



Appeal Decision

Hearing held on 8 December 2020

Site visit made on 9 December 2020

by William Cooper BA (Hons) MA CMLI

an Inspector appointed by the Secretary of State

Decision date: 29th January 2021

Appeal Ref: APP/M1595/W/19/3226093

Land at King Street, Stanford le Hope, Essex SS17 0HL

- The appeal is made under section 78 of the Town and Country Planning Act 1990 as amended against a refusal to grant planning permission.
 - The appeal is made by Capital Land Partners LLP against the decision of Thurrock Borough Council.
 - The application Ref: 18/00540/FUL, dated 16 April 2018, was refused by notice dated 18 February 2019.
 - The development proposed is 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.
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Decision

1. The appeal is dismissed.

Procedural Matter

2. A revised, signed Unilateral Undertaking (UU) was provided by the appellant after the hearing. This contains obligations for car parking and affordable housing, and financial contributions for highways, education and coastal habitat mitigation measures. The proposed sums within it are as per the previous version which was submitted prior to, and discussed at, the hearing.

Application for costs

3. An application for an award of costs was made by Capital Land Partners LLP against Thurrock Borough Council. This application is the subject of a separate decision.

Main Issues

4. While the adequacy of receivable light to the proposed flats was not among the reasons for refusal, the Council has raised concern about this matter.
5. The effect of the proposal on the setting of the Grade I listed building, the Church of St Margaret of Antioch, is not mentioned in the reasons for refusal. Nevertheless, the main parties' Statement of Common Ground states less than substantial harm in this respect. The matter is also a third party concern. Furthermore, the duty to have special regard to the setting of a listed building applies.

6. Having regard to the above, the main issues are:

- The effect of the proposed development on the living conditions of future occupiers, with particular regard to receivable light;
- the effect of the proposal on the character and appearance of the area;
- the effect of the proposal on the vitality of Stanford-le-Hope town centre; and
- whether the proposal would preserve the setting of the Church of St Margaret of Antioch Grade I listed building.

Reasons

Living conditions of future occupiers

7. Around three fifths of the 47 proposed flats would be single aspect. Approximately a sixth of the flats would be single aspect and north-west facing. Balconies would limit light to windows lower down. While the flats would have full height windows, the above combination of orientation, layout and exterior design factors mean it is likely that the internal living space of a substantial proportion of the flats would be overly gloomy and not receive sufficient daylight. There is not a substantive daylight analysis report, for example, to persuade me otherwise.
8. I therefore conclude that the design of the proposed building would harm the living conditions of future occupiers, in terms of receivable light. In this way, the proposal would not respond acceptably to the sensitivity of the site and optimize its development potential. As such, it would conflict with Design and Layout Policy PMD2 of the Thurrock Core Strategy and Policies for Management of Development (2015) (CS) and Paragraphs 124 and 127 of the National Planning Policy Framework (the Framework), which together seek to ensure good design of high quality buildings and places.

Character and appearance

9. The appeal site is located towards the apex of an approximate 'triangle' of land at the heart of Stanford-le-Hope town centre. The triangle is formed by King Street, High Street and Church Hill. The appeal site comprises part of a town centre surface carpark and a derelict commercial premises.
10. The existing character of the town centre comprises a varied mix of architectural style, period and materials. A range of two to three storey building heights is noticeable.
11. The proposed building would be a bold and substantial modern change to a relatively open area of land at the heart of the town centre. The following factors would go some way to assimilate the building into its setting. It would echo the angularity of the substantial post-war mixed use blocks on High Street and King Street. The stepped down profile of the ends of the proposed building would help its integration with adjacent buildings. The pattern of fenestration and balconies, materiality and form of the proposed building would strike a balance between simplicity, repetition, and variety. It would breathe new life into, and to some extent have a unifying effect on, the townscape.

12. Also, the proposed raised planting beds in front of part of the building would provide an opportunity to refresh the town centre's horticultural civic pride ethos.
13. However, the substantial expanse of the podium wall at street level at the northern corner of the building and the apex of the town centre 'triangle' would be problematic. The scale of this extensive, mainly blank wall and its lettering at this prominent 'gateway' to the heart of the town centre would appear overly dominant and abrupt, and sit jarringly in the streetscene. The wall's expanse and prominence would also make it a tempting target for graffiti.
14. I therefore conclude that the podium wall element of the proposal would result in significant harm to the character and appearance of the town centre. This would conflict with Policy PMD2 of the CS, which seeks to ensure that development complements local character and helps to create a positive sense of place.

Vitality of the town centre

15. The town centre contains a variety of independent and chain shops and businesses. From what I saw during my site visit during a weekday mid-morning and lunchtime period, albeit a snapshot in time, the businesses generate a steady turnover of customers, with an 'express' supermarket and a bakery on King Street apparently a particular draw. While there is scope to rejuvenate some of the town centre's premises and public realm, the vacancy rate of commercial and retail units in the vicinity of the appeal site appears relatively low.
16. Stanford-le-Hope town centre carpark, 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 railway station carpark, located a short distance from King Street, provides further parking space including for commuter use.
17. The proposal 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 UU 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.
18. A 2012 mixed use scheme approved for the appeal site included around 100 parking spaces (the 2012 proposal). There is community and Council concern that, if there were not around 100 free off-street public parking spaces in the town centre carpark, future shoppers would be substantially tempted away from Stanford-le-Hope town centre by free parking elsewhere, particularly Corringham town centre which is around two miles away.
19. However, almost a decade since approval of the unimplemented 2012 proposal and within an evolving town centre context, no comprehensive, contemporary town centre parking study or strategy is presented to substantiate that such

centrally located parking provision on a scale of around 100 spaces is necessary to preserve the future vitality of Stanford-le-Hope town centre.

20. It is intended that the proposed carpark would not provide free parking, which has been available in recent years under seasonal initiatives. However, this does not automatically mean that the proposed revised carparking provision would prohibit viable quantities of custom for town centre shops and facilities.
21. The appellant's parking survey evidence indicates that the proposed number of parking spaces is likely to be sufficient to meet need. Judging by this evidence and what I saw, some customers are prepared to pay to use the existing carpark. Furthermore, parking charges are not uncommon in town centre parking management.
22. The intended focus of the remaining town centre car park as mainly for short stay public parking may displace some long-stay commuter parking. However, the nearby railway station car park provides alternative parking. Also, the provision of regular rail services to London from Stanford-le-Hope railway station is likely to attract commuters to provide future custom for town centre businesses. Strategic employment sites in the area would potentially generate future custom for the town centre. The greater turnover of short stay parking compared to longer stay parking would contribute to parking capacity for shoppers. Also custom from future residents of the proposed 47 flats would further contribute to this, as would the stimulus of new ground floor units at the heart of the town centre.
23. The proposal would not reduce the provision of railway station carparking or free on-street short stay parking bays in the town centre. Potential enhancement of the town centre's public transport facilities, which is apparently also under consideration more widely, further points to confidence in the future attractiveness and potential of the town centre. Moreover, the relative convenience of having facilities 'on the doorstep', compared to travelling further away to other centres such as Corringham, would provide a reason for Stanford-le-Hope residents to use their town centre in the future.
24. The above combination of factors points to the likelihood of Stanford-le-Hope town centre being viable in the future, including if the proposed development were within it.
25. In conclusion, the proposal would contribute to the vitality of Stanford-le-Hope town centre. As such, it would accord with Policy CSTP8 of the CS, which seeks to improve the vitality and viability of the network of centres.

Setting of the listed building

26. The site is situated approximately 60m north of the Grade I listed building, the 'Church of St Margaret of Antioch' (Ref: 1111653). The listed building dates from the twelfth century. It is constructed mainly of ragstone rubble with some flint and limestone dressings and tiled roofs. It is located within a churchyard in an elevated position alongside Church Hill. The older historic core of the listed building - which comprises its nave, chancel and north and south aisles - dates from the twelfth to the fifteenth century. A nineteenth century tower with pinnacles is a later addition.
27. Various views of the church tower provide the main visual connection between the listed building and the wider area. These viewpoints include the appeal site

and part of the northern end of King Street. The church tower also features in some longer distance views of the town centre's roofscape. Lower and older parts of the church are relatively secluded from middle and longer distance views, given its set-back within the churchyard, which contains substantial tree cover and perimeter vegetation. Intervening vegetation and buildings further limit the visual connection between the listed building and town centre.

28. Since the establishment of the church in the twelfth century, the adjoining town centre core has evolved over time. The railway line and station, which provides access to central London and the Docklands, are prominent later elements within the evolution of the setting of the listed building. In particular, angular three-storey brick-built flat-roof terraced blocks with shops on the ground floor and accommodation above run along much of King Street and High Street in the vicinity of the appeal site. These blocks bring a substantial twentieth century architectural presence to the character mix and evolving fabric of the town centre. Together with lower Victorian pitched roof buildings, the above elements contribute to the mixed architectural character of the listed building's setting.
29. The listed building is therefore experienced as a church comprising a core of medieval origin with the addition of a Victorian tower. The setting of the listed building provides opportunities for appreciation of the combined presence of the older historic core of the building, the later tower and its sylvan churchyard.
30. The listed building has evidential, historical and aesthetic value as an example of church architecture dating from the twelfth to the nineteenth century, which illustrates the use of a range of different historic building materials and techniques. The building's spiritual and memorial functions also give it communal value. Given the above, I consider the special interest of the listed building, insofar as it relates to this appeal, to be primarily associated with its historic legibility as a church dating from the medieval period with a later 'landmark' tower, located in a sylvan churchyard within the historically evolving commercial context of a town centre with connections to the Thames Estuary, central London and Docklands.
31. The proposed 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. It would also limit part of several glimpsed middle distance views of the tower. This would reduce visual connection with the listed building from part of the town centre and its northern approaches.
32. 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. The proposal would not diminish this closer-quarters appreciation of the listed building. Furthermore, the clockwise direction of the town centre's one-way road system obscures the church tower from the view of motorists passing the appeal site's King Street frontage.

33. As such, a relatively small proportion of the town centre would be deprived of a view of the upper part of the church tower. Moreover, much of the corridor of sight within the town centre which would be interrupted by the proposal runs across a twentieth century car park, not a demonstrably designed historic vista of the church. The church tower would also remain visible from the southern half of the car park, which would be retained for public use.
34. The proposed block would feature in some longer and middle distance views of the town centre roofscape, within the surroundings of the church tower. Nevertheless, the evolved built mass of the town centre would go some way to visually and functionally assimilate the proposal into these surroundings.
35. 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.
36. Paragraph 193 of the the Framework advises that when considering the impact of development on the significance of a designated heritage asset, great weight should be given to its conservation, and the more important the asset, the greater the weight should be.
37. For the reasons described above, the proposal would fail to preserve the setting of the listed building. Given the factors that would limit the negative impact on the setting of the church, I find that the harm to the significance of the listed building would be less than substantial, but nevertheless of considerable importance and weight.
38. Given paragraph 196 of the Framework, it is necessary to weigh the harm that would arise to the heritage asset against the public benefits of the proposal.
39. The proposed dwellings and retail/leisure/commercial units would bring the following socio-economic benefits to the town centre during and after construction. It would provide 47 new flats within Stanford-le-Hope town centre, within a short walk of facilities which include the train station and listed church. This would boost local housing supply within the context of a substantial undisputed shortfall in the supply of deliverable housing sites in Thurrock district of around 3.25 years. Furthermore, 16 of the dwellings would provide affordable homes. The proposal would also make effective use of urban brownfield land.
40. The households within the proposed development would provide regular resident custom to contribute to sustaining town centre shops and facilities, potentially including use and appreciation of the listed church. The proposed building including the two ground floor commercial units would link the facades of two main town centre shopping parades which are currently separated by the gap of the site. Two compact, modern retail/leisure commercial units would also provide opportunity for additional businesses within the town centre, with associated employment. Moreover, the proposal would ensure the existence of a short stay car park in the heart of the town centre. Together the above would help to support the vitality of the town centre.
41. The Planning Officer's Report to Planning Committee took the view that the benefits of the scheme would outweigh the 'less than substantial harm' to the listed building. Similarly, I conclude that the above elements would together amount to significant public benefit that would outweigh the identified harm to the heritage asset. As such, the proposal would not conflict with Policy PMD4 of

the CS and the Framework, which together seek, amongst other things, to conserve the historic environment.

Other Matters

42. The site falls within the zone of influence for European designated coastal habitat. The UU contains an obligation for financial contribution towards the funding of mitigation measures detailed in the Essex Coast RAMS Strategy. Within this context and as I am dismissing the appeal on other grounds, I have not undertaken an Appropriate Assessment of the proposal. Accordingly, it is not necessary for me to address this matter in further detail.

Planning Balance and Conclusion

43. As there is an undisputed 3.25 years shortfall of deliverable housing sites in the borough, policies which are most important for determining the application are to be considered out of date. The tilted balance, as set out in paragraph 11d) of the Framework, would normally apply. The tilted balance would be disengaged if the application of heritage policies in the Framework in themselves provided a clear reason for refusal or if I were to find that there would be unmitigated harm to European designated habitat. However, as the public benefits of the proposal would outweigh the less than substantial harm to the significance of the listed building, and having not undertaken an appropriate assessment of the proposal for the purposes of making my decision, I apply the tilted balance.
44. 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.
45. I appreciate that the Framework sets out a presumption in favour of sustainable development but even where the tilted balance is engaged, the benefits of additional housing do not necessarily outweigh all other concerns. Moreover, case law has found that even where policies can be considered out of date, this does not mean that they carry no weight. The balancing exercise remains a matter of planning judgement.
46. As such, given the totality of harm identified above, I conclude that the adverse impacts of the proposed development would significantly and demonstrably outweigh the benefit, when assessed against the policies in the Framework taken as a whole. The proposals would fail to comply with the relevant policies of the development plan and national guidance, and therefore the appeal should be dismissed.

William Cooper

INSPECTOR

APPEARANCES

FOR THE APPELLANT:

Thomas Copp	RPS
Daniel Simmonds	RPS
Dominic Thomas	Chetwoods
Clive White	Chetwoods

FOR THE LOCAL PLANNING AUTHORITY:

Julian Howes	Thurrock Borough Council
Amy Linford	Thurrock Borough Council
Chris Purvis	Thurrock Borough Council

INTERESTED PARTIES:

Councillor Terry Piccolo	Ward Councillor, Stanford-le-Hope West
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