

<p><b>Reference:</b> 20/00064/FUL</p>	<p><b>Site:</b> Town Centre Car Park King Street Stanford Le Hope Essex</p>
<p><b>Ward:</b> Stanford Le Hope West</p>	<p><b>Proposal:</b> Construction of a mixed use development comprising 245sq.m of retail / leisure / commercial units (within classes A1, A2, A3, A4, A5 and D2) at ground floor level and 32 residential units on upper floors together with an undercroft and surface car park (comprising 55 car parking spaces), access, landscaping and associated works.</p>

<b>Plan Number(s):</b>		
Reference	Name	Received
PL 1000K	Proposed Site Layout	26 <sup>th</sup> July 2021
PL 1100H	Proposed Floor Plans	6th May 2021
PL 1110H	Proposed Floor Plans	6th May 2021
PL 1120H	Proposed Floor Plans	6th May 2021
PL 1130H	Proposed Floor Plans	6th May 2021
PL 1140G	Proposed Plans	6th May 2021
PL 1160G	Proposed Plans	6th May 2021
PL 1200G	Proposed Elevations	6th May 2021
PL 1201G	Proposed Elevations	6th May 2021
PL 1210G	Proposed Elevations	6th May 2021
PL 1220F	Proposed Elevations	6th May 2021
PL 1230G	Proposed Elevations	6th May 2021
PL 1700H	Proposed Plans	6th May 2021
PL 1710F	Parking Bay Allocation Plan	18 <sup>th</sup> August 2021
PL 0001B	Location Plan	6th May 2021
PL 0100A	Existing Site Layout	6th May 2021
PL 0200	Existing Elevations	6th May 2021
10201-HYD-XX-XX-DR-S-210 Rev P3	Other	31st January 2020
0010A	Other	6th May 2021
0020 V5	Other	6th May 2021
0030F	Other	6th May 2021

PL1090 Rev C	Illustrative Plan Identifying Affordable Dwellings	2 <sup>nd</sup> August 2021
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The application is also accompanied by:

- Planning Statement
- Cover Letter, dated 6<sup>th</sup> May 2021
- Appeal Decision Letter, dated 29<sup>th</sup> January 2021
- Daylight and Sunlight Report, dated 4<sup>th</sup> May 2021
- Design and Access Statement, dated 26<sup>th</sup> April 2021
- Drainage Technical Note
- Arboricultural Assessment
- Heritage Statement
- Transport Assessment Parts 1,2 and 3
- Transport Assessment Addendum, dated 1<sup>st</sup> June 2021
- Verified Views Report
- Email from agent regarding Transport matters, dated 18<sup>th</sup> August 2021
- Transport Consultant Response Note, ref. JNY1169-02a, 17<sup>th</sup> August 2021

<b>Applicant:</b> Capital Land Partners LLP c/o RPS Planning and Development Ltd	<b>Validated:</b> 31 January 2020 <b>Date of expiry:</b> 30 September 2021 <b>(Extension of Time agreed with applicant)</b>
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**Recommendation:** APPROVE subject to conditions and completion of section 106 agreement

This application has been ‘called in’ to be determined by the Planning Committee by Cllr Hebb (Ward member), Cllr Watkins, Cllr Gledhill, Cllr Johnson, Cllr Jefferies and Cllr Maney in accordance with the Constitution Chapter 5, Part 3 (b), 2.1 (d) (i) on the grounds of loss of amenity and impacts on local economy through the reduction of car parking spaces.

## 1.0 DESCRIPTION OF PROPOSAL

1.1 The application seeks full planning permission for the construction of a mixed use development comprising of three retail/leisure/commercial units of 245sqm (within classes A1, A2, A3, A4, A5 and D2) at ground floor level and 32 residential units on the upper floors of the proposed building together with an undercroft and surfaced

car park (comprising 55 car parking spaces), access, landscaping and associated works.

1.2 The key elements of the proposals are set out in the summary table below:

<b>Site Area (Gross)</b>	0.35ha						
<b>Height</b>	26.72m over 5 storeys						
<b>Units (All)</b>	<b>Type (ALL)</b>	<b>1- bed</b>	<b>2- bed</b>	<b>3- bed</b>	<b>4- bed</b>	<b>5- bed</b>	<b>TOTAL</b>
	Houses						
	Flats	6	26				32
	<b>TOTAL</b>	<b>6</b>	<b>26</b>				<b>32</b>
	Ground Floor	0 flats					
	First Floor	10 flats (2 x 1 beds & 8 x 2 beds)					
	Second Floor	10 flats (2 x 1 beds & 8 x 2 beds)					
	Third Floor	9 flats (7 x 2 beds & 2 x 1 beds)					
	Fourth Floor	3 flats (3 x 2 beds)					
	<b>Affordable Units</b>	<b>Type (ALL)</b>	<b>1- bed</b>	<b>2- bed</b>	<b>3- bed</b>	<b>TOTAL</b>	
Houses		-	-				
Flats		3	8				
<b>TOTAL</b>		<b>3</b>	<b>8</b>		<b>11</b>		
<b>Commercial Floorspace</b>		3 Ground Floor Commercial Units totalling 245 sq.m					
	Unit 1	92 sq.m					
	Unit 2	64 sq.m					
	Unit 3	89 sq.m					
	All units are proposed to fall in Use Classes A1 (retail), A2 (financial and professional services), A3 (restaurants and cafes), A4 (drinking establishments), A5 (hot food take-aways) and D2 (assembly and leisure)						
<b>Car Parking</b>	<p>Within the site area:</p> <p>Flats: 1 space per unit – 32 spaces including 2 disabled spaces and 3 visitor spaces</p> <p>Commercial Units: 3 spaces</p> <p>Long Stay Season Permit Parking Bays: 15</p> <p>Public Disabled Spaces: 2</p>						

	Total: 55 spaces using part of the existing car park (26 spaces) and within the basement/ground level of the development (29 spaces) Total remaining public car parking spaces: 42 spaces (including 2 spaces within the site area and 40 outside of the site in the remaining car park area)
<b>Cycle Parking</b>	32 secure internal residential spaces, 2 visitor spaces and 4 commercial
<b>Amenity Space</b>	Balconies 7sq.m in size on average plus a 275 sq.m first floor amenity deck area and a 64 sq.m third floor amenity terrace on the corner of the building accessible by 6 of the third floor units
<b>Density</b>	91 units per Ha for the whole site

### Background context

1.3 This application has been submitted following the refusal of planning application reference 18/00540/FUL, which was also dismissed on appeal. The main differences between the current application and the previous scheme are as follows:

- A reduction in the number of units from 47 to 32 (now 6 x 1 bed units and 26 x 2 bed units);
- The introduction of an amenity deck at the first floor level;
- A change in the allocation of car parking spaces, now including 32 spaces allocated for residential; 3 for visitors; 3 for the commercial units; 15 long stay season ticket parking bays and 2 public disabled accessible spaces. The applicant is also prepared to agree to the remaining car park spaces (42 outside of the site area) operating as a short term car park for shoppers and other visitors to the town centre. A pricing policy will be fixed, so as to prevent long term parking, and would be included within a Unilateral Undertaking.
- Scale and massing – Photomontage CGIs and Illustrative 3D images are provided to demonstrate the proposal has reduced the overall number of residential flats, and reduction in the scale and mass of the proposals.

### Access

1.4 The development would be accessed via the existing car park from the High Street, which forms a one way system through to King Street. From the one way system a left turn would be created serving 40 remaining public car park spaces, 2 disabled accessible public spaces and 24 car parking spaces allocated for occupiers of the flats and the commercial units, which would be located in an area secured by a barrier system. Within the lower ground/basement area of the proposed building a further 29 car parking spaces would be provided in an undercroft car parking arrangement

for occupiers of the flats and for their visitors. The existing car park exit onto King Street would remain the same.

### Layout

- 1.5 The basement/ground floor level of the proposed building would mainly comprise of the car park behind three commercial units that would front onto King Street. The remaining basement/ground floor level would comprise servicing arrangements and cycle storage. The first to fourth floors would comprise of flats on each level accessed via internal stairways and lift systems with the numbers of flats per floor set out in the summary table above. On the roof of the building there would be an area allocated for photovoltaic solar panels.

### Scale

- 1.6 The proposed building would step up in terms of storey heights from east to west, to a maximum height of 26.7m at five storeys; the building would be of a modern contemporary design featuring a palette of buff brickwork, glazing and stonework along with balcony features and a parapet style roof.

### Amenity and Landscaping

- 1.7 Each flat would have a balcony/terrace as a form of amenity space and planters would be provided to the front elevation of the building fronting onto King Street. The first and third floors of the building would incorporate communal roof terracing areas with the first floor terraced area being the largest communal amenity space to the rear of the proposed building.

## **2.0 SITE DESCRIPTION**

- 2.1 This application relates to an irregular shaped site measuring 0.35 hectares which is located in the middle of Stanford-le-Hope centre. The site is currently occupied by a derelict commercial premises on the corner of King Street/High Street which would be demolished as part of the development. The remainder of the site is currently used as a town centre car park providing 107 spaces. The site is bounded by the High Street, Church Hill and King Street.
- 2.2 In terms of location the site is located in the east of the borough of Thurrock and is approximately 250 metres north-east of Stanford-le-Hope railway station.
- 2.3 The topography of the site is such that ground levels slope upwards towards the junction of King Street/High Street. To the south of the site are two Listed Buildings, the Church of St Margaret of Antioch (Grade I) and the 'Inn on the Green' public house (Grade II).

- 2.4 The site is within the commercial centre of Stanford Le Hope with shops and other commercial properties fronting High Street and King Street, some with residential units above. Buildings are generally 2 to 3 storey in height.
- 2.5 The site is located approximately 200 metres north of Stanford-le-Hope railway station, which provides regular services to London (Fenchurch Street) and Southend. Stanford-le-Hope is also sufficiently served by bus services. The site is in very close proximity to the Manorway and, therefore, provides direct access to the Strategic Highway Network (A13), which subsequently feeds into the M25 and A127.

### 3.0 RELEVANT PLANNING HISTORY

3.1 The following table provides the planning history:

Reference	Description	Decision
12/50463/TTGFUL	Construction of a mixed use development, comprising retail store at ground floor level and 22 residential units at first, second and third floor levels together with a surface and decked car park (comprising 101 car parking spaces), access, landscaping and associated works	Approved (not implemented)
18/00540/FUL	Construction of a mixed use development comprising 159sq.m of retail/leisure/commercial units (within classes A1, A2, A3, A4, A5 and D2) at ground floor level and 47 residential units on upper floors together with an undercroft and surface car park (comprising 56 car parking spaces), access, landscaping and associated works.	Refused on 18.02.2019  Appeal Dismissed on 29.01.21

### 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 writing, several petitions had been submitted (signed by a total of 458 signatories) objecting to the proposals on the following basis:

- Major impact on the viability of Stanford le hope town centre;
- Demanding any development should include 100 free car parking spaces which the petition signatories believe to form part of the sale agreement.

In addition, 23 letters of objection had been received raising the following comments:

- Loss of Amenity;
- Modern building would be out of character;
- Additional traffic and congestion;
- Insufficient parking for development;
- Access to site;
- Car park full of commuter parking;
- Loss of parking will cause shops to close, detrimental to local businesses and residents;
- Not enough parking proposed with the development and for visitors;
- Parking permits should be given to local residents of the High Street to allow longer staying customers to park out back;
- Nowhere to park for the shops;
- Council should not have sold the car park;
- Environmental pollution;
- Litter/smells;
- Possible excessive noise;
- Building needs reducing in size and the number of residential units;
- Development will infringe upon rights of access to businesses;

8 letters of support have also been received raising the following points:

- Proposal would create more jobs;
- Proposal would provide more housing;
- Landscaping improvements;
- Much needed amenity;
- Tidying waste ground;
- The new development would fit other modern development;
- Car park is an eyesore and attracts antisocial behaviour and the improved car park layout and security would be an improvement;
- Reduce the need for car ownership.

#### 4.3 ANGLIAN WATER:

No objection subject to a condition requiring a surface water strategy.

#### 4.4 CADENT GAS:

No objection.

#### 4.5 EDUCATION:

A financial contribution of £91,974.42 is required towards nursery, primary and secondary provision or towards an extension to existing primary school/s in the Corringham and Stanford-le-Hope Primary School Planning Area [IRL reference IRL0068].

#### 4.6 ENVIRONMENTAL HEALTH:

No objections subject to conditions requiring a scheme of soundproofing and ventilation for habitable rooms in the flats, a Construction and Environmental Construction Management Plan [CEMP], details of construction hours, and a watching brief for contamination. No implications for air quality.

#### 4.7 ESSEX FIRE SERVICE:

No response.

#### 4.8 ESSEX POLICE (ARCHITECTURAL LIASON OFFICER):

Recommend scheme seeks to achieve the Secured By Design accreditation.

#### 4.9 FLOOD RISK ADVISOR

Holding objection as further information is required.

#### 4.10 HIGHWAYS:

No objection subject to a S106 contribution for a contribution of £10,000 for the improvement of the pedestrian access across the vehicle access ways to the site and across the frontage of the site where the retail units will encourage greater use of the immediate area.

#### 4.11 HOUSING:



No objection subject to the development providing 35% affordable housing provision to accord with LDF policy CSTP2 and the latest Strategic Housing Market Assessment [SHMA].

#### 4.12 LANDSCAPE AND ECOLOGY ADVISOR:

No objection to the removal of trees subject to replacement trees to be agreed through a condition along with a landscaping condition. A planning obligation to secure £4,073.60 shall be needed to mitigate the impact of the development upon the Thames Estuary and Marshes Special Protection Area (SPA) as the site falls within the Zone of Influence for the Essex Coast RAMs requirement.

#### 4.13 HERITAGE ADVISOR:

The harm caused to the Grade I listed Church of St Margaret of Antioch is considered 'less than substantial' and therefore this harm must be balanced against any public benefits which may arise as a result of the scheme (Paragraph 196 of the NPPF).

#### 4.14 NATIONAL GRID:

No objection.

#### 4.15 NHS (MID AND SOUTH ESSEX):

The proposed development is likely to have an impact on the services of up to 6 surgeries that operate within the vicinity of the application site. The GP practices do not have capacity for the additional growth resulting from this development and cumulative development in the area and a contribution of £12,650 is required.

#### 4.16 PUBLIC FOOTPATH OFFICER:

Public Footpath 166 should not be obstructed and be kept open for use at all times unless a request for a temporary closure is required whereby an alternative route would be considered/agreed and a diversion route signed accordingly.

#### 4.17 TRAVEL PLAN CO-ORDINATOR:

No objection subject to amendments to the applicant's 'Framework Travel Plan'.

## 5.0 POLICY CONTEXT

### 5.1 National Planning policy Framework

The revised NPPF was published on 20 July 2021 and sets out the government's planning policies. 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. 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 number of policies, reflecting the nature of the proposals.

The Council's housing land supply is currently at 1.75 years. Accordingly, as residential development is proposed, the 'tilted balance' in favour of granting permission is engaged (subject to paragraph 11 (d) (i) and (ii)). In this regard, it is noted that the site is located within Stanford le Hope town centre as designated under Policy CSTP8, and this Policy refers to both retail, commercial and residential uses being acceptable.

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

- 2. Achieving sustainable development
- 4. Decision-making
- 5. Delivering 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
- 16. Conserving and enhancing the historic 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:

- Climate change
- Design: process and tools
- Determining a planning application
- Effective Use of Land
- Flood Risk and Coastal Change
- Health and wellbeing
- Historic environment
- Housing and economic development needs assessments
- Housing and economic land availability assessment
- Noise
- Open space, sports and recreation facilities, public rights of way and local green space
- Planning obligations
- Renewable and low carbon energy
- Town centres and retail
- Transport evidence bases in plan making and decision taking
- Travel plans, transport assessments and statements in decision-taking
- Tree Preservation Orders and trees in conservation areas
- Use of Planning Conditions
- Viability

### 5.3 Local Planning Policy Thurrock Local Development Framework

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)

#### SPATIAL POLICIES

- CSSP1 (Sustainable Housing and Locations)

#### THEMATIC POLICIES

- CSTP1 (Strategic Housing Provision)
- CSTP2 (The Provision Of Affordable Housing)
- CSTP7 (Network of Centres)
- CSTP8 (Viability and Vitality of Existing Centres)
- CSTP14 (Transport in the Thurrock Urban Area)
- CSTP22 (Thurrock Design)
- CSTP23 (Thurrock Character and Distinctiveness)
- CSTP24 (Heritage Assets and the Historic Environment)
- 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)
- PMD4 (Historic Environment)
- 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 material considerations for this application are as follows:

- I. Principle of the Development
- II. Previous Refusal and Recent Appeal Decision
- III. The Loss of Parking and Impact upon the Town Centre
- IV. Housing Land Supply, Need, Mix and Affordable Housing
- V. Design and Layout and Impact upon the Area
- VI. Impact upon Heritage Assets
- VII. Traffic Impact and Access
- VIII. Internal Amenity Space and Living Conditions
- IX. Landscaping and Amenity Space
- X. Ecology and Biodiversity
- XI. Effect on Neighbouring Properties
- XII. Energy and Sustainable Buildings
- XIII. Viability and Planning Obligations
- XIV. Sustainability
- XV. Other Matters

#### I. PRINCIPLE OF THE DEVELOPMENT

6.2 The site is located in the Stanford town centre and within the 'Shopping Areas' as defined on the LDF Proposals Map where policies CSTP7 (Network of Centres) and

CSTP8 (Vitality and Viability of Existing Centres) are applicable. Section 3 of policy CSTP7 identifies Stanford as an '*Existing Local Centre*' and encourages the following development:

- i. *Renewal, upgrading or remodelling of existing floorspace;*
- ii. *Additional small scale retail floorspace space in suitable locations that will strengthen the centres' retail offer;*
- iii. *Investigation into the potential of a new supermarket on an appropriate site in Stanford-le-Hope to reduce convenience expenditure leakage from the east of the Borough.*

- 6.3 Policy CSTP8 seeks to '*maintain and promote the retail function of existing centres. Measures to improve the vitality and viability of the network of centres will be encouraged in order to meet the needs of the Borough's residents and act as a focus for retail, leisure, cultural, business and residential uses*'.
- 6.4 Paragraph 86 of the NPPF, and updated guidance in the PPG, recognises the importance of mixed uses in town centre locations including retail, leisure, office uses, and residential development where this would ensuring the vitality of centres. The Council's housing land supply is currently at 1.75 years. Accordingly, as residential development is proposed, the 'tilted balance' in favour of granting permission is engaged (subject to paragraph 11 (d) (i) and (ii)). In this regard, whilst it is noted that the site is located within the shopping area of Stanford town centre, that designation under Policy CSTP8 refers to such centres providing both retail and residential uses.
- 6.5 This current application follows application 18/00540/FUL, which was refused planning permission and dismissed on appeal for the reasons explained in the section below. It is important to note that the previous application was not refused for the principle of the development. It should also be recognised that prior to the 2018 application the principle of the development was established through planning permission in 2012 (12/50463/TTGFUL) which approved a mixed used development comprising of upper level residential development and a retail store designed to be used as a supermarket to meet criteria iii from policy CSTP7. However, the applicant's supporting information for this application demonstrates that no end user was interested in the supermarket from the 2012 application and the planning permission has since lapsed.
- 6.6 For the current scheme, the applicant is reliant upon criteria ii of policy CSTP7 as the development makes provision for three smaller retail/commercial units to complement the existing retail/commercial offer in Stanford town centre. The location of these ground floor commercial units would provide an important link between King Street and the High Street joining the two main shopping parades within the town centre which are currently separately by the current car park and derelict building on

site. Policy CSTP8 allows for residential uses in appropriate locations and paragraph 86 (f) of the NPPF recognises the importance of residential development in ensuring the vitality of centres. In this town centre location, it is considered that there are opportunities for further residential uses above ground floor level which would support the vibrancy of the town.

- 6.7 In summary, there are no in principle objections to the re-development of the site and the provision of retail/commercial uses at ground floor level. However, as a resubmission of a previously refused and dismissed application (18/00540/FUL) it needs to be demonstrated that the reasons of refusal and appeal dismissal have been addressed.

## II. REASONS FOR REFUSAL AND RECENT APPEAL DECISION

- 6.8 As set out above, this application is a resubmission of a previous application (18/00540/FUL) which was refused planning permission at the Planning Committee meeting of 14 February 2019 for the following two reasons:

- 1. The development would result in the significant loss of public parking which would undermine the vitality of Stanford Le Hope town centre, contrary to the aims of the NPPF which seeks to promote sustainable development and requires development proposals to enhance the vitality of town centres. For this reason, the development also fails to comply with Policy CSTP8 of the Council's Core Strategy (2015).*
- 2. The development, by reason of its scale and mass would appear overly dominant and out of keeping with the prevailing townscape, contrary to the aims of section 12 of the NPPF and Policy PMD2 of the Council's Core Strategy (2015).*

- 6.9 Following the refusal, the applicant appealed against the decision which was dismissed on 8<sup>th</sup> December 2020. The Planning Inspectorate rejected the appeal for the following two reasons:

- 1. The impact of the blank 'podium' wall along the boundary at the corner junction of the King Street and the High Street, which would result in a significant harm to the character and appearance of the town centre; and,*
- 2. That around three fifths of the proposed flats would be single aspect and north west facing with the lower flats likely to be overly gloomy and not receive sufficient light.*

- 6.10 In summing up his conclusions on the appeal proposals, the Inspector concluded,

*'The proposal would provide significant public benefit, as set out in the heritage balance earlier in this decision. However, I have identified significant harm to the living conditions of future occupants, and the character and appearance of the area. Furthermore, the proposal would result in less than substantial harm to the listed building, which carries considerable importance and weight.'*

- 6.11 From this it should be noted that the planning appeal was not dismissed for the Council's two reasons of refusal as the Inspector accepted that the loss of public parking would not undermine the vitality of Stanford Le Hope town centre, and nor would the scale and mass of the development appear overly dominant and out of keeping with the prevailing townscape.

### III. THE LOSS OF PARKING AND IMPACT UPON THE TOWN CENTRE

- 6.12 As set out above, the Planning Inspector did not agree with the Council's reason of refusal and commented that *'Stanford-le-Hope town centre car park, which includes part of the appeal site, provides around 107 pay and display parking spaces for public use. Town centre parking is further supplemented by free, short stay on-street parking bays in front of the King Street shopping parade. These appear popular with customers 'popping in' to the shops. The proposal [subject to the appeal] would reduce the town centre carpark capacity by around 64, to 43 spaces. As set out in the UU, it is intended that the remaining spaces would be used for public parking, with a focus on short stay provision, subject to a detailed parking scheme to be submitted to the Council. The [Appellant's] Unilateral Undertaking sets out that the detailed parking scheme would include provision of some all-day spaces, for example for shop workers and/or other types of parking that may be agreed in the light of an assessment of need for different types of parking.'*
- 6.13 The Inspector acknowledged that it was intended that the proposed car park would not provide free parking, but considered that this would not prohibit viable quantities of custom for the town centre shops and facilities. The Inspector also noted the nearby railway station car park provides alternative parking. The Inspector concluded that these factors point to the likelihood of Stanford-le-Hope town centre being viable in the future, including if the proposed [appeal] development were within it complying with Policy CSTP8.
- 6.14 In comparison to the previous application/planning appeal more information has been provided by the applicant with this current application regarding the car park's usage over the periods November – February 2018/19 and October – December 2019. The applicant's surveys show underutilisation of the car park and demonstrate that the car park is not operating at capacity. This is because the car park therefore offers a cheaper long stay alternative in comparison to the nearby station car park and a chargeable short stay period in comparison to the 2 hours free on street parking 8am



to 6pm Monday to Saturday in King Street and the High Street.

- 6.15 The Council's Highway Officer advises that the applicant's usage information of the car park, identifying 15 long stay parking spaces secured via season ticket/permit scheme, the commercial parking spaces and some of the residential spaces which would all be accessible via a control barrier system, would be acceptable. The remaining 42 public car parking spaces would be sufficient for public use. It is also noted that the applicant is prepared to agree to provide a planning obligation to ensure the 42 public car parking spaces remain as a car park for the town centre operating as a short term car park for shoppers and other visitors to the town centre.
- 6.16 In considering this current application Members need to be mindful that the car park is privately owned and in theory could be closed permanently at any time resulting in the complete loss of this town centre car park. If this were to happen only on street parking in the town centre would remain, which would lead to reduced public car parking availability in the town centre. The existing roads around the town centre are currently subject to three zones reserved for permit holders with two of these zones coming into force from June 2019 meaning that on street parking beyond King Street and the High Street is restricted.
- 6.17 It is not considered that a refusal based upon car parking could be sustained at appeal, given the very recent Planning Inspectorate decision, the applicant's amendments and in the absence of any objection from the Highways Officer. In conclusion under this heading, the proposed car parking arrangements are considered acceptable and would result in no conflict with Policy CSTEP8 or paragraph 86 of the NPPF.

#### IV. HOUSING LAND SUPPLY, NEED, MIX AND AFFORDABLE HOUSING

- 6.18 The Council at present cannot demonstrate an up to date five-year housing land supply to comply with the requirements of a paragraph 67 of the NPPF. The relevant housing policies CSSP1 (Sustainable Housing and Locations) and CSTEP1 (Strategic Housing Provision) should not be considered up to date, for housing need, if the Council cannot demonstrate a five-year housing land supply. The proposal would contribute to the housing land supply providing the development is built within 5 years.
- 6.19 Policy CSTEP1 requires the dwelling mix for new residential developments to be provided in accordance with the latest (May 2016) Strategic Housing Marketing Assessment (SHMA) and the update Addendum (May 2017). The SHMA sets out the housing need and mix requirements for the Borough but also the wider context of South Essex. In terms of the housing need requirement, the SHMA identifies a predominant need for 1 and 2 bedroom flats. The proposed development would

provide flatted development in compliance with the SHMA and therein assist in meeting housing need and delivering a recognised dwelling mix requirement, in accordance with the requirements of policy CSTP1.

- 6.20 With regard to affordable housing, policy CSTP2 seeks to achieve 35% of the development to be allocated for affordable housing. The applicant is offering a policy compliant level of 35% affordable housing for this development and this can be secured through a planning obligation to a future s106 legal agreement. The proposed housing mix demonstrates that the affordable housing units would be 3 x 1 bedroom units and 8 x 2 bedroom units.
- 6.21 In conclusion under this heading, the development would contribute to the Council's five year housing land supply needs, would provide a housing mix to accord with the SHMA and would provide a policy compliant level of affordable housing.

#### V. DESIGN AND LAYOUT AND IMPACT UPON THE AREA

- 6.22 Policies CSTP22 and CSTP23 seek to create high quality design, character and distinctiveness for new developments, and policy PMD2 requires proposals to respond to the sensitivity of the site and its surroundings for various criteria.
- 6.23 In addition to policy the Thurrock Design Strategy, which seeks achieve high quality design within the Borough, was adopted in 2017 as a supplementary planning document and endorsed as a material consideration in the determination of planning applications.
- 6.24 Chapter 12 of the NPPF acts as a benchmark to new development, through paragraph 124, requires *'the creation of high quality buildings and places'*. The PPG now includes a National Design Guide which requires consideration to be given to ten characteristics: context, identity, built form, movement, nature, public spaces, uses, homes and buildings, resources and lifespan.

#### Context

- 6.25 King Street and the High Street are characterised by terraces of two and three storey buildings providing commercial uses on the ground floor and some residential above. To the west of the site are two storey buildings with pitched roofs, whilst opposite is a three storey terrace. The car park forms the only flat / levelled open area in this location. One of the key buildings in Stanford town centre is the church which can be seen from within the site and various vantage points around the town centre. The church also forms a dominant feature on the skyline from outside Stanford Le Hope.

#### Layout

- 6.26 The principal elevation of the building would front King Street and would present three commercial units at ground floor level. The return frontage onto the High Street would not include any access to ground floor commercial units as the ground level rises towards the High Street although revisions have been made to include glazing for the ground floor commercial units on this return elevation. The proposed layout would retain the car park at the rear of the site which would be partly segregated for residential parking but would also retain part of the existing public car park. The existing car park entrance and exit for vehicular traffic would remain the same.

#### Scale, Massing, Height and Appearance

- 6.27 The second reason of refusal from the previous application was due to the scale and mass of the proposed development being overly dominant and out of keeping with the prevailing townscape, contrary to the aims of section 12 of the NPPF and Policy PMD2 of the Council's Core Strategy (2015). However, the Inspector considered the previous proposal to be of a *'bold and substantial modern change to a relatively open area of land at the heart of the town centre'*, concluding that, *'it would breathe new life into, and to some extent have a unifying effect on, the townscape.'* The Inspector was critical of the appearance and design of the northern corner of the previous proposal and the substantial expanse of the proposed podium wall at street level, stating that the scale of the blank wall would appear overly dominant and abrupt, jarring the street scene. The Inspector concluded that the podium wall element of the proposal would result, *'in significant harm to the character and appearance of the town centre'*.
- 6.28 The applicant's Planning Statement makes reference to the proposal creating a landmark building in this location and makes reference to 2012 planning permission which approved a development that was taller at more than 30m high when compared to the current proposal for a building 26.7m high. The previous refusal (under 18/00540/FUL) was also for a building with an overall height of 26.7m however, the applicant has reflected upon the decision made by the Planning Inspectorate, with particular reference to the Inspector's concerns relating to the number of previously proposed units which would have had single aspect windows, which has resulted in the subsequent revised scheme. The revisions have resulted in the scheme being reduced in mass and scale by virtue of the omission of the 15 units within the depth of the block which would have had a single aspect, including the removal of the previously proposed ground floor unit. The 'podium' design concerns raised by the Inspector at appeal, for the corner of the building and a high wall at the point the High Street and King Street meet, have also been addressed with the design revised to incorporate a commercial unit to this corner of the ground floor which would be fully glazed and the blank façade of the previous high walled edge of the podium removed and the corner softened with planters. The result is a

scheme which would have an identical overall maximum height but a reduced mass and overall scale and an improved detailed design and using high quality materials.

- 6.29 In seeking to address the reason of refusal, and in addition to the plans and information provided in the Design and Access statement, the applicant has provided three (3) photomontage CGIs to demonstrate the impact of the development. This is shown through two (2) photographs for each photomontage, one showing the existing appearance of the site/street scene and another showing the same image but including the appearance of the proposed development from differing viewpoints. Consequently, the revised proposal is not considered that the revised design of the current proposal would warrant a recommendation to refuse the application on the basis of its appearance or impact upon the character of the area.
- 6.30 Matters of design and appearance associated with this proposal are finely balanced, but in the context of the recent appeal decision, the proposal is considered to comply with policies CSTP22, CSTP23 and PMD2.

## VI. IMPACT UPON HERITAGE ASSETS

- 6.31 The development would be within close proximity of the Church of St Margaret of Antioch, which is a grade I listed building and therefore careful attention should be paid to the potential impacts upon the setting and views of the heritage asset.
- 6.32 Policy PMD4 states *'the Council will follow the approach set out in the NPPF in the determination of applications affecting Thurrock's built or archaeological heritage assets'*. When assessing the impact upon a designated heritage asset the NPPF advises on differing levels of assessment, these are 'total loss of the heritage asset', 'substantial harm' and 'less than substantial harm'.
- 6.33 The Council's Historic Buildings and Conservation Advisor considers that the proposal would *'fail to preserve the special interest of the listed building'*, but the level of harm is considered 'less than substantial'. When assessed against the criteria of the NPPF paragraph 196 states *'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, where appropriate, securing its optimum viable use'*.
- 6.34 The assessment is a matter of judgement. The applicant has argued that the development would be beneficial to the town centre because it would provide new residential accommodation (including 35% affordable housing provision) in the urban area, new commercial units, public realm improvements and the regeneration of derelict buildings.

- 6.35 From the planning appeal the Inspector did not object to the proposed development's impact upon heritage assets and stated that the proposed [appeal] building would substantially increase the built mass on the site, with an apartment block up to five storeys high. This would obscure middle-distance views of the church tower for pedestrians in the vicinity of the appeal site's King Street frontage, including the pedestrian crossing. The Inspector went on to conclude, *'That said, intervening buildings and vegetation beyond the appeal site already limit views of the listed building. As such, much of the older historic core of the listed building is obscured from the appeal site and its King Street frontage for much of the year. Consequently, appreciation of the older historic core of the listed building and its churchyard takes place primarily at closer quarters than the appeal site.... As such, a relatively small proportion of the town centre would be deprived of a view of the upper part of the church tower. The above combination of factors lead me to find that the proposal would have a limited negative impact on the setting and significance of the listed building.'*
- 6.36 Taking into account the above assessment for this section of the report it is considered that the benefits of the scheme would outweigh the 'less than substantial harm' impact upon the listed church.
- 6.37 A second heritage asset within close proximity of the site is the 'Inn on the Green' public house, which is a grade II listed building. This heritage asset is located at the southern end of the High Street and with existing development in between the proposal would not adversely impact upon the setting of this listed building. This overall assessment is also the conclusion drawn by the Inspector for the recent appeal when they applied the tilted balance view in assessing the scheme versus the matter of harm to the heritage assets.
- 6.38 In conclusion under this heading, the benefits of the scheme would outweigh the 'less than substantial harm' impact upon the nearby heritage assets

## VII. TRAFFIC IMPACT AND ACCESS

- 6.39 The site is located in a town centre location and is therefore within close proximity of retail, employment, education and commercial uses as well community support services. The site's location is within easy access of transport hubs including local bus stops and the nearby railway station. The site is therefore considered to be located in a sustainable location for residential and commercial uses.
- 6.40 The current one way car parking system is accessed from a dedicated vehicle access the northern end of the High Street and egressed from a dedicated vehicle access onto King Street. This access arrangement would remain the same as existing. The access would allow for vehicle access to the car parking spaces underneath the

proposed building, the allocated residential parking spaces and the remaining public car park to the south, outside of the site. The Council's Highway Officer raises no objections to the access arrangement which is acceptable with regard to policy PMD9.

- 6.41 In terms of traffic impact the applicant's Transport Assessment Addendum (Table 1) identifies that the proposed 32 unit scheme could be expected to generate 7 and 9 two-way trips in the morning and evening peak periods and a total of 90 two-way vehicle movements during the 12 hour day, equating to 74 fewer two-way vehicle trips daily than the previously appealed scheme (18/00540/FUL) which could have resulted in 164 two way vehicle movements during the day (TA para 5.8). In addition to the vehicle movements resulting from the proposed development the applicant's TA identifies that the development would have 'minimal' impact upon the local highway network and 'minimal' impact upon the public transport network. In this town centre location the proposed level of vehicle movements raises no objection.
- 6.42 The applicant's draft 'Framework Travel Plan' raises no objections from the Council's Travel Plan Co-ordinator but requires some amendments to the text within the document to allow for monitoring, which can be agreed through a revised travel plan as a planning condition, which would accord with the requirements of policy PMD10 and paragraph 111 of the NPPF.
- 6.43 There are 32 cycle parking spaces proposed which includes secure cycle parking within the building for residents and a further 7 external cycle parking hoops to the front and side of the building for the commercial uses and visitors, which is acceptable and can be secured through planning condition.
- 6.44 Public Footpath 166 runs through the site between Church Hill and King Street. The proposed site plan shows that the existing route of the public footpath will be retained in its same position with improvements through surfacing materials. These changes are considered to be a beneficial improvement to the public footpath. The Council's Footpath Officer has advised that the route should not be obstructed and should be kept open for use at all times unless a request for a temporary closure is required, whereby an alternative route would need to be considered/agreed and a diversion route signed accordingly, which can be included as an informative to this application as there is a separate process for temporary closure/diversion of a public footpath outside of the scope of this planning application.
- 6.45 The Council's Highway Officer has identified a planning obligation for a financial contribution of £10,000 for the improvement of the pedestrian access across the vehicle access ways to the site and across the frontage of the site where the retail units will encourage greater use of the immediate area

### VIII. INTERNAL AMENITY SPACE AND LIVING CONDITIONS

- 6.46 From the planning appeal the Inspector considered that the previous proposal involved three fifths of the then proposed 47 units having a single aspect with six of the flats being both single aspect and north-west facing. The Inspector concluded that the proposal would result in the amenities of the occupiers of these flats being at harm due to the lack of receivable light stating that the proposal would be contrary to Policies CSTP22 and PMD2 for this reason. The proposal subject of this application have omitted the single aspect layout of the previous refusal by removing a number of flats from the rear elevation of the proposed building to allow for all flats to benefit from a dual aspect layout improving light and amenity for future occupiers.
- 6.47 The two bedroom flats would all provide an acceptable level of internal amenity space for the future occupiers. Three of the one bedroom flats would be slightly under the minimum 45 sq.m required by Council standards; however, these three flats would be one person occupied one bedroom units and it is not considered that the slight shortfall would be harmful to the occupiers or result in any detriment to their amenities. Overall, the proposal would provide an adequate level of internal amenity space for all of the flats proposed complying with Council standards and the national technical space standards.

### IX. LANDSCAPING AND AMENITY SPACE

- 6.48 The applicant's Arboricultural Report identifies 24 trees within the site and these include a line of Leylandii trees on the eastern boundary street corner of the High Street and a row trees along the eastern boundary of the car park, which includes a sycamore tree and a birch tree. All of these trees would be removed as the proposed building would occupy this part of the site. This was considered acceptable with the previous permission and whilst it is unfortunate to lose trees, the applicant's Arboricultural Report recommends that at least five trees are planted to compensate for the loss of the higher categorised trees. Details of replacement trees and their location shall need to be agreed through a planning condition along with details of the proposed landscaping scheme, also through a planning condition. Both conditions can therefore help compensate for the loss of trees in consideration with the requirements of policy PMD2.
- 6.49 The plans show that each flat would have a 7 sq.m balcony, in addition to a communal roof terrace area measuring 64sq.m and larger terraced amenity deck area measuring 275 sq.m. The communal terraced areas and individual private balconies are considered an acceptable form of amenity space for each flat in this town centre location having regard to policy PDM2. The nearest public park, Hardie Park, is located within an acceptable walking/cycling distance of the site, along with the park to the south of Billet Lane, for further amenity usage.

6.50 In conclusion under this heading, replacement trees and landscaping can both be secured through planning conditions and the level of amenity provision for future occupiers is considered acceptable for this town centre location/

X. ECOLOGY AND BIODIVERSITY

6.51 The site does not form part of a designated site for nature conservation interest (on either a statutory or a non-statutory basis). However, the site falls within the ‘Zone of Influence’ of one or more of the European designated sites scoped into the Essex Coast Recreational disturbance Avoidance and Mitigation Strategy (RAMS), which requires a planning obligation. The nearest European designation is the Thames Estuary and Marshes SPA (Special Protection Area) and Ramsar Site and it requires the Local Planning Authority to undertake a Habitat Regulations Assessment to understand the impact.

Habitats Regulations Assessment

6.52 In considering the European site interest, the local planning authority, as a competent authority under the provisions of the Habitats Regulations, should have regard for any potential impacts that the proposals may have. The Habitat Regulations, which are a UK transposition of EU Directives relating to the conservation of natural habitats, flora and fauna and specifically wild birds, apply to certain designated sites including Special Protection Areas (SPA) and Ramsar sites. Of particular relevance to this application, regulation 63 of the Habitats Regulations requires, inter-alia, that:

*Before deciding to give any permission for a plan which:*

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

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

6.53 The table below is the Habitats Regulation Assessment (HRA) as required under the Conservation of Habitats and Species Regulations 2017. The procedure for assessment follows a number of key stages, which for this assessment are stages 1 to 3 as explained in the table below with the LPA’s response to each stage:

Stage	LPA response
Stage 1 is to identify whether the proposals are	The eastern half of Thurrock is within the zone of influence (Zol) for the Essex Coast RAMS. The following developments within the Zol qualify:



<p>directly connected with or necessary to site management for conservation;</p>	<ul style="list-style-type: none"> <li>• New dwellings of 1+ units (excludes replacement dwellings and extensions)</li> <li>• Houses of Multiple Occupancy (HMOs)</li> <li>• Residential care homes and residential institutions (excluding nursing homes)</li> <li>• Residential caravan sites (excludes holiday caravans and campsites)</li> <li>• Gypsies, travellers and traveling show people plots</li> </ul> <p>It is anticipated that such development is likely to have a significant effect upon the interest features of the Thames Estuary and Marshes Special Protection Area and Ramsar through increased recreational pressure, when considered either alone or in-combination with other plans and projects. Therefore, an appropriate assessment is needed to assess recreational disturbance impacts. The qualifying features of these sites are set out at the end of this report.</p>
<p>Stage 2 (Screening for Significance of Likely Effects) is necessary to examine if the proposals, in the absence of mitigation are 'likely to have a significant effect' on the internationally important features of the European sites, either alone or in combination with other plans or projects;</p>	<p>If the proposal is within or directly adjacent to the above European designated site a proportionate financial contribution should be secured in line with the Essex Coast RAMS requirements. Record evidence that this mitigation measure has been secured in the 'summary' section below. Consideration of further bespoke recreational mitigation measures may also be required in this case.</p> <p>If the proposal is not within or directly adjacent to the above European designated site then a proportionate financial contribution should be secured in line with the Essex Coast RAMS requirements.</p> <p>Provided this mitigation is secured it can be concluded that this planning application will not have an adverse effect on the integrity of the above European site from recreational disturbance, when considered 'in combination' with other development. Natural England does not need to be consulted on this Appropriate Assessment.</p> <p>A contribution in line with the Essex Coast RAMS should be secured to address likely significant effects in-combination.</p>
<p>Stage 3 (Appropriate Assessment) is if 'likely to have</p>	<p>The application would result in a net increase of 32 units and is within the Essex Coast RAMS Zol. It therefore meets the criteria set out in Test 1 showing that the scheme is would have likely significant effects to the Thames Estuary and</p>

<p>significant effects' on a European site were to occur solutions should be established to avoid or have a lesser effect on European sites.</p>	<p>Marshes SPA and therefore requires an Appropriate Assessment</p> <p><u>Summary of recreational disturbance mitigation package:</u> The application is for a net increase of 32 dwellings. The site is not within or adjacent to the SPA. It is therefore considered that a proportionate financial contribution in line with Essex Coast RAMS should be made to contribute towards the funding of mitigation measures detailed in the Essex Coast RAMS Strategy.</p> <p>The current tariff is £127.30 per unit. Therefore the financial contribution should be £4,073.60 and this can be secured through a planning obligation.</p>
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- 6.54 Having considered the proposed avoidance and mitigation measures above, it is concluded that with mitigation the project will not have an Adverse Effect on the Integrity of the European sites included within the Essex Coast RAMS. Having made this appropriate assessment of the implications of the plan or project for the site in view of that site's conservation objectives the authority may now agree to the plan or project under regulation 63 of the Conservation of Habitats and Species Regulations 2017.
- 6.55 If the application were to be approved the proposed development would require the mitigation identified through a financial contribution of £4,073.60 towards the funding of mitigation measures detailed in the Essex Coast RAMS Strategy. The applicant has agreed to provide the necessary mitigation within their Unilateral Undertaking.
- 6.56 It is therefore recommended that the local planning authority formally determine that, on the basis of the information available and the mitigation identified, the proposed development would not have a likely significant impact on a European site either alone or in combination with other plans or projects, and this forms 'Recommendation A'.

**XI. EFFECT ON NEIGHBOURING PROPERTIES**

- 6.57 At ground floor level the majority of properties in King Street and the High Street have commercial usage but at first floor level and above, for those properties which are three storeys, there are flats above the ground floor uses.
- 6.58 The nearest buildings are 22/24 King Street which is located on the corner of King Street and the exit of the car park, directly to the west of the site, and 29-33 High Street located to the south east of the existing car park access.

- 6.59 For 22/24 King Street, which is in use as a taxi office, there are two windows on the eastern flank elevation which face towards the site but given the distance between the buildings across a public street these windows are not considered to be adversely affected. On the western elevation of the proposed development there are windows at first floor level which face towards the windows at 22/24 King Street but the nearest window faces across a public street and is not the sole source of light or outlook for the nearest proposed flat. The same layout is repeated for the second floor with the third floor identifying a balcony for this part of the building. A previous permission (12/50463/TTGFUL) was for a taller development that would have projected closer to 22/24 King Street was not considered unacceptable. This proposal would not adversely affected the neighbouring amenities 22/24 King Street.
- 6.60 For 29-33 High Street there are no windows in the northern flank elevation which face the site but there is an external staircase that serves amenity areas to the flats at first floor level on the western elevation of 29-33 High Street but this is located at an elevated position. The nearest flats in the proposed development would have oblique views of this amenity area but this is not considered to result in any adverse impact upon neighbouring amenity.
- 6.61 The applicant's Sunlight and Overshadowing Impact Assessment has considered the potential impact of the development upon all surrounding windows in the neighbouring/nearby existing buildings. This assessment has been undertaken in accordance with the Building Research Establishment (BRE) guidelines and demonstrates that there is no adverse daylight or sunlight implications for neighbouring occupiers.
- 6.62 The proposed development and its end users are not likely to give rise to any significant increase in noise and disturbance upon the surrounding area in terms of amenity impacts. The existing access entrance and exit would remain and therefore the noise climate in the area would be similar. No objections have been raised by the Council's Environmental Health Officer but conditions are recommended requiring a scheme for soundproofing and ventilation to be agreed to ensure habitable rooms meet the required British Standards (BS8233:2014) for the internal noise environment. It is also considered necessary for future hours of use and delivery hours to be agreed through a planning condition in the interests of the upper levels of residential use.
- 6.63 In terms of the neighbouring amenity impact the proposal is considered acceptable with regard to policy PMD1.

## XII. ENERGY AND SUSTAINABLE BUILDINGS

- 6.64 In terms of meeting the requirements of policies PMD12 (Sustainable Buildings) and PMD13 (Decentralised, Renewable and Low Carbon Energy Generation) it is stated in the applicant's Design and Access Statement that the development incorporate recycling facilities, the construction materials used would ensure the building is energy efficient, low water usage fittings would be installed, surface water would be attenuation and managed as part of a drainage strategy, and on the roof of the development photovoltaic panels would be installed for renewable energy provision. Details of these installations shall need to be agreed through a planning condition to ensure the installations do not project above the parapet of the roof to be visible from ground level as this would impact upon the design of the building.
- 6.65 In conclusion under this heading, a planning condition shall secure details of the photovoltaic panels, which are shown on the plans for the roof of the proposed building.

### XIII. VIABILITY AND PLANNING OBLIGATIONS

- 6.66 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.
- 6.67 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. In September 2019 the pooling restrictions were removed through the updated Community Infrastructure Levy Regulations but the Council will continue to maintain the Infrastructure Requirement List (IRL) to provide 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.
- 6.68 Paragraph 57 of the NPPF identifies that planning obligations must only be sought where they meet all of the following criteria:
- a) necessary to make the development acceptable in planning terms;*
  - b) directly related to the development; and*
  - c) fairly and reasonably related in scale and kind to the development*
- 6.69 Through the consultation process to this application and assessing the information contained within the Council's IRL the proposal would fall within the category H1

scenario for housing development (between 11-50 dwellings). The applicant is offering planning obligations as the following planning obligations have been identified for this proposal:

- Housing - For 35% of the proposed development to be provided for affordable housing and with a 50% affordable rented and 50% shared ownership;
- Education - A financial contribution of £ 91,974.42 is required towards nursery, primary and secondary provision or towards an extension to existing primary school/s in the Corringham and Stanford-le-Hope Primary School Planning Area (IRL reference IRL0068);
- Highways - A financial contribution of £10,000 for the improvement of the pedestrian access across the vehicle access ways to the site and across the frontage of the site where the retail units will encourage greater use of the immediate area ;
- Parking Scheme – to retain the public car park (shown in the blue line area on the location plan) as a short term public car park with a pricing system fixed for a maximum of three hours stay and a no return period within four hours, and within the site to provide 15 long term parking spaces in addition to the parking spaces identified residential, commercial, visitor and disabled parking spaces;
- Healthcare Services – A financial contribution of £12,650 towards local healthcare services; and,
- A financial contribution of £4,073.60 towards the funding of mitigation measures detailed in the Essex Coast RAMS Strategy.

6.70 Subject to the completion of the s106 agreement to mitigate the impact of the development there are no objections raised to approving the development.

#### XIV. OTHER MATTERS

6.71 The site is located in a low risk flood zone (Flood Zone 1) so is acceptable for development in flood risk terms. The Council's Flood Risk Advisor has issued a holding objection as further information is required, however, it is considered that as this site is previously developed land in this town centre location details of surface water management can be determined through a planning condition in this instance and with regard to policy PMD15.

6.72 There are no records of contamination on site however the Council's Environmental Health Officer has requested a Watching Brief for contamination which can fall within the criteria of a Construction Environmental Management Plan (CEMP) planning condition if consent were to be granted.

- 6.73 The Council's Environmental Health Officer has raised no air quality issues for this development.
- 6.74 For the construction phase of the development a Construction Environmental Management Plan can be secured through a planning condition which is necessary to agree hours for construction, control of dust and noise, and highway implications.
- 6.75 The applicant's TA identifies that refuse and recycling collections and deliveries to the site would take place at an allocated loading bay adjacent to the south elevation of the building, which is acceptable.

## XV. SUSTAINABILITY

- 6.76 Paragraph 7 of the NPPF explains that the purpose of the planning system is to achieve sustainable development and 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 to achieve sustainable development.
- 6.77 For the economic objective the proposal would create employment opportunities for the construction phase and operational phase for the three commercial units. When the development is occupied new residents would provide household spending within the local economy in this town centre location. The dwellings would provide an opportunity for local people to live and work in this area. However, the loss of public car parking in the town centre would reduce visitors and shoppers which would economically affect the vitality and viability of the town centre.
- 6.78 For the social objective the development would help create a new community at this site. For both the social and economic objective the development would provide dwellings for the area and contribute towards the Council's five year housing land supply.
- 6.79 For the environmental objective the proposed development's impact upon the surrounding area would be acceptable given the Inspectorate's recent decision. Other environmental considerations including the impact upon the historic environment, amenity, noise and disturbance, surface water management and energy efficiency raise no objection. However, all three objectives need to be satisfied to achieve sustainable development but for the reasons explained the sustainability objectives would not be achieved.

## 7.0 CONCLUSIONS AND REASONS FOR APPROVAL

- 7.1 As set out above, the presumption in favour of sustainable development is applicable and the application of the NPPF, particularly Paragraph 11d), requires that residential

development is supported unless the harm caused clearly and demonstrably outweighs the benefits. The proposal would lead to the re-development of a town centre site providing new homes (including affordable homes) that would contribute to the Council's five-year housing supply as well to the benefit of the vitality of the town centre. The proposal would also provide three new commercial units in the town centre proving further benefit to the town centre. The proposal would result in the loss of some public car parking spaces however the loss of those public spaces was not considered likely to harm the vitality and viability of the town centre at a recent appeal decision and consequently there would be no likelihood of sustaining any refusal on the basis of the loss of public parking spaces in this town centre location. Whilst the proposal would be taller than the surrounding townscape, in light of the recent decision by the Planning Inspectorate, whereby a larger scale and mass proposal was considered acceptable in principle, the scale and mass of the proposed development would be considered acceptable. The application is therefore recommended to Members for approval.

## 8.0 RECOMMENDATION

### Recommendation A:

- 8.1 That the local planning authority formally determine pursuant to regulation 63 of the Conservation of Habitats and Species Regulations 2017 (as amended), and on the basis of the information available, that the development proposed will not have a likely significant effect on a European site either alone or in combination with other plans or projects.

### Recommendation B:

- 8.2 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:
- 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:
    - Housing - For 35% of the proposed development to be provided for affordable housing where the affordable housing will be split 50% affordable rented and 50% shared ownership
    - Education - A financial contribution of £91,974.42 towards nursery, primary and secondary provision or towards an extension to existing primary school/s in the Corringham and Stanford-le-Hope Primary School Planning Area [IRL reference IRL0068];

- Highways - A financial contribution of £10,000 for the improvement of the pedestrian access across the vehicle access ways to the site and across the frontage of the site where the retail units will encourage greater use of the immediate area ;
- Parking Scheme – To retain the public car park (shown in the blue line area on the location plan) as a short term public car park with a pricing system fixed for a maximum of three hours stay and a no return period within four hours, and within the site to provide 15 long term parking spaces in addition to the parking spaces identified for residential, commercial, visitor and disabled parking spaces;
- Healthcare Services – A financial contribution of £12,650 towards local Healthcare Services; and,
- Essex Coast RAMS Zone of Influence Mitigation Payment of £4,073.60.

ii) the following planning conditions:

**Standard Time**

1. The development hereby permitted must be begun not later than the expiration of 3 years from the date of this permission.

**Reason:** In order to comply with Section 51 of the Planning and Compulsory Purchase Act 2004.

**Approved Plans**

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

<b>Plan Number(s):</b>		
Reference	Name	Received
PL 1000K	Proposed Site Layout	26 <sup>th</sup> July 2021
PL 1100H	Proposed Floor Plans	6th May 2021
PL 1110H	Proposed Floor Plans	6th May 2021
PL 1120H	Proposed Floor Plans	6th May 2021
PL 1130H	Proposed Floor Plans	6th May 2021
PL 1140G	Proposed Plans	6th May 2021
PL 1160G	Proposed Plans	6th May 2021
PL 1200G	Proposed Elevations	6th May 2021
PL 1201G	Proposed Elevations	6th May 2021
PL 1210G	Proposed Elevations	6th May 2021



PL 1220F	Proposed Elevations	6th May 2021
PL 1230G	Proposed Elevations	6th May 2021
PL 1700H	Proposed Plans	6th May 2021
PL 1710F	Parking Bay Allocation Plan	18 <sup>th</sup> August 2021
PL 0001B	Location Plan	6th May 2021
PL 0100A	Existing Site Layout	6th May 2021
PL 0200	Existing Elevations	6th May 2021
10201-HYD-XX-XX-DR-S-210 Rev P3	Other	31st January 2020
0010A	Other	6th May 2021
0020 V5	Other	6th May 2021
0030F	Other	6th May 2021
PL1090 Rev C	Illustrative Plan Identifying Affordable Dwellings	2 <sup>nd</sup> August 2021

**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].

### Use Classes Commercial Units

- The ground floor commercial units shall only be used for uses falling with Classes A1, A2, A3, A4, A5 and D2 of the Schedule to the Town & Country Planning [Use Classes] Order 1987 [as amended] [or in any provision equivalent to that Class in any statutory instrument revoking or re-enacting that Order with or without modification].

**Reason:** In the interests of retaining commercial uses on the ground floor having regard to 'main town centre uses' as identified in policy CSTP8 of the adopted Thurrock LDF Core Strategy and Policies for the Management of Development [2015].

### Materials

- No development, with the exception of demolition, shall take place until samples of the materials to be used in the construction of the external surfaces of the development hereby permitted have been submitted to and approved in writing by the local planning authority. In addition, the details shall include all surface

materials, balcony detail, metering arrangements and fenestration details [including reveals]. The development shall be carried out in strict accordance with the approved details unless otherwise agreed in writing by the local planning authority.

**Reason:** In the interests of visual amenity and to ensure that the proposed development is satisfactorily integrated with its surroundings in accordance with Policy PMD2 of the adopted Thurrock LDF Core Strategy and Policies for the Management of Development DPD [2015].

### **Replacement tree planting details and implementation**

5. Prior to first occupation of the development hereby permitted details of replacement trees to be planted in the neighbouring area of the site, or at a site suitably identified, shall be submitted to and approved in writing by the Local planning authority. The tree details shall include the species, stock size, proposed numbers/densities and details of the planting scheme's implementation, aftercare and maintenance programme, unless otherwise to be maintained in agreement with the Council's leisure and/or tree officers. The tree planting shall be carried out as approved within the first available planting season (October to March inclusive) following the commencement of the development, unless otherwise first agreed in writing by the local planning authority. If within a period of five years from the date of the planting of any tree is removed, uprooted, destroyed, dies, or becomes, in the opinion of the local planning authority, seriously damaged or defective, another tree of the same species and size as that originally planted shall be planted in the same place, unless the local planning authority gives its written consent to any variation.

**Reason:** To compensate for the removal of the existing trees on or along the boundary of the site and secure appropriate landscaping 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].

### **Landscaping Scheme**

6. Prior to first occupation of the development a detailed scheme of landscaping shall be submitted to and approved in writing by the local planning authority. The details shall include all hard surfacing details. The scheme of landscaping shall be implemented as approved and all planting, seeding or turfing comprised in the approved scheme shall be carried out in the first planting and seeding season following commencement of the development and any trees or plants which within a period of 5 years from the completion of the development die, are removed or

become seriously damaged or diseased shall be replaced in the next planting season with others of similar size and species, unless the local planning authority gives written consent to any variation.

**Reason:** To ensure that the proposed development is satisfactorily integrated with its immediate surroundings and provides for landscaping as required by policy PMD2 of the adopted Thurrock LDF Core Strategy and Policies for the Management of Development DPD [2015].

### **Landscape Management Plan**

7. Prior to first occupation of the development a landscape management plan, including management responsibilities and maintenance schedules for the upkeep of all landscaped areas has been submitted to and approved in writing by the local planning authority. The landscape management plan shall be implemented in accordance with the details as approved and retained thereafter, unless otherwise agreed in writing with the local planning authority.

**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].

### **Parking Provision**

8. The development hereby permitted shall not be first occupied until such time as the vehicle parking area indicated on the approved plans has been hard surfaced, sealed and marked out in parking bays. The vehicle parking area(s) shall be retained in this form at all times. The vehicle parking area(s) identified for the flats and commercial uses shall not be used for any purpose other than the parking of vehicles that are related to the use of the approved development unless otherwise agreed with the Local planning authority.

**Reason:** To ensure that on street parking of vehicles in the adjoining streets does not occur in the interests of highway safety and that appropriate parking is provided in accordance with policy PMD8 of the adopted Thurrock LDF Core Strategy and Policies for the Management of Development DPD [2015].

### **Electric Charging Points**

9. Prior to the occupation of the development details of electric charging points for vehicle parking spaces shall be submitted to and approved by the local planning

authority. The electric charging points shall be installed as approved and shall be maintained and retained in this form at all times thereafter.

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

### **Cycle Provision**

10. Prior to first occupation of the development hereby permitted the cycle storage areas as shown on the approved plans shall be made available for use in accordance with the approved plans and shall be retained for bicycle storage use thereafter.

**Reason:** To ensure appropriate parking facilities for bicycles/powered two wheelers are provided in accordance with policy PMD8 of the adopted Thurrock LDF Core Strategy and Policies for the Management of Development DPD [2015].

### **Travel Plan**

11. Notwithstanding the details stated in the 'Framework Travel Plan' dated 19 April 2018 prior to the first residential occupation of the dwellings and/or commercial hereby permitted, a revised Travel Plan taking into account the comments from the consultation response from the Council's Travel Plan Co-ordinator shall be submitted to and agreed in writing with the local planning authority. The commitments explicitly stated in the Travel Plan shall be binding on the applicants or their successors in title. The measures shall be implemented upon the first occupation and shall be permanently kept in place unless otherwise agreed in writing with the local planning authority. Upon written request, the applicant or their successors in title shall provide the local planning authority with written details of how the measures contained in the Travel Plan are being undertaken at any given time.

**Reason:** To reduce reliance on 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].

### **Hours of use and delivery hours**

12. Prior to first use of the commercial units hereby approved details of the proposed hours of use and hours of any deliveries shall be submitted to and approved in

writing by the local planning authority. The approved hours of use shall be implemented in accordance with the approved details and retained in such arrangement.

**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].

### **Outside Storage**

13. No goods, materials, packaging or other similar items shall be stored or kept outside of the front elevation of the building which fronts onto King Street.

**Reason:** In the interests of visual amenity as required by policy PMD1 of the adopted Thurrock LDF Core Strategy and Policies for the Management of Development [2015].

### **Refuse and Recycling Provision**

14. Prior to first occupation of the flats and/or commercial uses the refuse and recycling storage facilities as shown on the approved plans shall be made available for use in accordance with the approved plans and shall be retained for such purposes at all times thereafter.

**Reason:** To ensure that refuse and recycling provision is provided in the interests of visual amenity of the area in accordance with policies PMD1 and PMD2 of the adopted Thurrock LDF Core Strategy and Policies for the Management of Development [2015].

### **Surface Water Drainage Scheme**

15. No development, with the exception of demolition, shall commence until a scheme for the provision and implementation of surface water drainage incorporating sustainable urban drainage technique has been submitted to and approved in writing by the local planning authority. The surface water drainage scheme shall be constructed and completed in accordance with the details as approved prior to the first occupation of the development hereby permitted.

**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**

16. Prior to first occupation of the development hereby permitted 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, has been 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.

**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].

### **Solar Panels and Photovoltaic**

17. Prior to first occupation of the development hereby permitted details of the roof mounted solar or photovoltaic panels shall be submitted to and approved in writing by the local planning authority. The details shall include siting and height of the panels to ensure they do not project above the parapet. The roof mounted solar or photovoltaic panels shall be installed in accordance with the details as approved and retained for renewable energy provision thereafter.

**Reason:** To ensure that development takes place in an environmentally sensitive way and in the interest of visual amenity in accordance with Policy PMD13 of the adopted Thurrock LDF Core Strategy and Policies for the Management of Development [2015].

### **External lighting**

18. Prior to the first occupation of the development hereby permitted details of the means of external lighting shall be submitted to and agreed in writing with the local planning authority, with the exception of domestic lighting within the curtilage of the residential plots. The details shall include the siting and design of lighting together with details of the spread and intensity of the light sources and the level of luminance. The lighting shall be installed in accordance with the agreed details prior to first occupation of the development and shall be retained and maintained thereafter in the agreed form, unless otherwise agreed in writing by the local planning authority.

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

### **Communal TV/Satellite**

19. Notwithstanding the provisions of the Town & Country Planning [General Permitted Development] Order 2015 [or any order revoking or re-enacting that Order with or without modification] no flat shall be occupied until details of the number, size, external appearance and the positions of the communal satellite dish(es) have been submitted to and agreed in writing by the local planning authority prior to the installation of such systems. The agreed communal satellite dish systems shall be installed prior to the residential occupation of the flats and retained thereafter. Notwithstanding the provisions of the Town and Country Planning [General Permitted Development] Order 2015 [or any Order revoking or re-enacting that Order with or without modification] no additional satellite dish(es) or aerials shall be fixed to the building without the prior written approval of the local planning authority.

**Reason:** In the interests of visual 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 DPD [2015].

### **Construction Environmental Management Plan (CEMP)**

20. 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) Hours of use for the construction of the development
- (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 any access or temporary access, and details of temporary parking requirements;
- (f) Road condition surveys before demolition and after construction is completed; with assurances that any degradation of existing surfaces will be remediated as part of the development proposals. Extents of road condition surveys to be agreed as part of this CEMP

- (g) Location and size of on-site compounds [including the design layout of any proposed temporary artificial lighting systems];
- (h) Details of any temporary hardstandings;
- (i) Details of temporary hoarding;
- (j) Details of the method for the control of noise with reference to BS5228 together with a monitoring regime;
- (k) Measures to reduce vibration and mitigate the impacts on sensitive receptors together with a monitoring regime ;
- (l) Measures to reduce dust with air quality mitigation and monitoring,
- (m) Measures for water management including waste water and surface water discharge;
- (n) A method statement for the prevention of contamination of soil and groundwater and air pollution, including the storage of fuel and chemicals;
- (o) Details of a procedure to deal with any unforeseen contamination, should it be encountered during development;
- (p) A Site Waste Management Plan,
- (q) Details of security lighting layout and design; and
- (r) Contact details for site managers including information about community liaison including a method for handling and monitoring complaints.

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].

**Informatives:**

Public Right of Way Diversion

1. No development shall be carried out which obstructs any part of the public right of way [shown on the Definitive map], which shall be kept open for use at all times, unless a temporary diversion has been first consented under the provisions of the Town and Country Planning Act 1990 [as amended]. Unless an Order under Section 257 has been made and confirmed or the right of way otherwise extinguished under an order of the Magistrates' Court it is a criminal offence to obstruct a public right of way. Planning permission alone does not authorise obstruction.

Stanford-le-hope Resident's Permit Parking Scheme

2. The properties within this development will not be eligible for inclusion with the Stanford-le-hope Resident's Permit Parking Scheme.

Advertisement Signage



3. This permission conveys no consent to the advertisement signs shown on the submitted plans, which may need to be the subject of a separate application under the Town and Country Planning (Control of Advertisements) (England) Regulations 2007.

#### 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.

#### **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>

