

Reference: 20/01709/FUL	Site: Land to rear of Bannatynes Sports Centre Howard Road Chafford Hundred Grays
Ward: South Chafford	Proposal: Redevelopment to provide up to 344 residential units in buildings ranging 5 to 10 storeys in height with associated landscaping and highway works.

Plan Number(s):		
Reference	Name	Received
0558-BPA-ZZ-DR-A-(P0)0001 Rev.P0	Site Location Plan	08.12.2020
0558-BPA-ZZ-DR-A-(P0)0010 Rev.P0	Demolition Plan	08.12.2020
0558-BPA-ZZ-DR-A-(P0)1100 Rev.P0	Proposed Site Plan	08.12.2020
0558-BPA-ZZ-DR-A-(P0)1110 Rev.P0	Basement GA Plan	08.12.2020
0558-BPA-ZZ-DR-A-(P0)1111 Rev.P0	Ground Floor Plan	08.12.2020
0558-BPA-ZZ-DR-A-(P0)1112 Rev. P1	First To Third Floor GA Plan	07.04.2021
0558-BPA-ZZ-DR-A-(P0)1113 Rev. P1	Fourth Floor GA Plan	07.04.2021
0558-BPA-ZZ-DR-A-(P0)1114 Rev.P1	Fifth Floor GA Plan	07.04.2021
0558-BPA-ZZ-DR-A-(P0)1115 Rev. P1	Sixth Floor GA Plan	07.04.2021
0558-BPA-ZZ-DR-A-(P0)1116 Rev. P1	Seventh Floor GA Plan	07.04.2021
0558-BPA-ZZ-DR-A-(P0)1117 Rev. P1	Eighth Floor GA Plan	07.04.2021
0558-BPA-ZZ-DR-A-(P0)1118 Rev. P1	Ninth Floor GA Plan	07.04.2021
0558-BPA-ZZ-DR-A-(P0)1119 Rev. P0	Roof GA Plan	08.12.2020
0558-BPA-ZZ-DR-A-(P0)1200 Rev. P1	Proposed Site North Elevation	07.04.2021
0558-BPA-ZZ-DR-A-(P0)1201 Rev. P1	Proposed Site East Elevation	07.04.2021
0558-BPA-ZZ-DR-A-(P0)1202 Rev. P1	Proposed Site South Elevation	07.04.2021
0558-BPA-ZZ-DR-A-(P0)1203 Rev. P1	Proposed Site West Elevation	07.04.2021
0558-BPA-ZZ-DR-A-(P0)1210 Rev. P1	Proposed Block A Courtyard Elevations	07.04.2021
0558-BPA-ZZ-DR-A-(P0)1211 Rev. P1	Proposed Block B Courtyard Elevations	07.04.2021
0558-BPA-ZZ-DR-A-(P0)1212 Rev. P1	Proposed Block A East / Block B West	07.04.2021
0558-BPA-ZZ-DR-A-(P0)1300 Rev. P0	Section AA	08.12.2020
0558-BPA-ZZ-DR-A-(P0)1301 Rev. P0	Section BB	08.12.2020
0558-BPA-ZZ-DR-A-(P0)1302 Rev. P0	Sections Through Arterial Road	08.12.2020
0558-BPA-A-DR-A-(P0)3000 Rev. P0	Block A Ground Floor	08.12.2020
0558-BPA-A-DR-A-(P0)3001 Rev. P1	Block A First To Third Floor	07.04.2021
0558-BPA-A-DR-A-(P0)3002 Rev. P1	Block A Fourth Floor	07.04.2021

0558-BPA-A-DR-A-(P0)3003 Rev. P1	Block A Fifth Floor	07.04.2021
0558-BPA-A-DR-A-(P0)3004 Rev. P1	Block A Sixth Floor	07.04.2021
0558-BPA-A-DR-A-(P0)3005 Rev. P1	Block A Seventh Floor	07.04.2021
0558-BPA-A-DR-A-(P0)3006 Rev. P1	Block A Eighth Floor	07.04.2021
0558-BPA-A-DR-A-(P0)3007 Rev. P1	Block A Ninth Floor	07.04.2021
0558-BPA-B-DR-A-(P0)3050 Rev. P1	Block B Ground Floor	07.04.2021
0558-BPA-B-DR-A-(P0)3051 Rev. P1	Block B First To Fifth Floor	07.04.2021
0558-BPA-B-DR-A-(P0)3054 Rev. P1	Block B Sixth Floor	07.04.2021
0558-BPA-B-DR-A-(P0)3055 Rev. P1	Block B Seventh Floor	07.04.2021
0558-BPA-B-DR-A-(P0)3056 Rev. P1	Block B Eighth Floor	07.04.2021
0558-BPA-B-DR-A-(P0)3057 Rev. P1	Block B Ninth Floor	07.04.2021
0558-BPA-ZZ-DR-A-(P0)6000 Rev. P0	Typical Window Detail	08.12.2020
0558-BPA-ZZ-DR-A-(P0)6100 Rev. P0	Typical Entrance Detail	08.12.2020
0558-BPA-ZZ-DR-A-(P0)6200 Rev. P0	Typical Balcony Detail	08.12.2020
0558-BPA-ZZ-DR-A-(P0)6300 Rev. P0	Typical Parapet Detail	08.12.2020
0558-BPA-ZZ-DR-A-(P0)9000 Rev. P0	Entrance View	08.12.2020
0558-BPA-ZZ-DR-A-(P0)9001 Rev. P0	Courtyard View	08.12.2020
0558-BPA-ZZ-DR-A-(P0)9002 Rev. P0	Courtyard West View	08.12.2020
0558-BPA-ZZ-DR-A-(P0)9003 Rev. P0	Landscape View	08.12.2020

The application is also accompanied by:

- Air Quality Assessment;
- Design & Access Statement;
- Energy Statement;
- Fire Strategy Statement;
- Flood Risk Assessment;
- Highways & Transport Note;
- Landscape & Visual Impact Assessment;
- Noise Assessment;
- Planning Obligations Statement;
- Planning Statement;
- Statement of Community Involvement;
- Sunlight / Daylight Assessment (updated);
- Sustainability Statement;
- Transport Assessment;
- Travel Plan; and
- Viability Assessment (updated).

<p>Applicant: c/o Agent</p>	<p>Validated: 9 December 2020 Date of expiry: 14th June 2021 (extension of time agreed by applicant)</p>
<p>Recommendation: Refuse planning permission</p>	

This application is scheduled for determination by the Council’s Planning Committee because the application is considered to have significant policy or strategic implications (in accordance with Chapter 5, Part 3 (b), Section 2 (2.1) (a) of the Council’s constitution) and the level of response to the public consultation exercise.

1.0 BACKGROUND AND DESCRIPTION OF PROPOSAL

1.1 In summary, this application proposes the residential redevelopment of a site to the south of the A1306 and north of the Bannatynes sports centre. The principal elements of the proposals are set out in the table below:

Site Area	1.07 Ha
Residential units (by block)	<p><u>Block A1</u> 21 no. one-bed flats 10 no. two-bed flats (including 3 no. wheelchair units) TOTAL: 31 no. flats</p>
	<p><u>Block A2</u> 48 no. one-bed flats 7 no. two-bed flats (including 1 no. wheelchair unit) TOTAL: 55 no. flats</p>
	<p><u>Block A3</u> 30 no. one-bed flats (including 1 no. wheelchair unit) 10 no two-bed flats TOTAL: 40 no. flats</p>
	<p><u>Block B1</u> 81 no. one-bed flats 9 no. two-bed flats (including 4 no. wheelchair units) TOTAL: 90 no. flats</p>
	<p><u>Block B2</u> 64 no. one-bed flats 11 no. two-bed flats (including 1 no. wheelchair unit) TOTAL: 75 no. flats</p>
	<p><u>Block B3</u> 40 no. one-bed flats (including 1 no. wheelchair unit) 13 no. two-bed flats (including 1 no. wheelchair unit) TOTAL: 53 no. flats</p>

Total residential	<p>284 no. one-bed flats (including 2 no. wheelchair units) 60 no. two-bed flats (including 10 no. wheelchair units)</p> <p>TOTAL: 344 no. flats</p>
Parking	<p><u>Basement:</u> 159 no. car parking spaces (including 11 no. visitor spaces) 6 no motorcycle spaces</p> <p><u>Surface-level:</u> 47 no. car parking spaces (including 10 no. visitor spaces, 5 no. car club spaces and 12 no. wheelchair use spaces) 3 no. motorcycle spaces 20 no. cycle spaces for visitors</p> <p><u>Block A:</u> 126 no. cycle spaces</p> <p><u>Block B:</u> 218 no. cycle spaces</p> <p>TOTAL: 206 no. car parking spaces 9 no. motorcycle parking spaces 364 no. cycle parking spaces</p>
Building Heights	<p><u>Block A:</u> 4 / 5 / 8 / 10-storeys</p> <p><u>Block B:</u> 6 / 8 / 9 / 10-storeys</p>
Floorspace	<p>25 no. flat types are proposed, with a number of variants within flat types.</p> <p>Gross internal floorspace ranges between 39 sq.m and 95 sq.m</p>
Amenity Space	<p>Private amenity space (balconies / terraces) 2,403 sq.m Roof terraces 621 sq.m Landscaped areas 4,647 sq.m</p>
Density	<p>321 dwellings per hectare</p>

1.2 As noted in the ‘Relevant History’ section below, planning permission was granted in 2009 for residential development on the site by the Thurrock Thames Gateway Development Corporation (ref. 08/01156/TTGFUL). Construction works commenced

shortly after consent was issued, however building works were abandoned because the developer experienced financial difficulties. As the 2009 planning permission was implemented, this scheme could be lawfully completed, subject to compliance with relevant planning conditions and s106 obligations. The site has however lain dormant for several years and above ground structures have been removed. It is understood that the site was acquired by the current applicant in 2014.

- 1.3 The current application proposes a residential development using the existing basement car park constructed pursuant to 08/01156/TTGFUL. The various elements of the proposals are described in more detail below.
- 1.4 The site would be redeveloped to provide a total of 344no. one and two-bedroom flats. The mix between different sizes of dwelling is provided in the table at paragraph 1.1 above. Dwellings would be arranged within two buildings each with a footprint broadly forming three-sides of a quadrangle, with an open-end at the south-western corner of each building. Accommodation within each of the buildings would be arranged blocks served by separate access cores. These blocks are referred to as A1, A2, A3, B1, B2 and B3.
- 1.5 When the application was first submitted in December 2020 the applicant proposed that all residential units were to be constructed, let and managed through a private rented sector (PRS) model, rather than built for sale. However, when an updated financial viability appraisal was submitted in April 2021 the applicant confirmed that the scheme would be proceeding on an ‘open market’ basis with 10% of the units offered for affordable home ownership, in accordance with paragraph 64 of the NPPF. This affordable home ownership would comprise a discounted market sale tenure with sale prices set at 80% of market value.
- 1.6 A detailed description of the proposed residential accommodation per block is provided in the table below:

Block	Accommodation	Floorspace	Max. Height
A1	21 no. one-bed 10 no. two bed	39 sq.m to 89 sq.m	Part-four / part-five storeys
A2	48 no. one-bed 7 no. two-bed	48 sq.m to 80 sq.m	Part-four / part-ten storeys
A3	30 no. one-bed 10 no. two-bed	39 sq.m to 63 sq.m	Part-four / part-eight storeys
B1	81 no. one-bed 9 no. two-bed	39 sq.m to 95 sq.m	Part-four / part-nine storeys
B2	64 no. one-bed 11 no. two-bed	39 sq.m to 75 sq.m	Part-six / part-ten storeys

B3	40 x one-bed 13 x two-bed	39 sq.m to 62 sq.m	Part-six / part-eight storeys
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- 1.7 The ground floor of building ‘A’ would include 3no. entrance lobbies with associated stairwells and lift, bicycle storage areas, bin storage, concierge and post room. The ground floor of building ‘B’ would also include entrance lobbies, bicycle and bin storage and an ‘energy centre’ / generator room.
- 1.8 The residential blocks would be modern in appearance with proposed finishing materials comprising white, pink / red and cream-coloured brickwork, glass reinforced concrete (GRC) panels, perforated aluminium panels to proposed balconies and timber / aluminium window frames.
- 1.9 Access to the site for vehicles, pedestrians and cyclists would be via an existing point of access located at the south-western corner of the site which links to Howard Road. Currently Howard Road is effectively a cul-de sac with a ‘hammerhead’ turning area at its northern-end. The western spur of this hammerhead provides access to Trelawney Court whereas the eastern spur accesses both the application site and the parking area for Bannatynes health club. The proposals include the provision of 206 no. car parking spaces, the majority of which (159 no.) would be at basement level with the remaining 47 no. spaces at ground floor level close to the site access and southern boundary. The proposed allocation of the basement and ground floor car parking is described in the table below:

<u>Basement Parking</u>	
Residents car parking	148 spaces
Visitors car parking	11 spaces
Sub-total	159 spaces
Motorcycle parking	6 spaces
<u>Ground / surface level parking</u>	
Wheelchair user car parking	12 spaces
Car club	5 spaces
Visitors car parking	10 spaces
Residents car parking	20 spaces
Sub-total	47 spaces
Motorcycle parking	3 spaces

- 1.10 The applicant has submitted draft heads of terms for a potential s106 legal agreement which include:
- Financial contribution for enhancements to Howard Road and/or adjacent highways infrastructure;
 - Financial contribution toward delivery of a controlled parking zone (CPZ);

- Residents of the proposal will be prohibited from obtaining permits for any surrounding CPZ;
- Five (5) car club spaces provided in perpetuity; and
- Cost of car club membership paid for all residents not with an allocated parking space, for a period of five years.

In accordance with paragraph number 1.5 above, the heads of terms for any s106 agreement will also need to include reference to the provision of 34 units (10%) as discounted market sale units.

2.0 SITE DESCRIPTION

- 2.1 The application site comprises a broadly rectangular-shaped plot of land located to the rear of the Bannatynes sports club, at the northern end of Howard Road and immediately south of the A1306 Arterial Road. The area of the site is c.1.1 hectares and has maximum dimensions of approximately 150m (measured east-west) and 73m (measured north-south). The western part of the site formerly comprised car parking associated with the adjacent club. However, as noted in the 'Relevant History' set out below, the site has been partially developed pursuant to a planning permission for residential development (ref. 08/01156/TTGFUL). At the eastern-end of the site an approved four-storey residential block was partially constructed, whilst adjacent to the site's northern boundary 3no. Separate three-storey terraces of townhouses were also partly constructed. However, all of these residential buildings were not fully completed and, as a result of their exposure to weather, became dilapidated. After an arson attack at the site any former above-ground structures were destroyed. A basement car park has been excavated and a reinforced concrete deck covers a section of this car park. The remaining parts of the site are vacant and becoming overgrown with vegetation. Officers are currently investigating an allegation of use of the site for vehicle storage, vehicle breaking and positioning of containers and demountable structures.
- 2.2 Ground levels across the site are generally flat, aside from the exposed area of basement car parking which sits below adjoining levels. The A1306 Arterial Road adjacent to the northern boundary of the site is located on an embankment between c.2.5m and c.5m above ground levels on-site. The site is located within the low risk flood zone (Zone 1). The site formed part of a gravel pit which was worked during the 1960's and 1970's.
- 2.3 The site is adjoined to the east by the service yard and HGV loading area serving the Sainsbury's supermarket. South of the site is the Bannatynes health club with ancillary parking areas and outdoor tennis courts. Immediately to the west of the site is Trelawney Place, a development of 64 no. flats within three and four-storey buildings constructed in the early 2000's. The site, along with the health club,

Trelawney Court, the Chafford Hundred public house and adjoining Premier Inn hotel are accessed from Howard Road, which forms the northern arm of the Fleming Road / Burghley Road / Fenner Road roundabout junction.

3.0 RELEVANT PLANNING HISTORY

Application Reference	Description of Proposal	Decision
08/00152/TTGFUL	Redevelopment of site to provide 153 residential units including doctor's surgery, with provision of basement and surface parking, associated servicing and landscaping, works to fitness centre nursery and alterations to fitness centre car park layout, together with other works incidental to the proposals and associated works.	Approved, subject to s106 legal agreement
08/01156/TTGFUL	Redevelopment of site to provide 140 residential units including doctor's surgery, with provision of basement and surface parking, associated servicing and landscaping, works to fitness centre nursery and alterations to fitness centre car park layout, together with other works incidental to the proposals and associated works.	Approved, subject to s106 legal agreement
09/50060/TTGDCCD	Discharge of conditions.	Withdrawn
09/50080/TTGDCCD	Discharge of conditions 2, 3, 4, 5, 9, 11, 12, 13, 15, 17, 18, 19, 20, 22, 23, 24, 25, 26, 29, 30, 31, 32, 34, 35, 36, 38 and 39 (of planning permission ref. 08/01156/TTGFUL).	Part discharged
11/50301/TTGNMA	Revision of external materials: 1) House type first and second storey's amended from blue engineering brick to light grey render on rear and side elevations. 2) House type balcony party walls amended from blue engineering brick to Siberian larch cladding.	Withdrawn
11/50316/TTGNMA	Revision of external materials: 1) House type first and second storeys amended from blue engineering brick to light grey render on rear and side elevations. 2)	Approved

	House type balcony party walls amended from blue engineering brick to Siberian larch cladding.	
16/00349/SCR	Request for Environmental Impact Assessment (EIA) screening opinion - proposed development comprising 239 no. residential units, landscaping, car / cycle parking and a doctor's surgery (206 sq.m.).	EIA not required
16/00307/FUL	Mixed use development to provide 203 no. residential units, landscaping, car/cycle parking, commercial units (370sq.m.) comprising Class A1 (shops) / Class A2 (financial and professional services) / Class A3 (food and drink) / Class A4 (drinking establishments) / Class A5 (hot food takeaways) / Class D1 (non-residential institutions) floorspace and a doctor's surgery (280sq.m.).	Approved, subject to s106 legal agreement

4.0 CONSULTATIONS AND REPRESENTATIONS

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

4.2 PUBLICITY:

The application has been publicised by the display of site notices, a newspaper advertisement and consultation with neighbouring properties (c.206). The proposals have been advertised as a major development. 154 letters of objection have been received raising the following concerns:

- access to site;
- additional traffic;
- loss of amenity;
- out of character;
- environmental pollution;

- loss of amenity;
- excessive height;
- impact on local infrastructure; and
- inadequate car parking.

The following consultation responses have been received:

4.3 ANGLIAN WATER:

No objection, subject to surface water drainage condition.

4.4 ESSEX & SUFFOLK WATER:

No response received.

4.5 ESSEX FIRE & RESCUE:

No response received.

4.6 ESSEX COUNTY COUNCIL (ARCHAEOLOGY):

No archaeological recommendations offered.

4.7 ESSEX POLICE - ARCHITECTURAL LIAISON:

Recommend that the applicant achieved Secured By Design accreditation.

4.8 NHS ENGLAND:

No response received.

4.9 ENVIRONMENT AGENCY:

No response received.

4.10 EDUCATION:

Request a financial contribution via any s106 agreement to mitigate the impact of the development on nursery and secondary school provision.

4.11 ENVIRONMENTAL HEALTH:

A scheme of noise mitigation should be included that will ensure all habitable rooms will achieve the reasonable internal levels. If planning permission is granted a planning condition is suggested to address a CEMP for the construction phase. It is unlikely that the UK Air Quality Objective for NO₂ will be exceeded, therefore no objections are raised on the grounds of air quality. Measures are recommended to address the matters of ground gas and unforeseen contamination.

4.12 FLOOD RISK MANAGER:

No response received.

4.13 HOUSING:

Express concern that there is no affordable housing proposed. The lack of any affordable housing of any tenure in a 344 unit scheme does little to contribute towards a mixed and balanced community. Reserve judgement on the case for 0% Affordable Private Rent dwellings on viability grounds.

NB – this response was drafted to comment on the originally submitted proposal for a private rented sector tenure. The scheme has been revised to a private sale tenure with 10% of units allocated for affordable home ownership.

4.14 HIGHWAYS:

Further information required - traffic impact from the increase in dwellings is a concern, and will likely lead to a significant impact on the Burghley Road and Fenner Road link from the A1306 to the A126. There is also the factor of parking and displacement from the development onto the local network. It is noted the proposed development is in a sustainable location close to local amenities, however, it will need to be made clear how the parking on site will be used sufficiently as well as prevent overflow onto the network.

4.15 URBAN DESIGN:

Cannot offer support for the proposals. There is too much development proposed on this site which undermines the external and internal environment (both the public realm and the flats for future residents).

5.0 POLICY CONTEXT

5.1 National Planning Policy Framework (NPPF)

The revised NPPF was published on 24th July 2018 (and subsequently updated with minor amendments 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. 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 date¹, 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 proposed²; 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.

¹ 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 ...

² 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.

As the proposals include a significant element of residential development, paragraph 11(d) is 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 the key component of the proposals the 'tilted balance' in favour of granting permission is engaged (subject to paragraph 11 (d) (i) and (ii)).

The NPPF sets out the Government's planning policies. 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. Delivering a sufficient supply of homes;
- 6. Building a strong, competitive economy;

8. Promoting healthy and safe communities;
9. Promoting sustainable transport;
11. Making effective use of land
12. Achieving well-designed places; and
14. Meeting the challenge of climate change, flooding and coastal change.

5.2 National Planning Policy 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;
- Build to rent;
- Climate change;
- Design: process and tools;
- Determining a planning application;
- Effective use of land;
- Flood risk and coastal change;
- Healthy & Safe Communities;
- Noise;
- Planning obligations;
- Renewable and low carbon energy;
- Travel Plans, Transport Assessments and Statements;
- Use of planning conditions; and
- Viability.

5.3 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 Adopted Interim Proposals Map accompanying the LDF shows the site as land with no specific notation. However, as noted above, the site benefits from an extant planning permission for residential development which has been commenced. The following Core Strategy policies in particular apply to the proposals:

SPATIAL POLICIES

- CSSP1: Sustainable Housing and Locations
- CSSP3: Sustainable Infrastructure
- OSDP1: Promotion of Sustainable Growth and Regeneration in Thurrock

THEMATIC POLICIES

- CSTP1: Strategic Housing Provision
- CSTP2: The Provision of Affordable Housing
- CSTP9: Well-being: Leisure and Sports
- CSTP10: Community Facilities
- CSTP11: Health Provision
- CSTP14: Transport in the Thurrock Urban Area: Purfleet to Tilbury
- CSTP18: Green Infrastructure
- CSTP20: Open Space
- CSTP22: Thurrock Design
- CSTP23: Thurrock Character and Distinctiveness
- CSTP25: Addressing Climate Change
- CSTP26: Renewable or Low-Carbon Energy Generation
- CSTP27: Management and Reduction of Flood Risk

POLICIES FOR MANAGEMENT OF DEVELOPMENT

- PMD1: Minimising Pollution and Impacts on Amenity
- PMD2: Design and Layout
- PMD3: Tall Buildings
- PMD5: Open Spaces, Outdoor Sports and Recreational Facilities
- PMD8: Parking Standards
- PMD9: Road Network Hierarchy
- PMD10: Transport Assessments and Travel Plans
- PMD12: Sustainable Buildings
- PMD13: Decentralised, Renewable and Low Carbon Energy Generation
- PMD15: Flood Risk Assessment
- PMD16: Developer Contributions.

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, this consultation has now

closed and the responses have been considered and reported to Council. On 23 October 2019 the Council agreed the publication of the Issues and Options 2 Report of Consultation on the Council's website and agreed the approach to preparing a new Local Plan.

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 planning issues to be considered in this case are:

- i. Development plan designation & principle of development
- ii. Site layout & design
- iii. Landscape & visual impact
- iv. Impact on amenity
- v. Highways & transportation issues
- vi. Noise & air quality
- vii. Flood risk
- viii. Sustainability
- ix. Viability & planning obligations

6.2 It is relevant that the planning permission for residential redevelopment of the site (ref. 08/01156/TTGFUL) was commenced and, as such, could be completed subject to compliance with the associated planning conditions and s106 obligations. The comparison between this consented scheme (08/01156/TTGFUL), the most recent but unimplemented consent (ref. 16/00307/FUL) and the current proposals therefore forms part of the analysis below.

6.3 I. DEVELOPMENT PLAN DESIGNATION & PRINCIPLE OF DEVELOPMENT:

The principle of the re-development of this site for residential development has been established by the grant of planning permission under both 08/01156/TTGFUL and 16/00307/FUL. As planning permission ref. 08/01156/OUT was implemented and technically the consent remains live, there can be no objection to the principle of residential redevelopment. Building works on-site ceased several years ago and the above former ground structures have now been removed, although the basement car park was excavated and largely formed from concrete. The site is partly visible from a busy road frontage in this part of the Borough (A1306) which is elevated above

ground levels at the site. Therefore, in broad terms, the principle of removing the now demolished structures and completing a residential development on the site is supported.

- 6.4 The most recent planning permission for the site (ref. 16/00307/FUL) included a small element of non-residential floorspace comprising a doctor's surgery and 'town centre uses' (former Use Classes A1 to A5). However, the current proposal promotes a residential-only development. The consultation response received from NHS England for 16/00307/FUL stated that the proposed surgery provision did not align with their strategy of creating care hubs. The s106 agreement therefore included the flexibility to secure a financial contribution towards healthcare provision as an alternative to built floorspace. Although NHS England has not provided a consultation response to the current application, it would be reasonable to assume that their 'model' for creating hubs remains and therefore a financial contribution to mitigate the impact of the development on primary healthcare provision would be sought. Accordingly there are no land use planning objections to the residential-only development currently proposed.
- 6.5 Planning permission ref. 16/00307/FUL also included 370 sq.m of town centre floorspace (former Use Classes A1 – A5). The applicant sought permission for flexibility across the various Use Classes as no individual occupiers were identified as part of the application. That permission would have allowed for all of the units to be used for any use within the Use Classes sought or any combination across the Use Classes. A total of six commercial units were previously proposed, all with small floorspace totals. The introduction of these non-residential uses responded to comments raised during a CABE design review of the application, where the applicant was encouraged to introduce a mix of uses into the development in order to create a 'destination' and encourage activity. Although no land use planning objections were raised to these town centre uses when 16/00307/FUL was considered, the floorspace was speculative. Given the proximity of the Sainsbury superstore adjacent to the site, it is perhaps debatable whether the commercial uses previously proposed would have been successful. In these circumstances, and in light of the 'unallocated' designation of the site, no objections are raised to a residential-only development.
- 6.6 National planning policy as expressed at paragraph 59 of the NPPF states that (inter-alia) in order to support the Government's objective of significant boosting the supply of homes, it is important that a sufficient amount and variety of land can come forward where it is needed. Paragraph 73 goes on to state that local planning authorities should identify and update annually a supply of specific deliverable sites sufficient to provide a minimum of five years' worth of housing against their housing requirement set out in adopted strategic policies or against their local housing need where the strategic policies are more than five years old. The supply of specific deliverable

sites should include a buffer of 20% where there has been significant under delivery of housing over the previous three years, to improve the prospect of achieving the planned supply.

- 6.7 The most recent published analysis of the Borough's housing land supply is provided in the Thurrock Local Plan Five Year Housing Land Supply Position Statement (July 2016). This statement notes that "*the dwelling requirement set out in the Core Strategy is now considered to be out of date*". Instead, the South Essex Strategic Housing Market Assessment identifies a range of objectively assessed need for Thurrock of between 919 and 973 dwellings per annum (2014 base date). The Statement also assesses the supply of deliverable housing in the five year period from 2016/17 to 2020/21 and concludes that there is a supply of between 2.5 and 2.7 years in relation to the identified objectively assessed need. This figure of between 2.5 and 2.7 years supply was produced some time ago (2016) and it is to be expected that the figure has reduced as completions on a number of larger sites with planning permission has progressed (e.g. Bata Fields, Arisdale Avenue etc.). Although the current supply figure is in the process of being updated, it is accepted that supply is less than the five year (+20%) requirement.
- 6.8 The Government's Housing Delivery Test 2020 suggests a requirement for 3,088 new homes in the Borough between 2017/18 and 2019/20, of which 1,823 or 59% have been delivered. Given this undersupply, the Test confirms that the 'consequence' for Thurrock is that the presumption in favour of sustainable development, as set out by paragraph no. 11 of the NPPF applies.
- 6.9 Paragraph 11 states that plans and decisions should apply a presumption in favour of sustainable development. 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-date¹, 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 proposed²; 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.

¹: This includes, for applications involving the provision of housing, situations where the local planning authority cannot demonstrate a 5 year supply of deliverable housing sites (with the appropriate buffer,

as set out in paragraph 73); or where the Housing Delivery Test indicates that the delivery of housing was substantially below (less than 75% of) the housing requirement over the previous 3 years.

²: The policies referred to are those in this Framework (rather than those in development plans) relating to: habitats sites (and those sites listed in paragraph 176) and/or designated as Sites of Special Scientific Interest; land designated as Green Belt, Local Green Space, an Area of Outstanding Natural Beauty, a National Park (or within the Broads Authority) or defined as Heritage Coast; irreplaceable habitats; designated heritage assets (and other heritage assets of archaeological interest referred to in footnote 63 in chapter 16); and areas at risk of flooding or coastal change.

- 6.10 As the Council cannot demonstrate a five-year housing land supply the 'tilted balance' in favour of granting planning permission would apply in this case, unless *"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."*

II. SITE LAYOUT & DESIGN

- 6.11 The implemented planning permission for residential development (ref. 08/01156/TTGFUL) included the entire site area of the health club (approximately 2.5 hectares). This was because the description of development included works to the fitness centre nursery (currently operated by Busy Bees) and alterations to the health club and nursery car park. The approved works to the nursery and car park alterations have been largely implemented although a number of former nursery car parking spaces remain within the site area of the current application. For reference, the amendments to the car park layout which have been implemented have led to a small increase in the number of spaces available for the health club and nursery.
- 6.12 The approved layout of the site for permission ref. 16/00307/FUL largely corresponds to the approved and implemented development of the site (ref. 08/01156/TTGFUL) and in particular to the site access and basement parking area. The partly implemented development on-site involves a vehicular access from Howard Road at the south-western corner of the site. This approved access ramps down to a basement parking level providing a total of 146 parking spaces. The approved basement car park has been largely excavated and partially covered with a concrete podium. Planning permission ref. 16/00307/FUL retains the existing basement parking level, with adaptations and amendments to increase the number of spaces to 148, to accommodate a basement-level energy centre and to provide additional access stairwells to ground floor level. The current proposal would also retain and adapt the partly-completed basement car park, with the ramp access remaining at its western end. A total of 159 car parking spaces and 6 spaces for motorcycles would be formed within the basement, along with lift cores and stairwells.
- 6.13 At ground floor level, the approved and partly-implemented scheme (ref. 08/01156/TTGFUL) comprises a series of terraced houses and flat blocks aligned east-west along the northern part of the site (parallel with the A1306), with 3no. flat

blocks aligned north-south. The approved building footprint can therefore be described as an inverted 'E' shape. Of these approved residential blocks, the 3 no. terraces of houses (totalling 16 no. 3/4/5-bed units) and Block B (22 no. 1/2/3-bed units) were progressed above ground level before building works ceased.

- 6.14 The proposed arrangement of building blocks for permission ref. 16/00307/FUL closely resembles the approved footprint (08/01156/TTGFUL) in terms of both the position and extent of buildings. Although, with the deletion of houses and substitution with flats there is some increase in built footprint on the northern part of the site, compared to the approved scheme. Nevertheless, the position of buildings in relation to the boundaries of the site remains substantially unchanged for 16/00307/FUL compared with the partly implemented development (ref. 08/01156/TTGFUL).
- 6.15 The currently proposed arrangement of building blocks is more akin to a perimeter block typology with two, mainly square-shaped blocks open at the south-western corner. Both proposed blocks would enclose a central open courtyard area. The general arrangement of open spaces and surface-level parking areas is similar from planning permission ref. 16/00307/FUL, although the previous continuous built frontage to the A1306 would be broken down into two separate blocks by the current proposals.
- 6.16 With regard to the density of residential development the current proposals would result in a density of approximately 321 dph (dwellings per hectare), compared to approximately 127 dph for the approved and implemented development (ref. 08/01156/TTGFUL) and c.184 dph for the most recent planning permission (ref. 16/00307/FUL). National planning policy and guidance within the NPPF and PPG does not contain details of density ranges which may be considered appropriate and it may be stated that the measure of density, on its own, is a crude measure of assessing the acceptability of development proposals.
- 6.17 Chapter 11 (Making Effective Use of Land) states at paragraph 122 (under the heading of 'Achieving appropriate densities' that planning policies and decisions should support development that makes efficient use of land, taking into account:
- (a) *the identified need for different types of housing and other forms of development, and the availability of land suitable for accommodating it;*
 - (b) *local market conditions and viability;*
 - (c) *the availability and capacity of infrastructure and services – both existing and proposed – as well as their potential for further improvement and the scope to promote sustainable travel modes that limit future car use;*

- (d) *the desirability of maintaining an area's prevailing character and setting (including residential gardens), or of promoting regeneration and change; and*
- (e) *the importance of securing well-designed, attractive and healthy places.*

- 6.18 The only reference to residential density within the adopted Core Strategy is at Thematic Policy CSTP1 (Strategic Housing Provision) where reference is made to design-led proposals which seek to optimise the use of land in a manner that is compatible with the local context. In particular, this policy states that *“the Council will strongly resist excessive density that would lead to a poor quality of life for existing and future occupants of the local area and would undermine the Council's commitment of delivering sustainable neighbourhoods”*. Part 2. (iii.) of the policy refers to a minimum density of 60 dph in the Borough's Town Centres, Regeneration Areas, key flagship schemes and other areas with high public transport accessibility and a range of between 30-70 dph outside of these areas. For the reasons set out later in this report, the site can be reasonably described as within a high accessibility area, although the proposed density of 321 dph is considerably more than the minimum 60 dph referred to by CSTP1.
- 6.19 For the purposes of comparison, the built-up area south of Burghley Road / Fleming Road principally comprises two-storey dwellinghouses with a residential density of c.30 dph whereas the three / four storey flatted development at Trelawney Court, adjoining the site to the west, has a density of c. 90 dph. In this context of surrounding development, the proposals would clearly result in a significant increase in density and a more intensive use of the land compared to the surrounding residential development. Although both national and local policy promote the efficient use of land, this policy objective has to be balanced against the *“desirability of maintaining an area's prevailing character and setting”* NPPF paragraph no. 122(d).
- 6.20 Adopted Core Strategy policy CST22 (Thurrock Design) requires (inter-alia) that development proposals must demonstrate a high quality design founded on a thorough understanding of, and positive response to, the local context. Furthermore, policy PMD2 (Design and Layout) requires, inter-alia, all design proposals to respond to the sensitivity of the site and its surroundings, to optimize the potential of the site to accommodate development, to fully investigate the magnitude of change that would result from the proposals, and mitigate against negative impacts. With reference to the issue of character, PMD2 requires that proposals for development must:

“contribute positively to the character of the area in which it is proposed, and to surrounding areas that may be affected by it ... should seek to contribute positively

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

- 6.21 In this case, it is considered that the intensive, high density form of development proposed would be at odds with, and out of character, with the prevailing ‘grain’ of residential development in the surrounding area. Although making the most effective use of land is as accepted policy objective, especially in light of the lack of a five-year housing supply, paragraph no. 127 (c) of the NPPF requires planning decision to ensure that developments:

(c) are sympathetic to local character and history, including the surrounding built environment and landscape setting, while not preventing or discouraging appropriate innovation or change (such as increased densities)

- 6.22 As a matter of judgement, it is concluded that the amount, form and resultant density of development proposed would be significantly harmful to the character of the area, contrary to both local and national policies.

III. LANDSCAPE & VISUAL IMPACT

- 6.23 Due to the height of the proposed buildings, the potential impact of the development on landscape, visual and townscape receptors is an important consideration.
- 6.24 With regard to landscape impact, the site is located within the ‘Grays / Chadwell St. Mary Urban Area’ landscape character type, as defined by the Thurrock Landscape Capacity Study 2005. The Study clearly places the site within an urban, built-up landscape character area. Land to the north of the A1306, although within the Green Belt, is defined as an urban fringe landscape character area (North Stifford Corridor) which displays key characteristics which include the electricity transmission pylons and an extensive road network. Overhead high voltage power lines and pylons are positioned to the north and west of the site and views of the site from a number of vantage points are seen in the context of this electrical infrastructure. The A1306 immediately north of the site is elevated c.5m above ground levels at the western end of the site, and c.2.5m above ground levels at the site’s eastern boundary. The embankment between the A1306 carriageway and the site is vegetated and provides a visual screen at lower levels.
- 6.25 As noted in the table at paragraph 1.1 above, the current proposals involve building heights ranging between four and ten-storeys. The approved and implemented development (ref. 08/01156/TTGFUL) comprised a small number of dwellinghouses between two and three-storeys high, although the majority of development comprised four and five-storey buildings. Compared with the implemented scheme, the existing approval (ref. 16/00307/FUL) generally increases buildings heights across the site,

although Block D (located at the south-western corner) would remain unchanged at four-storeys. The current proposal limits building height to four and five storeys within that part of Block A closest to Trelawney Court, but height increases to six, eight, nine and ten-storeys across the remainder of the development.

6.26 For the purposes of comparison, the health club to the south of the site at its maximum roof height is approximately the equivalent height of a four-and-a-half storey residential building and the Sainsbury's superstore is the approximate equivalent height of a three-storey residential building. Trelawney Place immediately to the west is a three and part four-storey high residential block.

6.27 Policy PMD3 of the adopted Core Strategy (as amended) (2015) refers to tall buildings and defines such structures as:

- I. buildings of more than six storeys or a height of two storeys above the prevalent form of development, whichever is the lesser, within an established primarily residential area; or*
- II. buildings of more than six storeys in other locations including recently developed, predominantly residential neighbourhoods.*

6.28 Judged against these criteria, those elements of the development which are eight, nine and ten-storeys in height should be considered as 'tall buildings' under policy PMD3. The policy goes on to state that the Council will assess applications for tall buildings based on evaluation criteria set out in CABE / English Heritage guidance dating from 2007. This 2007 guidance was superseded in 2015 by an advice note published by Historic England. The updated guidance refers principally to the impact of development proposals on designated heritage assets and so is not directly applicable to the current case. However, the 2015 guidance notes that:

"where full planning permission for a tall building is to be sought, suitable planning conditions and obligations can be used for the detailed design, materials and finishes, and treatment of the public realm".

It is relevant that the Historic England guidance does not provide a definition of a tall building but instead notes that what might be considered a tall building will vary according to the nature of the local area.

6.29 Given the wording of PMD3 referred to above, it is considered that large parts of the development, namely the eight and ten-storey elements of Block A and the eight, nine and ten-storey elements of Blocks B should be considered as 'tall'.

6.30 Notwithstanding the fact that the 2007 guidance referred to by Policy PMD3 is no longer operative, the Policy states, inter-alia, that:

- i. The Council will only support those applications, which respond positively to all the relevant criteria. The relevant criteria in Thurrock are:*
- a) the relationship to context*
 - b) the effect on historic assets*
 - c) the relationship to transport infrastructure*
 - d) the architectural quality of the proposal*
 - e) the sustainable design and construction of the proposal*
 - f) the credibility of the design, both technically and financially*
 - g) the contribution to public space and facilities*
 - h) the effect on the local environment*
 - i) the contribution made to permeability*
 - j) the provision of a well-designed environment.*

6.31 An assessment against these criteria is provided as follows:

- a) the site is immediately adjoined by the elevated A1306 Arterial Road to the north and by large-footprint commercial uses to the east and south. Tradition suburban residential development is generally located further south of the site. The site lies within an urban landscape character area, with an urban fringe landscape (albeit within the Green Belt) further to the north, which is partly characterised by electricity pylons and overhead lines. Nevertheless, substantial elements of both residential blocks are significantly taller than the surrounding context of two, three and four-storey development. Although the proposals would offer the benefit of regenerating an abandoned building site, by reason of excessive height the proposals are considered to be materially harmful to the character of surrounding area and would not have an acceptable relation to local context;
- b) the proposals would not impact on any designated heritage assets;
- c) the transportation implications of the development are considered more fully elsewhere in this report. However, the site access is located approximately 740m walking distance to Chafford Hundred railway station and bus services are routed along both the B186 and A1306. The site is therefore conveniently located for access to public transport, although the proposed height and (as detailed above) density of the development are significant;
- d) the applicant has instructed a competent architectural practice to prepare application drawings and the quality of finishing materials and elements of exterior appearance are not challenged. For information, the architect in this case was involved with the St. Chads (Tilbury) and Echoes (Grays) development. Although elements of the design have merit, the fundamental issue remains that

the proposals involve a significant amount of new development on a relatively small site, resulting in a very high residential density and storey heights which would be expected in town centre locations, rather than on the edge of a suburban housing estate;

- e) an Energy Statement accompanies the planning application which confirms that the proposals would comply with relevant development plan policies for energy efficiency and use of renewable or decentralised energy generation;
- f) elements of the design of the development are considered credible and would create a distinct “place”. Nevertheless, issues related to the internal living environment of the development are considered below. Financial viability is considered later in this report;
- g) as set out above, a residential-only development is considered to acceptable in terms of land use. Two areas of public realm are included within the proposals which realistically would be for use only by future residents, rather than existing local residents;
- h) the effect of the proposals on the local environment is a wide-ranging judgement taking into account all of the chapter headings set out in this report. Although the proposals would result in the benefit of new housing development and the redevelopment of a derelict site, the scale of the proposals would be materially harmful to local character;
- i) the site is essentially in a cul-de-sac location where there are limited opportunities to improve permeability. Although the proposals refer to a footpath connection at the site’s north-eastern corner to the A1306 this link is not within the application site and would be negligible benefit to the wider population;
- j) the appointment of a competent architect is commended. However, the development proposals are excessive in this location and fine-grain design details cannot mitigate the core issue that too much development is proposed.

6.32 Consequently, it is considered therefore that the scheme would fail to score positively as assessed against the Policy PMD3 criteria.

6.33 As large parts of the development are ‘tall’ a planning judgement needs to be reached as to whether part eight, nine and ten- storey development is acceptable in this location. The Council’s general planning policy for design and layout (PMD2) requires proposals to respond to the sensitivity of a site and its surroundings and to optimise the potential of the site to accommodate development. As ever, a balanced judgement is required to weigh the visual impact of the proposals.

- 6.34 Views of the site from the A1306 to the north are limited to road and cyclepath / footway users on this heavily trafficked route. As noted above, the A1306 is between approximately 2.5m and 5m above ground levels on-site and there is existing planting on the embankment which provides a low-level only screen. On the western-most part of the site, where the embankment is at its greatest height, building heights on those blocks closest to the A1306 would be four to five storeys (blocks A1 and part A2). Due to the mitigating impact of the change in levels and existing low level planting, the visual impact of development on the western-most part of the site as seen from the A1306 to the north would, as a matter of judgement, not be materially harmful.
- 6.35 As seen from the A1306 the central and eastern part of the development (part of block A2, block B1 and B2) would be six, nine and ten-storeys high. However, the height of the A1306 embankment reduces to the east such that the full height of these blocks would be more apparent. As a matter of judgement it is considered that the nine and ten-storey elements on the central and eastern part of the development would be visually dominant and harm to visual amenity as seen from viewpoints immediately to the north.
- 6.36 The Sainsbury's superstore service yard adjoins the site to the east and as such public views of the development from this direction are at a longer distance. Views from Burghley Road east of the site are partly influenced by backdrop of the power lines and pylons, and partly filtered by the Sainsbury's building and car park and tree planting around the perimeter of the superstore site. As a matter of judgement, it is considered that the proposed height of the development would not be visually prominent such that there would be material harm as seen from public vantage points to the east of the site.
- 6.37 To the south-east of the site there would be a largely unimpeded view from the Burghley Road / Gilbert Road / Sainsbury's store roundabout of the eight and nine storey elements on the southern elevation of Block B. Although public views from the footpath on the northern side of this junction are some 90m from the development site, and seen within the context of the health club and superstore buildings in the foreground and overhead electricity lines in the background, as a matter of judgement it is considered that the development would be out of character and visually intrusive as seen from the south east.
- 6.38 Views of the development from the south and south-west (Burghley Road and Howard Road) are viewed within the context of the health club building and associated car park in the foreground. Nevertheless, as seen from the Howard Road / Fleming Road / Fenner Road roundabout the eight, nine and ten-storey elements of the development would be visually dominant.

- 6.39 Given the presence of the private Trelawney Place development with the Ockendon to Chafford Hundred railway line beyond, there are no short-distance public views of the site from the west.
- 6.40 In support of the application a 'Townscape and Visual Impact Statement' has been submitted. The conclusion to this Statement refers to the delivery of a 'landmark' building which would define the northern edge of Chafford Hundred and provide a sympathetic transition from the lower rise residential and commercial character to the south and east, and the more industrial land uses to the west. In order to justify these arguments, the Statement considers the potential impacts on a number of short, medium and longer distance views, including viewpoints from the Green Belt to the north. Given the mitigating influences of topography, distance and vegetation it is accepted that the visual and landscape impact of the proposal would not be significant as seen from medium and longer distance viewpoints. The current proposals also need to be considered in the context of the 'live' planning permission (ref. 16/00307/FUL) for 203 dwellings in blocks between four and seven-storeys. Nevertheless, the current development is taller, bulkier and with more mass than the previous approvals. It is considered that proposals would appear as visually dominant and out of character when seen from vantage points close to the site. The benefits of new housing development and regeneration of the site do not justify the scale and height proposed. Similarly, the aim of achieving a 'landmark' building does not necessarily translate into additional height and ultimately any development proposal should be well-mannered in its context, which is not the case here.
- 6.41 In summary under this heading, the development would involve higher buildings compared to the implemented scheme and the current approval. Elements of the proposals would comprise "tall buildings" are defined by policy PMD3. A balanced judgement assessing the visual impact of the proposals in the context of the surrounding area and the policy requirement to maximise the development potential of the site is required. As a matter of judgement, and despite the lack of harm to longer distance viewpoints, it is also concluded that the height, bulk and massing of the development would be dominant and out of character.

IV. IMPACT ON AMENITY

- 6.42 Impact on surrounding amenity is confined to the potential impacts on existing residential occupiers at Trelawney Place to the west of the site.
- 6.43 Primary windows at ground, first, second and part-third floor level within the east-facing elevation of Trelawney Place look towards the site. There is a minimum distance of approximately 10m between these windows and the site boundary and there would be an approximate minimum distance of c.20m between existing windows and new development. As noted above, the proposed position of residential

blocks in relation to Trelawney Place is very similar to the implemented development and the current approval (ref. 16/00307/FUL).

- 6.44 The application is accompanied by a Daylight / Sunlight Assessment (November 2020), produced to appraise the impact of the development on adjacent buildings in accordance with the Building Research Establishment (BRE) report, "Site layout planning for daylight and sunlight" (BR 209). Although this document is not specifically referred to by national or local planning policies, it is accepted as the industry standard measure of good practice and relied upon in the production of daylight / sunlight assessments. The applicant's assessment identifies east-facing windows at Trelawney Court as potentially affected and therefore assesses impact on daylight and sunlight to rooms. The conclusions of the daylight assessment are that 9 out of a total of 40 rooms assessed would fail to satisfy both 'Vertical Sky Component' and 'No Sky Line' guidelines and would therefore experience an adverse effect on their diffuse daylighting. However, a detailed analysis of the affected rooms suggest that retained access to light will remain very good. An assessment of the 'Average Daylight Factor' models infringements to the guidelines in 7 rooms from the total of 40, although 6 of these rooms are bedrooms which are principally occupied at night-time. Overall, assessed against the BRE guidance the impact upon daylight would be "negligible" and not dissimilar from the impacts associated with the 2016 scheme (which involved four and five-storey development closest to Trelawney Court).
- 6.45 With reference to sunlight, the applicant's assessment concludes that all potentially affected rooms in Trelawney Court would continue to receive guideline values for 'Annual Probable Sunlight Hours'.
- 6.46 Although the applicant's current assessment does not consider impact on outdoor space, an assessment accompanying 16/00307/FUL modelled that over 50% of the adjoining amenity space would continue to receive at least two full hours of direct sunlight on the 21st March. Therefore, it can be inferred that whilst there will be an increase in shadowing to the amenity space at Trelawney Place, according to the BRE Guidance this increase is considered to be insignificant.
- 6.47 Distances between existing windows at Trelawney Place and proposed windows within the development would be similar to relationships within the part-implemented development and the current approval. It is considered that there would be sufficient separation to ensure a reasonable degree of privacy.
- 6.48 With reference to daylight and sunlight for potential occupiers of the development, the applicant's Assessment (November 2020) states that 629 (84.1%) out of the 748 rooms assessed would satisfy the BRE guidelines for Average Daylight Factor and consequently *"this demonstrates a very good level of internal daylight adequacy to*

the proposed buildings". However, the corollary of this statement is that 119 or 15.9% of rooms would not meet the guideline figure for Average Daylight Factor. Comments from the Council's Urban Design Officer note that proposed flats at the lower levels will be most affected as follows:

First Floor – 25 out of 107 (23%) of rooms do not meet the guidelines;

Second Floor – 26 out of 107 (24%) of rooms do not meet the guidelines;

Third Floor – 19 out of 107 (18%) of rooms do not meet the guidelines.

- 6.49 A combination of north-facing flats and the proposed repeating floorplan where balconies stack over the windows below exacerbates the issue of inadequate daylighting to the lower floors.
- 6.50 In response to these points, the applicant has submitted an updated Sunlight and Daylight Report (March 2021) to assess the minor changes to the application drawings which are intended to improve daylighting (i.e. changes to balcony positions etc.). On the basis of the minor changes to layout, the revised assessment confirms that 700 (93.6%) out of the 748 rooms assessed would satisfy the BRE guidelines for Average Daylight Factor. Whilst this is an improvement on the previous figure of 629 rooms (84.1%), it is still the case that a number of rooms (48 or 6.4%) would be below the guideline. Core Strategy policy PMD2 (Design and Layout) requires that the layout of all development should optimise the assets of the site, while conforming to the appropriate standards for layout, design and access. Adequate access to daylight for future occupiers of a development is considered to be an 'appropriate standard'.
- 6.51 In support of the application, the applicant refers to paragraph no. 123 of the NPPF as follows:
- "Where there is an existing or anticipated shortage of land for meeting identified housing needs, it is especially important that planning policies and decisions avoid homes being built at low densities, and ensure that developments make optimal use of the potential of each site. In these circumstances:*
- (c) local planning authorities should refuse applications which they consider fail to make efficient use of land, taking into account the policies in this Framework. In this context, when considering applications for housing, authorities should take a flexible approach in applying policies or guidance relating to daylight and sunlight, where they would otherwise inhibit making efficient use of a site (as long as the resulting scheme would provide acceptable living standards)."*
- 6.52 As ever a judgement is required to balance living conditions against efficient use of the site and the revisions to drawings improve the scheme. However, 48 rooms

concentrated at the lower floor levels would fall below guidelines. In addition, a number of the proposed flats at least partly rely on a north-facing aspect which, as mentioned above, for lower level units would include an outlook onto the A1306 embankment. In addition, many of the proposed flats would be single aspect only. In these circumstances, it is considered that satisfactory living conditions with reference to sunlight and daylight would not be achieved for all dwellings, to the detriment of amenity.

6.53 V. HIGHWAYS & TRANSPORTATION ISSUES

With regard to car parking provision, the arrangements for the implemented development (08/01156/TTGOUT), the most recent approval (16/00307/FUL) and the current proposals are set out in the table below:

08/01156/TTGOUT	
Basement	146 spaces (including 6 wheelchair user spaces and 6 surgery staff spaces)
Ground Level	14 residential visitor spaces 8 surgery visitor spaces
TOTAL	168 spaces
16/00307/FUL	
Basement	148 spaces (including 6 wheelchair user spaces)
Ground Level	22 spaces (including 3 wheelchair user spaces)
TOTAL	170 spaces
20/01709/FUL	
Basement	159 spaces (including 11 visitor spaces)
Ground Floor	47 spaces (including 5 car club spaces, 10 visitor spaces and 12 wheelchair user spaces)
TOTAL	206 spaces

6.54 In simple numerical terms, the current proposals would include an increase in car parking provision compared to both the original approval (08/01156/TTGOUT) and the current approval (16/00307/FUL). This increase results from increased capacity within both the basement and at ground floor level. Nevertheless, compared with the previous approval, the current proposal involves a larger number of residential units. The matter of car parking provision is further complicated by the different mix of residential and non-residential uses across the three applications and the associated car parking ‘standards’ which would apply. Planning permission ref. 08/01156/TTGOUT was granted in 2009, before the publication of the draft ‘Thurrock Parking Standards and Good Practice in 2012’. Therefore, in the context of car parking provision, a comparison between the current scheme and 08/01156/TTGOUT is of limited benefit.

6.55 However, the current approved scheme (16/00307/FUL) was assessed against the 2012 draft parking standards and is useful as a comparison. Planning permission ref. 16/00307/FUL proposed a total of 170 car parking spaces, however parking allocated to non-residential uses accounted for 30 of these spaces. A comparison of the residential car parking provision for the current approval and the current proposal is provided in the table below:

Car Parking Provision	
16/00307/FUL: 203 residential units	103 residents parking spaces
	12 visitor spaces
	25 car club spaces
	TOTAL 140 spaces
	c. 0.7 parking spaces per residential unit
20/01709/FUL: 344 residential units	168 residents parking spaces
	21 visitor spaces
	5 car club spaces
	12 wheelchair user spaces
	TOTAL 206 spaces
	c. 0.6 parking spaces per residential unit

6.56 Compared to 16/00307/FUL the current proposals involve a small decrease in the ratio of car parking per residential unit.

6.57 The draft 'Thurrock Parking Standards and Good Practice' (2012) document includes a range of suggested parking provision for proposed residential and commercial land uses. Proposed flats in a high accessibility area (defined as within 1km walking distance of a railway station and within an existing or proposed controlled parking zone) attract a suggested range of 0 – 1.0 spaces per dwelling and 0.25 spaces per dwelling for visitors. The site is located (c. 740m) within a 1km walking distance from Chafford Hundred railway station. In addition, existing waiting restrictions apply on Burghley Road, Fenner Road and Fleming Road south of the site and the applicant has offered a financial contribution towards implementation of a controlled parking zone in the immediate vicinity of the site (i.e. Howard Road). Consequently, the site can be considered as a high accessibility location. For residential developments the draft standards promote the use of car clubs, where appropriate. The range of suggested parking standards (2012) as applied to the development proposals is set out in the table below:

Proposed Use	No. of Units	Suggested Parking Range	Minimum Parking	Maximum Parking
Residential	344 flats	0 – 1.0 space per dwelling	0 spaces	344 spaces
			86 spaces	86 spaces

		0.25 visitor spaces per dwelling	Total: 86 spaces	Total: 430 spaces
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- 6.58 Assessed against the draft 2012 parking standards the proposed provision of 206 car parking spaces exceeds the suggested minimum (86 spaces), but only represents c.48% of the suggested maximum car parking figure.
- 6.59 Paragraph 105 of the NPPF (2019) refers to parking standards and states that, if setting local parking standards for residential and non-residential development, local planning authorities should take into account:
- a) the accessibility of the development;
 - b) the type, mix and use of development;
 - c) the availability of and opportunities for public transport;
 - d) local car ownership levels; and
 - e) the need to ensure an adequate provision of spaces for charging plug-in and other ultra low emission vehicles.
- 6.60 Advice within PPG notes that *“Maximum parking standards can lead to poor quality development and congested streets, local planning authorities should seek to ensure parking provision is appropriate to the needs of the development and not reduced below a level that could be considered reasonable”*. (Ref. ID: 42-008-20140306). Therefore, although national planning policy requires that any local parking standards should take locational factors and the characteristics of a proposal into account, a judgement is required as to what is “reasonable” parking provision for an individual development.
- 6.61 In forming a view whether the proposed level of car parking is “reasonable”, Members are reminded that the most recent permission on the site (16/00307/FUL) comprises a residential development, with doctor’s surgery and commercial floorspace with a parking provision at the lower-end of the possible range of parking standards. As noted in the table above, the residential element only of 16/00307/FUL involved a car parking ratio of c.0.7 spaces per dwelling and the current application proposes a ratio of c.0.6 spaces per dwelling. The ratio of car parking spaces per dwelling previously approved and currently proposed are similar and reflect the physical capabilities of the site to accommodate car parking. If the overall quantum of parking which the site can accommodate is considered to be largely ‘fixed’, the judgement is whether the impact of parking requirements of additional dwellings can be adequately mitigated.

In this case, Officers are satisfied that as with 16/00307/FUL, the combination of the site location, the availability of public transport, the nature of the proposals (i.e. smaller one and two-bedroom properties) and the proposed parking measures (i.e. car club, parking management plan, funding for potential extension to the controlled parking zone) adequately mitigate the impact of the additional development compared to the approved development. The difference between the car parking ratio by dwelling for 16/00307/FUL and the current proposal is marginal. Consequently, and as a matter of judgement, the level of car parking provision is considered to be reasonable.

6.62 With regard to the current 'live' approval (16/00307/FUL) consultation comments received from the Highways Officer at that time raised no objection to the proposals, subject to appropriate mitigation measures being secured through s106 obligations and planning conditions. The planning permission (16/00307/FUL) therefore includes s106 obligations and conditions addressing:

- the management of car parking spaces;
- financial contribution towards extending parking controls locally;
- establishment and operation of a car club;
- financial contribution towards highways improvements at the Pilgrims Lane / A1306 junction and / or the Fenner Road / A126 junction; and
- access controls for the basement car park.

6.63 In responding to the current planning application the Highways Officer requests, in summary, that further information is submitted. Concerning matters of detail, the Officer notes the likely impacts of traffic on the A1306 / Burghley Road junction and the A126 / Fenner Road junction. The matter of potential overspill parking onto the surrounding road network is raised as an issue, although the Highways Officer notes the sustainable location of the site. As with permission ref. 16/00307/FUL, the current application includes an offer of s106 obligations which includes provision of a car club, and financial contributions towards local parking restrictions (CPZ) and highways (junction) improvements. Therefore, a package of mitigation measures is offered.

6.64 Paragraph nos. 108 and 109 of the NPPF are relevant to the consideration of development proposals as follows:

"...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.*

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”.

6.65 In light of the location of the site, the nature of the application, the package of mitigation measures and a comparison between the current proposals and planning permission ref. 16/00307/FUL, it is considered, on balance, that the highways and transport impacts of the development would be acceptable.

6.66 VI. NOISE & AIR QUALITY

A noise assessment, accompanies the planning application which includes the results of a noise monitoring survey. This survey updates the results of a similar survey undertaken to accompany planning application ref. 16/00307/FUL. The 2019 survey concludes that noise from road traffic on the A1306 is the primary noise source affecting the site, with occasional train and aircraft noise audible at night. Noise levels on the proposed development site at present are expected to be, at worst, greater than the Significant Observed Adverse Effect Level (SOAEL) levels and that the risk from noise on the proposed development site is assessed as ‘medium’. The results from the updated noise survey suggest that there could be an observed effect from noise on the site and as a consequence, it will be necessary to mitigate and reduce noise for the future residents to a minimum. With reference to internal noise levels, with standard double-glazed windows, internal noise levels within all room types will be below the maximum levels described in BS 8233:2014 (Guidance on Sound Insulation and Noise Reduction for Buildings).

6.67 However, the applicant’s assessment shows that at the worst affected facades on the site, with a window partially open, internal noise levels will be in excess of the maximum levels described in BS 8233:2014. Therefore, it will be necessary to ensure that ventilation is adequate such that that design of the building does not rely on windows being opened to ensure that the dwellings are well ventilated. The noise assessment recommends that the northern facades of the blocks facing the A1306 have acoustic ventilation to prevent disturbance from road traffic noise. The assessment also recommends that the eastern facades of the blocks facing towards the Sainsburys superstore are also treated with acoustic ventilation as they could be affected by delivery noise from the supermarket’s service yard. In addition, the southern façade of blocks facing towards the Bannatynes health club may also

benefit from acoustic ventilation to prevent against noise intrusion from the plant noise emanating from the club.

- 6.68 With regard to noise levels in external amenity areas, BS 8233:2014 states that *“it is desirable that the external noise level does not exceed 50 dB LAeq,T, with an upper guideline value of 55 dB LAeq,T which would be acceptable in noisier environments.”* BS 8233:2014 further states that that these guideline values are not achievable in all circumstances and in some areas, *“such as city centres or urban areas adjoining the strategic transport network, a compromise between elevated noise levels and other factors, such as the convenience of living in these locations or making efficient use of land resources to ensure development needs can be met, might be warranted. In such a situation, development should be designed to achieve the lowest practicable levels in these external amenity spaces, but should not be prohibited.”*
- 6.69 At the site, the LAeq.16hours was measured at 63 dB, greater than the upper guideline value of 55 dB LAeq,T. This measured noise level is representative of the worst effected north-facing façades closest to the A1306. Therefore, ground floor private garden areas and upper floor private balcony areas on the northern elevation of the blocks may be of limited utility given their proximity to sources of road traffic noise. Nevertheless, the proposed site layout outdoor amenity space within the ‘courtyards’ which will be shielded from the A1306 by the building blocks, which will provide noise attenuation. Therefore, it is likely that some of the proposed communal outdoor amenity spaces will benefit from noise levels of less than 55 dB(A). It is possible to conclude, subject to mitigation, that internal noise levels will be acceptable and external noise levels in parts of the outdoor amenity spaces will also be acceptable. Therefore, subject to planning conditions, there are no objections to the proposals on noise grounds.
- 6.70 The site is located partly within an Air Quality Management Area (AQMA) (No.5) which includes land on both sides of the A1306 in between the Hogg Lane roundabout junction and the South Ockendon – Chafford Hundred railway line. This AQMA is designated for nitrogen dioxide (NO₂) and particulate matter (PM₁₀) associated with traffic movements on the A1306 and A13. An air quality assessment therefore accompanies the proposals. The applicant’s assessment considers both the impacts of air quality on potential future occupants of the development and the impact on air quality of construction activities.
- 6.71 Concentrations of pollutants on site have been assessed using existing monitoring data and air quality modelling. Existing concentrations and predicted concentrations in the opening year of the proposed development (2024), are both within Air Quality Objectives. The air quality impacts of new traffic generation from users of the development onto already highly trafficked roads is modelled as “negligible”. Finally, with reference to the impacts on air quality, dust and other pollutant emissions from

the demolition and construction phases of the development, the site is designated as a “high risk site”. However, with risk-appropriate mitigation via a CEMP, residual effects are not considered to be significant.

- 6.72 The consultation response from the Council’s Environmental Health Officer conclude that it is unlikely that the UK Air Quality Objective for NO₂ will be exceeded. Therefore no objections are raised in terms of air quality for the proposal.

VII. FLOOD RISK

- 6.73 The site is located within the low risk flood zone (Zone 1) and therefore the requirement for the local planning authority to apply the sequential test does not apply. Residential development is classified as “more vulnerable” within the flood risk vulnerability classification set out by Table 2 of PPG and therefore this land use is “appropriate” as defined within Table 3 of PPG (flood risk vulnerability and flood zone compatibility). Although the site is within the low risk flood zone, as the site area exceeds 1 hectare the application is accompanied by a flood risk assessment (FRA).
- 6.74 The implemented planning permission (ref. 08/01156/TTGFUL) was subject to a planning condition requiring submission an approval of foul and surface water drainage details. Details pursuant to this condition were submitted and approved, and it is evident that elements of the approved drainage infrastructure have been installed on-site. Nevertheless, the current proposals are materially different from the implemented scheme. However, this matter can be addressed by planning condition.

VIII. SUSTAINABILITY

- 6.75 Adopted Core Strategy policies PMD12 and PMD13 provide the local policy context for assessing the development proposals. PMD12 states that “proposals for new or conversion to residential development must 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 March 2015 the Government withdrew the Code for new developments. Accordingly, the requirements of PMD12 no longer apply to new residential proposals. Despite the withdrawal of the Code requirements, the applicant has submitted an Energy Statement which refers to measures to reduce energy demand.
- 6.76 Policy PMD13 requires that from the year 2020 major residential developments secure, as a minimum, 20% of their predicted energy from decentralised and renewable or low-carbon sources. The applicant’s Statement proposes the use of air / water source heat pumps and roof-mounted photo-voltaic (PV) panels within the

development. The applicant estimates that these technologies, alongside in-built energy efficiency measures, would result in a 37.1% CO2 saving on site compared against a baseline Part L 2013 Building Regulations compliant scheme. A planning condition could be used to secure compliance with the submitted Energy Statement.

IX. VIABILITY & PLANNING OBLIGATIONS

- 6.77 Policy CSTP2 of the adopted Core Strategy (2015) states that the Council will seek the minimum provision of 35% of the total number of residential units built to be provided as affordable housing. However, this target is subject to, inter-alia, the economics of providing affordable housing. The policy goes on to state that:

“the Council recognises that the majority of Thurrock’s identified housing land supply is on previously developed land often subject to a variety of physical constraints. The capacity of a site to deliver a level of affordable housing that can be supported financially will be determined by individual site ‘open book’ economic viability analysis where deemed appropriate”.

- 6.78 When first submitted for consideration the scheme was promoted as a private rented sector (or Build to Rent) proposal. However, when an updated financial viability report was submitted in April 2021, the covering letter noted:

“In light of the ongoing pandemic and fast-changing situation, the residential rental market has less strength than when the application was submitted. The applicant is therefore now proceeding on an ‘open market’ basis, with 10% of the units offered for ‘affordable home ownership’ in accordance with paragraph 64 of the NPPF (this is without prejudice to the viability case) ... the tenure would be Discounted Market Sale with sale prices set at 80% of market value”.

- 6.79 For reference, paragraph 64 of the NPPF is relevant. This paragraph states that for major development proposals involving housing (i.e. 10+ dwellings), planning decisions should expect at least 10% of the homes to be available for affordable home ownership.

- 6.80 The applicant has submitted an updated viability assessment (March 2021) produced on the basis of open market sales which concludes that the development generates a negative residual land value. Despite this, the applicant is prepared to offer “up to” 10% affordable housing. The applicant has also submitted a draft heads of terms for any s106 agreement as follows:

Healthcare:

- Financial contribution to offset additional demand on local health services.

- To be reviewed in discussion with NHS.

Education:

- Financial contribution to offset additional demand on local education services.

Highways:

- Financial contribution for enhancements to Howard Road and/or adjacent highways infrastructure
- Controlled Parking Zone:
 - Financial contribution toward delivery of a CPZ.
 - Residents of the proposal will be prohibited from obtaining permits for any surrounding CPZ.

Car Club:

- Five (5) spaces provided in perpetuity
- Cost of car club membership paid for all residents not with an allocated parking space, for a period of five years
- Monitoring Fees.

- 6.81 In accordance with usual practice, Officers have secured an independent appraisal of the applicant's viability assessment. The appraisal re-runs the viability assessment with different assumptions relating to reduced build costs and increased sales values and concludes a negative residual site value (albeit with a reduced shortfall compared to the applicant's assessment). However, the conclusion is that the scheme is financially unviable.
- 6.82 The applicant's offer to provide 10% (34 units) as discounted market sale units (affordable home ownership) complies within the minimum requirements of NPPF paragraph no. 64. Furthermore, the normal policy requirement for 35% affordable housing can be adjusted in this case in light of the financial viability situation. There is no conflict with Core Strategy policy CSTP2. Finally, the applicant has offered draft heads of terms for a legal agreement which would mitigate the impacts of the proposals in accordance with PMD16.

7.0 CONCLUSIONS AND REASON(S) FOR RECOMMENDATION

- 7.1 This application is the third proposal involving residential development for this site in recent years. The principal of residential development has been established and planning permission ref. 16/00307/FUL also established the principle of developing smaller one and two-bedroom units. However, in comparison with both the most recent planning permission, and by its own measure, the current proposals comprise an intensive use of the site. Although the delivery of new housing on previously developed land is a policy aim alongside making effective use of land, these objectives must be balanced against the desirability of maintaining character and delivering well-designed and healthy places. In this case, it is concluded that the height and density of the development would be out of character locally and visually harmful. Furthermore, a number of proposed rooms would not benefit to access to adequate daylight, to the detriment of amenity of future residents.
- 7.2 Compared with the most recent planning approval (16/00307/FUL) the ratio of proposed car parking spaces is very similar and, subject to mitigation, an objection to the proposals on the grounds of impact to the local highways network could not be sustained. Subject to conditions, there are no objections to the proposals on the grounds of impact on noise, air quality, flood risk or environmental sustainability. Nevertheless, the lack of objection on these points does not overcome the substantive shortfalls in the proposals mentioned above. Accordingly, it is recommended that planning permission is refused.

8.0 RECOMMENDATION

- 8.1 Refuse planning permission for the following reasons:
1. The proposed development, by reason of its height, bulk, mass and resulting density would represent a cramped overdevelopment of the site and would appear visually dominant and out of keeping with the character of the surrounding area, contrary to paragraph nos. 122 and 127 of the NPPF and policy PMD2 of the adopted Thurrock Core Strategy and Policies for the Management of Development (2015).
 2. The proposed development would fail to provide adequate internal daylighting to all rooms to the detriment of the living conditions and amenity of future occupiers and contrary to paragraph no. 127 of the NPPF and policy PMD2 of the adopted Thurrock Core Strategy and Policies for the Management of Development (2015).

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 reasons 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

