cycle Parking

Save in respect of Reserved Matters for Sub-Zone 1A, no applications for Reserved Matters approval shall be submitted in respect of any Zone until a Cycle Parking Strategy has been submitted to, and approved in writing by, the local planning authority in respect of that Zone. The Cycle Parking Strategy shall:

1. provide for not less than 1 secure and covered space per Residential Unit (which for the avoidance of doubt can be included in garage space);
2. identify the standards of cycle parking provision for all non-residential uses that are to apply within each Sub-Zone of that Zone of development;
3. identify how all cycle parking shall be secure and weather protected, and capable of use by electric cycles; and
4. accord with Thurrock Council's parking policy from time to time.

Each Reserved Matters application shall provide full details of the number, size, location, design and materials of secure and weather protected cycle parking facilities to serve the proposed development in the Sub-Zone to which the Reserved Matters application relates and shall be in accordance with the approved Cycle Parking Strategy for the relevant Zone. Such secure and weather protected cycle parking approved in writing by the local planning authority shall be installed on site prior to the first occupation of the buildings/uses to which it relates and shall

thereafter be permanently retained for sole use as cycle parking/powered two wheelers for the users and visitors of the development.

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

## **Section J – Heritage & Archaeology**

### **J1 Archaeological Mitigation Strategy**

No Development shall Commence and no ground works or demolition shall be undertaken in a Zone or Sub-Zone until a mitigation strategy detailing the archaeological programme for the Zone or Sub-Zone has been submitted to, and approved in writing by, the local planning authority. This must include the identification of built heritage assets, a watching brief / evaluation / excavation / preservation strategy of archaeological deposits, as may be appropriate, to the Zone or Sub-Zone. No works shall be carried out other than in accordance with the approved mitigation strategy.

Reason: To ensure that investigation and recording of any remains takes place prior to commencement of development in accordance with Policy PMD4 of the adopted Thurrock LDF Core Strategy and Policies for the Management of Development (2015).

### **J2 Historic Building Recording**

No Development shall Commence and no ground works or demolition shall be undertaken in Zone 1 containing the built heritage assets (Botany Cottages and Railway Cottages) until a programme of historic building recording has been completed and submitted to the local planning authority for that Zone. The approved programme shall be implemented thereafter.

Reason: To ensure that investigation and recording of any remains takes place prior to commencement of development in accordance with Policy PMD4 of the adopted Thurrock LDF Core Strategy and Policies for the Management of Development (2015).

### **J3 Archaeological Fieldwork**

No Development shall Commence and no ground works or demolition shall be undertaken in those Zones or Sub-Zones containing archaeological deposits until the fieldwork for that Zone or Sub-Zone, as detailed in the archaeological mitigation strategy approved by the local planning authority pursuant to Condition J1 has been completed.

Reason: To ensure appropriate assessment of the archaeological implications of the development and the subsequent mitigation of adverse impacts in accordance with Policy PMD4 of the adopted Thurrock LDF Core Strategy and Policies for the Management of Development (2015).

**J4 Post-excavation Report**

A post-excavation report is to be submitted to the local planning authority (to be submitted within twelve months of the completion of fieldwork). This will result in the completion of post-excavation analysis, preparation of a Zone or Sub-Zone archive and report ready for deposition at the local museum, and submission of a publication report.

Reason: To ensure that the archaeological history of the site is recorded in accordance with Policy PMD4 of the adopted Thurrock LDF Core Strategy and Policies for the Management of Development (2015).

**J5 Botany Quarry**

No Development shall Commence and no ground works or demolition shall be undertaken within the former Botany Quarry until a programme of preservation or recording of any impacts to the boundaries containing geological and Palaeolithic remains has been agreed and any impact appropriately recorded.

Reason: To ensure that investigation and recording of any remains takes place prior to commencement of development in accordance with Policy PMD4 of the adopted Thurrock LDF Core Strategy and Policies for the Management of Development (2015).

**Section K – Limitations: Residential**

**K1 Lighting – Residential**

No Sub-Zone in which residential uses are proposed shall be occupied until details of all external lighting proposals for the residential uses in that Sub-Zone (except for dwelling houses) have been submitted to, and approved in writing, by the local

planning authority. All residential external lighting proposals shall comply with the lighting strategy included in Appendix 5.2 of the Environmental Statement and be implemented in accordance with the approved details.

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

## K2 Residential Refuse and Recycling Storage

Applications for approval of Reserved Matters (other than application reference 18/00313/REM for Sub-Zone 1A in respect of which an Operational Waste Strategy has been submitted) pursuant to Condition A1, in which residential uses are proposed, shall include full details of the number, size, location, design and materials of bin and recycling stores / communal waste systems to serve that Sub-Zone, together with details of the means of access to bin and recycling stores / communal waste systems for residents and refuse operatives, including collection points if necessary. The development shall make provision for:

- 1 x 180 litre container for refuse, 1 x 240 litre container for recycling and 1 x 240 litre container for kitchen and garden waste per Residential Unit.
- Flats containing more than 4 units shall be provided with communal bins. The calculation used for refuse and recycling provision shall be as follows:
  - Number of households x 180-litre capacity (residual waste)
  - Number of households x 240-litre capacity (dry recycling)

Or such other equivalent waste capacity for each Residential Unit if a communal waste system is provided.

The bin and recycling stores / communal waste systems as approved shall be provided prior to the first occupation of any of the Residential Units they serve and shall be constructed and permanently retained in the form approved.

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

## K3 Housing Mix

The mix of Residential Unit sizes approved pursuant to this planning permission shall not exceed the following maximum number of Residential Units by unit size:



Residential Unit Size	Maximum Number of Residential Units*
<b>Apartments</b>	
Studio	243
1 bedroom	393
2 bedroom (3 person)	854
2 bedroom (4 person)	1,050
3 bedroom	267
<b>Houses</b>	
2 bedroom	126
3 bedroom	267
4 bedroom	355

\*Up to a maximum of 2,850 Residential Units.

Reason: To ensure that the development is implemented in accordance with the principles established by this permission.

**K4 Limitation on Residential Development Ahead of Development of Commercial Floorspace to Shell and Core**

No more than 700 Residential Units or 10,000 sq.m of floorspace within Use Classes B1 and/or D2 shall be occupied until not less than 3,000 sq.m of floorspace within Use Classes A1, A3 and/or A4 has been completed to Shell and Core.

Reason: To ensure that the development includes the appropriate provision of uses required to meet the needs of the new residential development in the interests of sustainable development and in accordance with Policy CSTP7 of the adopted Thurrock LDF Core Strategy and Policies for the Management of Development (2015).

**K5 Microclimate Assessment**

Each application for Reserved matters approval, other than within Zone 7, should be accompanied by a detailed wind microclimate assessment to ensure, validate and demonstrate that the wind impacts of the development are acceptable in relation to the desired use and pedestrian comfort.

Reason: In order to ensure that the design and layout of the site provides an appropriate physical environment for users in accordance with policies PMD1 and PMD2 of the adopted Thurrock LDF Core Strategy and Policies for the Management of Development (2015).

**K6 Daylight and Sunlight Assessment**

Each application for the approval of Reserved Matters within Zones 1, 2, 3, 5, 6 and 8 shall be accompanied by a detailed daylight and sunlight assessment which shall as a minimum take account of external and internal amenity for the existing and future residential occupiers within and immediately surrounding that Zone.

Reason: In order to protect residential amenity in accordance with policies PMD1 and PMD2 of the adopted Thurrock LDF Core Strategy and Policies for the Management of Development (2015).

**K7 Glazing and Acoustic Ventilation Specification**

Each application for the approval of Reserved Matters containing Residential Units shall be accompanied by a detailed specification for the glazing and acoustic ventilation of the proposed Residential Units which shall be in accordance with the Environmental Statement and shall reduce noise impacts from road, rail and other noise sources to acceptable internal levels.

Reason: In order to protect residential amenity in accordance with policies PMD1 and PMD2 of the adopted Thurrock LDF Core Strategy and Policies for the Management of Development (2015).

**K8 Air Quality**

Applications for approval of Reserved Matters, other than application reference 18/00313/REM for Sub-Zone 1A, pursuant to Condition A1 shall be accompanied by a further air quality assessment and / or modelling.

Reason: To ensure that the impacts of the development on sensitive air quality receptors are minimised in accordance with policy PMD1 of the adopted Thurrock LDF Core Strategy and Policies for the Management of Development (2015).

**Section L – Limitations: Commercial**

**L1 Hours of Operation**

The Commercial Uses hereby permitted other than those falling within Use Classes A3, A4 and C1 shall only be undertaken between 06:00 hours and 23:00 hours on weekdays and between 07:00 hours and 13:00 hours on Saturdays and not at any time on Sundays and Public Holidays.

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

**L2 Hours of Operation (Class A3 and Class A4 uses)**

The premises used for purposes falling within Use Class A3 and A4 shall only be open to customers between 06:00 hours and 23:00 hours on Sundays to Thursdays and between 06:00 hours and 24:00 hours on Fridays and Saturdays. No customers shall be present upon the premises outside the permitted hours.

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

**L3 Deliveries / Collections – Commercial Uses**

Deliveries to and collections from the Commercial Uses within the Site (including the Film and Television Studios) shall only be undertaken between 07:00 hours and 22:00 hours on weekdays and between 08:00 hours and 17:00 hours on Saturdays and not at any time on Sundays and Public Holidays.

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

**L4 Noise from Commercial Premises**

No Development shall Commence in any Sub-Zone containing Commercial Uses until an assessment to show that the rating level of the proposed plant and equipment in that Sub-Zone will limit noise to  $\leq 40\text{dB LAr,Tr}$  at 1m from the façade of the nearest future residential properties has been submitted to, and approved in writing by, the local planning authority. The proposed plant and equipment shall be installed and maintained in accordance with the approved assessment.

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

**L5 Sound Insulation of Buildings**

No Development shall Commence in any Sub-Zone containing Commercial Uses (including the Film and Television Studios) until a scheme to provide sound

insulation against internally generated noise from buildings containing commercial uses in that Sub-Zone has been submitted to, and approved in writing by, the local planning authority. All buildings containing commercial uses shall be constructed in accordance with the approved scheme for that Sub-Zone and shall be retained thereafter.

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

#### L6 Lighting – Commercial

Notwithstanding the details on the approved plans, prior to first operation of any Commercial Uses within each Sub-Zone details of the proposed means of external lighting in that Sub-Zone shall be submitted to, and approved in writing by, the local planning authority. The details shall include the siting and design of lighting together with details of the spread and intensity of the light sources and the level of luminance. The lighting shall be installed in accordance with the approved details prior to first operational use of the Commercial Uses and retained and maintained thereafter in the approved form unless otherwise agreed in writing by the local planning authority. The details shall also include reference to and be in accordance with the lighting strategy included at Appendix 5.2 of the Environmental Statement dated December 2017.

Reason: In the interests of amenity, highway safety, the protection of ecological and biodiversity interests and to ensure that the development can be integrated within its immediate surroundings in accordance with policies PMD1, PMD2 and PMD7 of the adopted Thurrock LDF Core Strategy and Policies for the Management of Development (2015).

#### L7 Commercial Refuse and Recycling Storage

Applications for approval of Reserved Matters pursuant to Condition A1, in which Commercial Uses (including the Film and Television Studios) are proposed, shall include full details of the number, size, location, design and materials of bin and recycling stores to serve the commercial element of the relevant Reserved Matters Parcel, together with details of the means of access to bin and recycling stores / communal waste systems for occupiers and refuse operatives, including collection points if necessary. The bin and recycling stores as approved shall be provided prior to the first occupation of any of the buildings they serve and shall be constructed and permanently retained in the form approved.

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

#### L8 Town Centre Uses Floorspace Restrictions

The development permitted shall not exceed the maximum floorspace breakdown identified in the description of development and in the table set out below:

<b>Use Class</b>	<b>Gross Floorspace (sq.m)</b>
B1 Office	11,000
A1 Retail	8,880
A3 Restaurants & Café	5,220
A4 Drinking Establishments	900
C1 Hotel	20,000
D1 Non-residential Institutions (education, health and community uses)	9,450
D2 Assembly and Leisure	6,200

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

#### L9 A1 Uses Floorspace Restrictions

The A1 retail floorspace shall be implemented only in accordance with paragraph 3.6 of the Town Centre Uses Assessment, as set out in the table below:

<b>Type of retail use</b>	<b>Maximum Floorspace (sq.m)</b>
Food store	2,750 gross, 2,000 net
Other Class A1 floorspace	5,330 gross comprising: <ul style="list-style-type: none"> <li>• 2,000 convenience goods</li> <li>• 2,000 comparison goods</li> <li>• 1,330 service uses</li> </ul>
Garden centre	800 gross
<b>TOTAL</b>	<b>8,880 gross</b>

Reason: To ensure that the development is implemented in accordance with the principles established by this permission and to maintain the vitality and viability

surrounding centres in accordance with policy CSTP8 of the of the adopted Thurrock LDF Core Strategy and Policies for the Management of Development (2015).

**L10 A1 Use Unit Floorspace Restriction (other than Foodstore and Garden Centre)**

Other than the foodstore and garden centre hereby permitted, no Class A1 unit shall individually exceed 300 sq.m gross floorspace. Notwithstanding the provision of the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended) (or any order revoking and re-enacting that Order with or without modification), no amalgamation or sub-division of the units shall take place.

Reason: To ensure that the development is implemented in accordance with the principles established by this permission and to maintain the vitality and viability surrounding centres in accordance with policy CSTP8 of the of the adopted Thurrock LDF Core Strategy and Policies for the Management of Development (2015).

**L11 A3 Use Unit Floorspace Restriction**

No Class A3 unit shall individually exceed 400 sq.m gross floorspace. Notwithstanding the provision of the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended) (or any order revoking and re-enacting that Order with or without modification), no amalgamation or sub-division of the units shall take place.

Reason: To ensure that the development is implemented in accordance with the principles established by this permission and to maintain the vitality and viability surrounding centres in accordance with policy CSTP8 of the of the adopted Thurrock LDF Core Strategy and Policies for the Management of Development (2015).

**L12 A4 Use Unit Floorspace Restriction**

No Class A4 unit shall individually exceed 450 sq.m gross floorspace. Notwithstanding the provision of the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended) (or any order revoking and re-enacting that Order with or without modification), no amalgamation or sub-division of the units shall take place.

Reason: To ensure that the development is implemented in accordance with the principles established by this permission and to maintain the vitality and viability surrounding centres in accordance with policy CSTP8 of the of the adopted Thurrock LDF Core Strategy and Policies for the Management of Development (2015).

**L13 D2 Use Unit Floorspace Restriction**

No Class D2 unit shall individually exceed 750 sq.m gross floorspace. Notwithstanding the provision of the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended) (or any order revoking and re-enacting that Order with or without modification), no amalgamation or sub-division of the units shall take place.

Reason: To ensure that the development is implemented in accordance with the principles established by this permission and to maintain the vitality and viability surrounding centres in accordance with policy CSTP8 of the of the adopted Thurrock LDF Core Strategy and Policies for the Management of Development (2015).

#### L14 Schedule to Accompany Reserved Matters Applications

Each application for the approval of Reserved Matters including Class A1, A3, A4 or D2 uses shall be accompanied by a schedule of proposed accommodation and floorspace and details of how the development proposed would ensure that the remaining development will not exceed the maximum floorspace limits set out in Conditions L8 to L13.

Reason: To ensure that the development is implemented in accordance with the principles established by this permission and to maintain the vitality and viability surrounding centres in accordance with policy CSTP8 of the of the adopted Thurrock LDF Core Strategy and Policies for the Management of Development (2015).

#### L15 Cinema Use Restriction

Notwithstanding the approved development of floorspace for purposes falling within Class D2 (Assembly and Leisure) of the Town and Country Planning (Use Classes) Order 1987 (as amended) or any subsequent Order revoking and re-enacting those Orders with or without modification, no floorspace for use as a cinema is consented by this planning permission.

Reason: To ensure that the development is implemented in accordance with the principles established by this permission and to maintain the vitality and viability surrounding centres in accordance with policy CSTP8 of the of the adopted Thurrock LDF Core Strategy and Policies for the Management of Development (2015).

#### L16 Mezzanine Floors

Notwithstanding the provisions of the Town and Country Planning (Use Classes) Order 1987 (as amended) or the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended), or any subsequent Order

revoking and re-enacting those Orders with or without modification, there shall be no increase in floorspace (including no installation of mezzanine floors) or other internal alterations which would increase the overall floorspace figures for individual units beyond those permitted in Conditions L8 and L9 or the unit size figures permitted in Conditions L10, L11, L12 and L13.

Reason: To ensure that the development is implemented in accordance with the principles established by this permission and to maintain the vitality and viability surrounding centres in accordance with policy CSTP8 of the adopted Thurrock LDF Core Strategy and Policies for the Management of Development (2015).

**L17 Removal of Permitted Development Rights for Changes of Use from Class A1**

Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015 (or any Order amending, revoking or re-enacting of that Order with or without modification) any floorspace occupied for Class A1 Shops use shall only be used for Class A1 Shops use and for no other purpose unless planning permission is approved by the local planning authority for the use of that floorspace to be changed.

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

**L18 Removal of Permitted Development Rights for Changes of Use from Class B1**

Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015 (or any Order amending, revoking or re-enacting of that Order) any floorspace occupied for Class B1 Business shall only be used for Class B1 Business and for no other purpose unless planning permission is approved by the local planning authority for the use of that floorspace to be changed.

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

**L19 Film and Television Studios Fixed External Plant and Building Services**

No development of the Film and Television Studios shall Commence until an assessment to show that the rating level of any proposed plant and equipment as part of the Film and Television Studios will limit noise to  $\leq 40\text{dB LAr,Tr}$  at 1m from the façade of the nearest future residential properties has been submitted to, and



approved in writing by, the local planning authority. The proposed plant and equipment shall be installed and maintained in accordance with the approved assessment.

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

#### L20 Management of Lighting and Noise from Film and TV Studios Backlot

Prior to the first use of the Film and Television Studios, a management and operation plan for the Film and TV Studios Backlot shall be submitted to, and approved in writing by, the local planning authority. The plan shall include details of the management and mitigation of the impacts of the use of the Film and TV Studios Backlot (including but not limited to use for filming) including in relation to noise disturbance and artificial lighting on adjacent residents. The management and operation plan shall include reference to and be in accordance with:

- a) the noise mitigation measures listed at paragraphs 9.101 and 9.102 of the Environmental Statement; and
- b) the lighting strategy included at Appendix 5.2 of the Environmental Statement.

The Film and TV Studios Backlot shall not be used other than in accordance with the approved management and operation plan.

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

### **Section M – Contamination**

#### M1 Site Remediation

No development within a Zone or Sub-Zone shall Commence until a scheme for that Zone or Sub-Zone that includes the following components to deal with the risks associated with any contamination of the site has been submitted to and approved, in writing, by the local planning authority:

1. a preliminary risk assessment which has identified:
  - all previous uses and 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.

2. a site investigation scheme where required, based on the findings of (1.) to provide information for a detailed assessment of the risk to all receptors that may be affected, including those off site.
3. the results of the site investigation and detailed risk assessment, where required, referred to in (2.) 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.

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

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

## M2 Verification Report

No occupation of development in any Zone or Sub-Zone shall take place until a verification report for that Zone or Sub-Zone demonstrating completion of 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, where required. The report shall include results of sampling and monitoring carried out in accordance with the approved verification plan to demonstrate that the site remediation criteria have been met. It shall also include any plan (a “long-term monitoring and maintenance plan”) for longer-term monitoring of pollutant linkages, maintenance and arrangements for contingency action, as identified in the verification plan. The long-term monitoring and maintenance plan shall be implemented as approved.

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

## M3 Long Term Monitoring and Maintenance

No development (excluding Preliminary Works) within a Zone or Sub-Zone shall Commence until a long-term monitoring and maintenance plan, as set out in the approved verification report, for that Zone or Sub-Zone in respect of contamination

including a timetable of monitoring and submission of reports to the local planning authority, shall be submitted to, and approved in writing by, the local planning authority, where required. Reports as specified in the approved plan, including details of any necessary contingency action arising from the monitoring, shall be submitted to, and approved in writing by, the local planning authority. Any necessary contingency measures shall be carried out in accordance with the details in the approved verification report. On completion of the monitoring specified in the approved verification report a final report demonstrating that all long-term remediation works have been carried out and confirming that remedial targets have been achieved shall be submitted to, and approved in writing by, the local planning authority.

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

#### M4 Unforeseen Contamination

If, during development within a Sub-Zone, contamination not previously identified is found to be present within the Sub-Zone, then no further development (unless otherwise agreed in writing with the local planning authority) shall be carried out within that Sub-Zone until a remediation strategy has been submitted to, and approved by, the local planning authority detailing how this unsuspected contamination shall be dealt with. The remediation strategy shall be carried out in accordance with the approved scheme.

Reason: To ensure that the development does not contribute to, is not put at unacceptable risk from, or adversely affected by, unacceptable levels of water pollution from previously unidentified contaminated sources at the development site in accordance with policy PMD1 of the adopted Thurrock Core Strategy and Policies for the Management of Development (2015).

### **Section N – Sustainability and Energy Efficiency**

#### N1 Sustainable Construction Code

The first application for the approval of Reserved Matters in any Zone shall be accompanied by a Sustainable Construction Code for that Zone. The Sustainable Construction Code shall:

- a. detail the Zone to be covered by the Sustainable Construction Code;
- b. detail when development is proposed to Commence and be completed on that Zone;
- c. provide a brief review of the sustainable construction methods prevailing at the time;
- d. detail how sustainable construction methods will be utilised;
- e. detail how the use of construction materials from a re-used, recycled source or certified/accredited sustainable source will be maximised
- f. detail how all waste arising from the construction works will managed in a sustainable manner, maximising the opportunities to minimise, reuse and recycle waste materials.

No Development shall Commence in any Zone until the Sustainable Construction Code for the relevant Zone has been approved in writing by the local planning authority. Development shall be carried out in accordance with the approved Sustainable Construction Code for the relevant Zone.

Reason: To ensure that development takes place in an environmentally sensitive way in accordance with policy PMD12 of the adopted Thurrock LDF Core Strategy and Policies for the Management of Development (2015).

## N2 Energy Statement with each Reserved Matters

Each application for the approval of Reserved Matters including buildings shall be accompanied by an Energy Statement. Each Energy Statement shall contain as a minimum the following:

- a. brief review of the design and technology energy efficiency measures prevailing at the time;
- b. details of how the design of each proposed building realises opportunities to include design and technology energy efficiency measures;
- c. details of the sustainable design measures incorporated into the proposed development, including but not limited to, building orientation, passive solar gain and sustainable landscape design, water conservation and efficiency measures;
- d. details which demonstrate that the proposed development will achieve the generation of at least 20% of its energy needs through the use of decentralised, renewable or low carbon technologies;
- e. details which demonstrate that all opportunities for establishing a permanent central energy centre and site wide energy network have been taken up and that all of the proposed buildings are designed to enable connection to the proposed central energy centre (and temporary heat supply until sufficient demand is available for a central energy centre);

- f. in the case of Energy Statements submitted with applications for the approval of Reserved Matters in Zone 1, details of measures to ensure that the ability to locate a permanent central energy centre within Zone 1 is appropriately secured or safeguarded.

No Development (excluding Preliminary Works) shall Commence pursuant to the relevant Reserved Matters approval until the corresponding Energy Statement has also been approved in writing by the local planning authority. The details and measures contained in each approved Energy Statement shall be implemented and operational upon the first use or occupation of the buildings permitted by the Reserved Matters approval to which the Energy Statement relates and shall thereafter be retained in the approved form unless otherwise agreed in writing by the local planning authority.

Reason: To ensure that development takes place in an environmentally sensitive way in accordance with policy PMD12 of the adopted Thurrock LDF Core Strategy and Policies for the Management of Development (2015).

#### N3 CO2 Emissions

The residential development hereby permitted will, as a minimum, achieve 19% below the CO2 emissions reductions required by Building Regulations Approved Document Part L 2013 with suitable renewable/low carbon technologies implemented as appropriate to achieve the carbon reduction targets. No residential building hereby permitted shall be first occupied until appropriate evidence confirming that the CO2 emissions reductions for that building are at least 19% below Building Regulations Approved Document Part L 2013 has been submitted to, and approved in writing by, the local planning authority. The renewable/low carbon technologies used to achieve the carbon reduction targets shall thereafter be retained unless otherwise agreed in writing by the local planning authority.

Reason: To ensure that development takes place in an environmentally sensitive way in accordance with policy PMD12 of the adopted Thurrock LDF Core Strategy and Policies for the Management of Development (2015).

#### N4 BREEAM (pre-assessment report)

Prior to commencement of construction of any non-residential building of 1,000 sq.m. (gross internal area) or above, evidence shall be submitted to the local planning authority that the relevant building (or part of building) is registered with a BREEAM certification body and either:

- a. a pre-assessment report (or design stage certificate with interim rating if available) has been submitted to the local planning authority indicating that the building (or part of building) can achieve an “outstanding” final BREEAM rating; or
- b.
  - i. a report has been submitted to and approved in writing by the local planning authority providing a reasoned justification as to why it is not technically or economically viable to achieve an “outstanding” final BREEAM rating; and
  - ii. a pre-assessment report (or design stage certificate with interim rating if available) has been submitted to the local planning authority indicating that the building (or part of building) can achieve an “excellent” final BREEAM rating (or as a minimum a “very good” certification with regard to technical or economic viability).

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 Thurrock Local Development Framework Core Strategy and Policies for the Management of Development (2015).

**N5 BREEAM (Post Construction Completion Certificate)**

With the exception of non-residential buildings below 1,000 sq.m (gross internal area), no non-residential building (or part of building) hereby permitted shall be occupied until a BREEAM Post Construction Completion Certificate and report has been issued and submitted to the local planning authority certifying that the BREEAM standard set out in the relevant BREEAM pre-assessment report (or design stage certificate) for that building (or part of building) has been achieved.

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 Thurrock Local Development Framework Core Strategy and Policies for the Management of Development (2015).

**N6 Water Efficiency**

Each application for the approval of Reserved Matters including Residential Units shall include a scheme for the provision and implementation of water efficiency measures for the proposed Residential Units, such scheme to include plans and specifications for the proposed measures. No development (excluding Preliminary Works) shall Commence pursuant to the relevant Reserved Matters approval until the scheme has been approved in writing by the local planning authority. No Residential Unit shall be first occupied until the measures set out in the approved scheme have been constructed and completed in accordance with the approved

plans/specifications. The measures shall thereafter be retained in the approved form unless otherwise agreed in writing by the local planning authority.

Reason: To ensure that development takes place in an environmentally sensitive way in accordance with policy PMD12 of the adopted Thurrock LDF Core Strategy and Policies for the Management of Development (2015).

#### N7 Electric Car Charging

Every off-street parking space and every on-street parking space shall have passive provision for electric vehicle charging infrastructure prior to first coming into use. Prior to installation of any underground services in each Sub-Zone, details of passive provision measures to enable simple installation and activation of charge points at a future date in that Sub-Zone shall be submitted to and agreed in writing by the local planning authority. The development of each Sub-Zone shall be implemented in accordance with the agreed measures which shall be retained thereafter.

Reason: To ensure that development takes place in an environmentally sensitive way in accordance with policy PMD12 of the adopted Thurrock LDF Core Strategy and Policies for the Management of Development (2015).

### **Section O – Construction**

#### O1 Construction Environmental Management Plan

No demolition or construction works within any Zone or Sub-Zone shall commence until a Construction Environmental Management Plan ("CEMP") for that Zone or Sub-Zone has been submitted to, and approved in writing by, the local planning authority. The CEMP should be in accordance with the Environmental Statement and contain or address the following matters:

- a. construction hours and delivery times for construction purposes including peak HGV movements per day;
- b. construction traffic route management plan which shall comply with Condition O2;
- c. a detailed assessment of the feasibility of transporting construction materials to the Site and construction waste from the Site by river and arrangements for taking advantage of opportunities for transport by river if the detailed assessment identifies such opportunities are feasible;
- d. hours and duration of any piling operations;
- e. vehicle haul routing in connection with construction, remediation and engineering operations;

- f. wheel washing and sheeting of vehicles transporting loose aggregates or similar materials on or off site;
- g. details of construction access;
- h. location and size of on-site compounds including the design layout of any proposed temporary artificial lighting systems, (as identified in the Environmental Statement dated December 2017 Volume 3 paragraphs 4.25);
- i. details of any temporary hardstandings;
- j. details of temporary hoarding/boundary treatment (as identified in the Environmental Statement dated December 2017 Volume 3 paragraphs 4.25);
- k. method for the control of noise with reference to BS5228-2 2009 together with a monitoring regime to include the following measures:
  - i use of hoarding to the required height and density appropriate to the noise sensitivity of the Site;
  - ii use of modern, quiet and well-maintained machinery such as electric powered plant;
  - iii use of vehicles and mechanical plant fitted with exhaust silencers, which would be maintained and operated in such a manner as to minimise noise emissions in accordance with the relevant EU / UK noise limits applicable to that equipment or no noisier than would be expected based the noise levels quoted in BS 5228. Plant should also be properly maintained and operated in accordance with manufacturers' recommendations. Use of electrically powered plant where practicable;
  - iv establishment of noise and vibration target levels (a Section 61 agreement under the Control of Pollution Act 1974 (COPA)) to reduce noise and vibration to a minimum in accordance with best practicable means, as defined in Section 72 of COPA;
  - v positioning of plant as far away from residential properties as physically possible;
  - vi vibration isolation of plant/equipment within vicinity of receptors;
  - vii cut-off trenches for piling activities (if considered necessary);
  - viii works to be limited to hours specified in Condition O3;
  - ix liaison with the occupants of adjacent residential properties most likely to be affected by noise or vibration. The occupants should be informed of the nature of the works, proposed hours of work and anticipated duration prior to the commencement of activities;
  - x During the demolition and construction works, particularly near to existing and future sensitive receptors, a noise monitoring programme would be implemented and noise Action Levels established in consultation with the local planning authority. The requirement for noise monitoring, and the monitoring locations and frequency, should be agreed with the local planning authority, although this would be determined by the nature of the works being undertaken at the Site at a particular time. Where the results of the monitoring programme indicate that the Action Levels have been exceeded,



corrective actions should be undertaken, including consideration of the use of alternative techniques and / or other means of controlling noise levels.

- l. measures to reduce vibration and mitigate the impacts on sensitive receptors together with a monitoring regime to include the requirement for corrective actions to be undertaken where the action levels have been exceeded, including consideration of the use of alternative techniques and / or other means of controlling noise levels;
- m. dust and air quality mitigation and monitoring (as identified in the Environmental Statement dated December 2017 paragraphs 8.78 to 8.82);
- n. water management including waste water and surface water discharge;
- o. method statement for the prevention of contamination of soil and groundwater and air pollution, including the storage of fuel and chemicals;
- p. a Site Waste Management Plan;
- q. ecology and environmental protection and mitigation;
- r. monitoring arrangements for over-wintering birds;
- s. community liaison including a method for handling and monitoring complaints, contact details for site managers;
- t. details of security lighting layout and design; and
- u. a procedure to deal with any unforeseen contamination, should it be encountered during development.

For development within the HS1 safeguarding area, as identified on drawing numbers 040-DDS-HISP1-00344 and 040-DDS-HISP1-00345 of the 'Safeguarding Directions for development affecting the route and associated works for High Speed 1' (3rd September 2018) the CEMP shall also include the following information for approval by the local planning authority in consultation with HS1:

- position and operation of cranes and plant
- use of ground compaction plant and piling
- onsite vehicle movements and parking
- site access
- on-site vehicle routes and movements
- types of vehicles
- number and frequency of such movements
- vehicle containment to be provided to protect High Speed1 against the risk of vehicle incursion
- safeguarding of buried services
- temporary drainage measures
- storage of combustible/hazardous materials
- plant and equipment giving rise to vibration
- details of ground loads such as stockpiles
- details of foundations
- measures to protect HS1 buried services
- excavations

- details of drainage scheme

No development shall be carried out other than in accordance with the approved CEMP.

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

## O2 HGV Routing

No heavy goods vehicle movements associated with the construction phases of any Zone or Sub-Zone of the Development shall utilise London Road, from its junction with Linnet Way to the London Road / A1090 Stonehouse Corner Roundabout, for either access to or egress from any Zone or sub Sub-Zone.

Reason: The development construction impact has been assessed in accordance with PMD9 Road Network Hierarchy; in the interests of highway safety, efficiency and amenity and to reduce impact on the established AQMA on London Road, Purfleet during the construction phases of the development.

## O3 Hours of Construction

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

Monday to Friday	0800 – 1800 hours
Saturdays	0800 – 1300 hours

unless in association with an emergency or the prior written approval of the local planning authority has been obtained. If impact piling is required, these operations shall only take place between the hours of 0900 - 1800 hours on weekdays.

Reason: In the interest of protecting surrounding residential amenity and in accordance with policy PMD1 of the adopted Thurrock LDF Core Strategy and Policies for the Management of Development (2015).

## O4 Piling and Foundation Risks to Groundwater

Piling or any other foundation designs using penetrative methods shall not be permitted other than with the express written consent of the local planning authority,

which may be given for those parts of the site where it has been demonstrated that there is no resultant unacceptable risk to groundwater. The development shall be carried out in accordance with the approved details.

Reason: To protect the water environment in accordance with policy PMD1 of the adopted Thurrock Core Strategy and Policies for the Management of Development (2015).

## **Section P – Phasing and Parameters for Development**

### **P1 Site Wide Phasing Strategy**

- A. Save in respect of Preliminary Works and development in Sub-Zone 1A, no applications for Reserved Matters approval shall be submitted until a site wide phasing strategy identifying a timetable for delivery of development and associated infrastructure to be provided within each Zone has been submitted to, and approved by, the local planning authority including details of:
- the timing for the delivery of:
    - the residential development and associated infrastructure;
    - the commercial development and associated infrastructure;
    - the Film and Television Studios;
    - key infrastructure including the provision of 4 grade separated railway crossings, station ticketing facilities, Primary School, medical centre, primary cycle links and internal primary and secondary road networks all as shown on the Primary Access Plan, the reprofiling/ realignment of London Road, and the rebuild/repair/ replacement/upgrading of river wall and flood defence wall, open space and play areas;
    - highway works including footpath and cycle links.
  - mechanisms for monitoring the implementation of and delivery of the development and its associated infrastructure and facilities.
- B. The phasing strategy shall be accompanied either by a statement confirming that the proposed phasing of development falls within the parameters assessed in the Environmental Statement accompanying the application or by an Addendum to the Environmental Statement.
- C. The development shall be carried out in accordance with the approved phasing strategy or any amendments thereto that may be subsequently agreed in writing with the local planning authority and the requirements of (B) above shall apply to any application to vary the approved site wide phasing strategy.

Reason: To ensure that the development of Zones and Sub-Zones follows 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 relevant Development Plan policies.

P2 Zonal Masterplans (Approval Prior to Approval of Applications for Reserved Matters)

Save in respect of Preliminary Works and development in Sub-Zone 1A:

- a. no applications for Reserved Matters approval shall be submitted in respect of any Zone until a Zonal Masterplan for that Zone has been prepared in accordance with Condition P4 and has been submitted to the local planning authority; and
- b. no applications for Reserved Matters approval shall be approved unless and until a Zonal Masterplan for that Zone has been approved in writing by the local planning authority.

Reason: In order to ensure that sufficient details of the development are submitted in advance of applications for the approval of Reserved Matters in order to assist in delivering the development in a manner which is coherent and compliant with relevant Development Plan policies.

P3 Zonal Masterplans (Restriction on Development Until Approved)

Save for Preliminary Works, and development within Sub-Zone 1A no development shall Commence in any Zone until the Zonal Masterplan for that Zone has been approved in writing by the local planning authority.

Reason: In order to ensure that sufficient details of the development are submitted in advance of applications for the approval of Reserved Matters in order to assist in delivering the development in a manner which is coherent and compliant with relevant Development Plan policies.

P4 Zonal Masterplans (Zonal Masterplan Specification)

All Zonal Masterplans submitted pursuant to Condition P2 shall contain the information and other details specified in the Zonal Masterplan Specification.

Reason: In order to ensure that sufficient details of the development are submitted in advance of applications for the approval of Reserved Matters in order to assist in delivering the development in a manner which is coherent and compliant with relevant Development Plan policies.

P5 Zonal Masterplans (Applications for Reserved Matters in Accordance With)

Save in respect of Sub-Zone 1A, all applications for the approval of Reserved Matters submitted in respect of each Zone shall be in accordance with the Zonal Masterplan approved for that Zone pursuant to Condition P2.

Reason: In order to ensure that sufficient details of the development are submitted in advance of applications for the approval of Reserved Matters in order to assist in delivering the development in a manner which is coherent and compliant with relevant Development Plan policies.

**P6 Development Parameters**

The development hereby permitted shall:

- a. not exceed 2,850 Residential Units (Use Class C3);
- b. not exceed 20,000 sq.m of Hotel (Use Class C1);
- c. not exceed 8,880 sq.m of Shops (Use Class A1);
- d. not exceed 5,220 sq.m of Cafes and Restaurants (Use Class A3);
- e. not exceed 900 sq.m of Drinking Establishments (Use Class A4);
- f. not exceed 11,000 sq.m of Business (Use Class B1);
- g. not exceed 9,450 sq.m of Non-residential institutions, Integrated Medical Centre and Community uses (Use Class D1);
- h. not exceed 6,200 sq.m of Assembly and Leisure uses (Use Class D2);
- i. not exceed 135,000 sq.m (including backlot) of Film/TV Studio uses (Sui Generis);
- j. not exceed 1,600 sq.m of Utilities and Station uses (Sui Generis);
- k. accord with the extent and location of land uses shown on the Land Use Parameter Plan (PFT-KSS-00-ZZ-DR-A-0100-010 - Revision P04);
- l. accord with the Open Space and Green Infrastructure Parameter Plan (PFT-KSS-00-ZZ-DR-A-0100-011 - Revision P02);
- m. accord with the Building Heights Parameter Plan (PFT-KSS-00-ZZ-DR-A-0100-013 - Revision P02).

Reason: To ensure that the development is implemented in accordance with the parameters assessed, considered and established by this permission.

**P7 Schedule of Residential Accommodation**

Each application for the approval of Reserved Matters incorporating Residential Units shall be accompanied by:

- i. a schedule of residential accommodation proposed within that Reserved Matters Parcel together with an updated schedule of Residential Units to be delivered in other Reserved Matters Parcels, Sub-Zones and Zones;

- ii. an updated Illustrative Masterplan;
- iii. details of how the development proposed would ensure that the remaining quantum of development permitted and the requirement for open space can be satisfactorily accommodated on-site having regard to the requirements of Condition P6.

Reason: To ensure that the development is implemented in accordance with the principles assessed, considered and established by this permission.

#### P8 Health & Safety Executive Consultation Zones

- A. Any development within Use Classes A1, A3 , A4 and D2 and located within the middle zone drawn around the Purfleet Fuels Terminal major hazard site as notated between the 250m and 300m contours on the submitted Existing Key Site Constraints Plan (PFT-KSS-00-ZZ-DR-A-0001-003 Rev. P02) shall not exceed a total of 5,000 sq.m. gross internal floorspace.
- B. Any development within Use Class B1 and located within the inner zone drawn around the Purfleet Fuels Terminal major hazard site as notated between the 150m and 250m contours on the submitted Existing Key Site Constraints Plan (PFT-KSS-00-ZZ-DR-A-0001-003 Rev. P02) shall provide for less than 100 occupants and shall not exceed two occupied storeys.
- C. Any development within Use Class C1 and located within the middle zone drawn around the Purfleet Fuels Terminal major hazard site as notated between the 250m and 300m contours on the submitted Existing Key Site Constraints Plan (PFT-KSS-00-ZZ-DR-A-0001-003 Rev. P02) shall not provide more than 100 beds in total.
- D. Any crèche / day nursery or school use within Use Class D1 and located within the outer zone drawn around the Purfleet Fuels Terminal major hazard site as notated between the 300 and 400m contours on the submitted Existing Key Site Constraints Plan (PFT-KSS-00-ZZ-DR-A-0001-003 Rev. P02) shall not exceed a total site area of 1.4 hectares.
- E. No more than thirty (30) Residential Units (Use Class C3) at a density of no more than 40 Residential Units per hectare shall be built within the middle zone drawn around the Purfleet Fuels Terminal major hazard site as notated between the 250m and 300m contours on the submitted Existing Key Site Constraints Plan (PFT-KSS-00-ZZ-DR-A-0001-003 Rev. P02).
- F. No features of interest or facilities other than footpaths and walkways shall be provided within that part of the Strategic Landscape as defined on the Land-Use Parameter Plan (PFT-KSS-00-ZZ-DR-A-0100-010 Rev. P04) located in the development proximity zone and inner zone drawn around the Purfleet Fuels Terminal major hazard site as notated up to the 250m contour on the submitted Existing Key Site Constraints Plan (PFT-KSS-00-ZZ-DR-A-0001-003 Rev. P02).

Reason: In order to ensure the safety of users of the development in accordance with policy PMD1 of the Adopted Thurrock LDF Core Strategy Core Strategy and Policies for the Management of Development (2015).

## **Section Q – Flood Risk and Drainage**

### **Q1 Surface Water Drainage (Site Wide Strategy)**

No applications for the approval of Reserved Matters shall be submitted (other than the Reserved Matters application submitted under application reference 18/00313/REM) until a site wide surface water drainage strategy, based on sustainable drainage principles and an assessment of the hydrological and hydro geological context of the development, has been submitted to, and approved in writing by, the local planning authority. The scheme should include but not be limited to:

- i. further investigation into the feasibility of infiltration of all development Zones. Where rates are shown to be viable infiltration should be the preferred method of disposal;
- ii. where infiltration is not possible discharge should be to the River Thames in the first instance. Gravity discharge should be given priority where possible however where pumped discharge is required rates should be based on the capacity of the pumped network;
- iii. where direct discharge to the River Thames is not possible discharge rates should be limited to the greenfield 1 in 1 year rate for all storm events up to and including the 1 in 100 year rate plus 40% allowance for climate change;
- iv. sufficient redundancy should be provided as part of the pumped system either in the form of fall back pumping mechanisms or additional storage volume;
- v. provide sufficient storage to ensure no off site flooding as a result of the development during all storm events up to and including the 1 in 100 year plus 40% climate change event;
- vi. the appropriate level of treatment for all runoff leaving the site, in line with the CIRIA SuDS Manual C753.

Reason: To prevent flooding by ensuring the satisfactory storage / disposal of surface water from the site and to ensure the effective operation of SuDS features over the lifetime of the development in accordance with policy PMD15 of the adopted Thurrock Core Strategy and Policies for the Management of Development (2015).

### **Q2 Surface Water Drainage (Detailed Scheme)**

The Reserved Matters details to be submitted in accordance with Condition A1 shall include a detailed surface water drainage scheme for that Reserved Matters Parcel

and no Development (excluding Preliminary Works) shall Commence in that Reserved Matters Parcel until a detailed surface water drainage scheme for that Reserved Matters Parcel has been submitted to, and approved in writing by, the local planning authority. Each detailed surface water drainage scheme shall be in accordance with the site wide surface water drainage strategy approved pursuant to Condition Q1 and shall include:

- i. final modelling and calculations for all areas of the drainage system;
- ii. detailed engineering drawings of each component of the drainage scheme;
- iii. a final drainage plan which details exceedance and conveyance routes, FFL and ground levels, and location and sizing of any drainage features;
- iv. a written report summarising the final strategy for each phase of development and highlighting any minor changes to the approved site wide surface water drainage strategy.

The approved scheme shall subsequently be implemented prior to occupation of the Reserved Matters Parcel.

Reason: To prevent flooding by ensuring the satisfactory storage / disposal of surface water from the site and to ensure the effective operation of SuDS features over the lifetime of the development in accordance with policy PMD15 of the adopted Thurrock Core Strategy and Policies for the Management of Development (2015).

#### Q3 Minimisation of Offsite Flood Risk

No development shall Commence within a Zone or Sub-Zone until a scheme to minimise the risk of offsite flooding caused by surface water run-off and groundwater during construction works and prevent pollution for that Zone or Sub-Zone has been submitted to, and approved in writing by, the local planning authority. The scheme shall subsequently be implemented as approved.

Reason: To mitigate increased flood risk from surface water to the surrounding area during construction in accordance with policy PMD15 of the adopted Thurrock Core Strategy and Policies for the Management of Development (2015).

#### Q4 Drainage Maintenance Plan

No development (excluding Preliminary Works) shall Commence within a Zone or Sub-Zone until a Maintenance Plan for that Zone or Sub-Zone detailing the maintenance arrangements including who is responsible for different elements of the surface water drainage system and the maintenance activities/ frequencies, has been submitted to, and approved in writing by, the local planning authority. The scheme shall be implemented as approved.



Should any part be maintainable by a maintenance company, details of long term funding arrangements should be provided.

Reason: In order to reduce the risk of surface water flooding in accordance with policy PMD15 of the adopted Thurrock Core Strategy and Policies for the Management of Development (2015).

Q5 Pipes Clearance

No development shall Commence within any Zone or Sub-Zone until the pipes within the extent of that Zone or Sub-Zone, which will be used to convey surface water, are cleared of any blockage and are restored to a fully working condition.

Reason: In order to reduce the risk of surface water flooding in accordance with policy PMD15 of the adopted Thurrock Core Strategy and Policies for the Management of Development (2015).

Q6 Flood Warning and Evacuation Plan (FWEP)

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

Reason: To ensure that adequate flood warning and evacuation measures are available for all users of the development in accordance with policy PMD15 of the adopted Thurrock LDF Core Strategy and Policies for the Management of Development (2015).

Q7 Foul Water Strategy

No development (excluding Preliminary Works) shall commence within a Sub-Zone excluding Zone 7 until a foul water strategy for that Sub-Zone has been submitted to, and approved in writing by, the local planning authority. No part of the development in a Sub-Zone shall be occupied until the works have been carried out in accordance with the relevant foul water strategy so approved for that Sub-Zone unless otherwise approved in writing by the local planning authority.

Reason: To ensure the incorporation of an appropriate drainage scheme and to avoid pollution of the water environment and to minimise flood risk in accordance

with policies PMD1 and PMD15 of the adopted Thurrock LDF Core Strategy and Policies for the Management of Development (2015).

Q8 Surface Water Drainage Infiltration

No drainage systems for the infiltration of surface water drainage into the ground is permitted other than with the express written consent of the local planning authority, which may be given for those parts of the site where it has been demonstrated that there is no resultant unacceptable risk to controlled waters. The development shall be carried out in accordance with the approved details.

Reason: To protect the water environment in accordance with policy PMD1 of the adopted Thurrock Core Strategy and Policies for the Management of Development (2015).

Q9 Floor Levels (1)

All sleeping accommodation within those parts of the development at risk of flooding in the 1 in 200 year (plus climate change) breach event (as shown at Figure 5 of the FRA – December 2017) shall be set at a minimum height of 5.39m AOD.

Reason: To ensure adequate flood protection for the safety of occupiers / users of the development in accordance with policy PMD15 of the adopted Thurrock LDF Core Strategy and Policies for the Management of Development (2015).

Q10 Floor Levels (2)

All internal building floor levels of 'More Vulnerable' uses (as defined by Table 2 of Planning Practice Guidance – Reference ID: 7-066-20140306) located within those parts of the development at risk of flooding in the 1 in 200 year (plus climate change) breach event (as shown at Figure 5 of the FRA – December 2017) shall be set at a minimum height of 2.39m AOD.

Reason: To ensure adequate flood protection for the safety of occupiers / users of the development in accordance with policy PMD15 of the adopted Thurrock LDF Core Strategy and Policies for the Management of Development (2015).

Q11 Ground Levels

All external ground levels adjacent to buildings where residential and education uses are proposed shall be set a minimum height of 2.24m AOD.

Reason: To ensure adequate flood protection for the safety of occupiers / users of the development in accordance with policy PMD15 of the adopted Thurrock LDF Core Strategy and Policies for the Management of Development (2015).

**Q12 Agreement Under Section 30 of the Anglian Water Act 1977 – Flood Defences**

The development hereby permitted shall be carried out in accordance with the agreement dated 21 December 2018 under section 37 of the Environment Act 1995 and to which section 30 of the Anglian Water Act 1977 applies between the Environment Agency, Thurrock Borough Council and Purfleet Centre Regeneration Limited which regulates the construction and maintenance of flood defences on the land referred to in that agreement as the “Thurrock Land”.

Reason: To prevent flooding by ensuring the construction and maintenance of appropriate flood defence structures and in accordance with policies CSTP27 and PMD15 of the adopted Thurrock LDF Core Strategy and Policies for the Management of Development (2015).

**Q13 Agreement Under Section 30 of the Anglian Water Act 1977 – Safeguarding for New Thames Barrier**

The development hereby permitted shall be carried out in accordance with the agreement dated 21 December 2018 under section 37 of the Environment Act 1995 and to which section 30 of the Anglian Water Act 1977 applies between the Environment Agency, Thurrock Borough Council and Purfleet Centre Regeneration Limited which regulates the development which may be carried out upon the land referred to in that agreement as “the Safeguarded Site” for the purposes of safeguarding that land for a working site in connection with the construction of a new Thames Barrier”.

Reason: To safeguard land for the construction and operation of a future Thames Barrier and in accordance with policies CSTP27 and PMD15 of the adopted Thurrock LDF Core Strategy and Policies for the Management of Development (2015).

**Section R – Ecology, Biodiversity and Geology**

**R1 Ecological Mitigation and Management Plan**

Save in respect of Reserved Matters for Sub-Zone 1A, no applications for Reserved Matters approval shall be submitted in respect of any Zone until an Ecological Mitigation and Management Plan for that Zone has been submitted to the local planning authority. The Ecological Mitigation and Management Plan shall:

1. include the results of comprehensive up-to-date surveys for that Zone, the type and extent of such surveys to be informed by a preliminary ecological appraisal;
2. set out the mitigation measures required to protect the species and habitats identified in the surveys during the construction phase;
3. set out the management requirements necessary to ensure long term maintenance of the species and habitats identified in the Surveys during the occupation phase;
4. in the case of Zones 3 and 5, details for the long term management of the Purfleet Pit SSSI.

Save in respect of Reserved Matters for Sub-Zone 1A, no applications for Reserved Matters approval shall be approved unless and until an Ecological Mitigation and Management Plan for that Zone has been approved in writing by the local planning authority. The Ecological Mitigation and Management Plan shall be implemented as approved prior to any works, including vegetation clearance, commencing in the relevant Zone and shall be maintained throughout the duration of the construction period in that Zone and subsequently in perpetuity during the occupation of the Zone.

Reason: In order to ensure that the interests of ecology, biodiversity and protected species are addressed in accordance with policy PMD7 of the adopted Thurrock LDF Core Strategy and Policies for the Management of Development (2015).

## R2 Protection of Nesting Birds

Demolition and clearance of vegetation or other potential bird nesting sites shall not be undertaken within the breeding season of birds except where a suitably qualified ecological consultant has confirmed in writing that such clearance works would not affect any nesting birds. In the event that an active bird nest is discovered outside of this period and once works have commenced, then a suitable standoff period and associated exclusion zone shall be implemented until the young have fledged the nest.

Reason: To ensure effects of the development upon the natural environmental are adequately mitigated in accordance with policy PMD7 of the adopted Thurrock LDF Core Strategy and Policies for the Management of Development (2015).

## R3 Invasive Species Control

No development shall Commence and no site clearance or ground works shall be undertaken in a Zone until a detailed method statement for the removal, treatment and control of invasive species (if any) within the Zone has been submitted to, and approved in writing, by the local planning authority. Where an approved method

statement for a Zone identifies the need for the removal and/or treatment and/or control of invasive species, the development of that Zone shall be carried out in accordance with the approved method statement.

Reason: To ensure that the development minimises the risk to the environment in accordance with policy PMD1 of the adopted Thurrock LDF Core Strategy and Policies for the Management of Development (2015).

#### R4 River Mammal Surveys

Prior to the commencement of construction of any new river wall and associated in channel works:

- a. details of a survey of marine mammals shall be submitted to, and approved in writing by, the local planning authority;
- b. the survey shall be undertaken in accordance with the approval details;
- c. the results of the survey shall be submitted to the local planning authority for approval;
- d. any necessary construction mitigation measures identified in the approved marine mammal survey shall be implemented through the Construction Environmental Management Plan to be submitted to and approved in writing by the local planning authority pursuant to Condition O1.

Reason: In order to ensure that the interests of ecology and biodiversity are addressed in accordance with policy PMD7 of the adopted Thurrock LDF Core Strategy and Policies for the Management of Development (2015).

#### R5 Net Gain for the River Thames and No Loss of Saltmarsh Habitats

The details of intertidal mitigation and enhancement associated with the flood defence works in the area identified on Drawing WIC14392-100\_GR\_ES\_6.2A included in the Environmental Statement dated December 2017 shall be submitted to and approved by the local planning authority. These measures will include a Construction Environmental Management Plan for the installation of the river wall works, and such measures including, but not limited to installation of vertical and horizontal untreated timber cladding at different tidal heights, to be covered in shingle to create vertical beaches'. The mitigation and enhancement measures shall be implemented as approved.

Reason: In order to ensure that the interests of ecology and biodiversity are addressed in accordance with policy PMD7 of the adopted Thurrock LDF Core Strategy and Policies for the Management of Development (2015).

**R6 Wintering Birds**

Prior to commencement of development on the former Cory's Wharf within Zone 9, a scheme for the monitoring of overwintering birds in accordance with paragraph 10.124 of the Environmental Statement dated December 2017 during the construction of the development within this Zone and post construction for a period of five years from first occupation of development within this Zone shall be submitted to and approved in writing by the local planning authority. Details of further measures to mitigate any additional impacts to wintering birds, identified through monitoring, should be agreed and detailed in the scheme, along with a timeframe for their implementation. The approved monitoring scheme shall thereafter be implemented as approved unless otherwise agreed in writing by the local planning authority

Reason: In order to ensure that the interests of ecology and biodiversity are addressed in accordance with policy PMD7 of the adopted Thurrock LDF Core Strategy and Policies for the Management of Development (2015).

**R7 Purfleet Chalk Pits SSSI**

Prior to the submission of any application for Reserved Matters for Zone 3 and Zone 5 at Botany Quarry, and the commencement of any development adjacent to or within the Purfleet Chalk Pits Site of Special Scientific Interest (SSSI) or the area to be safeguarded as buffer zone, measures to protect, enhance and manage the Purfleet Chalk Pits SSSI and its geoarchaeological interest features, during construction and occupation of the development within Zone 3 and Zone 5 shall be submitted to and agreed in writing by Thurrock Council in consultation with Natural England This includes, but is not limited to:

- i. a Construction Environment Management Plan for Zone 3 and Zone 5 and the Purfleet Chalk Pits SSSI pursuant to Condition O1;
- ii. appropriate drainage;
- iii. the carrying out of a geotechnical survey;
- iv. the safeguarding and management of an appropriate buffer zone, no less than 15 metres along the length of the SSSI boundary to Zone 3 and Zone 5 as shown on plan 422-dRMM-PCR-P1-ZZ-SK-A-1118 Rev P01 taking account of the submitted geotechnical survey;
- v. the provision of appropriate access to the SSSI for management and scientific study; and
- vi. the submission of a scheme for geological management.

Any development within Zone 3 and Zone 5 shall be carried out in accordance with the measures approved by the Council in consultation with Natural England pursuant to this condition.

Reason: In order to safeguard and protect the qualifying interest of the SSSI in accordance with policy PMD7 of the adopted Thurrock LDF Core Strategy and Policies for the Management of Development (2015).

R8 Invertebrates

Save in respect of Reserved Matters for Sub-Zone 1A, no applications for Reserved Matters approval shall be submitted in respect of any Zone until a Zonal Invertebrate Mitigation Strategy for that Zone has been submitted to, and approved in writing by, the local planning authority. The Zonal Invertebrate Mitigation Strategy shall include measures to provide living roofs, create hibernacula / refugia for both invertebrates and reptiles within open mosaic habitats, grassland and scrub edge habitats within connected areas of the site. All Reserved Matters applications submitted to the local planning authority shall be in accordance with the approved Zonal Invertebrate Mitigation Strategy for the relevant Zone.

Each Zonal Invertebrate Mitigation Strategy approved pursuant to this Condition shall thereafter be implemented as approved unless otherwise agreed in writing by the local planning authority provided that any agreed variation or amendment shall also achieve the objectives contained in the Environmental Statement.

Reason: To ensure effects of the development upon the natural environmental are adequately mitigated in accordance with policy PMD7 of the adopted Thurrock LDF Core Strategy and Policies for the Management of Development (2015).

R9 Jetties as Bird Roosting Sites

Proposals for development of the Cory's Wharf Jetty within development Zone 9 shall include details of measures to ensure the protection of the proposed bird roosting areas on this jetty identified in drawing KSS-00-ZZ-A-0100-011 Rev. P02 from disturbance by the proposals for development on the jetty. The measures shall comprise isolation and covering of the two dolphins on the former Cory's Wharf Jetty with shingle to create permanent roost for wildfowl or such other measures to be approved in writing by the local planning authority. No development of the Cory's Wharf Jetty shall be carried out other than in accordance with the approved measures.

Reason: To ensure effects of the development upon the natural environmental are adequately mitigated in accordance with policy PMD7 of the adopted Thurrock LDF Core Strategy and Policies for the Management of Development (2015).

R10 Flood Defence Works

No development shall Commence within that part of Zone 1 which lies south of London Road until a scheme to improve the resilience and integrity of the current flood defences along the River Thames frontage as shown on Drawing WIC14392-100\_GR\_ES\_6.2A, included in the Environmental Statement dated December 2017, within Zone 1 has been submitted to and approved in writing by the local planning authority, in consultation with the Environment Agency. The scheme shall include details of the proposed works, the timescales for carrying them out and details for the future maintenance of the flood defence works. The scheme shall be implemented as approved.

Reason: To ensure effects of the development upon the natural environmental are adequately mitigated in accordance with policy PMD7 of the adopted Thurrock LDF Core Strategy and Policies for the Management of Development (2015).

#### R11 Inter-tidal Habitat

Save for Preliminary Works and development within Sub-Zone 1A north of London Road, the development hereby permitted shall not Commence until a scheme to provide ecological compensatory and improvement works within the Site to ensure there is no net loss of inter-tidal habitat and biodiversity as a result of the river wall and flood defence works has been submitted to and approved in writing by the local planning authority, in consultation with the Environment Agency. The scheme shall include the following elements:

1. an ecological mitigation strategy that demonstrates how the development will:
  - a. deliver a net improvement to the inter-tidal habitat and biodiversity of the River Thames to ensure no net encroachment; and
  - b. create new coastal grassland in areas of open space within the development
2. a timetable for the delivery of the ecological compensatory and improvement works; and
3. a maintenance and management plan that details how the works will be managed and identifies responsibilities for such management.

The ecological compensatory and improvement works, together with their management and maintenance, shall be carried out in accordance with the approved scheme.

Reason: To ensure no net loss of inter-tidal habitat and biodiversity as a result of any works to improve the flood defences in accordance with policy PMD7 of the adopted Thurrock LDF Core Strategy and Policies for the Management of Development (2015).



**R12 Cory's Wharf**

No development shall be commenced on Cory's Wharf jetty until an ecological strategy is submitted to and approved in writing by the local planning authority, in consultation with the Environment Agency, to show any impacts on inter-tidal ecological interests associated with the intended uses of the jetty. The ecological strategy must outline any potential changes in impact to the inter-tidal habitat arising out of the intended use of the jetty, including bird or marine mammals that currently utilise the inter-tidal area adjacent to Cory's Wharf and must:

- a. propose any required mitigation or compensatory measures to offset these impacts and
- b. include a timescale for delivery of these measures

All proposed mitigation and compensatory measures shall be carried out in accordance with the approved strategy.

Reason: To ensure that any future use of Cory's Wharf does not adversely impact on the associated inter-tidal habitat, marine mammals and birds in accordance with policy PMD7 of the adopted Thurrock LDF Core Strategy and Policies for the Management of Development (2015).

**Section S – Miscellaneous****S1 Provision of Superfast Broadband**

No development (excluding Preliminary Works) shall commence within a Zone or Sub-Zone until a strategy to facilitate superfast broadband for future occupants of the Zone or Sub-Zone has been submitted to and approved in writing by the local planning authority. The strategy may include commercial arrangements for providers and shall seek to ensure that upon occupation of a Residential Unit, either a landline or ducting to facilitate the provision of a broadband service to that Residential Unit from a site-wide network, is in place and provided as part of the initial highway works and in the construction of frontage thresholds to Residential Units that abut the highway, unless evidence is put forward and agreed in writing by the local planning authority that technological advances for the provision of a broadband service for the majority of potential customers will no longer necessitate below ground infrastructure. The development of the site shall be carried out in accordance with the approved strategy.

Reason: In order to ensure that suitable infrastructure is provided at the site for the benefit of occupiers, in accordance with paragraph 112 of the NPPF.

S2 Diversion of Footpath 141 to Form Shared Pedestrian / Cycle Route Along River Thames Frontage

Prior to the development of the 500th unit within Zone 1, Footpath 141 shall be diverted such that this is aligned with a cycle route along the River Thames frontage.

Reason: In order to maintain a public right of way through the site adjacent to the River Thames frontage in the interests of securing accessibility.

S3 Agreed Form S106 Agreement

No development (save for Preliminary Works and Infrastructure Works) shall be Commenced in any Zone, Sub-Zone or Sub-Zone 1A unless and until:

- a) Title to the relevant Zone, Sub-Zone or Sub-Zone 1A has been deduced to the satisfaction of the local planning authority;
- b) One or more third parties (other than the Council as landowner) owns a Legal Interest in the whole of the Zone, Sub-Zone or Sub-Zone 1 (as applicable);
- c) With the exception of any Network Rail Operational Land and Statutory Undertaker Operational Land, all third parties who have Material Interests in the relevant Zone, Sub-Zone or Sub-Zone 1A existing at the point of Commencement of the Development of that Zone, Sub-Zone or Sub-Zone 1A have entered into the Agreed Form S106 (or Confirmatory Deed as applicable); and
- d) In the event that the Council as landowner owns a Legal Interest in the relevant Zone, Sub-Zone or Sub-Zone 1A at the point of Commencement of Development of that Zone, Sub-Zone or Sub-Zone 1A:
  1. a restriction has been registered against the Council's registered title in the relevant Zone, Sub-Zone or Sub-Zone 1A preventing any future disposal by the Council as landowner until the donee has entered into the Confirmatory Deed with the local planning authority to bind the relevant land with the obligations set out in the Agreed Form S106; and
  2. the Council as landowner has provided a unilateral undertaking to the LPA (in a form which is satisfactory to the LPA) in which the Council as landowner undertakes as follows:
    - i. to abide by the terms of the Agreed Form S106 with the intention that the planning obligations contained therein bind all of its interest in the relevant Zone Sub-Zone or Sub-Zone 1A and will become enforceable against successors in title and persons deriving title under them;
    - ii. not to dispose of its interest in the relevant Zone, Sub-Zone or Sub-Zone 1A without first imposing a legally enforceable obligation on the donee to enter into the Agreed Form S106 (or Confirmatory Deed as applicable); and

- iii. to register a notice of the unilateral undertaking on the Charges Register of all its registered interests in the relevant Zone Sub-Zone or Sub-Zone 1A

Reason: In order to ensure that the required planning obligations are applicable to all relevant zones and plots within the development.

## **Section T – Education**

### **T1 Primary School Multi-Use Games Area**

Save in respect of Preliminary Works, no applications for Reserved Matters approval shall be submitted in respect of the Primary School until details of the multi-use games area specifications including the surfacing, fencing and line markings have been submitted to and approved in writing by the local planning authority in consultation with Sport England. The multi-use games area shall not be constructed other than in accordance with the approved details.

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

### **T2 Primary School Community Use Agreement**

Prior to the first use or operation of the Primary School a community use agreement shall be submitted to and approved in writing by the local planning authority, in consultation with Sport England. The agreement shall apply to the multi-use games area, and other suitable community facilities including any associated ancillary facilities to be defined within the agreement and shall include details of pricing policy, hours of use, access by non-educational establishment users, management responsibilities and a mechanism for review, and anything else which the local planning authority, in consultation with Sport England, considers reasonably necessary in order to secure the effective community use of the facilities. The Primary School shall not be used at any time other than in compliance with the approved agreement.

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

## **Annexure 1 – Information Required to Support Applications for Approval of Reserved Matters**

- a. Movement Network plan and sections (Condition H1)
- b. External Lighting Plan (Condition H1 / K1 / L6)
- c. Details of street furniture, surface finishes, cycle parking and drainage (Condition H1)
- d. Landscaping Scheme (Condition E1)
- e. Details of car parking and a statement setting out how the application accords with the approved Car Parking Strategy for the relevant Zone (Condition I1)
- f. Details of cycle parking and a statement setting out how the application accords with the approved Cycle Parking Strategy for the relevant Zone (Condition I3)
- g. Details of Residential Refuse and Recycling Storage (Condition K2)
- h. Microclimate assessment (Condition K5)
- i. Daylight and sunlight assessment for applications within Zones 1, 2, 3, 5, 6 and 8 (Condition K6)
- j. Details of Commercial Refuse and Recycling Storage (Condition L7)
- k. Schedule of accommodation and floorspace for applications including Class A1, A3, A4 or D2 (Condition L14)
- l. Sustainable Construction Code for first application in a Zone (Condition N1)
- m. Energy Statement for applications including buildings (Condition N2)
- n. Water Efficiency Scheme for applications including Residential Units (Condition N6)
- o. Piling details (only if required)
- p. A statement of how the application accords with the relevant Zonal Masterplan (Condition P5)
- q. Residential Accommodation Schedule (Condition P7)
- r. Surface Water Drainage (detailed scheme) (Condition Q2)
- s. Illustrative Masterplan (Condition P7)
- t. A statement of how the application accords with the relevant approved Zonal Invertebrate Mitigation Strategy (Condition R9)
- u. A statement setting out how the application complies with the approved Design Code (Condition C2)
- v. A Glazing and Acoustic Ventilation Specification (Condition K7)
- w. Air quality assessment and / or modelling (Condition K8).

## **Annexure 2 – Zonal Masterplan Specification**

All Zonal Masterplans shall conform to the following:

1. The approved plans listed in Condition B2
2. The approved Design Code (Condition C2)
3. The approved Site-wide Green Infrastructure Strategy (Condition E2)

All Zonal Masterplans shall include:

1. Plans on an OS Base at 1:500 indicating the layout of the Development proposed within the relevant Zone which shall show as appropriate:
  - a. a plan identifying:
    - (i) the boundaries of the Sub-Zones within that Zone; and
    - (ii) the boundaries of proposed areas for applications for the approval of Reserved Matters within each Sub-Zone (and for the avoidance of doubt a Zonal Masterplan may identify that a whole Sub-Zone shall be brought forward as a single application for the approval of Reserved Matters);
  - b. the spatial distribution and mix of principal land uses;
  - c. an area schedule including a range of areas by land-use type within a minimum and maximum range;
  - d. maximum and minimum heights from proposed and existing datum;
  - e. the primary and secondary roads within the Zone, including links across the site and from the site to the adopted off site road network;
  - f. a comprehensive system of key footways and cycleways within the Zone, including links across the site and from the site to the adopted off site footway and cycleway network;
  - g. in relation to Zones 1, 7 and 8 only, an east-west cycle link as close as reasonably practicable to the river front to form part of National Cycle Network Route 13;
  - h. location (within limits of deviation) of Green Infrastructure and Open Space(s) including any areas for play;
  - i. public transport routes and new primary pick up and drop off bus stops;
  - j. in relation to Zones 1 and 5 only, location(s) of dedicated parking spaces to be provided for car club vehicles (Condition H18);
  - k. plans to show spatial distribution of existing and proposed development within 50m of the zonal boundary.
2. An Illustrative Masterplan
3. A written summary of how the Green Infrastructure proposed within the Zonal Masterplan accords with the approved Site-wide Green Infrastructure Strategy (Condition E2) and how the areas for play proposed within the Zonal Masterplan (when combined with areas for play within other Zonal Masterplans) accord with Condition E5.

## Informatives

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

The local planning authority has acted positively and proactively in determining this application by identifying matters of concern within the application (as originally submitted) and negotiating, with the applicant/agent, acceptable amendments to the proposal to address those concerns. As a result, the local planning authority has

been able to grant planning permission for an acceptable proposal, in accordance with the presumption in favour of sustainable development, as set out within the National Planning Policy Framework.

### **Use Class D1 Floorspace Figure in Conditions L8 and P6**

The figure of 9,450sq.m for Use Class D1 floorspace in Conditions L8 and P6 excludes the secondary school floorspace which formed part of the planning application but which is being constructed pursuant to a separate full planning permission on the Secondary School Site. The Secondary School Site is subject to the restriction in Condition B1.

### **HS1**

#### Protective Provisions Agreement (PPA)

The developer is expected to enter into a PPA with HS1. This is a legal agreement between HS1 and the developer covering safeguards, processes, responsibilities and cost recovery.

Reason: The nature and scale of the proposed development is such that detailed discussions, agreements and indemnities are required in respect of the design, construction and future maintenance of the development in order to protect HighSpeed1.

#### Noise

The developer is reminded of his obligation to ensure appropriate mitigations are adopted to protect the development from noise from HS1.

Reason: The developer is responsible for ensuring that the development meets statutory requirements (in accordance with Planning and Noise PPG24 September 1994 – Annex 4 and Provisions of Safeguarding Direction).

#### Covenants

The applicant is reminded that covenant(s) apply to the site covering the following issues:

- land/property use

Reason: The covenant has been entered into with the owner or previous owner of the land in order to protect HS1.

#### Rights of access

The applicant is reminded that HS1 has the right to access the maintenance strip

along the railway boundary and via the route marked red from Botany Way as shown on plan 014-HS1-1D000-00242-00.

Reason: HS1 requires access to operate and maintain the HighSpeed1 railway, including in emergency. This right is normally contained in the sale/transfer of land agreement.

#### Maintenance strip

The applicant is reminded that a 5 metre wide maintenance strip exists alongside the HighSpeed1 fence. No development or planting should take place within this strip. Access to this strip is required across the site.

Reason: The maintenance strip has been specifically provided to allow for safe and adequate maintenance of HighSpeed1 and is allowed for in the sale/transfer of land agreement.

#### Costs incurred

The developer shall agree to pay the costs incurred by HS1 and Network Rail (High Speed) in reviewing and approving the development.

Reason: Costs to be incurred from a development reside with the developer.

### **LLFA**

Any drainage features proposed for adoption by Thurrock Council should be consulted on separately with Thurrock Highways and commuted sums may apply.

- Changes to existing water courses may require separate consent under the Land Drainage Act before works take place. Enquiries should be made with Thurrock, separate to the planning process, for guidance on this.
- It is the applicant's responsibility to check that they are complying with common law if the drainage scheme proposes to discharge into an off-site ditch/pipe. The applicant should seek consent where appropriate from other downstream riparian landowners.
- The Ministerial Statement made on 18th December 2014 (ref. HCWS161) states that the final decision regarding the viability and reasonableness of maintenance requirements lies with the LPA. It is not within the scope of the LLFA to comment on the overall viability of a scheme as the decision is based on a range of issues which are outside of this authority's area of expertise.
- We will advise on the acceptability of surface water and the information submitted on all planning applications submitted after the 15th of April 2015 based on the key documents listed within this letter. This includes applications which have been previously submitted as part of an earlier stage of the planning

process and granted planning permission based on historic requirements. The Local Planning Authority should use the information submitted within this response in conjunction with any other relevant information submitted as part of this application or as part of preceding applications to make a balanced decision based on the available information.

Whilst we have no further specific comments to make at this stage, attached is a standing advice note explaining the implications of the Flood and Water Management Act (2010) which could be enclosed as an informative along with your response issued at this time.

## **Anglian Water**

### Assets

Anglian Water has assets close to or crossing this site or there are assets subject to an adoption agreement. Therefore the site layout should take this into account and accommodate those assets within either prospectively adoptable highways or public open space. If this is not practicable then the sewers will need to be diverted at the developers cost under Section 185 of the Water Industry Act 1991. or, in the case of apparatus under an adoption agreement, liaise with the owners of the apparatus. It should be noted that the diversion works should normally be completed before development can commence.

### Trade Effluent

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

## **Water Framework Directive**

Where a marine licence is required, in relation to a Zone or Sub-Zone within the development, a Water Framework Directive (WFD) Assessment may be required. The applicant should show that there will be no adverse impact on the various ecological, hydrological and chemical elements of the water body and that overall there will be no deterioration in the water body's status. The Environment Agency will review any WFD assessment that shall be agreed with the local planning



authority in consultation with the Marine Management Organisation.

### **S30 Agreements**

In relation to planning condition references Q12 and Q13, copies of the agreements under s37 of the Environment Act 1995 / s30 of the Anglian Water Act 1977 between the applicant, Thurrock Council and the Environment Agency referring to flood defences and the safeguarding of land in connection with the construction of a new Thames Barrier are available for public inspection under planning application reference 17/01668/OUT at: [www.thurrock.gov.uk/search-planning-records/planning-records-online](http://www.thurrock.gov.uk/search-planning-records/planning-records-online)

### **Network Rail**

#### Stopping Up and Diversion of London Road

Network Rail has a number of assets within the application site. In relation to the Purfleet MCB-CCTV (London Road) Crossing the applicant is reminded of the need to stop up or divert that part of London Road which passes over the Purfleet MCB-CCTV (London Road) Crossing and to formally close the crossing under S247 Town and Country Planning Act 1990 or such other powers under the Highways Act 1980.

#### London Road All Purpose Highway Bridge

In respect of Condition H11, the permanent closure of the Purfleet MCB CCTV (London Road) Crossing shall include, but not be limited to, the following:

- Recovery of all crossing furniture (assets) i.e. barriers, pedestals, road traffic lights, flood lighting columns, CCTV column, level crossing panel and approach warning signs;
- Associated crossing control with associated wiring and power;
- Briefing via Section C notice;
- Updates to the level crossing control desk screen.

#### Measures for Safe Use of the Purfleet MCB-CCTV (London Road) Crossing by Construction Vehicles

In respect of Condition H11, suitable measures for the safe use of the Purfleet MCB CCTV (London Road) Crossing during the construction phase, shall be discussed and agreed with Network Rail's Level Crossing Manager prior to the submission of details to discharge the condition.

## **APPENDIX 2 – RECOMMENDED s106 HEADS OF TERMS**

### **OWNER’S COVENANTS WITH THE COUNCIL**

#### **SCHEDULE 1 – MONITORING NOTICES**

1. Owner to submit a Monitoring Notice to the Council within an agreed timeframe to notify the Council of the occurrence of identified events, which correspond with the triggers for complying with s106 obligations set out in the agreement.

#### **SCHEDULE 2 – AFFORDABLE HOUSING (AH)**

##### Part 1 – Delivery of Affordable Housing

- not less than 10% of Residential Units in each Residential Zone shall be provided as AH Units (these 10% are referred to as Baseline AH Units)
- not less than 10% of Residential Units in each Sub Zone shall be provided as Baseline AH Units, unless
  - the provision of 10% Baseline AH Units in a Residential Sub Zone would result in less than 15 AH Units in that Residential Sub Zone (taking into account any Baseline AH Units rolled over from previous Residential Sub Zones and any Additional AH Units in that Residential Sub Zone resulting from viability reviews), in which case the number of Baseline AH Units that would have been provided in that Residential Sub Zone shall instead be provided within the next Residential Sub Zone to be delivered within the relevant Residential Zone
- Baseline AH Units to be provided as Shared Ownership Units or, if the Council agrees in writing, Discounted Market Sale Units
- Baseline AH Units to be provided in the following mix: 1-bed 50%, 2-bed 30% and 3-bed 20%
- Baseline AH Units to be provided in clusters of a minimum 15 Residential Units
- submission and approval of a AH Scheme for each Residential Zone prior to submission of the first Reserved Matters Application for that Residential Zone
- Reserved Matters Applications to be in accordance with the approved AH Scheme for each Residential Zone
- AH Units to be provided in accordance with approved AH Scheme for each Residential Zone
- AH Units to be constructed in accordance with nationally described space standards (DCLG 2016) and Mayor of London’s Housing Supplementary Planning Guidance (2016)
- 3% of AH Units in each Residential Zone provided as Wheelchair Units

- in addition to 3% AH Units provided as Wheelchair Units (above), 10% of AH Units to be provided as HAPPI Homes and no more than 750 Residential Units to be occupied until at least 14 HAPPI Homes constructed to Practical Completion
- Transfer of AH Units on Practical Completion to a Registered Provider of Social Housing
- no Occupation of more than 25% of Market Housing Units in each Residential Sub Zone until not less than 50% of the AH Units in that Residential Sub Zone constructed to Practical Completion, Transferred and ready for Occupation
- no Occupation of more than 70% of Market Housing Units in each Residential Sub Zone until 100% of the AH Units in that residential Sub Zone constructed to Practical Completion, Transferred and ready for Occupation
- upon Transfer of AH Units to a Registered Provider the AH obligations on Owner transfer to the Registered Provider
- following Transfer of AH Units to Registered Provider the Owner remains liable for antecedent breaches relating to construction and completion of the AH and its Transfer
- where any AH is provided as Shared Ownership Units
  - (i) the rental element shall not exceed the Affordable Rent
  - (ii) no disposal other than to a Prescribed Person and
  - (iii) each Registered Provider shall
    - (a) place Staircasing Receipts in an interest-bearing account
    - (b) keep a record of Staircasing Receipts and
    - (c) Staircasing Receipts to be used for the provision of AH
- where any AH provided as Discounted Market Sales
  - (i) maximum price shall not exceed 80% of local market value
  - (ii) no disposal other than to a Prescribed Person
  - (iii) covenant upon transfer limiting to a Prescribed Person at a price not exceeding 80% of local market value and
  - (iv) no sub-letting of a Discounted Market Sales unit
- arrangements for the transfer and subsequent transfer of Discounted Market Sale Units
- where any Additional AH Units provided as Rental Units
  - (i) rent charges for the first and subsequent letting shall not exceed Affordable or Social Rent
  - (ii) no disposal other than to a Prescribed Person
- no Occupation of AH Units until an AH Nomination Agreement entered into with the Council and Registered Provider

- AH Units only offered to Prescribed Persons in accordance with (i) the AH Nomination agreement and (ii) in the case of Shared Ownership and Discounted Market Sales Units, the AH Allocation Cascade
- Leases and tenancies of AH Units (Shared Ownership Units, Discounted Market Sales units or Rental Units) shall prevent sub-letting and underletting (with specified exceptions).

## Part 2 – Viability Reviews

- submission of viability reviews to the Council as follows
  - (i) Deferred Commencement Viability Review Assessment (if Substantial Commencement has not been achieved within two years of the agreement)
  - (ii) First Viability Review Assessment (prior to Occupation of more than 700 Residential Units but not earlier than Occupation of 600 Residential Units)
  - (iii) Second Viability Review Assessment (prior to Occupation of more than 1,400 Residential Units but not earlier than Occupation of 1,300 Residential Units)
  - (iv) Third Viability Review Assessment (prior to Occupation of more than 2,100 Residential Units but not earlier than Occupation of 2,000 Residential Units) and
  - (v) Fourth Viability Review Assessment (prior to Occupation of more than 2,750 Residential Units but not earlier than Occupation of 2,650 Residential Units)
- each Viability Review assessment to include
  - (i) a calculation for the Council's share of any surplus (resulting from the deduction of development costs from development revenue) identified as part of the Viability Review where the Council's share is 100% of any surplus identified in the Deferred Commencement Viability Review Assessment and 60% for all subsequent Viability Reviews (defined as a “Deferred Contribution”)
  - (ii) an Additional Affordable Housing Scheme for the next tranche of housing to be delivered after the submission of the Viability Review (if the calculation for a Deferred Contribution could deliver a minimum of 15 Addition Affordable Housing Units) and
  - (iii) Full Supporting Evidence of development costs and revenues (incurred, received and estimated)
- On receipt of a valid Viability Review Assessment the Council shall within 40 days either:
  - (i) reject the Viability Review Assessment;
  - (ii) accept the Viability Review Assessment and confirm there is no Surplus;
  - (iii) accept the Viability Review Assessment and elect for the Deferred

- Contribution to roll-over to the next Viability Review Assessment;
- (iv) accept the Viability Review Assessment and elect receive payment or;
  - (v) accept the Viability Review Assessment and the Additional Affordable Housing Scheme.

### Part 3 – Grant Funding

- Owner to use Reasonable Endeavours to secure Grant Funding (capital funding from Homes England etc.) and notify the Council accordingly.

## **SCHEDULE 3 – EDUCATION**

### Part 1 – Early Years Education

- payment of the Sub Zone 1A Early Years Contribution (£58,145.05 subject to Indexation) to the Council prior to the Occupation of any Residential Units within Sub Zone 1A
- prior to the Occupation of the 50th Residential Unit, notice to be served on the Council electing the mechanism for delivering the Early Years Provision, to comprise either:
  - (a) payment of the Early Years Contribution (£1,180,349.00 subject to Indexation); or
  - (b) provision of an Early Years Facility (sufficient in size and suitable in design for the delivery of the Early Years Foundation Stage curriculum to 90 children at any one time)
- if the Owner elects to secure Early Years Provision via the Early Years Contribution, the Owner shall
  - (i) pay the First Early Years Contribution (50% of the Early Years Contribution) prior to occupation of 100 Residential Units
  - (ii) pay the Second Early Years Contribution (50% of the Early Years Contribution) prior to occupation of 300 Residential Units
- if the Owner elects to secure the Early Years Provision via the Early Years Facility, the Owner shall
  - (i) prior to the 50<sup>th</sup> Occupation of a Residential Unit submit to the Council for approval and secure the Council's approval to a plan showing the location of the Early Years Facility

- (ii) provide the Early Years Facility to Shell and Core no later than Occupation of 300 Residential Units
- (iii) use Reasonable Endeavours to secure an Occupier for the Facility
- (iv) submit a progress report every 6 months following Practical Completion of the Facility of the steps taken to secure an Occupier.

## Part 2 – Primary Education

- payment of the Sub Zone 1A Primary School Contribution (£290,000.00 subject to Indexation) prior to Occupation of any Residential Units within Sub Zone 1A
- prior to the Occupation of the 50th Residential Unit submission to the Council for its approval and secure the Council's approval to a plan showing the precise boundaries of the Primary School Site (to be not less than 3 acres or 3.5 acres in the event the Early Years Facility is to be co-located with the Primary School)
- following the approval of the Primary School Site by the Council the Primary School Site shall be safeguarded for use for the provision of the Primary School provided that the Owners shall not be prevented from using all or any part of the Primary School Site from time to time for Temporary Development subject to:
  - (a) the Owners shall not use or allow the use of the Primary School Site for any purpose which may:
    - i. compromise the provision of the Primary School pursuant to the terms of this Deed;
    - ii. render the land less suitable for the purposes of providing the Primary School; or
    - iii. add to the cost or time likely to be taken to construct the Primary School for the Primary School to become operational and available for use by the start of the academic year 2021/2022;
  - (b) the Owners shall not encroach upon or encumber or allow any encroachment on or encumbrance of the Primary School Site such that any of the events in sub paragraph (a) could occur
  - (c) on cessation of such temporary use the Primary School Site shall be cleared of any contamination, debris and rubbish if any arising from such Temporary Development.
- prior to the Occupation of the 100th Residential Unit the Owners shall:
  - (a) agree a detailed design, specification and construction programme for construction of the 2-form entry Primary School (and the Early Years Facility if co-located with the Primary School) with the Council in its capacity as local education authority; and
  - (b) provide evidence of the agreed detailed design, specification and construction programme to the Council.

- prior to the Occupation of the 150th Residential Unit the Owners shall submit a Reserved Matters Application (or detailed planning application) for the Primary School in accordance with the detailed design and specification agreed by the Council above
- before the earlier of the start of the academic year 2021/2022 and the Occupation of the 300th Residential Unit the Owner shall:
  - (a) construct or procure the construction of the Primary School on the Primary School Site to Shell and Core in accordance with:
    - i. the approved Reserved Matters Application (or detailed planning application); and
    - ii. the detailed design, specification and construction programme agreed with the Council and
  - (b) Transfer the Primary School Site to the Council as the local education authority or to such other education provider as may be nominated by the Council in its capacity as local education authority.

## **SCHEDULE 4 – SPORTS PROVISION**

### Part 1 – Soccer Contributions

- payment of the Youth Soccer Contribution (£154,000.00 subject to Indexation) and the Mini Soccer Contribution (£34,000.00 subject to Indexation) prior to Occupation of the 300th Residential Unit, unless at that date a 3G Pitch has been delivered at the Secondary School Site
- payment of the Adult Soccer Contribution (£194,000.00 subject to Indexation) prior to Occupation of the 300<sup>th</sup> Residential Unit

### Part 2 – Rugby Contribution

- payment of the Rugby Contribution (£70,000.00 subject to Indexation) prior to Occupation of the 750th Residential Unit

### Part 3 – Cricket Contribution

- payment of the Cricket Contribution (£110,000.00 subject to Indexation) prior to Occupation of the 500th Residential Unit

### Part 4 – Sports Hall Contributions

- payment of the First Sports Hall Contribution (£543,710.00 subject to Indexation) prior to the Occupation of the 850th Residential Unit

- payment of the Second Sports Hall Contribution (£543,710.00 subject to Indexation) prior to the Occupation of the 1,000th Residential Unit

#### Part 5 – Swimming Pool Contributions

- payment of the First Swimming Pool Contribution (£600,000.00 subject to Indexation) prior to the Occupation of the 1,700th Residential Unit
- payment of the Second Swimming Pool Contribution (£600,000.00 subject to Indexation) prior to the Occupation of the 2,000th Residential Unit

#### Part 6 – Bowls Contribution

- payment of the Bowls Contribution (£132,000.00 subject to Indexation) prior to the Occupation of the 1,000th Residential Unit

### **SCHEDULE 5 – HEALTH**

#### Part 1 – Health Contribution

- payment of Health Contribution (£20,000.00 subject to Indexation) prior to the Occupation of any Residential Unit

#### Part 2 – Medical Centre / Integrated Medical Centre

- prior to the Occupation of 50 Residential Units submission to the Council for approval and securing the Council's approval to a plan showing either:
  - (a) the proposed location of the Medical Centre (to accommodate not less than 2,000 sq. metres (GIA) to be used for the provision of health services); or
  - (b) the proposed location of the Integrated Medical Centre (to accommodate not less than 2,000 sq. metres (GIA) to be used for the provision of health services plus additional floorspace for use by the Council and/or community uses)

in either case the location shall be within easy access of the town centre and railway station

- following approval of the Medical Centre Site or the Integrated Medical Centre Site the Site shall be safeguarded for that use, provided that the Owner shall not be prevented from using all or any part of the Site from time to time for Temporary Development subject to:
  - (a) the Owners shall not use or allow the use of the Site for any purpose which



may:

- i. compromise the provision of the Medical Centre / Integrated Medical Centre pursuant to the terms of this Deed;
  - ii. render the land less suitable for the purposes of providing the Medical Centre / Integrated Medical Centre; or
  - iii. add to the cost or time likely to be taken to construct the Medical Centre / Integrated Medical Centre;
- (b) the Owners shall not encroach upon or encumber or allow any encroachment on or encumbrance of the Site such that any of the events in sub paragraph (a) could occur
- (c) on cessation of such temporary use the Site shall be cleared of any contamination, debris and rubbish if any arising from such Temporary Development.
- prior to the Occupation of 100 Residential Units:
  - (a) in the case of the Medical Centre the Owner shall agree a detailed design, specification and construction programme with the Healthcare Provider and the Council
  - (b) in the case of the Integrated Medical Centre the Owner shall agree a detailed design, specification and construction programme with the Healthcare Provider
  - (c) evidence of the agreed details to be provided to the Council
- prior to the Occupation of the 200<sup>th</sup> Residential Unit the Owner shall submit a Reserved Matters Application (or detailed planning application) for the Medical Centre or Integrated Medical Centre in accordance with the agreed design and specification
- before the earlier of 31<sup>st</sup> December 2022 and the Occupation of the 300<sup>th</sup> Residential Unit the owner shall:
  - i construct or procure the construction of the Medical Centre or Integrated Medical Centre to Shell and Core and make it available for use in accordance with:
    - (a) the Reserved Matters Application (or detailed planning application); and
    - (b) the detailed design, specification and construction programme
  - ii. transfer the site to the Healthcare Provider

## **SCHEDULE 6 – COMMUNITY USE FACILITIES**

### Part 1 – Community Use Co-Ordinator

- prior to the Occupation of any Residential Unit the Owner shall:

- (i) submit for approval a person and job specification for a Community Use Co-Ordinator; and
- (ii) appoint a Community Use Co-Ordinator

no Residential Unit shall be Occupied until the appointment and notification to the Council

- the Community Use Co-Ordinator shall be retained until one year following the date of Occupation of the 600<sup>th</sup> Residential Unit
- the Community Use Co-Ordinator shall work with Owner to:
  - (i) enable and facilitate Community Uses within the Site;
  - (ii) identify opportunities to provide temporary facilities for Community Uses within the Site from the date of first Occupation of a Residential Unit up to and including the date on which the Community Use Facilities are made available for use; and
  - (iii) help establish and promote use of Community Use Facilities

#### Part 2 – Community Use Facilities

- Prior to the Occupation of more than 300 Residential Units submit to the Council and secure the Council's approval to:
  - (i) a plan showing the proposed location(s) of the Community Use Facilities (being not less than 500 square metres GIA and no more than 700 square metres GIA) which shall be situated within or on the edge of the proposed new centre; and
  - (ii) details of the type(s) of Community Use Facilities
- following approval of the Community Facilities Site the site shall be safeguarded for such use and the Owner shall not use or allow use of the site for any purpose which could:
  - (i) compromise the provision of the Community Use Facilities
  - (ii) render the land less suitable for the purposes of providing the Community Use Facilities
  - (iii) add to the cost or time likely to be taken to construct the Community Use Facilities
- prior to the Occupation of 500 Residential Units the Owner shall secure the Council's approval to a detailed design, specification and construction programme for the Community Use Facilities

- prior to the Occupation of 600 Residential Units the Owner shall submit one or more Reserved Matters Applications (or detailed planning applications) for the Community Use Facilities
- the Owner shall before the earlier of 24 months of obtaining reserved matters approval (or detailed planning permission) for the Community Use Facilities in accordance with the agreed detailed design specification and construction programme and the Occupation of the 600th Residential Unit:
  - (i) construct and fit out the Community Use Facilities beyond Shell and Core to a specification standard that will allow for immediate Occupation and make them available for use in accordance with
    - (a) the Reserved Matters Application(s) (or detailed planning application)
    - (b) the detailed design, specification and construction programme
  - (ii) Transfer the Community Use Facilities to the Council and/or any body nominated by the Council
- arrangements if the Council agrees that all or part of the Community Use Facilities shall be provided as part of the Integrated Medical Centre.

## **SCHEDULE 7 – GREEN INFRASTRUCTURE**

- Following Commencement of Development (including the commencement of Preliminary Works), the Strategic Green Infrastructure Land (16.8 hectares as shown for the purpose of identification on the Open Space and Green Infrastructure Parameter Plan) shall be safeguarded for the provision Strategic Green Infrastructure provided that the Owners shall not be prevented from using all or any part of the Strategic Green Infrastructure Land from time to time for Temporary Development subject to:
  - (a) the Owners shall not use or allow the use of the Strategic Green Infrastructure Land for any purpose which may:
    - i. damage any features of Strategic Green Infrastructure already present on the Strategic Green Infrastructure Land;
    - ii. compromise the provision of the Strategic Green Infrastructure;
    - iii. render such land less suitable for the purposes of providing the Strategic Green Infrastructure;
    - iv. add to the cost or time likely to be taken to construct the Strategic Green Infrastructure;
  - (b) the Owners shall not encroach upon or encumber or allow any encroachment on or encumbrance of the Strategic Green Infrastructure Land such that any of the events above could occur

- (c) on cessation of any temporary use the Strategic Green Infrastructure Land shall be cleared of any contamination, debris and rubbish arising from such Temporary Development.
- following approval of the first reserved matters for each of Zones 2, 6 and 8 within which Strategic Green Infrastructure is to be provided and in any event prior to the Occupation of 50 Residential Units within each of these Zones, the Owners shall construct, landscape and otherwise complete the Strategic Green Infrastructure in that respective Zone
  - following approval of the first reserved matters for each of Zones 1 and 5 within which Strategic Green Infrastructure is to be provided and in any event prior to Occupation of 300 Residential Units within each of those Zones the Owner shall construct, landscape and otherwise complete the Strategic Green Infrastructure for that respective Zone
  - following approval of the first reserved matters for Zone 3 within which Strategic Green Infrastructure is to be provided and in any event prior to Occupation of 50,000 square metres (floorspace) within that Zone the Owner shall construct, landscape and otherwise complete the Strategic Green Infrastructure for that respective Zone
  - the Owner shall as soon as reasonably practicable and in any event prior to Occupation of 1,000 Residential Units construct, landscape and otherwise complete the Strategic Green Infrastructure for Zone 4
  - the Owner shall as soon as reasonably practicable and in any event prior to Occupation of 50 Residential Units in Zone 6 construct, landscape and otherwise complete the Strategic Green Infrastructure for Zone 7
  - the satisfactory completion of an area of Strategic Green Infrastructure for any Zone shall be evidenced by:-
    - (i) physical inspection of the area of Strategic Green Infrastructure by the Owner's landscape architect, to which the Council shall be invited to send a representative;
    - (ii) provision to the Council of a certificate of completion by the Owner's landscape architect in respect of the area of Strategic Green Infrastructure; and
    - (iii) at the end of the period of six weeks commencing on the date the Council receives the certificate of completion, the Council has not notified the Owner that it disputes the satisfactory completion of the relevant area of Strategic Green Infrastructure.
  - if the Council disputes the satisfactory completion of the relevant area of Strategic Green Infrastructure it shall provide detailed reasons and the Owner shall undertake the necessary works to complete the relevant area of Strategic Green Infrastructure in accordance with the relevant Zonal Masterplan and Landscaping Scheme

- the Owner shall maintain and manage or procure the maintenance and management of the Green Infrastructure in each Zone in Perpetuity in accordance with the approved Estate Management Plan (Schedule 11).

## **SCHEDULE 8 – EMPLOYMENT**

### Part 1 – Construction Training and Employment Plan

- prior to Commencement of the Development (including the commencement of any Preliminary Works) the Owner shall prepare and submit to the Council for approval the Construction Training and Employment Plan
- the Construction Training and Employment Plan shall seek to maximise the employment and training opportunities in relation to the construction of the Development for the benefit of Thurrock residents and shall include but shall not be limited to:
  - (i) arrangements setting out how the Owner and its contractors will work directly with Thurrock's Economic Development Skills Partnership (or any replacement partnership fulfilling the same role from time to time) and other Local Labour Agencies;
  - (ii) the provision for training opportunities and other initiatives in respect of skills required during the construction of the Development;
  - (iii) targets and measures to promote apprenticeships during the construction of the Development;
  - (iv) targets for the employment of Thurrock residents during the construction of the Development;
  - (v) arrangements for ensuring that:-
    - (a) vacancies arising from the construction of the Development are advertised in both newspapers circulating in and in job centres in Thurrock and surrounding area; and
    - (b) local Labour Agencies are notified of all job vacancies arising from the construction of the Development;
  - (vi) measures to maximise supply chain opportunities for businesses in Thurrock and surrounding area; and
  - (vii) commitments to monitoring and provision of monitoring information to the Council are included.
- The approved Construction Training and Employment Plan shall be implemented by the Owner and its contractors during the construction of the Development to the extent that the Owner and its contractors are not prevented from doing so by any rule of law.

### Part 2 – End Use Training and Employment Plan

- with the exception of Zones 4 and 7 (Secondary School site and Strategic Landscape) the Owner shall prior to Occupation of any Zone containing non-residential development prepare and submit for approval the End Use Training and Employment Plan for that Zone, and the Owner may at any time thereafter submit to the Council for approval an amended End Use Training and Employment Plan for that Zone, subject to a limit of one such amended plan per calendar year
- the End Use Training and Employment Plan shall seek to maximise the employment and training opportunities in relation to the operational use of that Zone for the benefit of Thurrock residents and shall include but shall not be limited to:
  - (i) arrangements setting out how the Owner and occupiers of the Development will work directly with Thurrock's Economic Development Skills Partnership (or any replacement partnership fulfilling the same role from time to time) and other Local Labour Agencies;
  - (ii) the provision for training opportunities and other initiatives in respect of the vocational and employability skills required for any new end-use new jobs and business opportunities created by the Development of the relevant Zone;
  - (iii) measures to promote apprenticeships during the operation of the Development in the relevant Zone;
  - (iv) arrangements for ensuring that:
    - (a) vacancies arising from the operation of the non-residential development in that Zone are advertised in both newspapers circulating in and in job centres in Thurrock and the surrounding area; and
    - (b) Local Labour Agencies are notified of all job vacancies arising
  - (v) measures to maximise supply chain opportunities for businesses in Thurrock and surrounding area; and
  - (vi) commitments to monitoring and provision of monitoring information to the Council are included
- the approved End Use Training and Employment Plan shall be implemented in the relevant Zone to the extent that the Owner and Occupiers of the commercial and retail units within the Development are not prevented from doing so by any rule of law.

## **SCHEDULE 9 – HIGHWAYS**

### **Part 1 – Junction 31 Highway Improvements**

- payment of the J31 Design Contribution (£60,000.00 subject to Indexation) to the Council prior to Commencement of Development

- payment of the First J31 Works Contribution (50% of a maximum £750,000.00 subject to Indexation less the J31 Design Contribution and any third party funding) prior to the earlier of
  - (i) Occupation of more than 500 Residential Units; or
  - (ii) Occupation of more than 50% of the floorspace of the Film and Television Studios; or
  - (iii) Occupation of more than 50% of the floorspace of the Commercial Units

whichever is the sooner

- payment of the Second J31 Works Contribution (50% of a maximum £750,000.00 subject to Indexation less the J31 Design Contribution and any third party funding) prior to the earlier of
  - (i) Occupation of more than 1000 Residential Units; or
  - (ii) Occupation of more than 75% of the floorspace of the Film and Television Studios; or
  - (iii) Occupation of more than 75% of the floorspace of the Commercial Units

whichever is the sooner.

#### Part 2 – Local Signalisation Improvements

- payment of the Local Signalisation Improvements Contribution (maximum of £50,000.00 subject to Indexation) prior to the Occupation of any Residential Units

#### **SCHEDULE 10 – CAR CLUB**

- in the event the Council have procured the services of a Borough wide car club prior to the Occupation of the Development or any part thereof and served notice on the Owner confirming the establishment of such a car club the following provisions apply:
  - (i) prior to the Occupation of the first Residential Unit the Owner shall pay the First Car Club Contribution (£20,000.00 subject to Indexation);
  - (ii) the Owner shall pay the Second Car Club Contribution (£20,000.00 subject to Indexation) on the first anniversary of the payment of the First Club Car Contribution;
  - (iii) the Owner shall pay the Third Car Club Contribution (£20,000.00 subject to Indexation) on the second anniversary of the payment of the First Club Car Contribution;
  - (iv) the Owner shall pay the Fourth Car Club Contribution (£20,000.00 subject to

- Indexation) on the third anniversary of the payment of the First Club Car Contribution; and
- (v) the Owner shall pay the Fifth Car Club Contribution (£20,000.00 subject to Indexation) on the fourth anniversary of the payment of the First Club Car Contribution.
- in the event the Council has not procured the services of a Borough wide car club prior to the Occupation of the Development or any part thereof and has served notice on the Owner to that effect the following provisions shall apply:
    - (i) the Owner shall submit for the Council's approval to a Car Club Scheme prior to the Occupation of the 50th Residential Unit and thereafter shall implement such approved scheme before the Occupation of the 100th Residential Unit
    - (ii) the Car Club Scheme will:
      - (a) ensure the dedication, retention and maintenance of the Car Club Spaces (5 no. in total across Zone 1 and 5) and that the Car Club Spaces shall not be used for any other purpose;
      - (b) provide five Car Club Vehicles for use through the Car Club Scheme;
      - (c) provide the first Car Club Vehicle for use through the Car Club Scheme following Occupation of the 100th Residential Unit;
      - (d) provide a second Car Club Vehicle for use through the Car Club Scheme following Occupation of the 200th Residential Unit;
      - (e) provide a third Car Club Vehicle for use through the Car Club Scheme following Occupation of the 300th Residential Unit;
      - (f) provide a fourth Car Club Vehicle for use through the Car Club Scheme following Occupation of the 400th Residential Unit;
      - (g) provided that the overall cap of £100,000.00 (Indexed) has not been or will not be exceeded taking in account the costs incurred or to be incurred including but not limited to marketing costs, maintenance of the Car Club Spaces, operational and maintenance costs of the four Car Club Vehicles and the operational costs of the Car Club Scheme, provide a fifth Car Club Vehicle for use through the Car Club Scheme following Occupation of the 500th Residential Unit;
      - (h) ensure that each Car Club Vehicle is accessible for hire within reasonable working hours;
      - (i) provide for the Car Club Operator to market the Car Club Scheme;
      - (j) appoint an accredited Car Club Operator for the Car Club Scheme; and
      - (k) provide on request information to the Council concerning the usage by residents of the Development of the Car Club Scheme

## **SCHEDULE 11 – ESTATE MANAGEMENT**



- the Owner shall not Occupy or permit to be Occupied any Residential Unit until:
  - (i) it has submitted for approval the Owners' proposal for the Estate Management Company, to include full details of the proposed structure, voting rights and funding (including how service charges will be fairly apportioned between the Residential Units, Commercial Units, the Film and Television Studios, and the Medical Centre or the Integrated Medical Centre and how such service charges will be secured in perpetuity upon disposal of units); and
  - (ii) such proposal for the Estate Management Company has been approved by the Council.
- the Owner shall:
  - (i) manage and maintain or shall procure that the Estate Management Company shall manage and maintain all of the following features in Perpetuity in accordance with the Estate Management Plan for each Zone including any amendments to such plan:
    - (a) SUDS (unless adopted) in the event any are provided by the Owner as part of the drainage requirements for the Development and any other drainage systems until adoption;
    - (b) Green Infrastructure;
    - (c) Open Spaces;
    - (d) underground refuse and recycling storage (where provided in each Zone or Sub Zone);
    - (e) underground car parking for flats;
    - (f) communal gardens;
    - (g) woodland;
    - (h) ecological mitigation areas in Papermill Eco Zone 7;
    - (i) the flood defence works, and new river wall provided as part of the Development; and
    - (j) any land that does not form part of the Residential Units, Commercial Units and the Film and Television Studios that has not been adopted including:
      - street furniture and street planting;
      - on street car parking spaces;
      - internal estate roads, footways and cycleways; and
      - street lighting and signage;
  - (ii) procure that the Estate Management Company:
    - (a) sets an annual Service Charge (at rates which are fairly and reasonably linked to the size of the Residential Unit, Commercial Unit, the Film and Television Studios and the Medical Centre or Integrated Medical Centre

as the case may be) for each Residential Unit, Commercial Unit and the Film and Television Studios which is sufficient to cover the cost of the management and maintenance of the features above; and

(b) collects the Service Charge from and enforces it against:

- the owners of the Residential Units;
- the Registered Provider of Social Housing in respect of the Affordable Housing Units;
- the Occupiers of the Commercial Units;
- the Occupiers of the Film and Television Studios; and
- the Occupiers of the Medical Centre or Integrated Medical Centre as the case may be.

- the Estate Management Company shall be a non-profit-making entity with a management board comprised of stakeholders in the Development including inter alia the owners of the Residential Units, any Registered Provider of Social Housing and Occupiers of the Commercial Units, Film and Television Studios and the Medical Centre or Integrated Medical Centre as the case may be
- following the approval of the proposal submitted by the Council and prior to the Occupation of any Residential Unit or Commercial Unit or the Film and Television Studios or the Medical Centre or the Integrated Medical Centre as the case may be, comprised within the Site the Owner shall establish the Estate Management Company in accordance with such approval and shall notify the Council accordingly
- the Owner shall (unless the Estate Management Company acquires a legal interest in the Site) ensure that the Estate Management Company established enters into a deed of covenant with the Council in respect of the obligations relating to the management and maintenance of the features specified above
- the Owner shall not transfer any Residential Unit or Commercial Unit or the Film and Television Studios or the Medical Centre or Integrated Medical Centre as the case may be on the Site unless such transfer shall contain:
  - (i) a covenant on the part of the transferee to pay the Service Charge;
  - (ii) a covenant on the part of the transferee to ensure that its successors in title enter into a deed of covenant with the Estate Management Company in respect of payment of the Service Charge; and
  - (iii) an agreement between the parties to enter a restriction on the title of the Residential Unit and/or Commercial Unit in relation to the above covenants relating to the payment of the Service Charge in the following form:

“No disposition of the registered estate (other than a charge) by the proprietor of the registered estate or by the proprietor of any registered charge, not being a charge registered before the entry of this restriction is to be registered without a certificate signed by [Estate Management Company name here] [Company Registration Number ..... of .....] or their conveyancer that the provisions of

clause [ [ of the transfer dated [.....] have been complied with.”

- prior to the Occupation of any Development within a Zone the Owner shall produce and submit to the Council for approval a detailed management plan ("Estate Management Plan") setting out how the features set above within that Zone are to be managed and regularly maintained in Perpetuity and which shall be in accordance with the approved Site-wide Green Infrastructure and Open Space Management Strategy and the relevant approved Zonal Green Infrastructure and Open Space Management Plan
- the Owner shall procure that a written report is provided to the Council on the completion of each Zone or Sub Zone specifying the compliance to date with the Estate Management Plan and detailing any amendments required to the Estate Management Plan, such amendments to be approved by the Council
- the Owner shall not Occupy or permit to be Occupied any Residential Unit or Commercial Unit or the Film and Television Studios or the Medical Centre or Integrated Medical Centre as the case may within a Zone or Sub Zone until:
  - (i) the Estate Management Company has been formed; and
  - (ii) the Estate Management Plan has been submitted to and approved by the Council
- the Owner shall or shall procure that the Estate Management Company established:
  - (i) sets up the Estate Management Account;
  - (ii) transfers the sum of £150,000 (Indexed) into the Estate Management Account;
  - (iii) transfers the Service Charge on collection into the Estate Management Account; and
  - (iv) applies monies from the Estate Management Account exclusively on the management and maintenance of the features specified above in accordance with the Estate Management Plan.
- the Owner shall or shall procure that the Estate Management Company shall maintain the minimum balance of £150,000 (Indexed) within the Estate Management Account in Perpetuity
- the Owner shall not Occupy or permit to be Occupied any Residential Unit or Commercial Unit or the Film and Television Studios or the Medical Centre or Integrated Medical Centre until it has set up the Estate Management Account and provided evidence to the Council of the establishment of such an account.

## **SCHEDULE 12 – TRAVEL PLAN**

- the Owner shall pay the Initial Framework Travel Plan Monitoring Fee (£1,025.00 subject to Indexation) prior to first Occupation of the first Residential Unit or Small Unit within any Zone and thereafter shall pay the Framework Travel Plan Monitoring Fee (£1,025.00 subject to Indexation) annually on the anniversary of the payment of the Initial Framework Travel Plan Monitoring Fee for a period expiring five years from Occupation of the last Residential or Small Unit (whichever is the later) to cover the costs and expenses of the Council in monitoring the Framework Travel Plan
- no Large Unit shall be Occupied until the Initial Occupier Travel Plan Monitoring Fee (£512.50 subject to Indexation) for that Large Unit has been paid and thereafter the Occupier Travel Plan Monitoring Fee (£512.50 subject to Indexation) for that Large Unit shall be paid annually on the anniversary of the payment of the Initial Occupier Travel Plan Monitoring Fee for a period expiring five years from first Occupation of Large Unit to cover the costs and expenses of Thurrock in monitoring the relevant Occupier Travel Plan. For the avoidance of doubt this obligation shall apply to each Large Unit within the Development.

## **COUNCIL COVENANTS**

### **SCHEDULE 13**

#### **Part 1 – Third Party Funding**

- the Council shall use reasonable endeavours to secure:
  - (i) third party funding for the Local Signalisation Improvements (linking of traffic signals on the A1306 at the Tank Hill road and Purfleet Road junctions) within the period commencing from the date of this Deed up to and including the payment of the Local Signalisation Improvements Contribution including, but not limited to, securing funding through s106 contributions in respect of development that is consented by the Council within this period, which will have an impact on the capacity of Tank Hill Road and Purfleet Road and shall take such additional funding into account in calculating the Local Signalisation Improvements Contribution in accordance with this Deed;
  - (ii) third party funding for the J31 Highway Improvements (upgrade of J31 signals) within the period commencing from the date of this Deed up to and including the payment of the Second J31 Works Contribution including, but not limited to, securing funding from Highways England and/or through s106 contributions in respect of development that is consented by the Council within this period, which will have an impact on the capacity of J31 and shall take such additional funding into account in calculating the J31 Works Contribution in accordance with this Deed

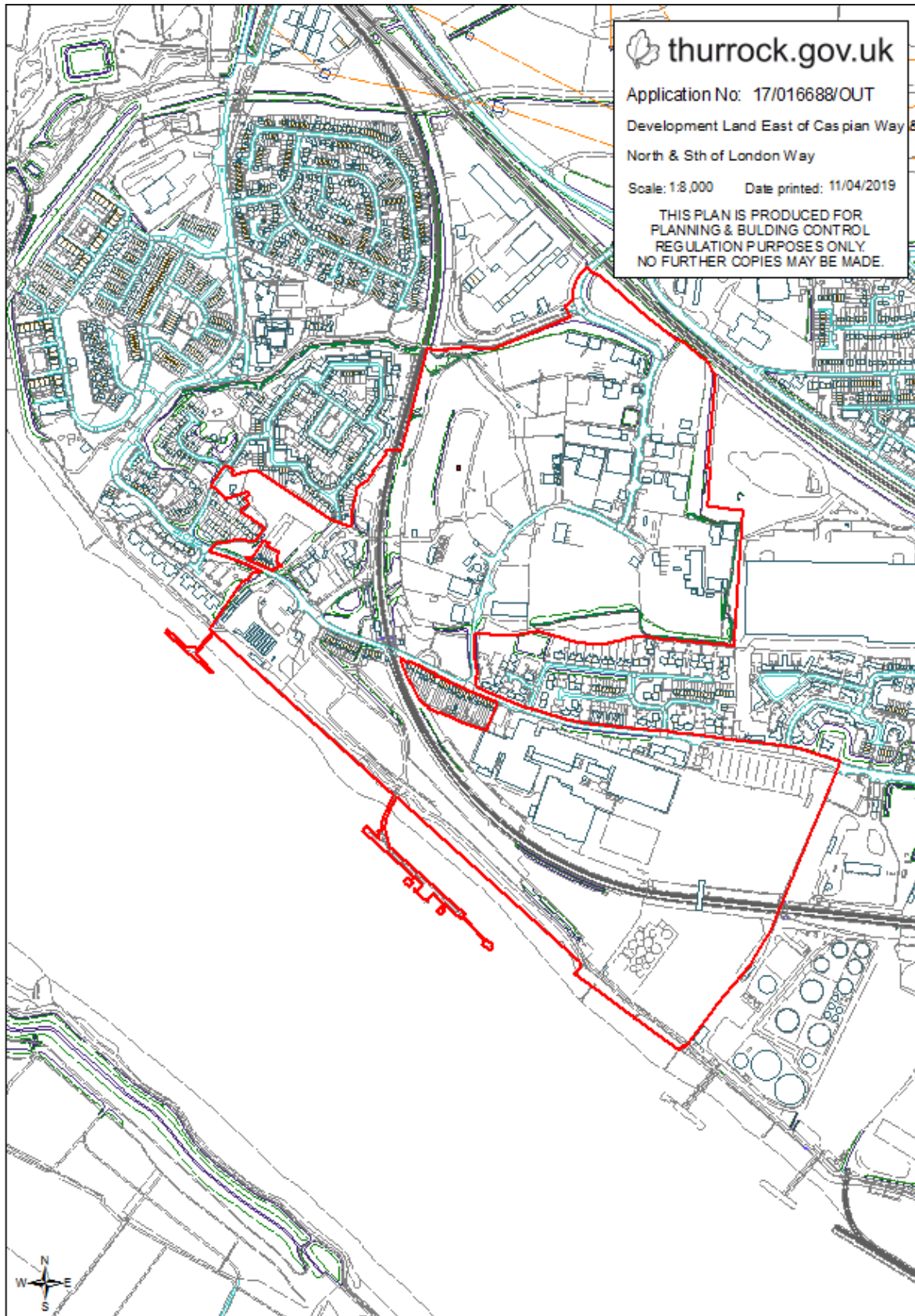
## Part 2 – Use of Contributions

- subject to the paragraphs below to use all Contributions for their intended purpose and to repay any sum not used for such purpose on the expiration of 10 years from:
  - (i) the date of payment of the Contribution when a single Contribution is payable, and
  - (ii) the date of payment of the final instalment/Contribution in the case of Contributions payable in more than one instalment, or where multiple Contributions are payable towards a single purpose
- if prior to the receipt of any of the contributions the Council incurs expenditure in relation to matters of the type or description (and location) to be funded from such contribution the need for which has arisen from or in anticipation of the Development then the Council may following receipt of the relevant contribution deduct that expenditure from the relevant contribution
- contributions received by the Council shall be deemed to be used if they have been spent and/or allocated and/or committed to be spent
- it is agreed and declared that the Council shall be permitted a reasonable extension of time to spend a contribution on the relevant infrastructure or maintenance

### **Documents:**

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

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



Planning Committee 25.04.2019	Application Reference: 19/00219/FUL
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<b>Reference:</b> 19/00219/FUL	<b>Site:</b> Barvills Farm Princess Margaret Road East Tilbury RM18 8PA
<b>Ward:</b> East Tilbury	<b>Proposal:</b> Erection of 3no. detached properties with cart lodges which includes the demolition of existing agricultural buildings. A new access road with associated hardstanding for passing bays, turning head and associated landscaping.

Plan Number(s):		
Reference	Name	Received
06A	Sections	14th March 2019
09A	Proposed Plans	14th March 2019
01A	Proposed Plans	12th February 2019
03	Existing Plans	12th February 2019
04	Existing Plans	12th February 2019
05	Location Plan	12th February 2019
07	Proposed Plans	12th February 2019
08	Proposed Plans	12th February 2019
02B	Proposed Site Layout	26th March 2019
11	Proposed Site Layout	26th March 2019

The application is also accompanied by:	
<ul style="list-style-type: none"> <li>- Supporting Planning Statement, received 7 March 2019</li> <li>- Ecological Report, prepared by T4 Ecology Ltd, dated February 2019</li> </ul>	
<b>Applicant:</b> Mr Karl Osborne	<b>Validated:</b> 12 February 2019  <b>Date of expiry:</b> 30 April 2019 (extension of time agreed with applicant)
<b>Recommendation:</b> Refusal	

This planning application is scheduled for determination by the Council's Planning Committee because it has been called in by Councillors B and G Rice, C Kent, Worrall, and Shinnick to consider the proposal against Green Belt policy.

## 1.0 DESCRIPTION OF PROPOSAL

- 1.1 The proposal seeks to demolish two agricultural buildings to the north of the site and erect 3 detached, 4 bedroom dwellings with associated open cart lodges, hardstanding and vehicle access road and landscaping. Access to the application site is proposed to from Station Road to the south of the site.

## 2.0 SITE DESCRIPTION

- 2.1 The application site forms part of a wider site at Barvills Farm. The wider site has historically been used for agricultural purposes, while the site directly to the north retains agricultural buildings and associated operations. Further to the north west of the site lies Barvills Solar farm which was approved in 2015 (planning application ref. 15/00288/FUL).
- 2.2 The site is currently access from Princess Margaret Road to the east, however, this access is proposed to be retained solely for the continued agricultural use of the site to the immediate east of the application site. An historical access exists to the south west of the site on Station Road which is proposed to be removed and replaced with a new vehicle access to the north of the site on Station Road.
- 2.3 The site lies within Metropolitan Green Belt and also lies within the Zone of Influence for one or more of the European designated sites scoped into the emerging Essex Coast Recreational disturbance Avoidance and Mitigation Strategy (RAMS). The site is not within a high flood risk zone.

## 3.0 RELEVANT HISTORY

Application Reference	Description of Proposal	Decision
65/00485/FUL	Erection of two agricultural worker's bungalows	Refused
64/00810/FUL	Erection of two Agricultural farm labourers bungalows	Refused

## 4.0 CONSULTATIONS AND REPRESENTATIONS

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

### PUBLICITY:

- 4.2 This application has been advertised by way of individual neighbour notification



letters, press advert and public site notice which has been displayed nearby. No written comments have been received.

**CADENT:**

No objection, subject to informative.

**HEALTH AND SAFETY EXECUTIVE:**

Do not advise against.

**NATURAL ENGLAND:**

No objection, subject to conditions relating to sewage drainage.

**NATIONAL GRID:**

No objection subject to conditions.

**ENVIRONMENTAL HEALTH OFFICER:**

No objection subject to conditions.

**LANDSCAPE AND ECOLOGY ADVISOR:**

No objection subject to conditions.

**HIGHWAYS:**

No objection subject to the applicant entering into a s106 legal agreement in relation to highway mitigation measures reducing the speed limit along Station Road.

**ESSEX COUNTY COUNCIL SPECIALIST ARCHAEOLOGICAL ADVICE:**

No objection.

## **5.0 POLICY CONTEXT**

### **National Planning Guidance**

#### **5.1 National Planning Policy Framework (NPPF) (2019)**

The revised NPPF was published on 24 July 2018 and again in February 2019. Paragraph 11 of the Framework sets out a presumption in favour of sustainable development. Paragraph 47 of the Framework confirms the tests in s.38 (6) of the Planning and Compulsory Purchase Act 2004 and s.70(2) of the Town and Country Planning Act.

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

- 5. Delivering a sufficient supply of homes
- 11. Making effective use of land
- 12. Achieving well-designed places
- 13. Protecting Green Belt land
- 15. Conserving and enhancing the natural environment

## 5.2 Planning Practice Guidance

In March 2014 the Department for Communities and Local Government (DCLG) launched its planning practice guidance web-based resource. This was accompanied by a Written Ministerial Statement which includes a list of the previous planning policy guidance documents cancelled when the NPPF was launched. PPG contains 42 subject areas, with each area containing several subtopics. Those of particular relevance to the determination of this planning application comprise:

- Design
- Determining a planning application
- Natural Environment
- Use of Planning Conditions

## **Local Planning Policy**

### 5.3 Thurrock Local Development Framework (2015)

The Council adopted the “Core Strategy and Policies for the Management of Development Plan Document” in December 2011 which was subsequently amended in 2015. The following Core Strategy policies apply to the proposals:

Spatial Policies:

- CSSP1 (Sustainable Housing and Locations);
- CSSP4 (Sustainable Green Belt)

Thematic Policies:

- CSTP1 (Strategic Housing Provision)
- CSTP19 (Biodiversity)
- CSTP22 (Thurrock Design)
- CSTP23 (Thurrock Character and Distinctiveness)<sup>2</sup>

Policies for the Management of Development:

- PMD1 (Minimising Pollution and Impacts on Amenity)<sup>2</sup>
- PMD2 (Design and Layout)<sup>2</sup>
- PMD6 (Development in the Green Belt)
- PMD8 (Parking Standards)<sup>3</sup>
- PMD9 (Road Network Hierarchy)

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

#### 5.4 Thurrock Local Plan

In February 2014 the Council embarked on the preparation of a new Local Plan for the Borough. Between February and April 2016 the Council consulted formally on an Issues and Options (Stage 1) document and simultaneously undertook a 'Call for Sites' exercise. It is currently anticipated that consultation on an Issues and Options (Stage 2 Spatial Options and Sites) document will be undertaken in 2018.

#### 5.5 Thurrock Design Strategy

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

### 6.0 **ASSESSMENT**

6.1 The assessment below covers the following material considerations:

- I. Principle of development and impact upon the Green Belt
- II. Design and Layout

- III. Impact Upon Landscape and Ecology
- IV. Access, Traffic Impact and Car Parking
- V. Other Matters

## I. PRINCIPLE OF DEVELOPMENT AND IMPACT UPON THE GREEN BELT

6.2 Under this heading, it is necessary to refer to the following key questions:

1. Whether the proposals constitute inappropriate development in the Green Belt;
2. The effect of the proposals on the open nature of the Green Belt and the purposes of including land within it; and
3. Whether the harm to the Green Belt is clearly outweighed by other considerations so as to amount to the very special circumstances necessary to justify inappropriate development.

### 1. Whether the proposals constitute inappropriate development in the Green Belt

6.3 The site is identified on the LDF Core Strategy Proposals Map as being within the Green Belt where policies CSSP4 and PMD6 apply. Policies CSSP4 PMD6 state that the Council will maintain, protect and enhance the open character of the Green Belt in Thurrock. These policies aim to prevent urban sprawl and maintain the essential characteristics of the openness and permanence of the Green Belt to accord with the requirements of the NPPF.

6.4 Paragraph 133 within Chapter 13 of the NPPF states that the Government attaches great importance to Green Belts and that the *“fundamental aim of Green Belt policy is to prevent urban sprawl by keeping land permanently open; the essential characteristics of Green Belt are their openness and their permanence.”* Paragraph 143 states that a local planning authority should regard the construction of new buildings as inappropriate in the Green Belt. The NPPF sets out a limited number of exceptions and the current proposal does not fall within the listed exempt categories.

6.5 The Planning Statement submitted maintains that application site is Previously Developed Land. The NPPF's definition of Previously Developed Land is listed below;

*‘Land which is or was occupied by a permanent structure, including the curtilage of the developed land (although it should not be assumed that the whole of the curtilage should be developed) and any associated fixed surface infrastructure. This excludes: land that is or was last occupied by agricultural or forestry buildings; land that has been developed for minerals extraction or waste disposal by landfill, where provision for restoration has been made through development management*

*procedures; land in built-up areas such as residential gardens, parks, recreation grounds and allotments; and land that was previously developed but where the remains of the permanent structure or fixed surface structure have blended into the landscape.'*

- 6.6 The proposal involves the demolition of the existing agricultural buildings towards the north and east of the site and would introduce various forms of built form across the site including 3 detached dwellings, a cart lodge allocated for each unit and associated vehicle access roads and hardstanding.
- 6.7 The NPPF maintains that land that was last occupied by a permanent structure, it should not be assumed, the whole curtilage should be developed and further asserts that land last occupied by agricultural buildings are exempt from being considered Previously Developed Land. The existing buildings to be demolished, towards the north of the site, were previously used for herding of livestock and, as such, the site is considered to be agricultural land and is not considered Previously Developed Land. No other evidence has been provided by the applicant to demonstrate that the buildings are not agricultural and therefore would not be considered Previously Developed Land.
- 6.8 Furthermore, the existing agricultural buildings are concentrated towards the north of the site, while the proposal would extend built form towards the south of the site, towards Station Road. Consequently, it is considered the open part of the south of the site should not be assumed to be developed.
- 6.9 Consequently, the proposals comprise inappropriate development in the Metropolitan Green Belt, which is harmful by definition, with reference to the NPPF and Policy PMD6. In accordance with the NPPF and Policy PMD6, substantial weight should be given to this harm.

2. The effect of the proposals on the open nature of the Green Belt and the purposes of including land within it

- 6.10 Having established that the proposals are inappropriate development, 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.
- 6.11 Paragraph 134 of the NPPF sets out the five purposes which the Green Belt serves as follows:
- a. to check the unrestricted sprawl of large built-up areas;

- b. to prevent neighbouring towns from merging into one another;
- c. to assist in safeguarding the countryside from encroachment;
- d. to preserve the setting and special character of historic towns; and
- e. to assist in urban regeneration, by encouraging the recycling of derelict and other urban land.

6.12 In response to each of these five purposes:

*A. to check the unrestricted sprawl of large built-up areas*

6.13 The site is situated within East Tilbury and forms the southern part of Barvills Farm. For the purposes of the NPPF, the site is considered to be outside of any 'large built up areas'. It would not therefore result in the sprawling of an existing built up area, but it would nonetheless represent the addition of new urban form on the site.

*B. to prevent neighbouring towns from merging into one another*

6.14 The development would not conflict with this Green Belt purpose.

*C. to assist in safeguarding the countryside from encroachment*

6.15 With regard to the third Green Belt purpose, the proposal would involve built development on what is currently an open and undeveloped part of the site. The proposed development would spread across the curtilage of the site to where there is currently no built form. It is important to note that the proposed dwellings, cart lodges, hardstanding and associated vehicle access/roads extend beyond the footprint of the existing agricultural buildings. It is therefore considered that the proposal would constitute an encroachment of built development into the countryside in this location and would constitute material harm to the openness character of the Green Belt. The development would consequently conflict with this purpose.

*D. to preserve the setting and special character of historic towns*

6.16 As there are no historic towns in the immediate vicinity of the site, the proposals do not conflict with this defined purpose of the Green Belt.

*E. to assist in urban regeneration, by encouraging the recycling of derelict and other urban land*

6.17 In general terms, the development could occur in the urban area and, in principle; there is no spatial imperative why Green Belt land is required to accommodate the proposals. The erection of 3 detached dwellings with associated

hardstanding/vehicle accesses and fencing are inconsistent with the fifth purpose of the Green Belt.

- 6.18 In light of the above analysis, it is considered that the proposals would be contrary to purposes c and e of the above listed purposes of including land in the Green Belt. Substantial weight should be afforded to these factors.

3. Whether the harm to the Green Belt is clearly outweighed by other considerations so as to amount to the Very Special Circumstances necessary to justify inappropriate development

- 6.19 Neither the NPPF nor the Adopted Core Strategy provide guidance as to what can comprise 'Very Special Circumstances', either singly or in combination. However, some interpretation of Very Special Circumstances has been provided by the Courts. The rarity or uniqueness of a factor may make it very special, but it has also been held that the aggregation of commonplace factors could combine to create very special circumstances (i.e. 'very special' is not necessarily to be interpreted as the converse of 'commonplace'). However, the demonstration of very special circumstances is a 'high' test and the circumstances which are relied upon must be genuinely 'very special'. In considering whether 'very special circumstances' exist, factors put forward by an applicant which are generic or capable of being easily replicated on other sites, could be used on different sites leading to a decrease in the openness of the Green Belt. The provisions of very special circumstances which are specific and not easily replicable may help to reduce the risk of such a precedent being created. Mitigation measures designed to reduce the impact of a proposal are generally not capable of being 'very special circumstances'. Ultimately, whether any particular combination of factors amounts to very special circumstances will be a matter of planning judgment for the decision-taker.
- 6.20 With regard to the NPPF, paragraph 143 states that '*inappropriate development is, by definition, harmful to the Green Belt and should not be approved except in very special circumstances*'. Paragraph 144 goes on to state that, when considering any planning application, local planning authorities "*should ensure that substantial weight is given to any harm to the Green Belt. Very special circumstances will not exist unless the potential harm to the Green Belt by reason of inappropriateness, and any other harm, is clearly outweighed by other considerations*".
- 6.21 The Planning Statement and additional details submitted set out the applicant's Very Special Circumstances to justify inappropriate development in the Green Belt, they are:

- a) The proposed scheme would contribute to the shortfall of housing supply in Thurrock;
- b) Prior Approval process allows for previously used barns to be utilised for housing purposes with the requirement for planning permission. A planning application has been submitted to provide the best possible homes in order to utilise the volumes to provide future occupants with quality sustainable living space;
- c) Applications at Manor House Farm (planning application ref. 15/00183/FUL) and Unit 1, Garlesters Farm (planning application ref. 11/00174/FUL) were previously approved;
- d) Properties have been designed to reduce the impact to the Green Belt.

These four reasons put forward by the applicant will now be individually assessed below:

*a) Shortfall of housing supply*

The Council acknowledges that there is presently a lack of 5 year housing supply. However the NPPG advises that 'unmet housing need is unlikely to outweigh the harm to the Green Belt and other harm to constitute the 'very special circumstances' justifying inappropriate development on a site within the Green Belt' (Paragraph 034 Reference ID: 3-034-20141006).

The current proposals would provide a limited benefit in contributing towards addressing the shortfall in the supply of new housing as set out in Core Strategy policy delivery targets and as required by the NPPF. The matter of housing delivery contributes towards very special circumstances and should therefore be accorded significant weight in the consideration of this application. However, as noted above, this single issue on its own cannot comprise the very special circumstances to justify inappropriate development, and as such, for such circumstances to exist this factor must combine with other considerations.

*b) Prior Approval allows barns to be utilised for housing purposes*

- 6.22 The criteria set out under the General Permitted Development Order 2015, as amended, allows for barns or agricultural buildings to be converted into residential buildings without requiring planning permission. The agent asserts the applicant could submit a prior approval application to facilitate residential development. However, no prior approval application has been submitted and, therefore, the applicant has not demonstrated that the such a proposed scheme would meet all the relevant criteria under Schedule 2, Part 3, Class Q of the GPDO 2015, as



amended. Moreover, any application for prior approval to convert any or part of the agricultural buildings on the site would involve the conversion of the agricultural buildings in their current location and broadly the same or identical form. This would be entirely different from the development currently under consideration and provides no justification for the proposed development as submitted. Consequently, no weight is afforded to the prior approval argument.

c) Historical applications have previously been consented

- 6.23 The applicant has provided examples whereby residential schemes have been previously consented within the Green Belt. The applicant refers specifically to Manor House Farm (planning application ref. 15/00183/FUL) and Garlesters Farm (planning application ref. 11/00174/FUL).
- 6.24 In the case of application 15/00183/FUL (Manor House Farm), amongst other matters, the scheme resulted in a 20% decrease in volume across the site, improving the openness to the Green Belt. Consequently, it was deemed that there would not be a material harm to the openness character of the Green Belt or the purposes of including land within it.
- 6.25 With regards to application 11/00174/FUL (Garlesters Farm), the Planning Committee found there to be very special circumstances case based largely on the fact that the site benefited from an unrestricted lawful use for commercial purposes including the storage of cars and vehicle repairs, established at appeal in 1991.
- 6.26 The examples above are very different from the current proposal and it is not, therefore, considered that the examples of other residential development permitted within the Green Belt set a precedent for this current proposal which is contrary to Green Belt policy. No weight is given to this argument.

d) Properties have been designed to reduced impact to Green Belt

- 6.27 The applicant has put forward that the proposal has been designed so as to reduce its visual impact to the Green Belt. Section 3.2 of the Planning Statement submitted maintains that the proposal for three, four bedroom dwellings have been designed to improve the impact on the Green Belt in lieu of the existing buildings on the site.
- 6.28 However, the proposed development would represent a significant increase in the footprint, hardstanding and volume over and above the original buildings at the site.
- 6.29 The proposed dwellings, each allocated with a cart lodge, would significantly increase the footprint and volume across the site. The footprint and associated

hardstanding would increase by 151% and the volume would increase by 17%. The proposed hardstanding and associated roads are considered significant additions to the site and, moreover, the built form would be relocated across the site which would effectively bring the development closer to the southern boundary along Station Road. The proposed development would, therefore, be harmful to the openness of the Green Belt.

- 6.30 The reduced visibility of the proposed development due to the design is not considered to be a valid argument for permitting the development because of the emphasis upon preserving the openness of the Green Belt. The Planning Inspectorate has held in previous decisions that visibility is not the only issue for consideration in the Green Belt and just because a development cannot be readily seen should not make it acceptable. As a consequence no weight is given to this argument put forward by the applicant.
- 6.31 A summary of the weight which has been placed on the various Green Belt considerations is provided below:

Summary of Green Belt Harm and Very Special Circumstances			
Harm	Weight	Factors Promoted as Very Special Circumstances	Weight
Inappropriate development	Substantial	Lack Housing Supply	Significant
Reduction in the openness of the Green Belt			
Conflict (to varying degrees) with a number of the purposes of including land in the Green Belt – purposes a, c and e.		Prior Approval options	No weight
		Similar historical applications	No weight
		Dwellings have been designed so as to reduce impact to the Green Belt (ground level siting and design)	No weight

- 6.32 As ever, in reaching a conclusion on Green Belt issues, a judgement as to the balance between harm and whether the harm is clearly outweighed must be reached. In this case there is harm to the Green Belt with reference to both inappropriate development and loss of openness. However, this is not considered

to be the full extent of the harm. Several factors have been promoted by the applicant as 'Very Special Circumstances' and it is for the Committee to judge:

- i. the weight to be attributed to these factors;
- ii. whether the factors are genuinely 'very special' (i.e. site specific) or whether the accumulation of generic factors combines at this location to comprise 'very special circumstances'.

6.33 Each circumstance put forward by the applicant attempts to redress that balance in favour of the development. In accordance with the NPPF, the harm has to be *clearly* outweighed by Very Special Circumstances. Taking into account all Green Belt considerations, Members are advised that the case associated with this development proposal falls some considerable way short of constituting genuine very special circumstances and it follows that the application should be refused. There are no planning conditions that could be used to make the proposal acceptable in planning terms.

## II. DESIGN AND LAYOUT

6.34 The proposed detached dwellings, with associated cart lodges would be located closer to the southern boundary of the site and therefore closer to Station Road. As already stated, built form would be concentrated towards the north of the site, with the additional development spread across the site and would be visible from Station Road. The ground levels of the application site are lower than the adjacent highway and the proposed dwellings would project 4.2 metres above the ground level at Station Road. The proposed dwellings would have a maximum height when viewed from Station Road at approximately 0.8m lower than the closest dwelling to the immediate south on Station Road. There is no specific concern in relation to the design of the proposals, however, they would be very apparent in the street scene as a result of being pulled further forward in the site.

## III. IMPACT UPON LANDSCAPE AND ECOLOGY

6.35 The application site forms part of a wider site at Barvills Farm and remains a relatively open area and the development would appear very apparent in this environment.

6.36 An Ecology Assessment has been provided for the site. This confirms that the site is of low value for most protected species. There is an active badger sett adjacent to the site and therefore, the Council's Landscape and Ecology Advisor has recommended that it would be necessary for construction works to be carried out in accordance with an appropriate method statement to minimise the risk of any animal being killed or injured during the construction.

- 6.37 Additionally, Natural England has advised that the site falls within the 'Zone of Influence' (Zol) for one of more of the European designated sites scoped into the emerging Essex Coast Recreational disturbance Avoidance and Mitigation Strategy (RAMS). The Essex Coast RAMS is a large-scale strategic project which involves a number of Essex authorities, including Thurrock Council, working together to mitigate the effects arising from new residential development. Once adopted, the RAMS will comprise a package of strategic measures to address such effects, which will be costed and funded through developer contributions. The issue of RAMS would become relevant if the application were being recommended favourably and the contribution could be secured via an appropriate legal agreement.
- 6.38 The Landscape and Ecology Advisor has commented that the proposed development would retain an area for new landscape provision (primarily towards the south and east of the site) and that the proposed 'wild garden' could provide good additional habitat if properly designed and maintained. It is considered that the proposed wild garden would provide a buffer zone between the proposed dwellings and the continuing farming operations to the north of the site. No landscape or ecology objections have been raised by the Landscape and Ecology Advisor, subject to suitable conditions.
- 6.39 Notwithstanding the above landscape and ecology advice, the development would be likely to have a significant and detrimental impact to visual amenity and be harmful to the openness character of the area. The development would conflict with Policies PMD2, CSTP22 of the Core Strategy and the criteria of the NPPF.

#### IV. ACCESS, TRAFFIC IMPACT AND CAR PARKING

- 6.40 The site is currently accessed from Princess Margaret Road to the east, however, this access is proposed to be retained solely for the continued agricultural use of the site to the immediate east. An historical access exists to the south west of the site on Station Road which is proposed to be removed and relocated.

During the consideration of the application, plans of the vehicle access to the site have been revised and the relocated more centrally along Station Road. The Council's Highways Officer has no objections to the proposed access but has confirmed, if the application were being recommended favourably, that a s106 legal agreement would be required to fund the extension of the 30 mile per hour speed limit further west of the site for the purposes of highway safety.

- 6.41 In terms of parking, the proposed development would provide adequate parking provision and the proposed development would comply with Policies PMD8 and PMD9 of the Core Strategy.

## V. OTHER MATTERS

- 6.42 The Council's Environmental Health Officer has advised that the application site is adjacent to a former landfill THU004, which involved solid, non-hazardous industrial wastes arising from the historical Bata factories. On this basis, it has been advised that the landfill gas survey should be undertaken prior to the commencement of any development to ensure no gas has migrated within the curtilage of the application site. It has been further recommended that due to the age of the existing structures on site which are proposed to be demolished, an asbestos survey must be undertaken prior to commencement of any development at the site. These issues could be controlled via suitable planning condition if the application were being recommended favourably.
- 6.43 The Council's Environmental Health Officer raises no objections subject to the imposition of suitable planning conditions relating to construction and the above matters.

## 7.0 CONCLUSIONS

- 7.1 Where a proposal represents inappropriate development the applicant must demonstrate Very Special Circumstances which clearly outweigh the harm to the Green Belt.
- 7.2 The applicant has not advanced any factors which would amount to very special circumstances that could overcome the harm that would result by way of inappropriateness and the other harm identified in the assessment. There are no planning conditions that could be used to make the proposal acceptable in planning terms. The proposal is clearly contrary to Policies PMD6, PMD2 and CSTP22 of the adopted Thurrock Local Development Framework Core Strategy and Policies for the Management of Development (as amended 2015) and the National Planning Policy Framework 2018.

## 8.0 RECOMMENDATION

- 8.1 Refuse for the following reasons:

### **Reason:**

1. The proposed development would, by reason of its scale, siting and location within the rural setting result in inappropriate development in the Green Belt which is by definition harmful. In addition, the development would also cause loss of openness due to the siting and substantial increase in the scale of the buildings proposed on the site. The circumstances put forward by the applicant do not constitute very

special circumstances to justify inappropriate development in the Green Belt. The proposal is therefore contrary to Policies PMD6, PMD2 and CSTP22 of the adopted Thurrock Local Development Framework Core Strategy and Policies for the Management of Development (as amended 2015) and the National Planning Policy Framework 2018.

**Informative(s):-**

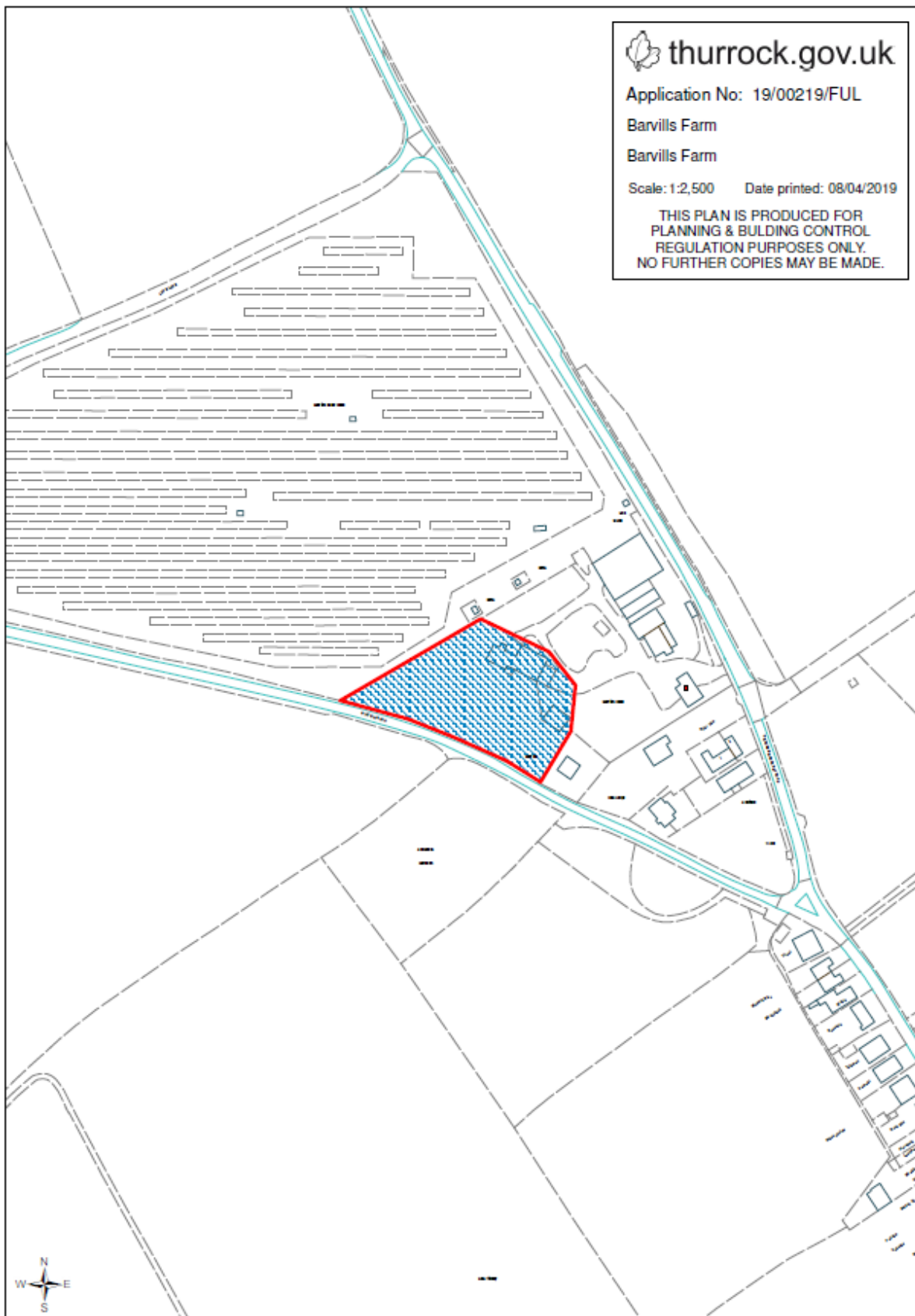
- 1 Town and Country Planning (Development Management Procedure) (England) Order 2015 (as amended) - Positive and Proactive Statement:

The Local Planning Authority has acted positively and proactively in determining this application by identifying matters of concern with the proposal and discussing with the Applicant/Agent. However, the issues are so fundamental to the proposal that it has not been possible to negotiate a satisfactory way forward and due to the harm which has been clearly identified within the reason(s) for the refusal, approval has not been possible.

**Documents:**

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

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



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<b>Reference:</b> 19/00267/FUL	<b>Site:</b> Silver Springs High Road Fobbing SS17 9HN
<b>Ward:</b> Corringham And Fobbing	<b>Proposal:</b> Demolition of Inglefield, part single/part two storey front, side and rear extensions with front balcony to Silver Springs and construction of six detached houses to rear with associated access road, landscaping and amenity space

Plan Number(s):		
Reference	Name	Received
	Tree Protection Plan	20 February 2019
1634-01	Location Plan	20 February 2019
1634-05	Existing Elevations	20 February 2019
1634-06	Existing Floor Plans	20 February 2019
1634-08	Proposed Floor Plans	20 February 2019
1634-09	Proposed Elevations	20 February 2019
1634-11	Proposed Studio	20 February 2019
1634-97	Existing Site Layout	20 February 2019
1634-98D	Proposed Site Plan	5 April 2019
1634-99D	Proposed Roof Plans	5 April 2019
1634-100	House Type A – Plot 1	20 February 2019
1634-101	House Type B – Plot 2	20 February 2019
1634-102A	House Type A Handed Plot 3	4 March 2019
1634-103A	House Type A Handed Plot 4	4 March 2019
1634-104	House Type C – Plot 5	20 February 2019
1634-105	House Type D – Plot 6	20 February 2019
1634-106	Proposed Street Scene	20 February 2019
1634-107	Bell Mouth Junction Plan	20 February 2019
1634-108	Swept Path Analysis	20 February 2019
1634-150C	Vehicle Access to Front of Site	5 April 2019

The application is also accompanied by:

- Arboricultural Report
- Transport Statement

<b>Applicant:</b> c/o Smart Planning	<b>Validated:</b> 20 February 2019 <b>Date of expiry:</b> 26 April 2019 (Extension of time agreed with applicant)
<b>Recommendation:</b> Refuse	

This application is scheduled for determination by the Council's Planning Committee because the application was called in by Cllr. G. Rice, Cllr. J. Potheary, Cllr. S. Liddiard, Cllr. O. Gerrish and Cllr. B. Rice to consider the proposal against Green Belt policy.

## 1.0 DESCRIPTION OF PROPOSAL

- 1.1 This application seeks planning permission for the demolition of an existing dwelling (Inglefield) and the erection of six detached houses with associated access road, landscaping and amenity space. The application also proposes side and rear extensions to the host dwelling (Silver Springs).
- 1.2 Access to the development would be provided at the northern corner of the site; the new entrance would lead to the rear of the site where six detached dwellings would be laid out in a cul-de-sac arrangement.
- 1.3 The proposed houses would all be two storey dwellings with regular roof styles and proportions which exhibit traditional design features. Each dwelling would have either private off street parking or garages and parking.

## 2.0 SITE DESCRIPTION

- 2.1 The site comprises approximately 0.55 Ha and is to the north of the village of Fobbing. The village is characterised by a single dwelling deep linear pattern of development.
- 2.2 The site is located on the western side of High Road and is occupied by a single dwellinghouse with a large grassed garden area to the rear. The site is located within the Green Belt forming part of an Established Residential Frontage.

## 3.0 RELEVANT HISTORY

Application reference	Description	Decision
16/01242/FUL	Seven detached houses comprising one replacement dwelling, six new dwellings with access road, landscaping and amenity space.	Refused

#### **4.0 CONSULTATIONS AND REPRESENTATIONS**

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

##### **PUBLICITY:**

- 4.2 This application has been advertised by way of individual neighbour notification letters and public site notice which has been displayed nearby. There has been seven comments of objection. The objections raised are:

- Impact of development upon the Green Belt;
- Impact of development upon the character of the village;
- Loss of Privacy;
- Scheme represents overdevelopment;
- Greenfield site / not previously developed land.

##### **4.3 ARCHAEOLOGY:**

No objection.

##### **4.4 BRITISH PIPELINE ASSOCIATION:**

No objection.

##### **4.5 ENVIRONMENTAL HEALTH:**

No objection.

##### **4.6 ESSEX AND SUFFOLK WATER:**

No objection.

##### **4.7 HIGHWAYS:**

No objection.

##### **4.8 LANDSCAPE AND ECOLOGY:**

No objection, subject to conditions.

## 5.0 POLICY CONTEXT

National Planning Guidance

### 5.1 National Planning Policy Framework (NPPF)

The NPPF was published on 27 March 2012 and amended on 19 February 2019. Paragraph 10 of the Framework sets out a presumption in favour of sustainable development. Paragraph 2 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 11 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:

- 5. Delivering a sufficient supply of homes
- 11. Making effective use of land
- 13. Protecting Green Belt land

### 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 a range of 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
- Natural Environment
- Use of Planning Conditions

### 5.3 Local Planning Policy

#### Local Planning Policy Thurrock Local Development Framework (2015)

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 28 February 2015. The following policies apply to the proposals:

#### Spatial Policies:

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

#### Thematic Policies:

- CSTP1 (Strategic Housing Provision)
- CSTP2 (The Provision of Affordable Housing)
- CSTP19 (Biodiversity)
- CSTP22 (Thurrock Design)
- CSTP23 (Thurrock Character and Distinctiveness)<sup>2</sup>

#### Policies for the Management of Development:

- PMD1 (Minimising Pollution and Impacts on Amenity)<sup>2</sup>
- PMD2 (Design and Layout)<sup>2</sup>
- PMD6 (Development in the Green Belt)<sup>2</sup>
- PMD7 (Biodiversity, Geological Conservation and Development)<sup>2</sup>
- PMD8 (Parking Standards)<sup>3</sup>
- PMD9 (Road Network Hierarchy)

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

## 5.4 Thurrock Local Plan

In February 2014 the Council embarked on the preparation of a new Local Plan for the Borough. Between February and April 2016 the Council consulted formally on an Issues and Options (Stage 1) document and simultaneously undertook a 'Call for Sites' exercise. In December 2018 the Council began consultation on an Issues and Options (Stage 2 Spatial Options and Sites) document.

## 5.5 Thurrock Design Strategy

In March 2017 the Council launched the Thurrock Design Strategy. The Design Strategy sets out the main design principles to be used by applicants for all new

development in Thurrock. The Design Strategy is a supplementary planning document (SPD) which supports policies in the adopted Core Strategy.

## 6.0 ASSESSMENT

6.1 The principal issues to be considered in the determination of this application are:

- I. Principle of development and impact upon the Green Belt
- II. Access, traffic and highway impacts
- III. Site layout and design
- IV. Landscape and ecology
- V. Amenity and neighbours
- VI. Developer contributions

### I. PRINCIPLE OF DEVELOPMENT AND IMPACT UPON THE GREEN BELT

6.2 Under this heading, it is necessary to refer to the following key questions:

1. Whether the proposals constitute inappropriate development in the Green Belt;
2. The effect of the proposals on the open nature of the Green Belt and the purposes of including land within it; and
3. Whether the harm to the Green Belt is clearly outweighed by other considerations so as to amount to the very special circumstances necessary to justify inappropriate development.

#### 1. Whether the proposals constitute inappropriate development in the Green Belt

6.3 The site is identified on the LDF Core Strategy Proposals Map as being within the Green Belt where policies CSSP4 and PMD6 apply. Policy CSSP4 identifies that the Council will 'maintain the purpose function and open character of the Green Belt in Thurrock', and Policy PMD6 states that the Council will 'maintain, protect and enhance the open character of the Green Belt in Thurrock'. These policies aim to prevent urban sprawl and maintain the essential characteristics of the openness and permanence of the Green Belt to accord with the requirements of the NPPF.

6.4 Paragraph 133 within Chapter 13 of the NPPF states that the Government attaches great importance to Green Belts and that the *"fundamental aim of Green Belt policy is to prevent urban sprawl by keeping land permanently open; the essential characteristics of Green Belt are their openness and their permanence."* Paragraph 143 states that a local planning authority should regard the construction of new

buildings as inappropriate in the Green Belt. The NPPF sets out a limited number of exceptions and the current proposal does not fall within the listed exempt categories.

- 6.5 The proposal would introduce six new detached dwellings and extensions to the host property. The proposal would clearly have a greater impact on the openness of the Green Belt and the purpose of including land within it than the existing development. Consequently, the proposals comprise inappropriate development with reference to the NPPF and Policy PMD6.

2. The effect of the proposals on the open nature of the Green Belt and the purposes of including land within it

- 6.6 Having established that the proposals are inappropriate development, 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.

- 6.7 Paragraph 134 of the NPPF sets out the five purposes which the Green Belt serves as follows:

- a. to check the unrestricted sprawl of large built-up areas;
- b. to prevent neighbouring towns from merging into one another;
- c. to assist in safeguarding the countryside from encroachment;
- d. to preserve the setting and special character of historic towns; and
- e. to assist in urban regeneration, by encouraging the recycling of derelict and other urban land.

- 6.8 In response to each of these five purposes:

*A. to check the unrestricted sprawl of large built-up areas*

- 6.9 The site is located along the main road in Fobbing. For the purposes of the NPPF, the site is considered to be outside of any 'large built up areas'. It would not therefore result in the sprawling of an existing built up area, but it would nonetheless represent the addition of new urban form on the site.

*B. to prevent neighbouring towns from merging into one another*

- 6.10 The development would not conflict with this Green Belt purpose.

*C. to assist in safeguarding the countryside from encroachment*

- 6.11 With regard to the third Green Belt purpose, the proposal would involve built development on what is currently an open and undeveloped part of the site. It is therefore considered that the proposal would constitute an encroachment of built development into the countryside in this location; the construction of six houses would constitute material harm to the openness character of the Green Belt. The development would consequently conflict with this purpose.

*D. to preserve the setting and special character of historic towns*

- 6.12 Fobbing is a historic village but the proposal is not within an area which has special character. Therefore, the proposals do not conflict with this defined purpose of the Green Belt.

*E. to assist in urban regeneration, by encouraging the recycling of derelict and other urban land*

- 6.13 In general terms, the development could occur in the urban area and, in principle; there is no spatial imperative why Green Belt land is required to accommodate the proposals. The proposed development is inconsistent with the fifth purpose of the Green Belt.
- 6.14 In light of the above analysis, it is considered that the proposals would be contrary to purposes c and e of the above listed purposes of including land in the Green Belt. Substantial weight should be afforded to these factors.

3. Whether the harm to the Green Belt is clearly outweighed by other considerations so as to amount to the Very Special Circumstances necessary to justify inappropriate development

- 6.15 Neither the NPPF nor the Adopted Core Strategy provide guidance as to what can comprise 'Very Special Circumstances', either singly or in combination. However, some interpretation of Very Special Circumstances has been provided by the Courts. The rarity or uniqueness of a factor may make it very special, but it has also been held that the aggregation of commonplace factors could combine to create very special circumstances (i.e. 'very special' is not necessarily to be interpreted as the converse of 'commonplace'). However, the demonstration of very special circumstances is a 'high' test and the circumstances which are relied upon must be genuinely 'very special'. In considering whether 'very special circumstances' exist, factors put forward by an applicant which are generic or capable of being easily replicated on other sites, could be used on different sites leading to a decrease in the openness of the Green Belt. The provisions of very special circumstances which are specific and not easily replicable may help to reduce the risk of such a precedent being created. Mitigation measures designed to reduce the impact of a proposal are generally not capable of being 'very special circumstances'. Ultimately, whether any particular combination of factors amounts to very special circumstances will be a matter of planning judgment for the decision-taker.



6.16 With regard to the NPPF, paragraph 143 states that *‘inappropriate development is, by definition, harmful to the Green Belt and should not be approved except in very special circumstances’*. Paragraph 144 goes on to state that, when considering any planning application, local planning authorities *“should ensure that substantial weight is given to any harm to the Green Belt. Very special circumstances will not exist unless the potential harm to the Green Belt by reason of inappropriateness, and any other harm, is clearly outweighed by other considerations”*.

6.17 The Design & Access Statement sets out the applicant’s Very Special Circumstances which are assessed below:

*a) Lack of 5 years housing supply*

6.18 The applicant has argued that the Council’s lack of 5 year housing supply is a very special circumstance which should be afforded weight.

Consideration

6.19 The Council acknowledges that there is presently a lack of 5 year housing supply. However the NPPG advises that ‘unmet housing need is unlikely to outweigh the harm to the Green Belt and other harm to constitute the ‘very special circumstances’ justifying inappropriate development on a site within the Green Belt’ (Paragraph 034 Reference ID: 3-034-20141006).

6.20 The current proposals would provide a limited benefit in contributing towards addressing the shortfall in the supply of new housing as set out in Core Strategy policy delivery targets and as required by the NPPF. The matter of housing delivery contributes towards very special circumstances and should therefore be accorded significant weight in the consideration of this application. However, as noted above, this single issue on its own cannot comprise the very special circumstances to justify inappropriate development, and as such, for such circumstances to exist this factor must combine with other considerations.

*b) £200,000 financial contribution towards affordable housing*

6.21 Whilst the threshold for provision of affordable housing is 10 or more houses, the applicant has put forward a pledge to contribute £200,000 towards affordable housing within the borough.

Consideration

6.22 The Council has no policies which would allow for contributions which are not required to be paid for affordable housing. Additionally, the Council’s Housing Development Manager has confirmed this level of financial contribution would equate approximately one affordable housing unit which would be of negligible benefit to the borough.

- 6.23 In light of the above, it follows that the arguments based upon a voluntary affordable housing contribution cannot be given any weight in the determination of this application.

*c) The residential development to the rear of Thames View Farm adjacent to the site*

- 6.24 Under this heading the applicant has argued that the granting of planning permission for residential development on the adjacent site at Thames View Farm should be considered a very special circumstance.

- 6.25 The adjacent site was identified as a potential housing site in the January 2013 draft Site Allocations Development Plan Document (SSADPD). The applicant has stated that given that the land at Hill Crest and Thames View was found to be suitable for allocation, and in the context of a housing land supply shortage, it is logical to presume that a larger site would have been welcomed and found to be equally suitable.

Consideration

- 6.26 The planning application at Thames View Farm related to a site that was included in the January 2013 SSADPD and this combined with a number of factors, tipped the balance towards allowing approval of the application. The fact that the adjacent site gained planning permission in 2015 does not mean that this site should automatically obtain planning permission. This site has never been included within the SSADPD and is therefore fundamentally different to Thames View Farm. The case for the Thames View Farm development was also based on the former usage of the site as a small-holding and the buildings on the site, this is very different to an open rear garden area which the site at Silver Springs consists of. This factor should therefore be afforded no weight in the consideration of this planning application.

*d) Provision of executive homes constructed to a high standard*

- 6.27 The applicant states that the development would deliver high quality, larger homes in the Borough for which there is a need and they would retain/attract captains of industry to the area.

Consideration

- 6.28 Whilst the Council expects all new development to be of the highest quality, there is no identified need within the Core Strategy or the Council's Housing Needs Survey specifically for larger homes. The provision of larger houses which would be constructed to a high standard is not considered a VSC as there is no particular reason why these houses should be in Green Belt rather than a brownfield site.

Accordingly, this factor should be given no weight in the determination of the application as a Very Special Circumstance.

*e) Increased ecological value of the site*

- 6.29 The applicant has stated they would accept a condition to ensure the ecological value of the site is improved. They consider that the ecological improvements that could be gained on the site constitute a VSC.

Consideration

- 6.30 It is not accepted that the ecological value of an open site free of built form could be improved by building six detached dwellings. The Council's Landscape and Ecology Advisor notes in their consultation response '*Overall the development continues to provide little space for new planting or private amenity space*'. Accordingly, this factor should be given no weight in the determination of the application as a Very Special Circumstance.
- 6.31 A summary of the weight which has been placed on the various Green Belt considerations is provided below:

Summary of Green Belt Harm and Very Special Circumstances			
Harm	Weight	Factors Promoted as Very Special Circumstances	Weight
Inappropriate development	Substantial	Lack of 5 years housing supply	Significant weight
Reduction in the openness of the Green Belt			
Conflict (to varying degrees) with a number of the purposes of including land in the Green Belt – purposes a, c and e.		£200,000 towards affordable housing	No weight
		Residential development next door	No weight
		Provision of executive homes which are well constructed	No weight
		Increase ecological value of site	No weight

- 6.32 As ever, in reaching a conclusion on Green Belt issues, a judgement as to the balance between harm and whether the harm is clearly outweighed must be reached. In this case there is harm to the Green Belt with reference to inappropriate development and loss of openness. Several factors have been

promoted by the applicant as 'Very Special Circumstances' and it is for the Committee to judge:

- i. the weight to be attributed to these factors;
- ii. whether the factors are genuinely 'very special' (i.e. site specific) or whether the accumulation of generic factors combine at this location to comprise 'very special circumstances'.

6.33 Each circumstance put forward by the applicant attempts to redress that balance in favour of the development. In accordance with the NPPF, the harm has to be *clearly* outweighed by Very Special Circumstances. Taking into account all Green Belt considerations, Members are advised that the case associated with this development proposal falls some considerable way short of constituting genuine very special circumstances and it follows that the application should be refused. There are no planning conditions that could be used to make the proposal acceptable in planning terms.

## II. ACCESS, TRAFFIC AND HIGHWAY IMPACTS

- 6.34 The proposal would make suitable off street parking provision for all the units and access to the High Road in accordance with Council standards, subject to conditions.
- 6.35 The proposed access is to rationalise the accesses into one junction which will serve the original house and the additional units. The Highways Officer has stated this is acceptable and would not harm road safety.

## III. SITE LAYOUT AND DESIGN

- 6.36 This part of the High Road is not characterised by any particular property style or design. The immediate location presents a wide variety of properties, in terms of age, design, use of materials and size and scale.
- 6.37 The proposed extensions to Silver Springs fronting the High Road would be located between a chalet/single storey dwellings. The proposed extensions would remodel the house and create a double gable ended frontage to which no objection is raised. The design and scale of the proposed extensions are considered to be appropriate as it is suitably related in both size and design terms to the adjacent properties on the High Road. As the site is within Established Residential Frontage (ERF) Core Strategy policy PMD6 provides some relaxation of normal Green Belt Policy without harm to the objectives of the Green Belt. This only applies to the main house within a Green Belt site.
- 6.38 A new cul-de-sac would be created which would be accessed from the north of the site adjacent to a new house which would front onto the High Road. The cul-de-sac would consist of six new detached dwellings. Within the mid-section of the site the four properties would have the principal elevation facing northwards and the two

properties to the rear of the site would have a principal elevation facing eastwards.

- 6.39 In terms of private amenity space, the proposed dwellings would all have a private rear garden. All the garden sizes are all over 100 sq m, which meets the Council's space standard requirements.
- 6.40 These proposed dwellings and garages have been designed to a standard style and the overall design approach is considered to be acceptable. The careful use of materials could ensure a high quality finish. Subject to suitable conditions, it is considered that the external appearance of the proposed buildings could be acceptable.

## VI. LANDSCAPE AND ECOLOGY

- 6.41 The application is supported by an arboricultural report which confirms that the trees on the site (primarily around the boundaries) can be retained as part of the scheme. Three trees have been identified to be removed if permission were granted. These comprise two Category B and one category C trees. The Council's Landscape and Ecology Advisor has stated these *'trees are to the rear of the existing house and their removal would not significantly affect the amenity of the area. Plot 5 is closest to the boundary hedge and trees; however there are no windows of habitable rooms facing these which should reduce the post-development pressure on these trees. The offsite oak T6 however is likely to require ongoing management to reduce the effects of shading on Plots 1 & 2 given their proximity to this tree'*. The Landscape and Ecology Advisor has not raised a specific objection to the scheme but has warned that the development would provide little space for meaningful planting.

## V. AMENITY AND NEIGHBOURS

- 6.42 Neighbours have raised concern in relation to the impact of the new dwellings on their outlook and amenity. Whilst it is true that the dwellings that are proposed on this site would be a change from the existing scenario, there is no right to an outlook under planning law. Accordingly an objection on these grounds could not be substantiated.
- 6.43 The new properties would be suitably distant from neighbours not to impact on the amenities that nearby occupiers presently enjoy. The houses would be set out so as not to impact on one another. Policy PMD1 is considered to be satisfied in this regard.
- 6.44 Notwithstanding the above, neighbour objections based upon the development of the Green Belt support the conclusions reached in section I of this report.

## VI. DEVELOPER CONTRIBUTIONS

- 6.45 Policy PMD16 indicates that where needs would arise as a result of development; the Council will seek to secure planning obligations under Section 106 of the Town and Country Planning Act 1990 and any other relevant guidance. The Policy states that the Council will seek to ensure that development proposals contribute to the 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.
- 6.46 There are no planning contributions or affordable housing required as the proposal falls short of the central government threshold of 10 units. The NPPG guidance indicates that for developments of 10 units or less, and which have a maximum combined gross floor space of no more than 1000sq.m affordable housing or tariff style contributions should not be sought.
- 6.47 The site is within the Essex Coast RAMS zone of influence and therefore it would be necessary for the LPA to secure a contribution towards mitigation of the effects of recreational disturbance on Thames Estuary and Marshes SPA. In the event that the application were being recommended favourably such a contribution could be secured via an appropriate legal agreement.

## 7.0 CONCLUSIONS AND REASONS FOR REFUSAL

- 7.1 The proposed development represents an inappropriate form of development within the Green Belt which is harmful by definition. The development would result in further harm by introducing built development where there is presently none; the dwellings, garages and hard surfacing would represent urbanising features which would be visually damaging to the countryside and undermining to the openness of this part of the countryside.
- 7.2 The applicant has not advanced any factors which would amount to very special circumstances that could overcome the harm that would result by way of inappropriateness and the other harm identified in the assessment. There are no planning conditions that could be used to make the proposal acceptable in planning terms. The development is clearly contrary to Policy PMD6 of the Core Strategy and guidance contained in the NPPF. Refusal is therefore recommended.

## 8.0 RECOMMENDATION

- 8.1 To Refuse for the following reasons:

### Reason:

- 1 The proposed development, by reason of its scale, siting and location would result in inappropriate development in the Green Belt which is by definition harmful. In addition, the development would also cause loss of openness due to the siting and

substantial increase in the scale of the buildings proposed on the site. The circumstances put forward by the applicant do not constitute very special circumstances to justify inappropriate development in the Green Belt. The proposal is therefore contrary to Policy PMD6 of the adopted Thurrock Local Development Framework Core Strategy and Policies for the Management of Development (as amended 2015) and the National Planning Policy Framework 2019.

**Informative:**

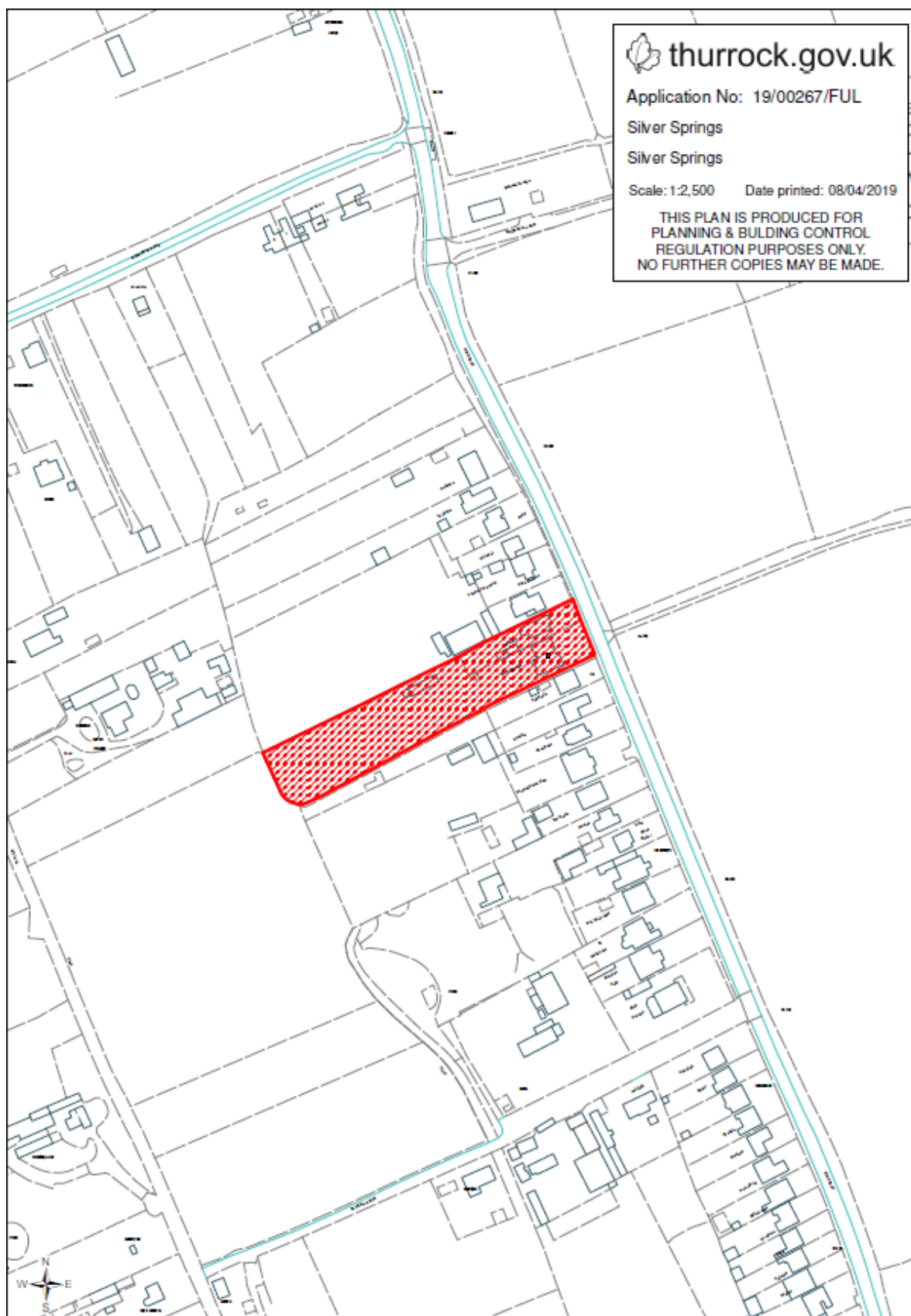
- 1 Town and Country Planning (Development Management Procedure) (England) Order 2015 (as amended) - Positive and Proactive Statement:

The Local Planning Authority has acted positively and proactively in determining this application by identifying matters of concern with the proposal and discussing with the Applicant/Agent. However, the issues are so fundamental to the proposal that it has not been possible to negotiate a satisfactory way forward and due to the harm which has been clearly identified within the reason(s) for the refusal, approval has not been possible.

**Documents:**

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<b>Reference:</b> 19/00271/FUL	<b>Site:</b> Land Adj A13 A1306 and to front of 191-235 Purfleet Road Aveley Essex
<b>Ward:</b> Aveley And Uplands	<b>Proposal:</b> Proposed new Distribution Centre consisting of - Erection of Warehouse and Distribution building (B8 Use Class), with ancillary Offices, Technical Service Block, Tote Wash, Vehicle Maintenance Building; Vehicle Inspection Hut, Gatehouse; creation of new access point from Purfleet Road and 'left-in' access from London Road; cycle, motorcycle, car, van and HGV parking (including construction of multi-storey car parking facility); fuel refill; hardstanding and circulation areas; sprinkler tanks; pump house; vehicle wash; and all other ancillary and enabling works including landscaping, drainage, engineering, ground stability works and boundary treatment.

<b>Plan Number(s):</b>		
Reference	Name	Received
0200B	Proposed Plans	22nd February 2019
0201B	Proposed Plans	22nd February 2019
0202	Proposed Plans	22nd February 2019
0203	Proposed Plans	22nd February 2019
0204	Proposed Plans	22nd February 2019
1448B 01	Proposed Plans	3rd April 2019
1448B 02	Proposed Plans	3rd April 2019
1448B 02 SHT 1	Proposed Plans	3rd April 2019
1448B 02 SHT 2	Proposed Plans	3rd April 2019
1448B 02 SHT 3	Proposed Plans	3rd April 2019
1448B 02 SHT 4	Proposed Plans	3rd April 2019
1448B 02 SHT 5	Proposed Plans	3rd April 2019
18113 - P01A	Existing Site Layout	22nd February 2019
18113 - P02D	Proposed Site Layout	22nd February 2019
18113 - P03B	Proposed Floor Plans	22nd February 2019
18113 - P05A	Sections	22nd February 2019
18113 - P06C	Proposed Plans	22nd February 2019
18113 - P07C	Proposed Elevations	22nd February 2019
18113 - P08C	Sections	22nd February 2019

18113 - P09B	Proposed Floor Plans	22nd February 2019
18113 - P10C	Proposed Elevations	22nd February 2019
18113 - P11A	Sections	22nd February 2019
18113 - P12A	Roof Plans	22nd February 2019
18113 - P13D	Other	22nd February 2019
18113 - P14B	Proposed Plans	22nd February 2019
18113 - P15B	Proposed Elevations	22nd February 2019
18113 - P16A	Proposed Plans	22nd February 2019
18113 - P17D	Proposed Plans	22nd February 2019
18113 - P18B	Other	22nd February 2019
18113 - P20	Sections	22nd February 2019
18113 - P21	Other	22nd February 2019
130158/0205	Proposed Plans	22nd February 2019
EX001 T3	Other	22nd February 2019

The application is also accompanied by:

- Planning Statement
- Design and Access Statement
- Air Quality Report
- Archaeology Report
- BREEAM Pre-Assessment Report and Energy Strategy
- Drainage Statement
- Ecological Statement
- Environmental Noise Assessment
- Landscape and Visual Impact Assessment
- Landscape Design Statement
- Lighting Assessment
- Transport Assessment
- Travel Plan

**Applicant:**

c/o Agent

**Validated:**

27 February 2019

**Date of expiry:**

29 May 2019

**Recommendation:** Approve subject to conditions and obligations

This application is scheduled for determination by the Planning Committee because the proposed development is similar to a recent application considered by the Planning Committee on 13 September 2018.

## 1.0 BACKGROUND AND DESCRIPTION OF PROPOSAL

1.1 The key elements of the proposals are set out in the table below:

Site Area (Gross)	7.9 ha
Access	Two access points: 1 from London Road left only from south-eastbound carriageway 1 from the new bellmouth junction onto Purfleet Road
Use	Warehouse and Distribution Centre (Class B8) with Offices (Class B1 and ancillary buildings (Class B8) 24 hour use
Height	15.75m
Total Floorspace	28,296 sqm, split as follows Warehouse (B8) - 23,424 sqm Offices (B1) – 3,056 sqm Ancillary buildings – 1,816 sqm
Employment	Up to 1500 staff per shift over 5 shift periods over a 24 hour operational use. Peak staff on a shift of 476 employees
Total Loading Bays	35 HGV and Commercial Vehicle docking points
Parking	Commercial Vehicle Parking: 209 spaces Car Parking: 308 Cycle Parking: 60

1.2 Full planning permission is sought for the erection of a new warehouse and distribution centre (B8 Use Class), with ancillary offices, technical service block, wash area, vehicle maintenance building; vehicle inspection hut, gatehouse; the creation of new access point from Purfleet Road and 'left-in' access from London Road; cycle, motorcycle, car, van and HGV parking (including construction of multi-storey car parking facility); fuel refill area; hardstanding and circulation areas; sprinkler tanks; pump house; vehicle wash; and all other ancillary and enabling works including landscaping, drainage, engineering, ground stability works and boundary treatment.

### Access

- 1.3 The proposal would result in the use of the recently completed new access point from Purfleet Road and would use an existing 'left-in' access from London Road. The 'left in' access would be widened to be used for HGV's accessing the site for parking and loading purposes. An internal HGV circulation route would pass around the north elevation of the building with HGV's exiting the site at the new bellmouth junction onto Purfleet Road.

#### Layout

- 1.4 The proposed warehouse building would be centrally located within the site with positioned bays located on two sides of the building [east and west elevations]. HGV parking would be located to the west and east elevations of the building along with a fuel refill area. An area of loading bays to the west elevation of the building would be dedicated for van loading with 135 van parking spaces located in this location.
- 1.5 To the south of the warehouse building a 3 storey detached office block building, including welfare facilities, and a 3 storey multi-storey car park would be developed with 308 parking spaces. A separate cycle area for 60 cycles would also be located to the south of the warehouse building. The multi storey car park and cycle area would be accessed from a roundabout located within the site to the north of the access from Purfleet Road.
- 1.6 A number of ancillary buildings would be located throughout the site including a gatehouse at the access from London Road, a technical service block building and wash area, sprinkler tanks, transformer compounds and a vehicle maintenance hut.
- 1.7 Around the building a hardstanding area would be created with access to the north and south side of the buildings.

#### Scale and Design

- 1.8 The proposed warehouse would be the tallest building on site at 15.75m high and would be of a typical modern warehouse design with vertical light green coloured metal cladding proposed to the elevations, including the multi-storey car park. All ancillary buildings would have grey and dark coloured finishes. The office building would have a mono-pitched roof sloping south wards and the west and south elevations would have large areas of glazing with less glazing in the north and east elevations which face the warehouse building and multi-storey car park. An internal link to the warehouse building would be positioned at first and second floor levels.

#### Landscaping

- 1.9 Around the site boundaries, and within the site, landscaping is proposed including attenuation ponds towards the south boundary for surface water drainage. A 7m high landscaping bund with a 2m high noise barrier fence would be created adjacent to the eastern site boundary. The depth of the landscape bund varies from 47m deep tapering to 13m deep at its narrowest point nearest the junction entrance to the site from Purfleet Road.

### Planning Obligations

- 1.10 The following planning obligations are offered:

- Travel Plan – submission for approval, implementation and review of a Travel Plan. Payment of the Council's Travel Plan review fees of £500;
- Vehicle Monitoring Scheme – submission for approval, implementation and maintenance of a Vehicle Monitoring Scheme. Carrying out of relevant corrective highways measures;
- Bus Services Contribution – financial contribution of £150,000 [indexed] three months prior to occupation and a further contribution of £150,000 [indexed] on occupation of 50% of the floorspace.

- 1.11 It should be noted that the recent permission [18/00830/FUL] is subject to the same planning obligations as offered with this application.

- 1.12 The previous, but still live, extant permission [12/00862/OUT and 17/00587/REM] were subject to the same planning obligations as offered above but also included additional highway works as detailed below. The additional highway works have been implemented and details of these works are listed below:

- realignment of the Purfleet Road and closure of part of Purfleet Road as a result of the realignment works;
- installation of a new bellmouth access from Purfleet Road into the site;
- provision of a refuse storage collection area from Purfleet Road;
- installation of a new road traffic junction with traffic lights between Purfleet Road and London Road;
- installation of a 'left-in' access for HGV's from London Road;
- widening of London Road; and
- various access and footpath and cycleway improvements.

## **2.0 SITE DESCRIPTION**

- 2.1 The site is a triangular-shaped plot of land totalling 7.9 hectares in size. The site is located on the north-western side of Purfleet Road, with the A13 trunk road and the A1306 London Road forming the other boundaries of the site. The A13, which

forms the northern boundary of the site, is within a cutting and, therefore, is below ground levels on the site. The site has a frontage to Purfleet Road of some 160m and a frontage to London Road of approximately 360m.

- 2.2 The site is not currently used and comprises rough, open grassland with small shrubs, isolated trees and other vegetation forming the boundaries of the site. A drainage ditch is located within the site adjacent to the majority of the London Road frontage. Levels across the site are generally flat, albeit with a gentle fall from the A13 boundary towards the Purfleet Road / London Road junction. Parts of the site closest to London Road and Purfleet Road are located within flood zones 2 and 3 (medium and high probability). In the immediate post-war period, the northern part of the site was used as a sand and ballast pit. During the 1960's this part of the site was infilled with household refuse, inert waste and non-hazardous commercial waste. Infilling ceased at the end of the 1960's.
- 2.3 To the south-east of the site, on the opposite side of Purfleet Road, are mainly residential properties comprising semi-detached bungalows and two-storey family housing. At the junction of London Road and Purfleet Road, and immediately adjacent to the site, is the Tunnel Garage site which originally operated as a petrol filling station and is now used for the storage and repair of commercial vehicles. To the south-west of the site on London Road is the Purfleet Industrial Park which includes a range of large warehouse buildings, small business and light industrial uses and open storage uses. The A13 trunk road lies adjacent to the northern boundary of the site and the off-slip from the trunk road joins the A1306 London Road at a roundabout junction [Wennington Interchange] immediately to the north-west of the site.
- 2.4 In the wider area surrounding the application site, a sports ground and clubhouse is located to the south-east to the rear of the dwellings along Purfleet Road. On the northern side of the A13 to the west of Purfleet Road is open land. To the south of the Purfleet Industrial Park is the RSPB nature reserve and visitor centre at Aveley Marshes.

### 3.0 RELEVANT PLANNING HISTORY

- 3.1 The following table provides the relevant planning history:

Reference	Description	Decision
08/00858/TTGOUT	Outline planning application for the redevelopment of the site for employment use totalling 38,686sqm with means of access and quantum of development to be approved. All other	Approved 20.06.2011

	matters to be reserved.	
12/00862/OUT	Outline planning application for the redevelopment of the site for employment use total 38,686sqm (41,541 sq ft) with means of access and quantum of development to be approved. All other matters to be reserved.	Approved 07.05.2014
17/00587/REM	Application for approval of reserved matters (appearance, landscaping, layout and scale) following outline planning permission ref. 12/00862/OUT (Redevelopment of the site for employment use total 38,686sq.m. with means of access and quantum of development to be approved. All other matters to be reserved).	Approved 22.08.2017
18/00847/SCR	EIA Screening Opinion in accordance with Regulation 6 of the Town and Country Planning (Environmental Impact Assessment) Regulations 2017 for the proposed development of 19,410 square metres (sqm) gross external area (GEA) of storage and distribution uses (Use Class B8) with 2,650sqm (GEA) of ancillary offices (Use Class B1), 695sqm (GEA) of welfare units (Use Class B8), 70sqm (GEA) of gatehouses (Use Class B8), a 100sqm (GEA) pump house and a 6,550sqm (GEA) car park, access, drainage, landscaping, plant and other associated works	No EIA required 05.07.2018
18/00830/FUL	Proposed new Distribution Centre consisting of - Erection of Warehouse and Distribution building (B8 Use Class), with ancillary Offices (B1 Use Class), two associated Gate House buildings (B8 Use Class), and two Welfare Hubs (B8 Use Class); creation of new access point from Purfleet Road and 'left-in' access from London Road; cycle, motorcycle, car and HGV parking (including construction of multi-storey car parking facility); bus stop;	Pending determination with s106 agreement nearing completion

	hardstanding and circulation areas; electricity sub-station; sprinkler tanks; and all other ancillary and enabling works including landscaping (including creation of new landscaped bund), drainage, engineering, ground stability works and boundary treatment.	
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- 3.2 In 2008 an outline planning application was submitted to the former Thurrock Development Corporation proposing the development of the site with a mix of employment generating uses [08/00858/TTGOUT]. Following referral of the application to the Secretary of State, and the completion of a S.106 legal agreement, conditional planning permission was granted in June 2011. No reserved matters applications were submitted and the planning permission lapsed.
- 3.3 The outline permission in 2014 [12/00862/OUT] was followed by the reserved matters permission [17/00857/REM] which permitted two warehouse buildings on the site and this still remains a live consent until 22 August 2019. This represents the first fall-back position for the applicant.
- 3.4 More recently, application reference 18/00830/FUL was considered at the planning committee in September 2018 where Members resolved to grant planning permission subject to conditions and obligations, for a similar sized warehouse and distribution centre with ancillary associated development. This application represents the second fall-back position for the applicant.
- 3.5 To assist in comparing the extant permissions and the current application the table below illustrates the differences as follows:

	12/00862/OUT & 17/00587/REM	18/00830/FUL	Current Application
Floor space	34,145m <sup>2</sup>	29,475m <sup>2</sup>	28,296m <sup>2</sup>
Height	Unit 1 – 18m Unit 2 – 17.2	16.7m	15.75
HGV/Commercial Vehicle Parking	100	84	209
Car Parking	332	327	308
Cycle Parking	160	50	60
Distance from properties on Purfleet Road	39m	68m	70m

#### 4.0 CONSULTATION AND REPRESENTATIONS



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

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.

At the time of drafting the report 7 objections have been received raising the following concerns:

- Not in keeping with the residential area
- Access to the site
- Additional traffic
- Environmental pollution
- Litter/smells
- Out of character
- Overlooking property
- Possible excessive noise and from traffic
- Air quality from roads and industry
- Traffic emissions and pollution increase
- Increase in traffic
- Location of HGV to near residential properties
- No traffic should turn left into Purfleet Road
- Concerns over 24 hour movement on site and use upon residents
- Bus services in area is changing and will result in reduced services
- Purfleet station is too distant from the site
- No flood risk assessment
- Construction too close to houses
- Over development of previous open land
- Landscape screening will take 15 years to establish
- Planting would not replace the open views enjoyed by residents
- No study for traffic movements out of peak time
- Should be a s106 in relation to health
- No declared community funds for this application to go ahead

4.3 ANGLIAN WATER:

No objection subject to a condition requiring details of a surface water strategy and a foul drainage strategy.

**4.4 CADENT GAS:**

No objection.

**4.5 EMERGENCY PLANNER:**

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

**4.6 ENVIRONMENT AGENCY:**

No objection subject to conditions surface water infiltration, contamination and remediation, and piling and borehole details.

**4.7 ENVIRONMENTAL HEALTH:**

No objection subject to the air quality and noise mitigation measures proposed being implemented through planning conditions. There is a need for a Construction Environmental Management Plan and contaminated land conditions.

**4.8 ESSEX COUNTY COUNCIL ARCHAEOLOGY:**

No objections as the necessary archaeological work has already been carried out on site following earlier grant of planning permission and therefore no conditions are required.

**4.9 ESSEX FIELD CLUB:**

Object on the basis of inadequate information within the application on ecology.

**4.10 FLOOD RISK ADVISOR:**

No objection subject to a condition requiring the surface water drainage scheme being implemented.

**4.11 HIGHWAYS:**

No objection subject to conditions and planning obligations through a s106 agreement.

**4.12 HIGHWAYS ENGLAND:**

No objection subject to a planning obligation to secure vehicle monitoring strategy and a condition for a work place travel plan.

4.13 LANDSCAPE AND ECOLOGY ADVISOR:

No objection.

4.14 LONDON BOROUGH OF HAVERING:

No response.

4.15 NATURAL ENGLAND:

No objection.

4.16 TRANSPORT FOR LONDON:

No objection.

4.17 TRAVEL PLAN CO-ORDINATOR:

No objections as the travel plan is accepted as a framework travel plan, however a more detailed travel plan will need to be submitted by the occupier and agreed by the Planning Authority prior to bringing the development into use. The occupier travel plan will last for a minimum of five years, and a monitoring fee of £512 per annum will be made payable to the Council

## 5.0 POLICY CONTEXT

### 5.1 National Planning Policy Framework

The revised NPPF was published on 19 February 2019 and sets out the government's planning policies. Paragraph 14 of the Framework sets out a presumption in favour of sustainable development. Paragraph 2 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 11 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:

- 2. Achieving sustainable development
- 4. Decision-making
- 6. Building a strong, competitive economy

- 9. Promoting sustainable transport
- 12. Achieving well-designed places
- 14. Meeting the challenge of climate change, flooding and coastal change
- 15. Conserving and enhancing the natural environment

## 5.2 Planning Policy Guidance

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

- Air quality
- Climate change
- Design
- Determining a planning application
- Flood Risk and Coastal Change
- Land affected by contamination
- Land Stability
- Light pollution
- Natural Environment
- Noise
- Planning obligations
- Renewable and low carbon energy
- Transport evidence bases in plan making and decision taking
- Travel plans, transport assessments and statements in decision-taking
- Use of Planning Conditions

## 5.3 Local Planning Policy Thurrock Local Development Framework (2015)

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. The following policies apply to the proposals:

### OVERARCHING SUSTAINABLE DEVELOPMENT POLICY

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

### SPATIAL POLICIES

- CSSP2 (Sustainable Employment Growth)
- CSSP3 (Infrastructure)

## THEMATIC POLICIES

- CSTP6 (Strategic Employment Provision)
- CSTP14 (Transport in the Thurrock Urban Area)<sup>3</sup>
- CSTP15 (Transport in Greater Thurrock)<sup>3</sup>
- CSTP16 (National and Regional Transport Networks)
- CSTP17 (Strategic Freight Movement and Access to Ports)
- CSTP19 (Biodiversity)
- CSTP22 (Thurrock Design)
- CSTP23 (Thurrock Character and Distinctiveness)<sup>2</sup>
- CSTP25 (Addressing Climate Change)<sup>2</sup>
- CSTP26 (Renewable or Low-Carbon Energy Generation)<sup>2</sup>
- CSTP27 (Management and Reduction of Flood Risk)<sup>2</sup>

## POLICIES FOR MANAGEMENT OF DEVELOPMENT

- PMD1 (Minimising Pollution and Impacts on Amenity)<sup>2</sup>
- PMD2 (Design and Layout)<sup>2</sup>
- PMD7 (Biodiversity, Geological Conservation and Development)<sup>2</sup>
- PMD8 (Parking Standards)<sup>3</sup>
- PMD9 (Road Network Hierarchy)
- PMD10 (Transport Assessments and Travel Plans)<sup>2</sup>
- PMD11 (Freight Movement)
- PMD12 (Sustainable Buildings)<sup>2</sup>
- PMD13 (Decentralised, Renewable and Low Carbon Energy Generation)
- PMD15 (Flood Risk Assessment)<sup>2</sup>
- PMD16 (Developer Contributions)<sup>2</sup>

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

### 5.4 Thurrock Local Plan

In February 2014 the Council embarked on the preparation of a new Local Plan for the Borough. Between February and April 2016 the Council consulted formally on an Issues and Options [Stage 1] document and simultaneously undertook a 'Call for Sites' exercise. In December 2018 the Council began consultation on an Issues and Options [Stage 2 Spatial Options and Sites] document.

## 5.5 Thurrock Design Strategy

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

## 6.0 ASSESSMENT

6.1 The main issues for consideration in this case are:

- I. Principle of the development
- II. Design and Layout and Impact upon the Area
- III. Traffic Impact, Access and Car Parking
- IV. Flood Risk and Drainage
- V. Ecology
- VI. Air Quality and Noise
- VII. Effect on Neighbouring Properties
- VIII. Land Contamination and Ground Works
- IX. Energy and Sustainable Buildings
- X. Viability and Planning Obligations
- XI. Sustainability
- XII. Other Matters

### I. PRINCIPLE OF THE DEVELOPMENT

6.2 The site does not form part of any land use allocation within the LDF Proposals Map but grant of planning permission [under references 08/00858/TTGOUT, 12/00862/OUT and 18/00830/FUL] has established that the principle of development on this site is acceptable. Strategically, policy CSSP2 'promotes and supports economic development in the Key Strategic Economic Hubs' in the Borough, as does policy CSTP6, and whilst this site does not form allocated Employment Land it is located within close proximity of the Key Strategic Economic Hub in Purfleet with the nearest of these allocations to the opposite side of London Road. The proposal would provide up to 1,500 staff split over 5 shift periods over a 24 hour operational period and this would be economically beneficial to the Borough.

6.3 Paragraph 82 of the NPPF advises that 'Planning policies and decisions should recognise and address the specific locational requirements of different sectors. This includes making provision for clusters or networks of knowledge and data-driven, creative or high technology industries; and for storage and distribution operations at a variety of scales and in suitably accessible locations'. This site's location,

adjacent to the A13 Wennington interchange, provides good vehicular access to the strategic road network for the proposed storage and distribution use [Class B8].

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

- 6.4 The previous application [18/00830/FUL] approved a similar large warehouse building in roughly the position within the site as this current proposal. The surrounding hardstandings would incorporate HGV and van parking and loading areas, and maintenance areas. The proposed multi-storey car park would be located to the south of the building and this would be further away from the closest nearby residential properties in Purfleet Road. The proposed office building and multi storey car would be the most prominent buildings nearest the southern boundary with London Road. The proposed layout of the development is considered acceptable in regard to the impact upon the site's surroundings and not too dissimilar to the recent approval [18/00830/FUL].
- 6.5 The plans demonstrate that this development would represent an improvement in its design and appearance compared to the recent approval [18/00830/FUL]. The elevational treatment to the parts of warehouse building, particularly those that would face towards the streetscene, and the multi storey car park, would use a mixture of light green and grey colouring representing a modern approach. The addition of the office building facing onto London Road would help to articulate the elevation of the building.. The proposed the landscaping bund to the eastern part of the site would screen the loading bays and HGV areas from the residential properties in Purfleet Road. The proposed building at 15.75m would also be lower in height than the 16.7m high building under 18/00830/FUL, and the 18m high building under 17/00857/REM. There are no objections to the use of materials or the design of the proposed development.
- 6.6 The application includes a detailed landscaping scheme. The details show that soft landscaping through shrubs and trees would be planted around the boundaries of the site. In particular a 7m high landscaping bund with acoustic barrier is proposed to the eastern side of the site which would act as a visual screen to the development when viewed from Purfleet Road and the residential properties therein. The Council's Landscape and Ecology Advisor has no objections to the landscaping scheme submitted with this application.
- 6.7 The applicant's Landscape and Visual Impact Assessment [LVIA] assesses the sensitivity of the site and its capacity for change. Taking into account this assessment it is considered that the proposed development would not adversely affect the landscape character as the proposal would result in a change from the existing appearance of the site to an extension of the neighbouring Purfleet Industrial Landscape Character Area. Visually the appearance of the site and the

landscape would change as a result of the development but in light of the already consented scheme the visual impacts raise no objection.

- 6.8 In summary, it is considered that the design, layout and impact upon the surrounding area from the development would be acceptable with regard to LDF policies CSTP22, CSTP23 and PMD2, subject to the implementation of the proposed landscaping scheme for the development.

### III. TRAFFIC IMPACT, ACCESS AND CAR PARKING

- 6.9 In terms of location, the site is located adjacent to the Wennington interchange and therefore provides direct access onto the A13 and is within close proximity of junction 30 of the M25/A13 interchange for access to the wider motorway network, which is relevant as the proposed storage and distribution use would give rise to a number of HGV movements. The site is 2km from Purfleet town centre but can be accessed via private vehicles, footpaths, cycleways and public transport, [there is access to two bus routes that serve the area no.'s 11 and 44]. The nearest railway station at Purfleet is 2.2km south of the site, which is served by the no.11 bus service. The site is therefore considered generally sustainable in location terms for commercial development.
- 6.10 The proposal would result in the use of the recently constructed bellmouth junction from Purfleet Road and the existing 'left-in' access from London Road, which would be widened. The 'left in' access would be used by HGV's and vans accessing the site for parking and loading purposes. An internal HGV circulation route would circulate around the northern elevation of the proposed building for HGV movement and for van movement a dedicated route around the south part of the site is proposed so all vehicles leave the site at the new bellmouth junction. A weight restriction applies to the east of the bellmouth junction on Purfleet Road so all HGV's shall turn right into Purfleet Road in this location. For other vehicle traffic such as car, motor bikes and cyclists the bellmouth junction would be used for access and egress. The Council's Highways Officer raises no objections to the access arrangements with regard to policy PMD9 and paragraph 108 of the NPPF, subject to details of the widening and realignment of the 'left in' access from London Road being agreed through a planning condition.
- 6.11 It should be noted that the access arrangements are broadly the same as the extant permissions and recent application. Paragraph 1.12 of this report sets out various highway works that have been implemented since the outline permission was granted, including the realignment of Purfleet Road, new traffic light junction onto London Road, along with various footpath and cycleway improvements and widening of London Road.



- 6.12 The applicant's Transport Assessment [TA] demonstrates that that extant outline/reserved matters permission allows for more traffic movements than the current application as shown in the table below:

	Vehicle Movements	
	12/00862/OUT & 17/00587/REM	Current Application
Morning Peak [07:30-08:30]	300	122
Evening Peak [16:45-17:45]	195	49

- 6.13 The current application also proposes slightly more traffic movements than the recent application [18/00830/FUL].
- 6.14 The warehouse would operate on a shift arrangement, with the morning shift covering 3 slots between 4am and 7am, and an afternoon shift period covering 3 slots between 1pm and 4pm. The predicted traffic generation would be 345 two movements, and 282 two vehicle movements for the morning and afternoon shift. These times would be outside of the normal morning and evening peak rush hour periods. Regarding trip generation, the TA demonstrates that the proposal would not result in any severe impact upon the local and strategic highway network and the proposal would involve less vehicle movements than the consented outline permission. The Council's Highways Officer and Highways England raise no objections to the findings of the TA or the proposal, having regard to LDF policies PMD9, PMD10, PMD11 and paragraphs 108, 109 and 111 of the NPPF.
- 6.15 The application also includes a Travel Plan to encourage staff and visitors to use a range of transport options for visiting and leaving the site, including a cycle to work scheme; cycle and motorcycle parking; travel information boards; staff welcome packs; car sharing; walking measures; and public transport promotion. The Council's Travel Plan Co-ordinator raises no objection as the travel plan is accepted as a framework travel plan, however a more detailed travel plan will need to be submitted by the occupier with the details either secured through planning condition or obligation. The requirement for a financial contribution of £512 per annum for monitoring the travel plan, which shall need to be subject to a planning obligation. Accordingly, the proposed Travel Plan has been considered acceptable having regard to LDF policy PMD10, and paragraph 111 of the NPPF.
- 6.16 The Council's draft Parking Standards seek 1 vehicle parking space per 150 sqm for Class B8 storage and distribution uses and 1 space per 30 sqm for Class B1 office uses, as well as certain criteria for cycle, powered two wheels and disabled parking. A comparison of the parking provision offered with the consented permissions and this current application is provided below:

	Parking Provision		
	12/00862/OUT & 17/00587/REM	18/00830/FUL	Current Application
HGV	100	84	48
Van spaces	n/a	n/a	135
Car Parking	332	327	208
Cycle Parking	160	50	60

- 6.17 The construction phase of the development would also involve traffic generation but routing and amenity requirements could be suitably controlled via a planning condition for Construction Environmental Management Plan [CEMP].
- 6.18 The proposed development is acceptable in parking terms when compared to the extant permissions and most recent application. The proposed parking levels are designed for the shift changeover periods and to reduce any congestion during this period. The proposed parking levels comply with the requirements of the Council's draft parking standards. The Council's Highways Officer raises no objections on parking grounds having regard to LDF policies PMD8 and paragraph 107, 108 and 110 of the NPPF and subject to a car park management plan being secured through a planning condition.

#### IV. FLOOD RISK AND DRAINAGE

- 6.19 Only the western and south western part of the site is located in a high risk flood zone [Flood Zone 3a] as identified on the 'Flood Maps for Planning' Government website and as set out in the PPG's 'Table 1 - Flood Zones', however, this area is protected by existing flood defences. Nevertheless, in accordance with the guidance set out the NPPF and PPG the site is subject to a high probability of flooding but the proposal would fall within the 'Less Vulnerable' use category of the PPG's 'Table 2 - Flood Risk Vulnerability Classification', which identifies that this form of development is 'appropriate' for this flood zone, as identified in the PPG's 'Table 3 – Flood Risk Vulnerability and Flood Zone Compatibility' table.
- 6.20 The Sequential Test is applicable and the PPG states that 'when applying the Sequential Test, a pragmatic approach on the availability of alternatives should be taken'. In assessing the wider area there are large areas of allocated employment land within Purfleet and West Thurrock and this proposal requires a large site with almost all locations of a similar size likely to be already occupied by existing development. One of the key reasons for the developing this site for the proposed storage and warehouse distribution use is due to its location adjacent to the strategic road network within close proximity of the junction 30 of the M25/A13 interchange. As the site is not within any allocated LDF policy designation there are no objections in principle to the site being developed and clearly this is preferable

to developing a site within the nearby Metropolitan Green Belt, which lies to the north of the A13 in this location. The extant permissions and most recent application have accepted a similar scale of development on this site. For these reasons it is considered that the Sequential Test is passed.

- 6.21 The Flood Risk Assessment (FRA) identifies that the ground levels at the site range from 3.9m AOD to 8.06m AOD and the most likely source of flooding would be from surface water flooding. The 'Flood Maps for Planning' Government website identifies the site is an area protected by flood defences. As only part of the site is within a high risk flood zone safe dry access/egress can be maintained to higher ground levels if a flood event were to occur. A Flood Warning and Evacuation Plan [FWEP] will be needed for future users of the site and the Council's Emergency Planner has advised that this can be subject to a planning condition.
- 6.22 Details of the proposed surface drainage systems are provided in the 'Drainage Statement' which identifies the approach would be to use underground storage tanks draining into an attenuation basin, which will be maintained and managed by the landowner/future operator. The surface water would then drain to into an Anglian Water connection and this follows the approach taken from the extant permission and recently application on this site. Anglian Water has confirmed this arrangement and has no objection to this surface water drainage approach. Outside of the planning process and through the Water Industry Act 1991 there is a legal agreement in place between the landowner and Anglian Water. The Council's Flood Risk Advisor raises no objection subject to the surface water drainage scheme being secured through a planning condition.
- 6.23 Foul drainage would be connected to the existing sewer network to the east of the site. Anglian Water have requested details of a foul drainage strategy to be agreed which can be secured through a planning condition.
- 6.24 Subject to conditions, there are no objections raised from the Environment Agency, Flood Risk Advisor or Emergency Planner and the proposal is therefore considered acceptable with regard to policies CSTP27 and PMD15.

## V. ECOLOGY

- 6.25 The application demonstrates that there have been numerous ecological surveys undertaken at the site over a period of time recently and dating back to 2006. The surveys showed the site was suitable as a reptile habitat and included a low population of common lizards when surveys were undertaken in October 2015. These species were then removed from the site following clearance works in October 2016 when the recent highway works were implemented.

- 6.26 The Ecological Statement explains that the proposed development of the site would result in the loss of existing habitats but considers this to be of 'negligible significance' and a range of enhancement and mitigation measures are proposed, which include wildflower grassland margins, mixed shrubs and trees for birds and bat boxes in suitable locations. The Council's Landscape and Ecology Advisor has no objections and the proposal is considered acceptable with regard to LDF policies CSTP19 and PMD7, and subject to the implementation of the mitigation measures stated in the applicant's Ecological Statement.

## VI. AIR QUALITY AND NOISE

- 6.27 The current application represents a reduction in floor space compared to the extant permissions and a similar level of vehicle activity associated with the proposed use. The applicant's Air Quality Assessment concludes that the proposal would 'not result in significantly different impacts to those identified for the original planning application' and that the development would not cause any exceedances of the air quality objectives, which are set out in DEFRA's Air Quality Strategy, which feeds into planning policy.
- 6.28 The applicant's Air Quality Assessment proposes mitigation through dust management in the construction phase, a travel plan, cycle access, bus links and improvements. The Council's Environmental Health Officer has no objections subject to the proposed air quality mitigation measures being implemented through planning conditions. As such, the proposed development is considered acceptable with regard to LDF policy PMD1 and paragraph 181 of the NPPF.
- 6.29 In terms of noise, a Noise Assessment has been provided with the application. The construction of the development would result in a temporary increase in noise from the current baseline noise levels at the site. A Construction Environmental Management Plan [CEMP] would be necessary to control noise levels during the construction of the development and this would be secured through condition.
- 6.30 For the operational use of the site the proposal seeks permission to operate on a 24 hour basis. Noise from the operational use would involve vehicle movements including HGVs, van movements and private staff vehicles, noise from plant equipment and noise outside the site from road traffic flows using the surrounding road network.
- 6.31 The nearest and most sensitive noise receptors are the residents of properties along the eastern side of Purfleet Road. To mitigate any impact upon the amenities of the occupiers of these residential properties earthworks in the form a landscaped bund 7m above the existing ground level would be created along with a 2m high acoustic barrier positioned on the ridge level of the bund. The depth of the

proposed landscape bund varies from 47m deep tapering to 13m deep at its narrowest point nearest the bellmouth entrance to the site. The bund would be landscaped to screen the development and the proposed acoustic barrier would ensure noise levels would be in accordance with the WHO guidelines for habitable rooms and external private amenity spaces for the nearest residential properties. As such the Noise Assessment identifies that there would be no adverse impacts on health and quality of life of existing residents and occupiers. The Council's Environmental Health Officer has raised no objections and subject to mitigation measures being implemented the proposal would be in accordance with the requirements of policy PMD1 and paragraph 180 of the NPPF.

## VII. EFFECT ON NEIGHBOURING PROPERTIES

- 6.32 The nearest neighbouring residential properties are located to the east of the site on Purfleet Road. The principle elevation of the nearest residential property is approximately 69m, building to building distance, from nearest points of the proposed warehouse building to the principal elevations of 229 and 231 Purfleet Road. In between the warehouse building and these properties would be a hardstanding area, a 13m deep landscaped bund and the public highway [Purfleet Road]. It should be noted that the extant outline permission proposed a building in a much closer position towards these residential properties [at approximately 37m between buildings]. The landscape bund was also much narrower in the outline permission than the current application. Given the improvements that would be brought forward by the current application there is no objection from the Council's Environmental Health Officer or the Council's Landscape and Ecology Advisor with regard to LDF policy PMD1.
- 6.33 The application includes a Lighting Assessment Report which seeks to provide lighting solutions to protect the nearby residential properties. The measures would include shielding of lamps, tilted lamps, choice of illumination and mounting heights, which is considered acceptable having regard to policy PMD1 and paragraph 180 of the NPPF. The lighting solutions as set out in the Lighting Assessment Report should be secured through a planning condition
- 6.34 The bellmouth junction is approximately 70m from the nearest residential property where vehicles would enter and leave the site, although only HGV's would exit the site from this location and would turn right into Purfleet Road and then onto London Road at the recently installed road traffic light junction. The proposal involves use of the same bellmouth junction as already approved and implemented. Weight restrictions along Purfleet Road prevent HGVs from turning left from the bellmouth junction into Purfleet Road. Based on the distance from the bellmouth junction to the nearest residential property the proposal would not lead to any adverse impact upon nearby residential amenity in terms of noise having regard to

LDF policy PMD1 and the advice provided in the consultation response of the Council's Environmental Health Officer.

- 6.35 All other buildings and uses in the area are commercial and are not considered to be adversely affected by the proposal.

#### VIII. LAND CONTAMINATION AND GROUND WORKS

- 6.36 As the site is former landfill remediation works are required before any development commences on site. From the outline permission [12/00862/OUT], and the conditions attached to that permission, various contamination and remediation strategies have been submitted to and approved by the local planning authority. There are no objections raised by the Council's Environmental Health Officer but conditions relating to the information already approved and any outstanding information from the outline permission [12/00862/OUT] will need to be included in any approval of this application, to accord with the requirements of policy PMD1 and paragraphs 178-179 of the NPPF.

#### IX. ENERGY AND SUSTAINABLE BUILDINGS

- 6.37 To comply with the requirements of policy PMD12 a BREEAM 'outstanding' rating is required, however, the applicant's BREEAM Pre-Assessment Report sets out a strategy for achieving a BREEAM 'excellent' rating as the 'outstanding' rating cannot be achieved for this development based on the nature of the use. It should be noted that the previous application [18,00830/FUL] also achieved BREEAM 'excellent' rating. A planning condition can secure the BREEAM 'excellent' rating.
- 6.38 The applicant's Energy Report identifies measures to reduce carbon emissions including the use of a photovoltaic system on the roof, LED lighting and heating and hot water systems to meet with the policy requirements of LDF policy PMD13 which requires at least 15% of energy needs to come from de-centralised, renewable and low carbon energy generation. The requirements of the Energy Report should be secured through a planning condition.

#### X. VIABILITY AND PLANNING OBLIGATIONS

- 6.39 Policy PMD16 of the Core Strategy indicates that where needs would arise as a result of development the Council will seek to secure planning obligations under Section 106 of the Town and Country Planning Act 1990 and any other relevant guidance. The policy states that the Council will seek to ensure that development contribute to proposals to deliver strategic infrastructure to enable the cumulative impact of development to be managed and to meet the reasonable cost of new infrastructure made necessary by the proposal.

- 6.40 Certain LDF policies identify requirements for planning obligations and this depends upon the type of development proposed and consultation responses from the application process.
- 6.41 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.
- 6.42 The most recent application [18/00830/FUL] has secured the following planning obligations:
- Travel Plan – submission for approval, implementation and review of a Travel Plan. Payment of the Council's Travel Plan review fees of £500;
  - Vehicle Monitoring Scheme – submission for approval, implementation and maintenance of a Vehicle Monitoring Scheme. Carrying out of relevant corrective highways measures;
  - Bus Services Contribution – financial contribution of £150,000 (indexed) three months prior to occupation and a further contribution of £150,000 (indexed) on occupation of 50% of the floorspace.
- 6.43 Following the consultation process to this application the same planning obligations as listed above are sought from the proposed development and the applicant has confirmed their agreement to providing these obligations, which would meet the requirements of policy PMD16.

## XI. SUSTAINABILITY

- 6.44 As part of the planning balance consideration has to be given to the Environmental, Social and Economic objectives as outlined in paragraph 8 of the NPPF with all three needing to be satisfied for the 'presumption in favour of sustainable development' to apply.
- 6.45 For the economic objectives the proposal would create employment opportunities for the construction and operational phase of the development. The operational phase would lead to economic benefits to the local economy. For the social and economic objective the proposal would lead to employment opportunities for local people and inter-related social opportunities. For the environmental objective the proposal would lead to new development that would be considered in the context of

an extended part of the Purfleet Industrial Area to the west. The design of the proposed development and its impact upon the surrounding area along is acceptable along with an acceptable highway access and on site parking provision. The development would incorporate surface water without giving rise to flooding elsewhere and a landscaping, including a landscape bund and noise barrier to safeguard nearby residential amenities.

## **XII. OTHER MATTERS**

- 6.46 The previous outline permission [12/00862/OUT] required an investigation into presence of any on site archaeology, which involved a trench evaluation and open area excavation. No archaeology was found and condition 13 attached to the outline permission was discharged. Through this current application the Essex County Council Archaeologist advises there are no requirements for any further archaeological conditions.

## **7.0 CONCLUSIONS AND REASONS FOR APPROVAL**

- 7.1 The proposed development would lead to provision of a new storage and distribution centre which would lead to employment opportunities and economic benefits for the area. The principle of development has been established through the approval of earlier permissions, which remain extant, and the most recent application. The location provides good access links to the strategic highway network via the Wennington Interchange onto the A13, meaning that HGVs would not travel through residential areas to connect to the nearby M25 at junction 30. The design of the building and its appearance in the surrounding would overtime appear as an extension to the existing industrial location to the south of London Road. All other material considerations are considered acceptable and subject to planning conditions for mitigation where necessary and the provision of planning obligations the application is recommend for approval.

## **8.0 RECOMMENDATION**

- 8.1 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:
  - Travel Plan – The submission for approval, implementation and review of a Travel Plan. Payment of the Council's Travel Plan review fees of £512;
  - Vehicle Monitoring Scheme – The submission for approval, implementation and maintenance of a Vehicle Monitoring Scheme. Carrying out of relevant corrective highways measures;



- Bus Services Contribution [IRL Projects 198 and 378] – A financial contribution of £150,000 (indexed) three months prior to occupation and a further contribution of £150,000 (indexed) on occupation of 50% of the floorspace.

ii) the following planning conditions:

### Standard Time Limit

1. The development hereby permitted must be begun not later than the expiration of 3 years from the date of this permission.

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

### Approved Plans

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

Plan Number(s):		
Reference	Name	Received
0200B	Proposed Plans	22nd February 2019
0201B	Proposed Plans	22nd February 2019
0202	Proposed Plans	22nd February 2019
0203	Proposed Plans	22nd February 2019
0204	Proposed Plans	22nd February 2019
1448B 01	Proposed Plans	3rd April 2019
1448B 02	Proposed Plans	3rd April 2019
1448B 02 SHT 1	Proposed Plans	3rd April 2019
1448B 02 SHT 2	Proposed Plans	3rd April 2019
1448B 02 SHT 3	Proposed Plans	3rd April 2019
1448B 02 SHT 4	Proposed Plans	3rd April 2019
1448B 02 SHT 5	Proposed Plans	3rd April 2019
18113 - P01A	Existing Site Layout	22nd February 2019
18113 - P02D	Proposed Site Layout	22nd February 2019
18113 - P03B	Proposed Floor Plans	22nd February 2019
18113 - P05A	Sections	22nd February 2019
18113 - P06C	Proposed Plans	22nd February 2019
18113 - P07C	Proposed Elevations	22nd February 2019

18113 - P08C	Sections	22nd February 2019
18113 - P09B	Proposed Floor Plans	22nd February 2019
18113 - P10C	Proposed Elevations	22nd February 2019
18113 - P11A	Sections	22nd February 2019
18113 - P12A	Roof Plans	22nd February 2019
18113 - P13D	Other	22nd February 2019
18113 - P14B	Proposed Plans	22nd February 2019
18113 - P15B	Proposed Elevations	22nd February 2019
18113 - P16A	Proposed Plans	22nd February 2019
18113 - P17D	Proposed Plans	22nd February 2019
18113 - P18B	Other	22nd February 2019
18113 - P20	Sections	22nd February 2019
18113 - P21	Other	22nd February 2019
130158/0205	Proposed Plans	22nd February 2019
EX001 T3	Other	22nd February 2019

**Reason:** To ensure the development accords with the approved plans with regard to policies PMD1 and PMD2 of the adopted Thurrock LDF Core Strategy and Policies for the Management of Development [2015].

### Materials

3. Prior to the erection of external facing materials details or samples of all materials to be used shall be submitted to and approved in writing by the local planning authority. Where appropriate, these details will include:
  - External Cladding
  - External Windows
  - External Loading Doors
  - External Personnel Doors
  - Roof
  - Louvres

The development shall be carried out using the materials and details as approved.

**Reason:** In the interests of visual amenity and to ensure that the proposed development is integrated with its surroundings in accordance with policy PMD2 of the adopted Thurrock LDF Core Strategy and Policies for the Management of Development [2015].

**Boundary details**

4. The boundary treatments as shown on the approved drawings as listed in condition 2 shall be constructed prior to occupation of the development and shall be retained and maintained as such at all times thereafter, unless otherwise agreed in writing by the local planning authority.

**Reason:** In order to safeguard the amenities of neighbouring occupiers and in the interests of the visual amenity of the area as required by policies PMD1 and PMD2 of the adopted Thurrock LDF Core Strategy and Policies for the Management of Development [2015].

**Landscaping Implementation**

5. Within the first available planting season (October to March inclusive) following the occupation of the development the landscaping works as shown on the approved plans as listed in condition 2 and the specifications stated in the relevant submission documents. If within a period of five years from the date of the planting of any tree or plant, or any tree or plant planted in replacement for it, is removed, uprooted or destroyed or dies, or becomes, in the opinion of the local planning authority, seriously damaged or defective, another tree or plant of the same species and size as that originally planted shall be planted at the same place, unless the local planning authority gives its written consent to any variation.

**Reason:** To secure appropriate landscaping of the site in the interests of visual amenity and the character of the area in accordance with policies CSTP18 and PMD2 of the adopted Thurrock LDF Core Strategy and Policies for the Management of Development [2015].

**Realignment of London Road A1306 'left in' Access**

6. Prior to occupation of the development hereby permitted details of the proposed widening and any realignment of London Road A1306 left in access, signing and flow control plates shall be submitted to and approved by the local planning authority. The proposed realignment of London Road A1306 left in access shall be implemented as approved prior to first occupation of the development hereby permitted and shall be retained and maintained by the landowner until such time it formally adopted by the local highway authority.

**Reason:** In the interests of highway safety in accordance with policy PMD9 of the adopted Thurrock LDF Core Strategy and Policies for the Management of Development [2015].

## Vehicle Parking

7. The development hereby permitted shall not be first occupied until such time as the vehicle parking areas shown on the approved plans, including any disabled parking and parking for powered two wheelers, has been hard surfaced, sealed and marked out as shown on the approved plans. The vehicle parking area(s) shall be retained in this form at all times thereafter. The vehicle parking area(s) shall not be used for any purpose other than the parking of vehicles that are related to the use of the development.

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

## Car Parking Management Plan

8. Prior to first occupation of the development hereby permitted details of how the car park shall operate shall be set out in a Car Park Management Plan which shall be submitted to and approved in writing by the local planning authority. The Car Park Management Plan as approved shall be implemented prior to first occupation of the development and shall be maintained and retained at all times thereafter.

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

## Cycle Parking

9. Prior to the occupation of the development hereby permitted full details of the number, location and design of secure cycle parking facilities shall be submitted to, and approved in writing by, the Local Planning Authority. The approved facilities shall be installed prior to the first occupation of any of the buildings and shall be permanently retained thereafter.

**Reason:** To reduce reliance on the use of private cars and promote cycling in the interests of sustainability in accordance with policy PMD8 of the adopted Thurrock LDF Core Strategy and Policies for the Management of Development [2015].

### **Surface Water Drainage**

10. The surface drainage systems for the site contained within the plans stated in condition 2, the 'Drainage Statement' dated February 2019 and the 'Technical Note to Supplement Drainage Statement' dated April 2019, which forms part of this planning permission, shall be fully implemented and in place prior to the first occupation of the development and shall be retained and maintained as such thereafter.

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

### **Surface Water Maintenance Plan**

11. Prior to first occupation of the development details of a Maintenance Plan detailing the maintenance arrangements including who is responsible for different elements of the surface water drainage system and the maintenance activities/frequencies, shall be submitted to and agreed, in writing, by the Local Planning Authority. Should any part be maintainable by a maintenance company, details of long term funding arrangements shall be provided and be implemented for all times thereafter. Yearly logs of maintenance shall be carried out in accordance with the Maintenance Plan and copies of these must be made available for inspection upon the written request of the Local Planning Authority.

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

### **Flood Warning and Evacuation Plan [FWEP]**

12. Prior to the first occupation of the development hereby permitted a Flood Warning and Evacuation Plan [FWEP] for the development shall be submitted to and approved in writing by the local planning authority. The approved measures within the FWEP shall be implemented, shall be made available for inspection by all users of the site and shall be displayed in a visible location all times thereafter.

**Reason:** To ensure that adequate flood warning and evacuation measures are available for all users of the development in accordance with policy PMD15 of

the adopted Thurrock LDF Core Strategy and Policies for the Management of Development [2015].

### **Ecology Mitigation**

13. The proposed mitigation and ecological enhancement measures contained within the 'Ecological Statement Rev A' dated 12 February 2019 which is attached to and forms part of this permission shall be implemented within three months following occupation of the development, unless otherwise agreed in writing with the local planning authority.

**Reason:** In order to ensure that the interests of ecology and biodiversity or protected species are addressed in accordance with policy PMD7 of the adopted Thurrock LDF Core Strategy and Policies for the Management of Development [2015].

### **Air Quality Mitigation**

14. Prior to the first occupation of the development hereby permitted the air quality mitigation measures as identified in the 'Air Quality Assessment' dated February 2019 (Ref: RA00571 – Rep 2) shall be implemented, and the air quality mitigation measures, as installed, shall be maintained and retained at all times thereafter.

**Reason:** To ensure there is no adverse impact upon air quality in the area in accordance with Policy PMD1 of the adopted Thurrock LDF Core Strategy and Policies for the Management of Development [2015].

### **Noise Mitigation**

15. Prior to the first occupation of the development hereby permitted the noise mitigation measures as identified in the 'Noise Assessment' dated February 2019 shall be implemented, and the noise mitigation measures, as installed, shall be maintained and retained at all times thereafter.

**Reason:** To protect the amenities of the nearby occupiers from nearby noise sources in accordance with Policy PMD1 of the adopted Thurrock LDF Core Strategy and Policies for the Management of Development [2015].

### **Contamination and Remediation**

16. Prior to the first occupation of the development hereby permitted the contamination and remediation mitigation measures as approved through the

details contained within application 16/00217/CONDC shall be implemented, unless otherwise agreed in writing by the local planning authority.

**Reason:** To protect the environment and to avoid pollution of the water environment with policy PMD1 of the adopted Thurrock LDF Core Strategy and Policies for the Management of Development [2015].

### **Verification Report**

17. Prior to the first occupation of the development hereby permitted 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. If required, it shall also include any plan (a long term monitoring and maintenance plan) for longer term monitoring of pollutant linkages, maintenance and arrangements for contingency action, as identified in the verification plan. The long term monitoring and maintenance plan shall be implemented as approved.

**Reason:** To protect the environment and to avoid pollution of the water environment with policy PMD1 of the adopted Thurrock LDF Core Strategy and Policies for the Management of Development [2015].

### **Unforeseen Contamination**

18. If, during development, contamination not previously identified is found to be present at the site, then it should be addressed in accordance with the submitted strategy contained within application 16/00217/CONDC except where contamination is of a nature and hazard beyond that encountered during the completed investigation works submitted within application 16/00217/CONDC in which case no further development in the affected area (unless otherwise agreed in writing by the Local Planning Authority) shall be carried out until the developer has submitted, 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. Any unexpected contamination and associated remediation and verification measures shall be detailed within the Verification Report.

**Reason:** To protect the environment and to avoid pollution of the water environment with policy PMD1 of the adopted Thurrock LDF Core Strategy and Policies for the Management of Development [2015].

### **Piling and Boreholes**

19. Piling or other intrusive ground works (investigation boreholes, tunnel shafts, ground source heating and cooling systems) using penetrative methods shall not be permitted other than with the express written consent of the Local Planning Authority, which may be given for those parts of the site where it has been demonstrated that there is no resultant unacceptable risk to groundwater. The development shall be carried out in accordance with the approved details.

**Reason:** To protect the water environment and to avoid pollution of the water environment and to minimise flood risk in accordance with policies PMD1 and PMD15 of the adopted Thurrock LDF Core Strategy and Policies for the Management of Development [2015].

### **Piling Monitoring Plan**

20. Piling for the development hereby permitted shall not commence until a groundwater monitoring and maintenance plan in respect of potential contamination mobilised by piling activities, including a timetable of monitoring and submission of reports to the Local Planning Authority, relating to eth poling activities only, has been submitted to, and approved in writing by, the Local Planning Authority. The reports shall include details of any necessary contingency action arising from the monitoring. The development shall only be carried out in accordance with the groundwater monitoring and maintenance plan.

**Reason:** To protect the water environment and to avoid pollution of the water environment and to minimise flood risk in accordance with policies PMD1 and PMD15 of the adopted Thurrock LDF Core Strategy and Policies for the Management of Development [2015].

### **Borehole Management and Decommissioning**

21. A scheme for managing any borehole installed for the investigation of soils, groundwater or geotechnical purposes shall be submitted to and approved in writing by the Local Planning Authority. The scheme shall provide details of how redundant boreholes are to be decommissioned and how any boreholes that need to be retained, post-development, for monitoring purposes will be secured, protected and inspected. The scheme as approved shall be implemented prior to the occupation of the development.



**Reason:** To protect the water environment and to avoid pollution of the water environment and to minimise flood risk in accordance with policies PMD1 and PMD15 of the adopted Thurrock LDF Core Strategy and Policies for the Management of Development [2015].

### **External Lighting**

22. Prior to the first occupation of the development hereby permitted the external lighting mitigation measures as identified in the 'External Lighting Assessment Report' dated 15 February 2019 shall be implemented and the external lighting mitigation measures shall be maintained and retained at all times thereafter, unless otherwise agreed in writing by the local planning authority.

**Reason:** To protect the amenities of the nearby occupiers from nearby noise sources in accordance with Policy PMD1 of the adopted Thurrock LDF Core Strategy and Policies for the Management of Development [2015].

### **Ventilation and extract details**

23. No external plant or machinery shall be used until details of the ventilation and extraction equipment have been submitted to and approved by the local planning authority. The ventilation and extraction equipment shall be installed prior to first occupation of the development hereby permitted and shall be retained and maintained as such thereafter.

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

### **BREEAM**

24. The development hereby permitted shall be built to a minimum standard of 'Excellent' under the Building Research Establishment Environmental Assessment Method (BREEAM). Within 6 months of the first use of any of the building(s) a copy of the Post Construction Completion Certificate for the building(s) verifying that the 'Excellent' BREEAM rating has been achieved shall be submitted to the Local Planning Authority.

**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 Thurrock Local Development Framework Core Strategy and Policies for the Management of Development [2015].

## Renewable Energy

25. Prior to the first occupation of the development hereby permitted the energy and sustainability mitigation measures as identified in the 'Energy Strategy Report' dated 15 February 2019 shall be implemented and the mitigation measures shall be retained at all times thereafter.

**Reason:** To protect the amenities of the nearby occupiers from nearby noise sources in accordance with Policy PMD1 of the adopted Thurrock LDF Core Strategy and Policies for the Management of Development [2015].

## Construction Environmental Management Plan [CEMP]

26. No construction works shall commence until a Construction Environmental Management Plan [CEMP] has been submitted to and approved in writing by the local planning authority in writing. The CEMP should contain or address the following matters:

- (a) Construction hours and delivery times for construction purposes,
- (b) Hours and duration of any piling operations;
- (c) Vehicle haul routing in connection with construction, remediation and engineering operations;
- (d) Wheel washing and sheeting of vehicles transporting loose aggregates or similar materials on or off site;
- (e) Details of construction access;
- (f) Location and size of on-site compounds [including the design layout of any proposed temporary artificial lighting systems];
- (g) Details of any temporary hardstandings;
- (h) Details of temporary hoarding/boundary treatment;
- (i) Method for the control of noise with reference to BS5228 together with a monitoring regime;
- (j) Measures to reduce vibration and mitigate the impacts on sensitive receptors together with a monitoring regime;
- (k) Dust and air quality mitigation and monitoring;
- (l) Water management including waste water and surface water discharge;
- (m) Method statement for the prevention of contamination of soil and groundwater and air pollution, including the storage of fuel and chemicals;
- (n) A Site Waste Management Plan;
- (o) Ecology and environmental protection and mitigation;
- (p) Community liaison including a method for handling and monitoring complaints, contact details for site managers;
- (q) Details of security lighting layout and design; and

- (r) A procedure to deal with any unforeseen contamination, should it be encountered during development.

Works on site shall only take place in accordance with the approved CEMP.

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

### **Foul Drainage**

27. No foul drainage from the development shall commence until details of the foul drainage scheme to serve the development, including connection point and discharge rate, has been submitted to and agreed in writing by the local planning authority. The agreed scheme shall be implemented, retained and maintained prior to the first occupation of the development.

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

### **Travel Plan**

28. Prior to the first occupation of the development hereby permitted, a Travel Plan shall be submitted to and agreed in writing with the local planning authority. The Travel Plan shall include detailed and specific measures to reduce the number of journeys made by car to the development hereby permitted and shall include specific details of the operation and management of the proposed measures. The details to be agreed shall also include how the Travel Plan will be implemented and the timescales and responsibilities for its monitoring and review. The measures shall be implemented upon the first occupation of the building hereby permitted and shall be permanently kept in place unless otherwise agreed in writing with the local planning authority.

**Reason:** To reduce reliance on the use of private cars, in the interests of sustainability, highway safety and amenity in accordance with Policy PMD10 of the adopted Thurrock LDF Core Strategy and Policies for the Management of Development [2015].

### Informative

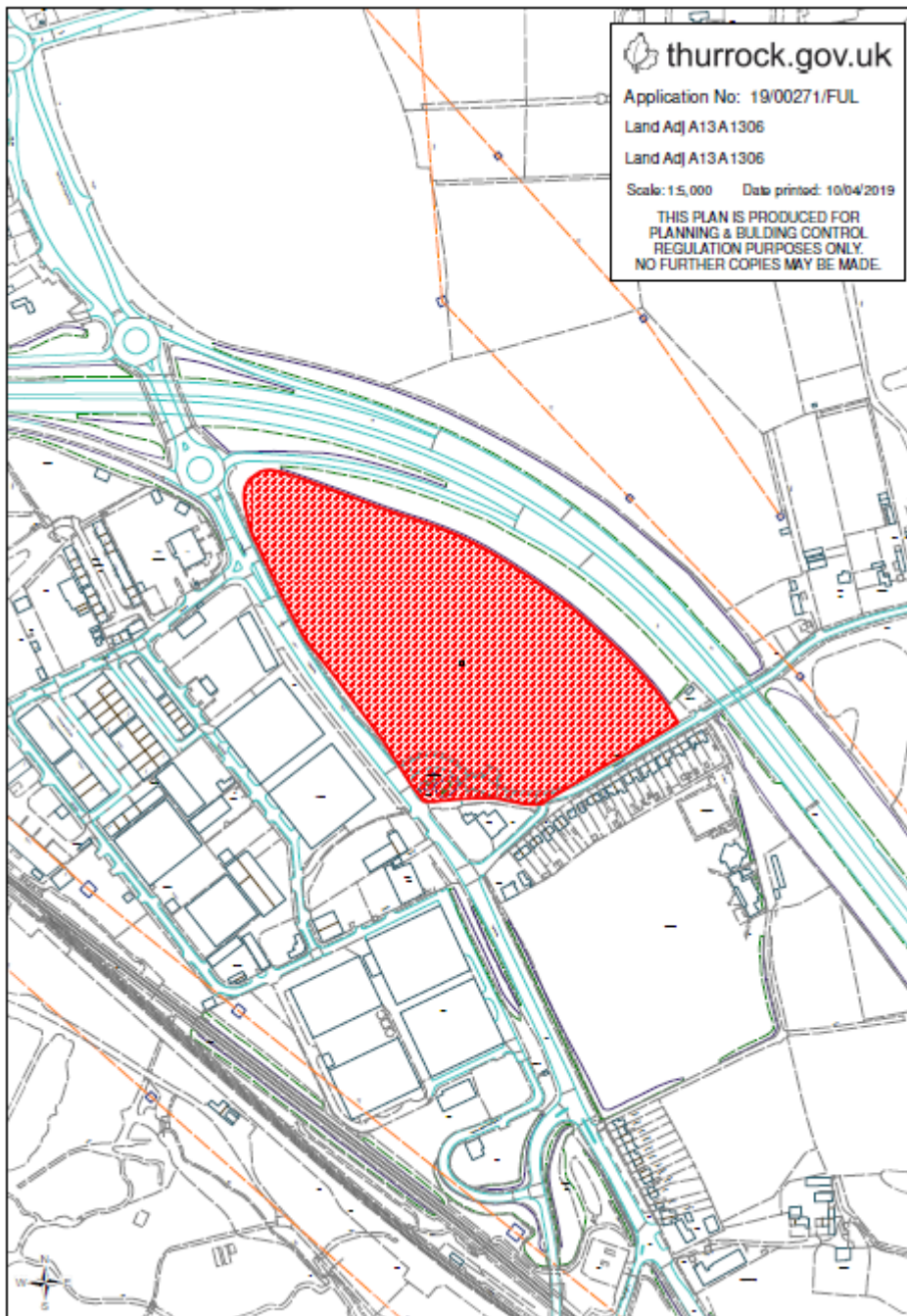
Please note that Cadent gas have identified gas apparatus within the site boundary and you are therefore advised to contact them via Email: [plantprotection@cadentgas.com](mailto:plantprotection@cadentgas.com) or Tel: 0800 688 588, prior to the commencement of development including site excavation

#### Positive and Proactive Statement

The Local Planning Authority has acted positively and proactively in determining this application and as a result, the Local Planning Authority has been able to grant planning permission for an acceptable proposal, in accordance with the presumption in favour of sustainable development, as set out within the National Planning Policy Framework.

#### **Documents:**

All background documents including application forms, drawings and other supporting documentation relating to this application can be viewed online: <http://regs.thurrock.gov.uk/online-applications>



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Planning Committee 25.04.2019	Application Reference: 17/00723/DVOB
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<b>Reference:</b> 17/00723/DVOB	<b>Site:</b> DP World Development London Gateway Stanford Le Hope
<b>Ward:</b> Corringham and Fobbing	<b>Proposal:</b> Application for a Deed of Variation to the s106 legal agreement relating to the London Gateway Logistics Park Local Development Order (dated 5th November 2013).

Plan Number(s):		
Reference	Name	Received
LG-CGR-LND-OTA-C2003-DRA-PLN-0341 Rev. 3.0	London Gateway Property Plan	01.06.2017

The application is also accompanied by: <ul style="list-style-type: none"> <li>• Covering letter dated 31.05.2017</li> <li>• Proposed Amendments Folder</li> </ul>	
<b>Applicant:</b> LG Park Freehold & LG Park Leasehold Ltd.	<b>Validated:</b> 1 June 2017 <b>Date of expiry:</b> 30.04.2019 (extension of time limit for determination agreed)
<b>Recommendation:</b> That the existing s106 agreement be varied in accordance with the table set out at Annex 1 below.	

## 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 an existing s106 planning obligation associated with the London Gateway Logistics Park development and in particular the London Gateway Logistics Park Local Development Order (the LDO).
- 1.2 By way of background, in November 2013 the Council made the LDO which effectively granted permitted development rights for commercial development at the Logistics Park site. For information, a LDO grants planning permission for specified

classes of development within a defined area. The LDO specifies the development that is permitted in the description of development and certain conditions are imposed. Any proposal that falls within the parameters of the LDO and complies with the conditions and supporting documentation is permitted development. That is to say, it is not necessary to make a specific application for each development within the Logistics Park. Instead, under the terms of the LDO, a developer submits a “prior notification form” to the Council advising what development is proposed. The Council as local planning authority will then confirm within 28 days whether or not the development set out within the prior notification form and plan conforms to the terms of the LDO. If it is found to be in conformity then, the development may proceed without further reference to the local planning authority.

1.3 The development permitted by the LDO comprises buildings within the B2 (general industry), B8 (storage and distribution), B1(b) (research and development) and B1(c) (light industry) use classes with ancillary uses. Once built, the LDO permits changes of use subject to certain controls to ensure a mix of development. The LDO also permits the land-raising and the remediation of any remaining contamination. A summary of the description of the development permitted by the proposed LDO is as follows:

- (a) the erection, extension, demolition or alteration of industrial buildings or warehouses within Use Classes B1(b) (research and development), B1(c) (light industry), B2 (general industry), B8 (storage and distribution) and associated ancillary uses;
- (b) the change of use of a building within Class B8 to Classes B1(b), B1(c) or B2. The change of use of a building within Classes B1(b) or B1(c) to Classes B2 or B8. The change of use of a building within Class B2 to Classes B1(b), B1(c) or B8;
- (c) associated infrastructure including internal roads, landscaping, drainage, vehicle refuelling facilities and utilities infrastructure;
- (d) site preparation works comprising remediation and land raising.

1.4 The LDO permits 829,700 sq.m. of commercial floorspace, with maximum building heights between 16 metres and 42 metres above finished floor levels, with the tallest buildings permitted on that part of the LDO site closest to the adjacent Port. The LDO also permits associated ancillary development including and the provision of supporting infrastructure.

1.5 The development permitted by the Order is subject to compliance with a number of general conditions and more specific conditions associated with the built floorspace and supporting infrastructure. Development is also subject to compliance with a Design Code, a Code of Construction Practice and an Ecological Mitigation and Management Plan. Finally, a s106 agreement accompanies the Order, which



replaces and updates obligations associated with the 2007 outline planning permission. In summary, the LDO s106 agreement places the following obligations on the landowner:

- Training Facility - provision of land for a permanent training facility;
- Travel Plan & Public Transport Measures - Implementation of and compliance with the Travel Plan, (with associated mechanisms for payments - including a contribution to a bus turnaround at Stanford-le-Hope railway station, local highway or highway-related improvement if not already paid under the Port S.106 and funding of the Travel Plan Coordinator) monitoring and approval);
- Highway Improvements – payments or completion of works (if specified traffic flow figures are breached) comprising –
  - Sorrells / A1014 junction scheme
  - installation of a signalised pedestrian phased Toucan crossing across the A1014 at its junction with Gifford Cross Road
  - financial contribution(s) towards A13 link 5 widening
  - a scheme for mitigation at jct. 30 (M25)
  - refurbishment of pedestrian subways under the A1014
  - provision of a solo-guard barrier system on the A1014
  - provision of a low-noise road surface on part of the A1014
  - completion of acoustic noise barriers in specified locations
  - provision of landscaping at specified locations along the A1014
  - financial contribution towards highway amenity improvements.
- Apprenticeships and Local Employment;
- Monitoring.

1.6 Since the making of the LDO in November 2013 a number of developments have been submitted via the prior notification and / or implemented on-site comprising:

- phase 1 infrastructure (roads, drainage, landscaping etc.)
- plot 4010 building (c. 36,000 sq.m. floorspace);
- plot 3010 building (c. 29,000 sq.m. floorspace);
- phase 1 electrical infrastructure;
- site-wide land raising
- plot 1020 building (c. 37,000 sq.m. floorspace);
- plot 1050 building (c. 10,500 sq.m. floorspace);
- road 7 infrastructure;
- plot 1070 building (c. 10,500 sq.m. floorspace);
- plot 1080 building (c. 22,500 sq.m. floorspace);
- plot 4020a building (c. 9,000 sq.m. floorspace); and
- phase 2 road / drainage infrastructure.

- 1.7 Members will note that this application to vary the s106 obligation was originally submitted by the applicant in June 2017. The proposals were considered by the Planning Committee at its meeting on 28<sup>th</sup> September 2017 where it was resolved to agree the applicant's proposed schedule of amendments. However, the amended s106 was not progressed and the agreement is currently in the original form agreed when the LDO was made by the Council. In October 2018 the applicant wrote to the Council as follows:

*“with regard to amendment 3, following further discussion with Highways England and the local highway authority (LHA), the applicants are no longer minded to make the proposed amendment with regard to M25 junction 30 (No. 3, item 4 of the table at Annexe 1). Discussions with the LHA have identified two potential schemes which we contend provide more effective mitigation of traffic impact on this part of the strategic road network. It is therefore proposed to submit a separate application for modification of the related obligation, comprising essentially the substitution of the existing commitment with a commitment to provide funding to one such alternative.”*

- 1.8 The applicant's full schedule of proposed amendments to the s106 agreement, which were considered and approved by Planning Committee in September 2017, is set out at Appendix 1. The current proposal for consideration by the Committee refers to amendment no.3 (Schedule 2 (4.2) of the s106 agreement) and it is proposed that the previously proposed additional wording *“unless otherwise agreed by the Local Highways Authority (or Highways England with regard to the M25 Junction 30 Works”* shall not apply to the M25 Junction 30 Works. That is, in respect of the M25 Junction 30 Works the requirements of the original obligation will continue to apply.
- 1.9 Advice received from the Council's legal department confirms that the applicant's amended proposal should be considered and determined by the Planning Committee, notwithstanding the fact that substantially similar proposals have already been considered and agreed by the Committee.
- 1.10 The proposed modifications to the s106 agreement, that is the modifications originally sought by the applicant in 2017 as amended by the current proposal, appear at Annex 1 to this report, set out in appendix 1. It is relevant that a number of the highways works and payments referred to by Annex 1 have already been undertaken or monies received.

## **2.0 SITE DESCRIPTION**

- 2.1 The London Gateway Port and Logistics Park site comprises the site of the former Shell Haven oil refinery, which is generally located to the south-east of Corringham and south of The Manorway (A1014).
- 2.2 London Gateway Port, located south of the Thameshaven branch railway line, commenced operations in late 2013 and there are currently 3 operational berths (with potential for a further 3 shipping berths). London Gateway Logistics Park is adjacent to the Port on the northern side of the branch railway line and south of the A1014. The Park site covers an area of c.220 hectares which has been cleared of all former refinery buildings and structures and has also been subject to an extensive ecological clearance and relocation programme. Road, drainage and landscaping infrastructure to serve the first phases of Park development has been completed. A number of warehouse buildings have either been constructed, or are under construction, pursuant to the LDO.

### 3.0 RELEVANT HISTORY

- 3.1 As noted in paragraph 1.2 above, the Council made the Order in November 2013. Since this date the following pre-notifications of development have been submitted:

Reference	Description of Proposal	Decision
14/00368/LDOPND	London Gateway Logistics Park Local Development Order (LGLPLDO) 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.	Permitted development
14/00441/LDOPND	London Gateway Logistics Park Local Development Order (LGLPLD) Prior-notification of Development: Proposed erection of a Class B8 warehouse and ancillary office accommodation with associated plot parking, loading and unloading areas, site access and circulation roads and footways, refuelling and vehicle wash facilities, plant rooms incorporating substations, drainage, landscaping and land raising.	Permitted development
14/00937/LDOPND	London Gateway Logistics Park Local Development Order (LGLPLDO) Prior Notification of Development: Erection of a B8 Warehouse and ancillary office	Permitted development

	accommodation, plot parking, loading and unloading areas, site access and circulation roads and footpaths, plant deck, electrical infrastructure, drainage, landscaping and landraising.	
14/01262/LDOPND	London Gateway Logistics Park Local Development Order (LGLPLDO) Prior-notification of Development: Electrical infrastructure comprising 2x primary substations (A&B), 3x street lighting substations and 10x ring main units. Associated land-raising and access and service infrastructure.	Permitted development
15/00393/LDOPND	Proposed non or minor material amendment to development permitted by the London Gateway Logistics Park Local Development Order (reference 14/00937/LDOPND - Erection of a Class B8 warehouse and ancillary office accommodation, plot parking, loading and unloading areas, site access and circulation roads and footpaths, plant deck, electrical infrastructure, drainage, landscaping and landraising).	Permitted development
15/00395/LDOPND	London Gateway Logistics Park Local Development Order (LGLPLDO) Prior Notification of Development: additional surface water discharge outfall (incorporating headwall) to park infrastructure swale serving Plot 3010 (Prologis).	Permitted development
15/00665/LDOPND	London Gateway Logistics Park Local Development Order (LGLPLDO) Prior Notification of Development: Ground raising and levelling across the remaining area of the logistics park site not previously the subject of prior notifications.	Permitted development
15/00931/LDOPND	London Gateway Logistics Park Local Development Order (LGLPLDO) - Prior Notification of Development: Erection of a Class B8 warehouse and ancillary office accommodation (Class B1a), automotive servicing and repair facility (B2), plot parking, loading and unloading areas, site	Permitted development

	access and circulation roads and footpaths, electrical infrastructure, drainage, landscaping and land raising, including the introduction of storm water ponds.	
15/01019/LDOPND	Proposed non or minor material amendment to development permitted by the London Gateway Logistics Park Local Development Order (reference 14/00937/LDOPND, as amended by 15/00393/LDOPND - Erection of a Class B8 warehouse and ancillary office accommodation, plot parking, loading and unloading areas, site access and circulation roads and footpaths, plant deck, electrical infrastructure, drainage, landscaping and landraising).	Permitted development
17/01553/LDOPND	London Gateway Logistics Park Local Development Order (LGLPLDO) Prior Notification of Development: Erection of a Class B8 warehouse and ancillary office accommodation, plot parking, loading and unloading areas, site access and circulations roads and footpaths, plant deck /area, service infrastructure, drainage, land raising and landscaping on Plot 1050.	Permitted development
17/01554/LDOPND	London Gateway Logistics Park Local Development Order (LGLPLDO) - Prior Notification of Development: Road 7 infrastructure comprising road, shared use off-road footway / cycleway, drainage swales and service corridors with ancillary services, lighting, drainage, signage and boundary treatments, landscaping and electrical infrastructure.	Permitted development
18/00076/LDOPND	London Gateway Logistics Park Local Development Order (LGLPLDO) - Proposed Non or Minor Material Amendment to Prior Notification of Development ref. 15/00931/LDOPND (Erection of a Class B8 warehouse and ancillary office accommodation (Class B1a), automotive servicing and repair facility (B2), plot parking, loading and unloading areas, site access and circulation roads and footpaths,	Permitted development

	electrical infrastructure, drainage, landscaping and land raising, including the introduction of storm water ponds).	
18/00820/LDOPND	London Gateway Logistics Park Local Development Order (LGLPLDO) Prior Notification of Development: Erection of a Class B8 warehouse and ancillary office accommodation, plot parking, loading and unloading areas, site access and circulations roads and footpaths, plant deck /area, service infrastructure, drainage, land raising and landscaping on Plot 1070.	Permitted development
18/01687/LDOPND	London Gateway Logistics Park Local Development Order (LGLPLDO) Prior-notification of Development - Proposed erection of a Class B8 warehouse and ancillary office accommodation, plot parking, loading, unloading and turning areas, site access and circulation roads and footpaths, plant deck, service infrastructure, drainage, land-raising and landscaping.	Permitted development
19/00306/LDOPND	Erection of a Class B8 warehouse and ancillary office accommodation, plot parking, loading, unloading and turning areas, site access and circulation roads and footpaths, plant room, service infrastructure, drainage, land-raising and landscaping (Plot 4020a).	Under consideration at time of writing
19/00308/LDOPND	Infrastructure corridor comprising a road, shared use off-road footway/cycleway, drainage swales and service corridors with ancillary services, lighting, drainage, signage and boundary treatments, landscaping and electrical infrastructure (Phase 2 infrastructure).	Under consideration at time of writing

#### 4.0 CONSULTATIONS AND REPRESENTATIONS

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

4.2 PUBLICITY:

This application has been advertised by way of a newspaper advertisement. No replies have been received.

#### 4.3 HIGHWAYS ENGLAND:

A consultation response from July 2017 requested further information on the proposed amendments. The requested further information was provided to Highways England in August 2017, however no further response has been received.

#### 4.4 LANDSCAPE & ECOLOGY ADVISOR:

No objections.

#### 4.5 HIGHWAYS:

No objections.

#### 4.6 TRAVEL PLAN CO-ORDINATOR:

No objections.

### 5.0 POLICY CONTEXT

#### **National Planning Guidance**

#### 5.1 National Planning Policy Framework (NPPF)

The revised NPPF was published on 24th July 2018 and subsequently updated on 19th February 2019. The NPPF sets out the Government's planning policies. Paragraph 11 of the Framework sets out a presumption in favour of sustainable development. Paragraph 2 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. The following chapter headings and content of the NPPF are relevant to the consideration of the current proposals:

#### 5.2 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

### 5.3 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 51 subject areas, with each area containing several subtopics. Those of particular relevance to the determination of this planning application comprise:

- Planning obligations

### **Local Planning Policy**

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

The Council adopted the Core Strategy and Policies for the Management of Development (as amended) in January 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:

- CSTEP6: Strategic Employment Provision;
- CSTEP15: (Transport in Greater Thurrock);
- CSTEP16: National and Regional Transport Networks; and
- CSTEP17: Strategic Freight Movement and Access to Ports.

#### Policies for the Management of Development:

- PMD7 (Biodiversity, Geological Conservation and Development);
- PMD10 (Transport Assessment and Travel Plans);
- PMD11 (Freight Movement); and
- PMD16 (Developer Contributions).



## 5.5 Thurrock Local Plan

In February 2014 the Council embarked on the preparation of a new Local Plan for the Borough. Between February and April 2016 the Council consulted formally on an Issues and Options (Stage 1) document and simultaneously undertook a 'Call for Sites' exercise. In December 2018 the Council began consultation on an Issues and Options (Stage 2 Spatial Options and Sites) document.

## 6.0 ASSESSMENT

6.1 The background to this case is set out above. In summary, the existing s106 agreement associated with the Order places obligations on both London Gateway and the Council under the headings of:

- a training facility;
- Travel Plan and public transport measures;
- highways improvements;
- contributions towards A13 widening works;
- apprenticeships and local employment; and
- monitoring.

The s106 obligations are therefore focused on measures to mitigate the impacts of the development permitted by the LDO on the transportation network and to maximise opportunities for local employment and training.

6.2 As noted above the schedule of amendments was considered and approved by Planning Committee in September 2017. Amendment 3 (as reported in 2017) proposed the addition of the wording below (underlined) to Schedule 2, Clause 4.2 of the s106 agreement:

*"The LG Companies will make the following payments or procure the carrying out of the following works for highways improvements so that the payment is made or the work Completed before any of the Flow Triggers set out in relation to that work or payment in the following Table are breached, unless otherwise agreed by the Local Highways Authority (or Highways England with regard to the M25 Junction 30 Works)"*

6.3 A table at Schedule 2, Clause 4.2 of the s106 agreement then describes a series of highways works or payments and a trigger for implementation. The current proposal is that the wording *"unless otherwise agreed by the Local Highways Authority (or Highways England with regard to the M25 Junction 30 Works)"* shall not apply to item 4 on the list of highways works or payment (M25 Junction 30 Works), but the wording shall apply to the remaining items on the list (nos. 1-3 and

5-9). In essence, the requirements for the M25 Junction 30 Works set out in the table will revert back to the original wording of the s106 agreement. There can be no planning objection to this course of action which would result in nil change from the original position.

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

- 7.1 A series of proposed modifications to the original s106 were considered and approved by Planning Committee in 2017. The current proposal would withdraw one of the previously proposed amendments. There are no objections to the original amendments as revised by the current proposal.

## **8.0 RECOMMENDATION**

- 8.1 **A** – that the existing LDO s106 agreement be varied in accordance with the table at Annex 1 below; and

**B** – that authority is delegated to the Assistant Director Planning, Transport and Public Protection to negotiate and complete any consequential changes to the s106 agreement resulting from the proposed deed of variation.

### **Documents:**

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

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

**Annex 1**

<b>No.</b>	<b>LDO S106 Reference</b>	<b>Current Obligation</b>	<b>Issue</b>	<b>Proposed Obligation</b>	<b>Modified</b>
1	Schedule 2, Clause 4.2 Schedule 2, Clause 4.2	To procure the A1014 Landscaping (in accordance with the 7 drawings appended at Appendix 6 of the LDO S106 Agreement) prior to the stated traffic triggers being breached	Landscaping proposals set out on the 7 drawings at Appendix 6 of the LDO S106 Agreement) are not suitable for ground conditions	To procure the A1014 Landscaping (in accordance with the following documents:  - CS062418-LS-001 Rev.P05 - CS062418-LS-002 Rev.P05 - CS062418-LS-004 Rev.P05 - CS062418-LS-005 Rev.P06 - CS062418-LS-010 Rev.P01 - CS062418-LS-011 Rev.P01 - CS062418-LS-015 Rev.P03 - CS062418-MAN-PRI Rev.P02 - CS062418-MAN-SPEC Rev.P03 - CS062418-MAN-SPEC Rev.P03 - Inspection Record	

					- Pesticides Record  prior to the stated traffic triggers being breached											
2	Schedule 2, Clause 4.2	London Gateway will make the following payments or procure the carrying out of the following works for highways improvements so that the payment is made or the work Completed before any of the Flow Triggers set out in relation to that work or payment in the following table are breached	Some of the triggers are incorrectly represented as a result of what appears to have been a transposition error, which was not picked up at the time the Agreement was completed		Replace Flow Trigger table with an amended table											
3	Schedule 2, Clause 4.2	London Gateway will make the following payments or procure the carrying out of the following works for highways improvements so that the payment is made or the work Completed before any of the Flow Triggers set out in relation to that work or payment in the following table are breached <table border="1"><thead><tr><th rowspan="2">Item</th><th rowspan="2">Work or Payment</th><th rowspan="2">Period</th><th colspan="2">Flow Trigger</th></tr><tr><th>PCUs</th><th>OGV2s</th></tr></thead><tbody><tr><td>1</td><td>Sorrells / A1014 Junction</td><td>Development Peak</td><td>1458</td><td></td></tr></tbody></table>	Item	Work or Payment	Period	Flow Trigger		PCUs	OGV2s	1	Sorrells / A1014 Junction	Development Peak	1458		Circumstances may occur whereby matters beyond London Gateway's control delay the time by which London Gateway are able to complete works packages set out in the Table. Such	Amend Clause 4.2 to state: <i>"The LG Companies will make the following payments or procure the carrying out of the following works for highways improvements so that the payment is made or the work Completed before any of</i>
Item	Work or Payment	Period				Flow Trigger										
			PCUs	OGV2s												
1	Sorrells / A1014 Junction	Development Peak	1458													

			Scheme				circumstances may include where the relevant highway authority is carrying out other works in the same locality. An example is the A13 widening works programmes to be carried out between September 2017 and September 2019. The Low Noise Surfacing works (Item 7 in the Table) could not be completed whilst the A13 widening works are underway	<i>the Flow Triggers set out in relation to that work or payment in the following table are breached, unless otherwise agreed by the Local Highways Authority (excluding Item 4 - M25 Junction 30 Works)</i>
		2	Installation of a signalised pedestrian phased Toucan crossing across The Manorway dual carriageway at its junction with Gifford Cross Road	AM Peak	204			
				PM Peak	216	-		
		3	A13 Second Contribution	AM Peak	1482			
				PM Peak	1533			
		4	M25 Junction 30 Works	AM Peak		189		
				PM Peak		189		
				PM Peak	164			
		5	The Subway Improvements	AM Peak	204			
				PM Peak	216			
		6	The Sologuard Barrier System	AM Peak	204			
				PM Peak	216			
		7	The Low-Noise Surfacing	AM Peak	612			
				PM Peak	668			
		8	The Acoustic Fencing	AM Peak	216			
				PM Peak	228			
		9	The A1014 Landscaping	AM Peak	216			
				PM Peak	228			

4	Schedule 2, Clause 8.1	From the first occupation of the development until the fifteenth anniversary of the coming into force of the LDO, the LG Companies must implement the Traffic Monitoring Strategy	The Traffic Monitoring Strategy is provided at Appendix 3 of the LDO S106. Clause 5.0 of the Strategy states "If, in verifying the data the LGTPC identify issues with the accuracy or quality of the data, the LGTPC will agree a revised methodology with the LG Companies which shall be implemented within a 4 week period". In December 2015 the chairman of the London Gateway Travel Plan Committee (LGTPC) proposed amendment to the Traffic Monitoring	From the first occupation of the development until the fifteenth anniversary of the coming into force of the LDO, the LG Companies must implement the Revised Traffic Monitoring Strategy.
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			Strategy. This was unanimously agreed by members. The decision to amend the Traffic Monitoring Strategy was recorded in the minutes of the 26/01/16 LGTPC meeting	
5	Schedule 2, Clause 3.1	<p>The LG Companies will procure the implementation of the Travel Plan, including as to payments to the Council according to its terms.</p> <p>Clause 5.25 of Travel Plan states <i>"At least 2 months prior to the first operational use of each commercial building the Occupier shall submit their Occupier Travel Plan, which demonstrates how the related building and plot shall satisfy the requirements of this Travel Plan, to the member parties of the LGTPC. The Occupier Travel Plan shall include details of the..... "</i></p> <p>Clause 5.26 of the Travel Plan states <i>"The TLO (Transport Liaison Officers) in respect of each commercial building within the Logistics Park shall be appointed at least one month prior to the first operational use of the building (or alternatively..... "</i></p>	<p>Very difficult to achieve regarding speculative builds because end users are not known until very close to first occupation or in some cases after first occupation (where building is to be under multi occupancy)</p>	<p>Amend Clause 5.25 of Travel Plan to state:  <i>"The occupier shall submit their Occupier Travel Plan, which demonstrates how the related building and plot shall satisfy the requirements of this Travel Plan, to the member parties of the LGTPC:</i>  a) <i>for speculative buildings, within 2 months of the completion of the freehold/leasehold occupation agreement;</i>  or  b) <i>for non speculative</i></p>

				<p><i>buildings, at least 2 months prior to the first operational use of each commercial building</i></p> <p><i>The occupier Travel Plan shall include details of the....."</i></p> <p>Amend Clause 5.26 of the Travel Plan to state:  <i>"The TLO in respect of each commercial building within the Logistics Park shall be appointed:</i>  <i>a) for speculative buildings within 2 months of the completion of the freehold/leasehold occupation agreement; or</i>  <i>b) for non speculative buildings at least one month prior to the first operational use of the building (or alternatively....."</i></p>
6	Schedule	Clause 2.1 states	The Council are	Amend Clause 2.1 to



	<p>2, Clauses 2.1 and 2.2</p>	<p><i>"LG Park Freehold and LG Park Leasehold shall prior to Occupation (or such other time as may be agreed between TBC, LG Park Freehold and LG Park Leasehold) identify the Training Facility Land"</i></p> <p>Clause 2.2 states  <i>"LG Park Freehold or LG Park Leasehold shall not cause or permit Occupation without having granted to TBC in consideration of £1 an option for 5 years ("Option Period") to acquire the freehold of the land for £1, such option ("the Option") to be in the form reasonably required by LG Park Freehold and LG Park Leasehold and to incorporate the Special Conditions of Sale set out in Schedule 4"</i></p>	<p>not in a position to implement the Training Facility. As such it has been proposed to defer identification of land for 7 years so the Council have more time to obtain funds and take the necessary steps towards implementation of the Training Facility</p>	<p>state:</p> <p><i>"LG Park Freehold and LG Park Leasehold shall, before the expiration of 7 years from the date that the LDO was made, (or such other time as may be agreed between TBC, LG Park Freehold and LG Park Leasehold) identify the Training Facility Land "</i></p> <p>Amend Clause 2.2 to state:</p> <p><i>"LG Park Freehold or LG Park Leasehold shall, before the expiration of 7 years from the date that the LDO was made, grant to TBC in consideration of £1 an option for 5 years ("Option Period") to acquire the freehold of the land for £1, such option ("the Option") to be in the form reasonably required by LG Park Freehold and</i></p>
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				<i>LG Park Leasehold and to incorporate the Special Conditions of Sale set out in Schedule 4"</i>
7	Schedule 2, Clause 3.1	<p>The LG Companies will procure the implementation of the Travel Plan, including as to payments to the Council according to its terms. Clause 5.24 of the Travel Plan states:</p> <p><i>"All commercial buildings and associated plots shall provide the following facilities prior to first occupation of each respective building:</i></p> <ul style="list-style-type: none"> <li><i>- Footway/cycleway facilities in accordance with of the LDO Design Code</i></li> <li><i>- Secure and covered cycle parking in accordance with the LDO Design Code</i></li> <li><i>- Showers and lockers in accordance with the Design Code</i></li> <li><i>- Display panels capable of receiving and displaying real time passenger transport information. The Occupier shall use reasonable endeavours to procure the supply of real time passenger transport information to the panels which shall be located in a prominent position within each building</i></li> <li><i>- Dedicated and conveniently located parking spaces for electric vehicles, along with adjacent charging points and facilities, in accordance with the Design Code</i></li> </ul> <p><i>The above facilities shall be maintained for the duration that the related building is in operational use for use by staff employed within the building plot"</i></p>	<p>Typo in first bullet point of Travel Plan Clause 5.24.</p> <p>With regard to 4th bullet point of Travel Plan Clause 5.24, advances in the internet and mobile phone technology has made the requirement for centrally located display panels obsolete. Where real time information is available staff would be able to access such information via their mobile phone or desktop. This would also allow</p>	<p>The LG Companies will procure the implementation of the Travel Plan, including as to payments to the Council according to its terms.</p> <p>Clause 5.24 of the Travel Plan to state:</p> <p><i>"All commercial buildings and associated plots shall provide the following facilities prior to first occupation of each respective building:</i></p> <ul style="list-style-type: none"> <li><i>- Footway/cycleway facilities in accordance with Section B of the LDO Design Code</i></li> <li><i>- Secure and covered cycle parking in accordance with the LDO Design Code</i></li> <li><i>- Showers and lockers in</i></li> </ul>

			<p>the information to be utilised for inbound, in addition to outbound journeys and would not require staff to muster in a central location to view the information.</p>	<p>accordance with the <i>Design Code</i></p> <p>- <i>Dedicated and conveniently located parking spaces for electric vehicles, along with adjacent charging points and facilities, in accordance with the Design Code</i></p> <p><i>The above facilities shall be maintained for the duration that the related building is in operational use for use by staff employed within the building plot.</i></p> <p><i>The TLO for each building shall investigate the availability of a mobile phone app or website which is capable of providing real time information regarding public transport facilities in the vicinity. Where such information is available the relevant app or website shall be advertised to staff</i></p>
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				<i>based within the building."</i>
8	Schedule 2, Clause 5.1 to 5.4	<p>Clause 5.1: <i>"Subject to the following provisions of this paragraph 5, LG Park Freehold or LG Park Leasehold will pay, upon written demand by TBC, a contribution ("the Contribution") to the 3 lane widening of the A13 Link 5 or alternative measures to improve capacity or enhance safety on A13 Link 5 in recognition of the proportional benefit that the widening or alternative measures will bring to the Development."</i></p> <p>Clause 5.2: <i>"TBC may only issue a written demand for the Contribution once TBC has obtained all necessary consents for the 3 lane widening of the A13 Link 5 (or the alternative measures) and is in a position to let a construction contract for the 3 lane widening of the A13 Link 5 (or alternative measures)."</i></p> <p>Clause 5.3: <i>"The amount of the Contribution will be an amount equal to 11.4% of the cost of the 3 lane widening of the A13 Link 5 (or alternative measures) minus £1,900,000 ("the Total Cost") but in any event will not exceed the amount of £6,939,000."</i></p> <p>Clause 5.4: <i>"TBC shall Complete the 3 lane widening of the A13 Link 5 works or alternative measures within 36 months of receipt of the Contribution unless otherwise agreed LG Park Freehold or LG Park Leasehold."</i></p>	It has been agreed with the A13 Project Team that the payment can be made in two equal instalments, the first as stated in the agreement with the second on the first anniversary of the first payment	<p>Amend Clauses 5.1 to 5.4 to state:</p> <p><i>"Subject to the following provisions of this paragraph 5, LG Park Freehold or LG Park Leasehold will pay, upon written demand by TBC, two contributions ("the First Contribution" and "the Second Contribution") to the 3 lane widening of the A13 Link 5 or alternative measures to improve capacity or enhance safety on A13 Link 5 in recognition of the proportional benefit that the widening or alternative measures will bring to the Development."</i></p> <p><i>"TBC may only issue a written demand for the First Contribution once TBC has obtained all necessary consents for the</i></p>

			<p><i>3 lane widening of the A13 Link 5 (or the alternative measures) and is in a position to let a construction contract for the 3 lane widening of the A13 Link 5 (or alternative measures). The Second Contribution shall be paid on the first anniversary of the First Contribution"</i></p> <p><i>"The amount of the First Contribution and the Second Contribution will each be an amount equal to £3,164,000. The first contribution shall incorporate the sum of £750,000 specified in Clause 7(b) of Schedule 1 of the Deed of Variation dated 25th January 2016 between London Gateway Port Limited and Thurrock Borough Council. The Second Contribution shall incorporate two sums of £347,000 specified in</i></p>
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				<p><i>Clauses 2.2 and 2.3 of Schedule 3 of the agreement pursuant to Section 106 of the Town and Country Planning Act dated 18th May 2007 relating to the London Gateway Port Harbour Empowerment Order "</i></p> <p><i>"TBC shall Complete the 3 lane widening of the A13 Link 5 works or alternative measures within 36 months of receipt of the First Contribution unless otherwise agreed LG Park Freehold or LG Park Leasehold."</i></p>
9	Schedule 2, Clauses 7.1 to 7.3	<p><i>Clause 7.1: "In respect of each plot or element of common infrastructure of the Development, no later than:</i></p> <ul style="list-style-type: none"> <li><i>- 7.1.1 one month prior to the commencement of construction (in relation to the construction of that plot or element); and</i></li> <li><i>- 7.1.2 one month prior to first occupation or beneficial use (in relation to the operational use of the plot or element), the LG Companies, or their contractors or the plot occupiers on the LG Companies' behalf (as applicable), must submit at TBC an Apprenticeship and Local Employment Plan (an</i></li> </ul>	<p>Discussion with Thurrock Council's Economic Development Manager has confirmed that the provisions of Clause 7.1 to 7.3 and the form of ALEP set out at</p>	<p>Thurrock Council to propose amended wording for Clauses 7.1 to 7.3 and a substitute template for Appendix 10</p>

	<p><i>"ALEP")"</i></p> <p><i>Clause 7.2: "An ALEP is a plan in the form attached at Appendix 10 setting out how the LG Companies, plot occupiers and their contractors will work directly with local employment or training agencies as part of an employment and training consortium, such agencies to include (but not be limited to):</i></p> <ul style="list-style-type: none"> <li><i>- 7.2.1 Jobcentre Plus and the Learning &amp; Skills Council</i></li> <li><i>- 7.2.2 voluntary and private sector providers: and</i></li> <li><i>- 7.2.3 sixth form colleges; colleges of further education; and universities."</i></li> </ul> <p><i>Clause 7.3 "An ALEP must specify the provision for training opportunities and other initiatives in respect of the vocational and employability skills required by the LG companies, plot occupiers and the contractors for any new jobs and business opportunities created by the construction and operation (as the case may be) of the relevant plot or element of the Development."</i></p>	<p>Appendix 10 of the LDO S106 agreement does not reflect the current climate with regard to local employment and skills and is therefore not fit for purpose.</p>	
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