

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

Planning Committee

The meeting will be held at **6.00 pm** on **6 April 2023**

Council Chamber, Civic Offices 3, New Road, Grays, Essex, RM17 6SL.

Membership:

Councillors Tom Kelly (Chair), Georgette Polley (Vice-Chair), Paul Arnold, Adam Carter, Terry Piccolo, James Thandi, Sue Shinnick and Lee Watson

Steve Taylor, Campaign to Protect Rural England Representative

Substitutes:

Councillors Daniel Chukwu, Steve Liddiard, Susan Little, Allen Mayes and Elizabeth Rigby

Agenda

Open to Public and Press

	Page
1 Apologies for Absence	
2 Item of Urgent Business	
To receive additional items that the Chair is of the opinion should be considered as a matter of urgency, in accordance with Section 100B (4) (b) of the Local Government Act 1972.	
3 Declaration of Interests	
4 Declarations of receipt of correspondence and/or any meetings/discussions held relevant to determination of any planning application or enforcement action to be resolved at this meeting	
5 Planning Appeals	5 - 12
6 Public Address to Planning Committee	

The Planning Committee may allow objectors and applicants/planning agents, and also owners of premises subject to enforcement action, or their agents to address the Committee. The rules for the conduct for addressing the Committee can be found on Thurrock Council's website at <https://www.thurrock.gov.uk/democracy/constitution> Chapter 5, Part 3 (c).

- | | | |
|----------|---|------------------|
| 7 | 22/01370/FUL - Land Adjacent Watts Wood Including Mardyke Farm, Ship Lane And Broomhill Arterial Road, Purfleet-on-Thames, Essex | 13 - 80 |
| 8 | 22/01672/FUL - Thurrock Football Club, Ship Lane, Aveley, RM19 1YN | 81 - 118 |
| 9 | 22/01673/FUL - Belhus Park Golf And Country Park, Belhus Park Lane , Aveley, Thurrock, RM15 4PX | 119 - 130 |

Queries regarding this Agenda or notification of apologies:

Please contact Kenna-Victoria Healey, Senior Democratic Services Officer by sending an email to Direct.Democracy@thurrock.gov.uk

Agenda published on: **29 March 2023**

Information for members of the public and councillors

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Advice Regarding Public Attendance at Meetings

If you are feeling ill or have tested positive for Covid and are isolating you should remain at home, the meeting will be webcast and you can attend in that way.

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- Enter the password **Thurrock** to connect to/join the Wi-Fi network.
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- Access the modern.gov app
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DECLARING INTERESTS FLOWCHART – QUESTIONS TO ASK YOURSELF

Breaching those parts identified as a pecuniary interest is potentially a criminal offence

Helpful Reminders for Members

- *Is your register of interests up to date?*
- *In particular have you declared to the Monitoring Officer all disclosable pecuniary interests?*
- *Have you checked the register to ensure that they have been recorded correctly?*

When should you declare an interest *at a meeting*?

- **What matters are being discussed at the meeting?** (including Council, Cabinet, Committees, Subs, Joint Committees and Joint Subs); or
- If you are a Cabinet Member making decisions other than in Cabinet **what matter is before you for single member decision?**



Does the business to be transacted at the meeting

- relate to; or
- likely to affect

any of your registered interests and in particular any of your Disclosable Pecuniary Interests?

Disclosable Pecuniary Interests shall include your interests or those of:

- your spouse or civil partner's
- a person you are living with as husband/ wife
- a person you are living with as if you were civil partners

where you are aware that this other person has the interest.

A detailed description of a disclosable pecuniary interest is included in the Members Code of Conduct at Chapter 7 of the Constitution. **Please seek advice from the Monitoring Officer about disclosable pecuniary interests.**

What is a Non-Pecuniary interest? – this is an interest which is not pecuniary (as defined) but is nonetheless so significant that a member of the public with knowledge of the relevant facts, would reasonably regard to be so significant that it would materially impact upon your judgement of the public interest.

Pecuniary

If the interest is not already in the register you must (unless the interest has been agreed by the Monitoring Officer to be sensitive) disclose the existence and nature of the interest to the meeting

If the Interest is not entered in the register and is not the subject of a pending notification you must within 28 days notify the Monitoring Officer of the interest for inclusion in the register

Unless you have received dispensation upon previous application from the Monitoring Officer, you must:

- **Not participate or participate further in any discussion of the matter at a meeting;**
- **Not participate in any vote or further vote taken at the meeting; and**
- **leave the room while the item is being considered/voted upon**

If you are a Cabinet Member you may make arrangements for the matter to be dealt with by a third person but take no further steps

Non- pecuniary

Declare the nature and extent of your interest including enough detail to allow a member of the public to understand its nature

You may participate and vote in the usual way but you should seek advice on Predetermination and Bias from the Monitoring Officer.

Our Vision and Priorities for Thurrock

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

1. **People** – a borough where people of all ages are proud to work and play, live and stay
 - High quality, consistent and accessible public services which are right first time
 - Build on our partnerships with statutory, community, voluntary and faith groups to work together to improve health and wellbeing
 - Communities are empowered to make choices and be safer and stronger together

2. **Place** – a heritage-rich borough which is ambitious for its future
 - Roads, houses and public spaces that connect people and places
 - Clean environments that everyone has reason to take pride in
 - Fewer public buildings with better services

3. **Prosperity** – a borough which enables everyone to achieve their aspirations
 - Attractive opportunities for businesses and investors to enhance the local economy
 - Vocational and academic education, skills and job opportunities for all
 - Commercial, entrepreneurial and connected public services

6 April 2023		ITEM: 5
Planning Committee		
Planning Appeals		
Wards and communities affected: All	Key Decision: Not Applicable	
Report of: Jonathan Keen, Interim Strategic Lead for Development Services		
Accountable Assistant Director: Leigh Nicholson, Assistant Director for Planning, Transportation and Public Protection.		
Accountable Director: Mark Bradbury, Interim Director - Place		

Executive Summary

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

1.0 Recommendation(s)

1.1 To note the report.

2.0 Introduction and Background

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

3.0 Appeals Lodged:

3.1 Application No: 22/00683/HHA

Location: Fouracres, Brentwood Road, Thurrock, Bulphan, RM14 3TL

Proposal: Part single storey side extension and construction of swimming pool

3.2 Application No: 21/02004/FUL

Location: Land Adjacent to 13-29 Kipling Avenue, Tilbury, Essex, RM18 8HE

Proposal: Residential development of 8 no. 2-storey dwellings with private garden areas and shared parking area

3.3 Application No: 21/02172/FUL

Location: 261 Rectory Road, Grays, RM17 5SW

Proposal: Demolition of existing garage, sub division of plot and erection of new detached two bedroom dwelling with associated landscaping and parking

4.0 Appeals Decisions:

The following appeal decisions have been received:

4.1 Application No: 21/01126/FUL

Location: Linsteads, Orsett Road, Horndon On The Hill, Essex SS17 8PW

Proposal: Demolition of storage building/yard, stable, mobile home, containers and construction of 2 x chalet bungalows with associated parking and amenity areas (resubmission of 20/00745/FUL)

Appeal Decision: Appeal Dismissed

4.1.1 The Inspector considered that the main issues were the effect of the proposed development on the Thames Estuary and Marshes Special Protection Area and Ramsar sites and the effect the of the proposed development upon the character and appearance of the area.

4.1.2 In regard to the Thames Estuary and Marshes Special Protection Area (SPA) and Ramsar sites, the Inspector stated Paragraph 182 of the Framework makes it clear that the presumption in favour of development does not apply where a proposal is likely to have a significant effect on a SPA, either alone or combination with other projects. Unless an appropriate

assessment has concluded that it will not adversely affect the integrity of the site. They did not consider this had been done.

4.1.3 The Inspector stated the proposal would accord with Core Strategy and Policies PMD2, CSTP22, CSPT23 and the National Planning Policy Framework (NPPF) in terms of having an acceptable impact upon the character and appearance of the area.

4.1.4 The Inspector concluded that in this case there would be harm to the integrity of the SPA. This provides a clear reason for refusing the appeal proposal, the presumption in favour of sustainable development in the NPPF paragraph 11d) ii) does not apply. Therefore, the appeal was dismissed.

4.1.5 The full appeal decision can be found online.

4.2 Application No: 21/01824/CV

Location: 13 Crouch Road, Chadwell St Mary, Essex RM16 4BX

Proposal: Application for the variation of condition no. 2 (approved plans) of planning permission ref. 19/01117/FUL (Erection of 6 bedroom house of multiple occupation on land adjacent to 13 Crouch Road with associated hardstanding.).

Appeal Decision: Appeal Dismissed

4.2.1 The inspector considered the main issue of the proposed amendments on the character and appearance of the area.

4.2.2 The Inspector drew attention to the open nature of the site due to its topography and substantial gap between Nos. 13 and 15 as such development would be visually prominent in the area.

4.2.3 It was considered that the design of the crown roof above the proposed rear projection together with the proposed flat roof dormers above it, would appear contrived and would fail to respect the character and appearance of the area. The proposal would therefore conflict with Policies PMD2 and CSSP22 of the Thurrock Local Development Framework Core Strategy and Policies for the Management of Development (as amended) January 2015.

4.2.4 The full appeal decision can be found online.

4.3 Application No: 22/00382/HHA

Location: Velminster Cottage, Romford Road, Aveley, RM15 4XH

Proposal: Two storey side extension incorporating car port, front porch addition and alterations to window layout and external materials

Appeal Decision: Appeal Dismissed

4.3.1 The Inspector considered the main issues to be whether the proposal would be inappropriate development in the Green Belt, the effect on the openness of the Green Belt and upon the character and appearance of the host building, and if the proposal is inappropriate development, whether very special circumstances would justify the proposal.

4.3.2 The Inspector deemed that, by virtue of existing extensions and that proposed, the proposal would be inappropriate development in the Green Belt which, by definition, is harmful to the Green Belt. Due to the level of built development proposed, the size of the host building would be markedly increased which would have a moderate adverse impact on the openness of the Green Belt. Limited weight would be given to the improved accommodation, energy efficiency improvements and sheltered parking area.

4.3.3 The design of the proposal would result in a discordant and jarring feature which would be harmfully out of keeping with the character of the host building when considering the varying forms of existing extensions present at the site.

4.3.4 To conclude, the Inspector deemed the proposal would conflict with Policies PMD2, PMD6, CSTP22 and CSTP23 and the NPPF where the harm identified to the Green Belt would not be clearly outweighed by the benefits of the proposal.

4.3.5 The full appeal decision can be found online.

5.0 APPEAL PERFORMANCE:

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

	APR	MAY	JUN	JUL	AUG	SEP	OCT	NOV	DEC	JAN	FEB	MAR	
Total No of Appeals	1	2	0	1	6	1	14	3	5	2	5	4	
No Allowed	1	1	0	0	2	0	4	2	3	1	2	1	

% Allowed	100%	50%	0%	0	33.3%	0%	28.6%	66.7%	39.4%	50%	40%	25%	
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6.0 Consultation (including overview and scrutiny, if applicable)

6.1 N/A

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

7.1 This report is for information only.

8.0 Implications

8.1 Financial

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

Government Intervention & Section 114

In July 2022, the Council was made aware of concerns around the valuation of specific investments. A review process commenced, and the initial findings highlighted significant concern with three investments and the position was shared informally with the Department of Levelling Up, Housing and Communities (DLUHC).

On the 2 September 2022 DLUHC announced directions to implement an intervention package at the Council.

The Secretary of State exercised his powers under section 15(11) of the Local Government Act 1999 to give a Direction without complying with the requirement at section 15(9) to give Thurrock an opportunity to make representations about the Directions, as he considered the failures of the Council’s compliance with its Best Value duty in respect of the functions specified in the Directions sufficiently urgent. This was because of the following:

- the scale of the financial and commercial risks potentially facing the Authority, which were compounded by the Authority’s approach to financial management and the seriousness of the allegations that were made by third parties about the processes applied to the operation of the Authority’s commercial strategy, and;
- the failure of the Authority to provide assurance to Ministers and the Department on the adequacy of the actions that they were taking to

address the issues, taking account of the scale and pace of the response required.

The Secretary of State nominated Essex County Council to the role of Commissioner

On 19 December 2022, the Council's Acting Director of Finance & Section 151 Officer issued a report under Section 114 of the Local Government Finance Act 1988. This advises Councillors that the Council faces 'a financial situation of an extremely serious nature'.

Implications relating to this specific report

This report is an update report and as such there are no specific financial implications.

8.2 Legal

Implications verified by: **Mark Bowen**
Interim Project Lead - Legal

Planning decisions must be made entirely on the planning merits and the Council's present financial situation is not a material planning consideration.

The Appeals lodged will either have to be dealt with by written representation procedure or (an informal) hearing or a local inquiry. During planning appeals the parties will usually meet their own expenses and the successful party does not have an automatic right to recover their costs from the other side. To be successful a claim for costs must demonstrate that the other party had behaved unreasonably.

Where a costs award is granted, then if the amount isn't agreed by the parties it can be referred to a Costs Officer in the High Court for a detailed assessment of the amount due

8.3 Diversity and Equality

Implications verified by: **Becky Lee**
Team Manager - Community Development and Equalities Adults, Housing and Health Directorate

There are no direct diversity implications to this report.

8.4 **Other implications** (where significant) – i.e. Staff, Health Inequalities, Sustainability, Crime and Disorder, and Impact on Looked After Children

- None.

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

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

10. **Appendices to the report**

- None

Report Author:

Jonathan Keen, Interim Strategic Lead for Development Services

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Agenda Item 7

Planning Committee: 06 April 2023	Application Reference: 22/01370/FUL
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Reference: 22/01370/FUL	Site: Land adjacent Watts Wood including Mardyke Farm, Ship Lane and Broomhill, Arterial Road Purfleet-on-Thames Essex
Ward: Aveley and Uplands	Proposal: Application for full planning permission comprising the demolition of existing buildings / structures and provision of an employment hub comprising of 44,463 sq.m (gross internal area) of general industrial (Use Class B2) / logistics floorspace (Use Class B8) with ancillary development. Creation of a new boardwalk adjacent to the Mardyke; upgrades to Public Footpath 149; a new community and workplace hub; new roundabout junction on Ship Lane; hard and soft landscaping, and outdoor recreational facilities.

Plan Number(s):		
Reference	Name	Received
T025-S-DR-001 rev PL1	Location Plan	05.10.2022
T025-S-DR-002 rev PL1	Existing Site Plan	05.10.2022
T025-S-DR-030 rev PL1	Demolition Plan	05.10.2022
T025-S-DR-100 rev PL1	Proposed Wider Site Plan	05.10.2022
T025-S-DR-101 rev PL1	Proposed Site Plan	05.10.2022
T025-S-DR-250 rev PL1	Proposed Site Sections Sheet 1	05.10.2022
T025-S-DR-251 rev PL1	Proposed Site Sections Sheet 2	05.10.2022
T025-S-DR-252 rev PL1	Proposed Site Sections Sheet 3	05.10.2022
T025-S-DR-800 rev PL1	Typical Fence Details	05.10.2022
T025-U1-DR-100 rev PL1	Proposed Ground Floor GA Plan	05.10.2022
T025-U1-DR-101 rev PL1	Proposed First Floor GA Plan	05.10.2022
T025-U1-DR-102 rev PL1	Proposed Roof Plan	05.10.2022
T025-U1-DR-103 rev PL1	Proposed Service Yard GA Plan	05.10.2022
T025-U1-DR-150 rev PL1	Proposed Ground Floor Core Plan	05.10.2022
T025-U1-DR-151 rev PL1	Proposed First Floor Core Plan	05.10.2022
T025-U1-DR-200 rev PL1	Proposed Elevations (Sheet 1 of 2)	05.10.2022
T025-U1-DR-201 rev PL1	Proposed Elevations (Sheet 2 of 2)	05.10.2022
T025-U1-DR-250 rev PL1	Unit 1 GA Sections	05.10.2022
T025-U2-DR-101 rev PL1	Unit 2 Proposed First Floor GA Plan	05.10.2022
T025-U2-DR-102 rev PL1	Unit 2 Proposed Plant Desk Level GA Plan	05.10.2022
T025-U2-DR-102 rev PL1	Unit 2 Proposed Roof Plan	05.10.2022
T025-U2-DR-104 rev PL1	Unit 2 Proposed Service Yard GA Plan	05.10.2022

T025-U2-DR-150 rev PL1	Unit 2 Proposed Ground Floor Core Plan	05.10.2022
T025-U2-DR-151 rev PL1	Unit 2 Proposed First Floor Core Plan	05.10.2022
T025-U2-DR-152 rev PL1	Unit 2 Proposed Plant Desk Plan	05.10.2022
T025-U2-DR-200 rev PL1	Unit 2 Proposed Elevations (Sheet 1 of 2)	05.10.2022
T025-U2-DR-201 rev PL1	Unit 2 Proposed Elevations (Sheet 2 of 2)	05.10.2022
T025-U2-DR-250 rev PL1	Unit 2 GA Sections	05.10.2022
T025-U3A-DR-103 rev PL1	Unit 3A Proposed Service Yard GA Plan	05.10.2022
T025-U3A-DR-150 rev PL1	Unit 3A Proposed Ground Floor GA Plan	05.10.2022
T025-U3A-DR-151 rev PL1	Unit 3A Proposed First Floor GA Plan	05.10.2022
T025-U3B-DR-100 rev PL1	Unit 3B Proposed Ground Floor & Service Yard GA Plan	05.10.2022
T025-U3B-DR-101 rev PL1	Unit 3B Proposed First Floor GA Plan	05.10.2022
T025-U3B-DR-102 rev PL1	Unit 3B Proposed Roof Plan	05.10.2022
T025-U3B-DR-150 rev PL1	Unit 3B Proposed Ground Floor Core Plan	05.10.2022
T025-U3B-DR-151 rev PL1	Unit 3B Proposed First Floor Core Plan	05.10.2022
T025-U3B-DR-200 rev PL1	Unit 3 Proposed Elevations	05.10.2022
T025-U3B-DR-250 rev PL1	Unit 3 GA Sections	05.10.2022
T025-U4-DR-100 rev PL1	Units 4A-E Proposed Ground Floor & Service Yards GA Plan	05.10.2022
T025-U4-DR-101 rev PL1	Unit 4A-4E Roof Plan	05.10.2022
T025-U4-DR-200 rev PL1	Unit 4 Proposed Elevations	05.10.2022
T025-U4-DR-250 rev PL1	Unit 4 GA Sections	05.10.2022
T025-U5-DR-100 rev PL1	Unit 5 Proposed Ground Floor GA Plan	05.10.2022
T025-U5-DR-101 rev PL1	Unit 5 Proposed First Floor GA Plan	05.10.2022
T025-U5-DR-102 rev PL1	Unit 5 Proposed Roof Plan	05.10.2022
T025-U5-DR-103 rev PL1	Unit 5 Proposed Services Yard GA Plan	05.10.2022
T025-U5-DR-150 rev PL1	Unit 5 Proposed Ground Floor Core Plan	05.10.2022
T025-U5-DR-151 rev PL1	Unit 5 Proposed First Floor Core Plan	05.10.2022
T025-U5-DR-200 rev PL1	Unit 5 Proposed Elevations (Sheet 1 of 2)	05.10.2022
T025-U5-DR-201 rev PL1	Unit 5 Proposed Elevations (Sheet 2 of 2)	05.10.2022
T025-U5-DR-250 rev PL1	Unit 5 GA Sections	05.10.2022
T025-U6-DR-100 rev PL1	Unit 6 Proposed Ground Floor & Service Yard GA Plan	05.10.2022
T025-U6-DR-101 rev PL1	Unit 6 Proposed First Floor GA Plan	05.10.2022
T025-U6-DR-102 rev PL1	Unit 6 Proposed Plant Deck Level GA Plan	05.10.2022
T025-U6-DR-103 rev PL1	Unit 6 Proposed Roof Plan	05.10.2022
T025-U6-DR-150 rev PL1	Unit 6 Proposed Ground Floor Core Plan	05.10.2022
T025-U6-DR-151 rev PL1	Unit 6 Proposed First Floor Core Plan	05.10.2022
T025-U6-DR-152 rev PL1	Unit 6 Proposed Plant Deck Plan	05.10.2022

T025-U6-DR-200 rev PL1	Unit 6 Proposed Elevations	05.10.2022
T025-U6-DR-250 rev PL1	Unit 6 GA Sections	05.10.2022
T025-U7-DR-100 rev PL1	Unit 7 Proposed Ground Floor GA Plan	05.10.2022
T025-U7-DR-101 rev PL1	Unit 7 Proposed First Floor Plan GA Plan	05.10.2022
T025-U7-DR-102 rev PL1	Unit 7 Proposed Plant Deck Level GA Plan	05.10.2022
T025-U7-DR-103 rev PL1	Unit 7 Proposed Roof Plan	05.10.2022
T025-U7-DR-104 rev PL1	Unit 7 Proposed Service Yard GA Plan	05.10.2022
T025-U7-DR-150 rev PL1	Unit 7 Ground Floor Core Plan	05.10.2022
T025-U7-DR-151 rev PL1	Unit 7 First Floor Core Plan	05.10.2022
T025-U7-DR-152 rev PL1	Unit 7 Proposed Plan Deck Plan	05.10.2022
T025-U7-DR-200 rev PL1	Unit 7 Proposed Elevations (Sheet 1 of 2)	05.10.2022
T025-U7-DR-201 rev PL1	Unit 7 Proposed Elevations (Sheet 2 of 2)	05.10.2022
T025-U7-DR-250 rev PL1	Unit 7 GA Sections	05.10.2022
T025-U8-DR-100 rev PL1	Unit 8 (Community Building) Proposed Ground Floor & Roof GA Plans	05.10.2022
T025-U8-DR-200 rev PL1	Unit 8 (Community Building) Proposed Elevations	05.10.2022
T025-U8-DR-250 rev PL1	Unit 8 (Community Building) GA Sections	05.10.2022

The application is also accompanied by:

- Design & Access Statement, Mardyke Park Purfleet, dated September 2022;
- Drawing Schedule, Mardyke Farm, T025-3-DIR;
- Arboricultural Implications Report, Mardyke Purfleet, by SJA on behalf of MD Star Limited, ref SJA air 21068-01b, dated October 2022;
- Mardyke Park BREEAM Assessment, by sustainable Construction Services on behalf of MD Star Limited, ref 31378, dated 30 September;
- Mardyke Park Construction Design and Management Report, by SkW Consultancy on behalf of MD Star Limited, dated 30 September 2022;
- Mardyke Park Economic Industrial Case, by iceni Projects on behalf of MD Star Limited, dated October 2022
- Mardyke Park Energy and Sustainability Statement, October 2022, Savills on behalf of MD Star Limited, Issue: 30 September 2022, Rev 3;
- Mardyke Park, J31, M25, Environmental Statement (ES), vol. 3, Non-Technical Summary (NTS), September 2022;

- Mardyke Park, J31, M25, Environmental Statement (Contents and Glossary), Icen Projects Limited on behalf of MD Star Ltd;
- Supplementary Flood details
- Supplementary Highways details

Applicant:
Mr Richard Plasek
MD Star Ltd

Validated:
7 October 2022
Date of expiry:
2 May 2023 (extension of time agreed)

Recommendation: Refuse planning permission

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

1.0 DESCRIPTION OF PROPOSAL

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

Site Area (Developable)	13.2 Ha
Commercial (employment) Floorspace	Include: <ul style="list-style-type: none"> • B2 / B8 Use Classes • 44,463 sq.m GIA floorspace totals
Recreational space	c.13.5 Ha
Jobs created	c.640 operational jobs
Parking (employment)	502 car space(s) / 132 cycle spaces(s)
Parking (community hub)	25 car space(s) / 10 cycle space(s)

1.2 The proposal seeks to demolish the existing buildings (including dwellings) / structures that form part of the application site adjacent to the main vehicle access to the site accessed from the western side of Ship Lane. The existing hardstanding will be increased with a larger proportion of hardstanding to accommodate the quantum of buildings, employment floorspace and proposed car parking.

1.3 A total of 12 units are proposed for either Class B2 Use Class (general industrial) and/or Class B8 Use Class (logistics floorspace) along with associated ancillary development. The sizes of each of the units proposed vary from 241sq.m to 15,777sq.m (GIA) and with a total 45,340sq.m (GEA). An existing pylon to the north

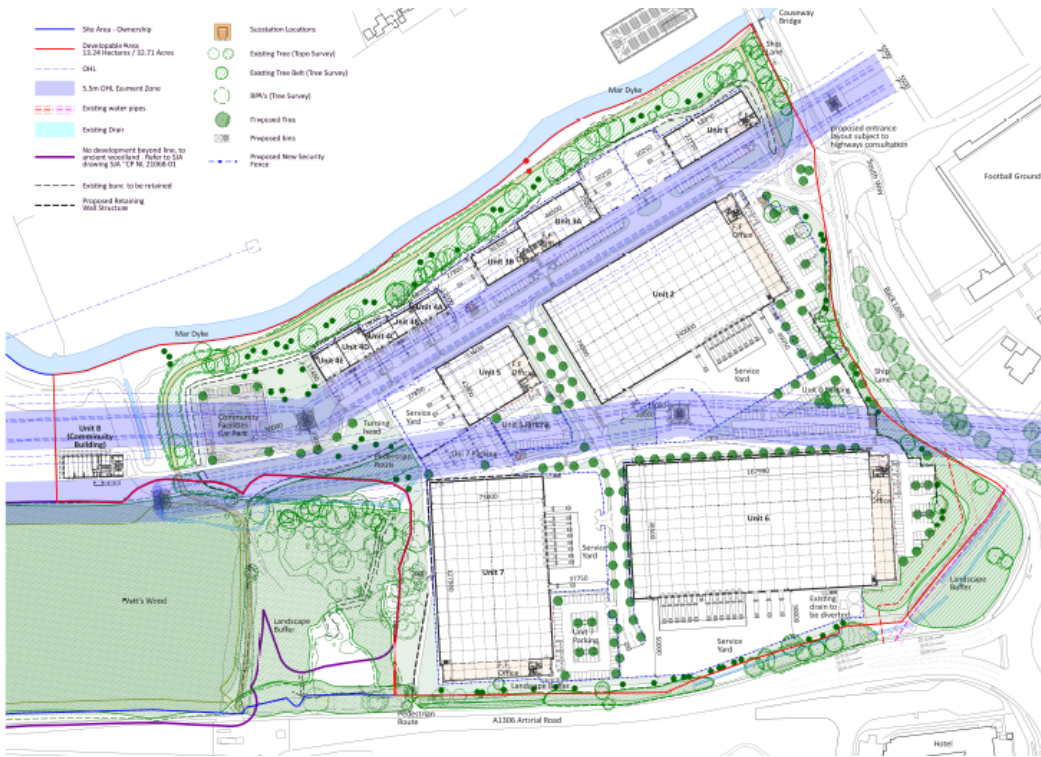
eastern boundary will be removed as part of the redevelopment to accommodate the proposed units.

1.4 The table below demonstrate the floorspace and heights of the units proposed;

No.	Unit no.	GEA (sq.m)	Max Height (m)
1	Unit 1	1,560	11.5
2	Unit 2	11,410	18.7
3	Unit 3A	1,408	11.5
4	Unit 3B	898	11.5
5	Unit 4A	241	11.5
6	Unit 4B	224	11.5
7	Unit 4C	234	11.5
8	Unit 4D	329	11.5
9	Unit 4E	335	11.5
10	Unit 5	2,617	13.9
11	Unit 6	15,777	18.7
12	Unit 7	10,307	18.7
	Total GEA	45,340	N/A
13	Community Use	500 (sq.m)	-

1.5 Among the general industrial units proposed, it will be noted above, that a community use building also forms part of the development and provides 500sq.m of community use floorspace space.

1.6 Below is an extract of the proposed site plan which indicates the overall site layout.



- 1.7 The two thick lines to the north of the application site illustrate the Overhead Line (OHL) and easement zones which limit the location of built development within the site. As noted above, the larger units 2, 5, 6 and 7 have been stationed on the widest parts of the application site between the easement zones towards the south and within the central area of the site. The remaining smaller units are proposed along the northern boundary closest to the Mardyke River and, as a result, an existing pylon would be removed from the site.
- 1.8 The Public Right of Way (PROW) along the northern boundary of the application site will be upgraded with a raised boardwalk. The applicant suggests that the improvements to the public footpath would increase pedestrian usability and enhance accessibility to the river.
- 1.9 The existing primary vehicle access/exit would be replaced by a new roundabout, at Southway, which adjoins directly onto Ship Lane on the eastern boundary of the site. This would provide a traffic calming tool to restrict / limit 7.5T HGVs heading towards Aveley.
- 1.10 A total of 502 parking spaces are proposed with motorcycle spaces in accordance with the relevant standards for each employment use. For the community use building a total of 132 car parking spaces would be provided with 10 cycle spaces.
- 1.11 The description of development makes reference to outdoor recreational facilities situated to the west of the application site, but outside of the red line boundary. A number of recreational facilities have been mentioned as part of the recreational/community offer, however, the specific details of the outdoor

community facilities have not been supplied as part of the application. A schematic plan has been supplied in terms of the indicative layout of the site, but it is important to note that the outdoor recreational facilities are unlikely to constitute development but are rather landscaping features to support the community use building/offer as the outdoor space is already an existing provision.

2.0 SITE DESCRIPTION

- 2.1 The application site has an area of approximately 26.70 hectares and comprises of mostly open space within the Metropolitan Green Belt. The irregular shaped site is constrained between the Mardyke River to the north and the arterial road A1306 to the south. A further constraint are the pair of OHL's/pylons running through the northern portion of the site which requires a 5.5m wide OHL easement zone. The application site also borders Ship Lane to the east and the western boundary is characterised by undeveloped open green space to the northern portion and ancient woodland Watts Wood to the south western portion.
- 2.2 A proportion of the site comprises of open storage for a number of items including HGV parking, maintenance areas, container storage and office spaces with associated fencing around the perimeters and a small number of residential dwellings.
- 2.3 To the south of the site, Broomhill, a residential property, forms an access onto Arterial Road which will be demolished to accommodate the employment scheme.
- 2.4 To the south west of the application site, a public footpath (no. 149) is accessed from the A1306 and runs northwards through ancient woodland and accesses the western part of the site. The footpath extends further north towards the Mardyke River and eventually extends eastwards towards Ship Lane. The site is within Flood Risk Zone 3, but benefits from flood defences.
- 2.5 Notwithstanding the limited existing employment uses on site, the application site is outside any employment policy designation, although there are significant quantities of employment land within the wider West Thurrock area directly south/south east of the application site.
- 2.6 The immediate locality is characterised by open land. The Thurrock Hotel is directly opposite on the eastern side of Ship Lane but set back and Premier Inn is also opposite on the southern side of the A1306 adjacent to the J31 roundabout. South of the A1306 is characterised by residential properties but those properties are also surrounded by the wider West Thurrock Industrial / Employment land Uses.
- 2.7 Further north of the application sites, beyond the Mardyke River, lies a Traveller Caravan Site, the A13 and the town of Aveley which is accessed through Ship Lane.

3.0 RELEVANT PLANNING HISTORY

Application Reference	Description of Proposal	Decision
21/01855/SCO	Request for a Scoping Opinion pursuant to Part 4(15) of the Town and Country Planning (Environmental Impact Assessment) Regulations 2017: Proposed development for up to 50,000 sq.m (GEA) of warehouse space and ancillary uses including office space, on-site parking of up to 580 spaces, service yards, proposed vehicular access to the east of the site from Ship Lane, associated infrastructure works, landscape buffer and drainage works at Mardyke Farm, located to the west of Junction 31 of the M25, Purfleet, Essex, RM19 1YX.	Advice Given
19/00643/CLEUD	Storage of scaffolding equipment / building materials / plant and machinery (use class B8) and overnight parking of HGVs associated with the scaffolding industry	Pending Consideration
15/01033/CLEUD	Use of building for the parking of commercial vehicles and storage of materials together with an office and w/c relating to a scaffolding business.	Approved
09/00213/LDC	Use of land for open storage (B8 use)	Approved
87/00451/OUT	Retail garden centre	Refused
87/00450/FUL	Change of use from packing shed to administration unit to serve caravan and camping site	Refused
85/01014/FUL	Change of use of packing shed and yard to farm shop.	Refused
72/01142/FUL	Erection agricultural and horticultural buildings.	Approved

4.0 CONSULTATIONS AND REPRESENTATIONS

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

PUBLICITY:

4.2 This application has been advertised by way of individual neighbour notification letters, press advert and public site notice which has been displayed around the application site. The overall date for consultation comments expired on 14 March 2023. The Council has received approximately 151 comments on the application

and a formal petition of 600+ signatories opposing the development.

- 4.3 A number of comments have been received from outside of the Aveley / Purfleet area and a large proportion of these were outside of the Borough entirely.
- 4.4 Thirty three (33) of the written comments, including comments from the Aveley & Kennington Community Forum, object to the application on the following grounds:
- loss of Green Belt;
 - increased traffic / congestion;
 - landscape impact;
 - impact on infrastructure;
 - construction noise / dust;
 - loss of habitat;
 - lack of demand for uses;
 - air quality impacts;
 - flood risk;
 - increased pollution; and
 - loss of woodland.
- 4.5 One hundred and eighteen (118) written comments support the application on the following grounds:
- job opportunities;
 - low carbon development;
 - provision of community assets;
 - opportunities for youth groups;
 - improved recreational opportunities

ARCHAEOLOGY:

- 4.6 No objection, subject to relevant archaeological conditions prior to the commencement of the development.

ANGLIAN WATER:

- 4.7 No objections, subject to relevant conditions and informatives.

EMERGENCY PLANNING:

- 4.8 As the site lies within Flood Risk Zone 3, a site-specific Flood Warning and Evacuation Plan (FWEP) that can be maintained for the lifetime of the development will be required worst-case scenario (flood breach/overtop).

ENVIRONMENT AGENCY:

- 4.9 Holding Objection, in principle, because the development is within a flood risk vulnerability category and inappropriate in the flood zone located.

ENVIRONMENTAL HEALTH:

- 4.10 No objections subject to conditions.

FLOOD RISK MANAGER:

- 4.11 Further information required concerning:

- Impact of surface water flood risk due to the proposed development on surrounding catchment.
- Impact of sea level rise on the development (risk assessment) and proposed mitigation.
- Flood resilience measures within the development.
- FWEP (Flood Warning and evacuation plan).
- Impact of the most recent NPPF on the definition of Flood Zones A and B.
- Impact of variability of ground water on potential design of underground storage and mitigation.
- Ground water monitoring data.
- Also please check the watersheds which impact the site and wider area to inform the drainage strategy.

ESSEX POLICE:

- 4.12 No objection but welcomes opportunity to discuss Secured By Design (SBD) principles with applicant.

HEALTH AND SAFETY EXECUTIVE:

- 4.13 No objection.

HIGHWAYS (THURROCK COUNCIL):

- 4.14 Further information required. In this location, the Local Road Network (LRN) and Strategic Road Network (SRN) Highways Network closely interact it is likely that National Highways will ask for a more detailed assessment of the roads around the development and this is not considered an unreasonable request. At present this development would not be supported in highway terms as it is considered it does not fully assess the highways impact of the development, contrary to PMD9, PMD10 and PMD11 of the Core Strategy.

NATIONAL HIGHWAYS:

- 4.15 National Highways (NH) recommends that Thurrock Council does not determine the

planning application for a period of 56 days (expiring 1.04.23), allowing the applicant sufficient time to respond and address initial concerns regarding trip generation and distribution/assignment. At this time, NH are unable to assess the potential impact of this development proposal on the strategic road network with Thurrock.

LANDSCAPE AND ECOLOGY:

- 4.16 Objection raised on landscape and visual impacts.

NATURAL ENGLAND:

- 4.17 No objections.

PUBLIC RIGHTS OF WAY:

- 4.18 No objection, but concerns raised with regards to the proposed materials and potential maintenance costs to the Council. Proposed pedestrian linkages from the new roundabout onto public footpath 149 are welcome.

PUBLIC HEALTH:

- 4.19 Further information required. The Health Impact Assessment is insufficient information to provide full comment. Public Health have outlined their expectation of what is to be included in the HIA, but their stance is that further engagement / information is required.

TRAVEL PLAN COORDINATOR:

- 4.20 A revised Travel Plan is required.

URBAN DESIGN OFFICER:

- 4.21 The development would cause significant harm to the Mardyke valley and result in urbanisation of the edge of the Mardyke. The clear edge of what is urbanised would encroach into sensitive landscape and would become a precedent that would have negative repercussions in the Valley and for other valuable landscapes in the future.

[NB – although this consultation response includes reference to landscape matters, the specialist response on this topic is from the Council's Landscape & Ecology advisor reported above].

WASTE TEAM:

4.22 No objection

5.0 POLICY CONTEXT

National Planning Policy Framework (NPPF)

5.1 The revised NPPF was published on 24 July 2021. Paragraph 11 of the Framework sets out a presumption in favour of sustainable development. This paragraph goes on to state that for decision taking this means:

- c) approving development proposals that accord with an up-to-date development plan without delay; or
- d) where there are no relevant development plan policies, or the policies which are most important for determining the application are out of date¹, granting permission unless:
 - i. the application of policies in this Framework that protect areas or assets of particular importance provides a clear reason for refusing the development proposed²; or
 - ii any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in this Framework taken as a whole.

¹ This includes, for applications involving the provision of housing, situations where the local planning authority cannot demonstrate a five year supply of deliverable housing sites or where the Housing Delivery Test indicates that the delivery of housing was substantially below (less than 75% of) the housing requirement over the previous three years.

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

The NPPF sets out the Government's planning policies. Paragraph 2 of the NPPF confirms the tests in s.38 (6) of the Planning and Compulsory Purchase Act 2004 and s.70 of the Town and Country Planning Act 1990 and that the Framework is a material consideration in planning decisions. The following chapter headings and content of the NPPF are particularly relevant to the consideration of the current proposals:

- 1. Achieving sustainable development
- 6. Building a strong, competitive economy;

8. Promoting healthy and safe communities;
9. Promoting sustainable communities;
11. Making effective use of land;
12. Achieving well-designed places;
13. Protecting Green Belt land;
14. Meeting the challenge of climate change, flooding and coastal change;
15. Conserving and enhancing the natural environment;
16. Conserving and enhancing the historic environment

5.2 National Planning Practice Guidance (NPPG)

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

- Air quality
- Appropriate Assessment
- Climate change
- Community Infrastructure Levy
- Design
- Determining a planning application
- Effective use of land
- Environmental Impact Assessment
- Flood risk and coastal change
- Green Belt
- Healthy and safe communities
- Historic environment
- Land affected by contamination
- Land stability
- Lawful development certificates
- Light pollution
- Natural environment
- Noise
- Open space, sports and recreation facilities, public rights of way and local green space
- Permission in principle
- Plan-making
- Planning obligations
- Renewable and low carbon energy

- Strategic environmental assessment and sustainability appraisal
- Transport evidence bases in plan making and decision taking
- Travel Plans, Transport Assessments and Statements
- Tree Preservation Order and trees in conservation areas
- Use of planning conditions
- Viability
- Waste

5.3 Local Planning Policy: Thurrock Local Development Framework (2015)

The “Core Strategy and Policies for Management of Development” 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)¹

SPATIAL POLICIES

- CSSP2 (Sustainable Employment Growth)
- CSSP3 (Sustainable Infrastructure)
- CSSP4 (Sustainable Green Belt)
- CSSP5 (Sustainable Greengrid)

THEMATIC POLICIES

- CSTP6 (Strategic Employment Provision)
- CSTP7 (Network of Centres)
- CSTP8 (Viability and Vitality of Existing Centres)
- CSTP9 (Well-being: Leisure and Sports)
- CSTP10 (Community Facilities)
- CSTP14 (Transport in the Thurrock Urban Area)
- CSTP15 (Transport in Greater Thurrock)
- CSTP16 (National and Regional Transport Networks)
- CSTP17 (Strategic Freight Movement and Access to Ports)
- CSTP18 (Green Infrastructure)
- CSTP19 (Biodiversity)
- CSTP20 (Open Space)
- CSTP22 (Thurrock Design)
- CSTP23 (Thurrock Character and Distinctiveness)
- CSTP24 (Heritage Assets and the Historic Environment)
- CSTP25 (Addressing Climate Change)
- CSTP26 (Renewable or Low-Carbon Energy Generation)

- CSTP27 (Management and Reduction of Flood Risk)
- CSTP29 (Waste Strategy)
- CSTP30 (Regional Waste Apportionment)
- CSTP32 (Safeguarding Mineral Resources)
- CSTP33 (Strategic Infrastructure Provision)

POLICIES FOR MANAGEMENT OF DEVELOPMENT

- PMD1 (Minimising Pollution and Impacts on Amenity)
- PMD2 (Design and Layout)
- PMD3 (Tall Buildings)
- PMD4 (Historic Environment)
- PMD5 (Open Spaces, Outdoor Sports and Recreational Facilities)
- PMD6 (Development in the Green Belt)
- PMD7 (Biodiversity, Geological Conservation and Development)
- PMD8 (Parking Standards)
- PMD9 (Road Network Hierarchy)
- PMD10 (Transport Assessments and Travel Plans)
- PMD11 (Freight Movement)
- PMD12 (Sustainable Buildings)
- PMD13 (Decentralised, Renewable and Low Carbon Energy Generation)
- PMD14 (Carbon Neutral Development)
- 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

Procedure:

6.1 With reference to procedure, this application has been advertised inter-alia as being a departure from the Development Plan. Should the Planning Committee resolve to grant planning permission, the application will first need to be referred to the Secretary of State under the terms of the Town and Country Planning (Consultation) (England) Direction 2021. The reason for the referral as a departure relates to the provision of a building where the floorspace to be created exceeds 1,000 sq.m and the scale and nature of the development would have a significant impact on the openness of the Green Belt. Therefore, the application will need to be referred under paragraph 4 of the Direction (i.e Green Belt development). The Direction allows the Secretary of State a period of 21 days within which to 'call-in' the application for determination via a public inquiry. In reaching a decision as to whether to call-in an application, the Secretary of State will be guided by the published policy for calling-in planning applications and relevant planning policies.

6.2 The assessment below covers the following areas:

- I. Principle of the Development and Impact upon the Green Belt
- II. Transport, Highways and Access
- III. Ecology
- IV. Landscape and Visual Impact
- V. Design, Appearance and Layout
- VI. Amenity Uses
- VII. Ground Conditions and Contamination
- VIII. Site Drainage, Flood Risk and Water Resources
- IX. Archaeology
- X. Noise and Vibration
- XI. Air Quality
- XII. Energy and Sustainable Buildings
- XIII. Socio-Economics
- XIV. Planning Obligations
- XV. Other Matters

I. PRINCIPLE OF DEVELOPMENT AND IMPACT UPON THE GREEN BELT

6.3 As all of the site is located within the Green Belt, adopted Core Strategy policies CSSP4 and PMD6 apply to the proposals alongside part 13 of the NPPF (Protecting Green Belt land). Under this heading it is necessary to refer to the

following key questions:

- i. whether the proposals constitute inappropriate development in the Green Belt;
- ii. the effect of the proposals on the open nature of the Green Belt and the purposes of including land within it; and
- iii. whether the harm to the Green Belt is clearly outweighed by other considerations so as to amount to the very special circumstances (VSC) necessary to justify inappropriate development.

- i. Whether the proposals constitute inappropriate development in Green Belt

- 6.4 The site is identified on the Core Strategy Proposals Map as being within the Metropolitan Green Belt where Policies CSSP4 and PMD6 apply. Policies CSSP4 and PMD6 state that the Council will maintain, protect and enhance the open character of the Green Belt in Thurrock. These policies aim to accord with the requirements of the NPPF (2021).
- 6.5 Paragraph 137 within Chapter 13 of the NPPF (2021) states that the Government attaches great importance to Green Belts and that the *“fundamental aim of Green Belt policy is to prevent urban sprawl by keeping land permanently open; the essential characteristics of Green Belt are their openness and their permanence.”* Paragraph 147 of the NPPF states that *“Inappropriate development is, by definition, harmful to the Green Belt and should not be approved except in very special circumstances”*.
- 6.6 Paragraph 148 goes on to state that local planning authorities should ensure that “substantial weight” is given to any harm to the Green Belt and that Very Special Circumstances (VSCs) will not exist unless the potential harm to the Green Belt, by way of inappropriateness, and any other harm resulting from the proposal, is clearly outweighed by other considerations.
- 6.7 With reference to new buildings in the Green Belt, paragraph 149 confirms that a local planning authority should regard their construction as inappropriate, the following exception is of most relevance:
 - g) *limited infilling or the partial or complete redevelopment of previously developed land, whether redundant or in continuing use (excluding temporary buildings), which would:*
 - *not have a greater impact on the openness of the Green Belt than the existing development; or*
 - *not cause substantial harm to the openness of the Green Belt, where the development would re-use previously developed land and contribute to*

meeting an identified affordable housing need within the area of the local planning authority (LPA italics).

- 6.8 The Planning Statement supplied with the application makes reference to the site being previously developed land (PDL). There is existing commercial / industrial activity at the site, however there is only a small proportion of the site located along the eastern boundary adjacent to Ship Lane that is actively operating within these uses. Given the NPPF definition of PDF land and the recent planning history of applications for certificates of lawfulness for development along the eastern boundary (for industrial / commercial purposes), Officers take the view that the application site does constitute PDL.
- 6.9 In terms of meeting the exceptions to inappropriate development in the Green Belt, the application site, as a whole, does not meet the requisite test in terms of fulfilling paragraph 149(g) of the NPPF. The first tenet of para. 149(g) stipulates that the complete redevelopment of PDL land should not have a greater impact on the openness of the Green Belt than the existing development. The table above, under section 1, outlines the extent of the floorspace and height of each of the units proposed.
- 6.10 The quantum of employment floorspace proposed would amount up to 44,463 sq.m which would be spread over 12 units, with an additional community use building. The floorspace and height for each unit range from 500sq.m to 15,777 sq.m and 11.5 to 18.7m respectively and these units would spread across the breadth of the application site.
- 6.11 While floor plans and elevations of the existing structures within the industrial compound have not been submitted, the quantum of development proposed far exceeds the scale, number of buildings and the heights of the existing structures at the site.
- 6.12 Consequently, given that the wider site is primarily characterised by open space and the surrounding land to the north, east and west is also generally open, the proposed development would have a greater impact to the open character of the Green Belt. The proposed employment floorspace, the quantum of buildings and the heights proposed demonstrate the harm to the open character of the site, which is within the Green Belt. Ultimately, the proposed development fails to satisfy with the requirements of para. 149(g) and, therefore, there are no exceptions to inappropriate development that apply.
- 6.13 In light of the above, the development proposed would result in an intensification of built form and use which would represent inappropriate development in the Green

Belt, which is harmful by definition, with reference to the NPPF and Policy PMD6 and CSSP4.

- 6.14 It should be noted that the proposal also includes a new boardwalk adjacent to the Mardyke, upgrades to public footpath 149, a new community/workplace hub, new roundabout junction on Ship Lane and hard/soft landscaping and outdoor recreational facilities. The community/workplace hub building would also amount to inappropriate development in the Green Belt, as indicated above. The other developments i.e. the upgrades to public footpath, new boardwalk, and new roundabout are considered supplementary development to the commercial developments proposed and but would mostly still be considered inappropriate development. Notwithstanding this, the nature of the supplementary developments have not been made explicit in the context of the current application so an exact assessment cannot be made at present.
- 6.15 The description of development and the application details also make reference to recreational facilities, but limited detail has been provided in relation to what these facilities entail. Moreover, the recreational area is not formally part of the red line boundary and, therefore, technically outside the consideration of this application. Although, Officers appreciate that the recreation facilities could be linked to the application site, the recreational area is not considered to harm openness.
- 6.16 In accordance with the NPPF (para. 148), Policies PMD6 and CSSP4, substantial weight should be given to the harm identified from the development.
- ii. The effect of the proposals on the open nature of the Green Belt and the purposes of including land within it
- 6.17 The analysis in the paragraphs above concludes that the proposal is inappropriate development which is, by definition, harmful to the Green Belt in accordance with NPPF (para. 147). The NPPF (2021) also requires the LPA to consider whether any other harm resulting from the proposal exist and whether these harms are clearly outweighed by other considerations (para. 148).
- 6.18 As noted above paragraph 137 of the NPPF states that the fundamental aim of the Green Belt policy to prevent urban sprawl by keeping land permanently open, the essential characteristics of Green Belts being described as their openness and their permanence. The proposals would comprise a substantial amount of new built development in an area which is mostly open, save for a number of existing residential / commercial buildings which do not comprise of much of the sites area.
- 6.19 Advice published in NPPG (July 2019) addresses the role of the Green Belt in the planning system and, with reference to openness, cites the following matters to be

taken into account when assessing the impact:

- Openness is capable of having both spatial and visual aspects;
- The duration of the development, and its remediability; and
- The degree of activity likely to be generated, such as traffic generation.

6.20 It is considered that the proposed development would have a detrimental impact on both the spatial and visual aspects of openness, i.e. an impact as a result of the footprint of the development and building volumes. The applicant has not sought a temporary planning permission and it must be assumed that the design-life of the development would be a number of decades. The intended permanency of the development would therefore impact upon openness. Finally, the development would generate traffic movements associated with the employment use/HGV movements and it is considered that this activity would also impact negatively on the openness of the Green Belt. Therefore, it is considered that the amount and scale of the proposed development proposed would significantly reduce the openness of the site. As a consequence the loss of openness, which is contrary to the NPPF, should be accorded substantial weight in the consideration of this application.

6.21 With regard to the visual impact and the Green Belt assessment of openness, the quantum of development proposed would undoubtedly harm the visual character of the site. While landscape measures are proposed around the periphery of the site, some of the proposed buildings which situated to the east and south of the site would exceed 18 metres in height with a paladin security fence around the site which will not be entirely mitigated by planting/trees alone. Nevertheless, it is considered that the development of the site as proposed would clearly harm the visual component openness.

6.22 Therefore, the proposal would reduce openness both as a spatial and visual concept.

Paragraph 138 of the NPPF sets out the five purposes which the Green Belt serves as follows:

- a. to check the unrestricted sprawl of large built-up areas;
- b. to prevent neighbouring towns from merging into one another;
- c. to assist in safeguarding the countryside from encroachment;
- d. to preserve the setting and special character of historic towns; and
- e. to assist in urban regeneration, by encouraging the recycling of derelict and other urban land.

In response to each of these five purposes:

6.23 *a. to check the unrestricted sprawl of large built-up areas*

The NPPF does not provide a definition of the term “large built-up areas”. The site occupies a relatively isolated position in the borough, south of the Mardyke River, with the vehicle access onto Ship Lane to the east and the A1306 Arterial Road to the south. In this part of the borough the southern edge of the Green Belt is formed by the A1306 with land at Purfleet, West Thurrock, Chafford Hundred and Grays forming a continuous built-up area south of the A1306. To the north of the A1306 lies the application site, the River Mardyke, the A13 further north and the M25 corridors are also within the defined Green Belt with the boundary tightly around the edges of the built up areas of Aveley and South Ockendon.

6.24 It is considered that the urban area stretching between Purfleet and Grays south of the A1306 can reasonably be described as a large ‘built up area’. The proposed development is considered to encourage the unrestricted sprawl of the land south of the Arterial Road. The proposal would introduce new built form to the northern boundary. This would amount to a ‘sprawl’ which would be harmful and is therefore inappropriate development in the Green Belt. On balance, it is considered that the proposals are likely to significantly impact upon the purposes of including land within the Green Belt by encouraging the unrestricted sprawl of a large built-up area.

6.25 *b. to prevent neighbouring towns from merging into one another*

As mentioned above, the site is south of Aveley village and north of West Thurrock. Given the location of the application site, the proposals would encourage the merging of neighbouring towns together by virtue of the sprawling of development from West Thurrock, to the south, and towards Aveley towards the north. The development proposals would impact upon the purpose of including land within the Green Belt in that a relatively open parcel of land would be developed between two neighbouring towns those being West Thurrock and Aveley.

6.26 *c. to assist in safeguarding the countryside from encroachment*

Any development within this open site is likely to represent a significant encroachment into open countryside. It is evident at present that there is limited built form within the site and it has a distinct perception of openness well beyond the Mardyke river to the north. Development of the site as proposed would clearly cause harm to this purpose of the Green Belt.

6.27 *d. to preserve the setting and special character of historic towns*

The application site is located near ancient woodland but the proposal would not conflict with this defined purpose of the Green Belt for this location.

6.28 *e. to assist in urban regeneration, by encouraging the recycling of derelict and other urban land*

In general terms, the development of the proposed distribution/storage uses could occur in the urban area and in principle there is no spatial imperative why Green Belt land is required to accommodate this element of the proposals. Members will be aware that a new Local Plan for the borough is being prepared and the release of some Green Belt land is anticipated in order to meet future growth. Indeed, the existing adopted Core Strategy Policy CSP4 recognise the scenario of some Green Belt release.

6.29 Although the new Local Plan may identify locations for the release of Green Belt land, the document and its accompanying evidence base is not at a stage that can be afforded weight in the decision-making process. Therefore, on first impression, the development of this Green Belt site as proposed could discourage, rather than encourage urban renewal. The applicant has not provided any analysis demonstrating whether sites within the urban area are available for commercial use proposed.

6.30 In conclusion under this heading, it is considered that the proposals would lead to harm to the Green Belt by way of inappropriate development (i.e. definitional harm) and there would also be harmful by way of loss of openness and there would be harmful as a result of conflict with Green Belt purposes (a), (b), (c) and (e).

6.31 In accordance with para. 148 of the NPPF (2021) substantial weight should be afforded to the Green Belt harm identified above.

iii. Whether the harm to the Green Belt is clearly outweighed by other considerations so as to amount to the very special circumstances (VSC) necessary to justify inappropriate development

6.32 Paragraph 148 of the NPPF states that, when considering any planning application, local planning authorities -

“should ensure that substantial weight is given to any harm to the Green Belt. Very Special Circumstances will not exist unless the potential harm to the Green Belt by reason of inappropriateness, and any other harm, is clearly outweighed by other considerations”

- 6.33 Neither the NPPF nor the adopted Core Strategy provide guidance as to what can comprise Very Special Circumstances (VSC), either singly or in combination. However, some interpretation of VSC has been provided by the courts. The rarity or uniqueness of a factor may make it very special, but it has also been held that the aggregation of commonplace factors could combine to create VSC (.i.e. 'very special' is not necessarily to be interpreted as the converse of 'commonplace'). However, the demonstration of VSC is a 'high' test and the circumstances which are relied upon must be genuinely 'very special'.
- 6.34 In considering whether VSC exist, factors put forward by an applicant which are generic or capable of being replicated on other sites, could be used on different cases leading to a decrease in openness of the Green Belt. The provisions of VSC which are specific and not easily replicable may help to reduce the risk of a precedent being created. Mitigation measures designed to reduce the impact of a proposal are generally not capable of being a VSC. Ultimately, whether any particular combination of factors amounts to VSC will be a matter of planning judgement for the decision-taker.
- 6.35 The Planning Statement submitted to accompany the application sets out the applicant's case for VSC under the following main headings:
- a. New Employment Opportunities;
 - b. Strengthening of the National Growth Area and Freeport;
 - c. Traffic Calming Measures and HGV Reduction on Ship Lane, Aveley;
 - d. Enhancement to the Green Network and Mardyke Valley;
 - e. New Community Amenities;
 - f. Landscape and Ecology Enhancements;
 - g. Carbon Neutral development meeting BREEAM Outstanding; and
 - h. Thurrock Council's Strategic Green Belt Assessment (2019)

a. New Employment Opportunities

Applicant's case

- 6.36 The Planning Statement supplied suggests that very considerable economic benefit will arise as a direct result consequence of the proposals in terms of its contribution to the local, regional and national economy and this would accelerate job creation in Thurrock, training opportunities and increased expenditure to support other businesses. The sentiment is that the proposals respond to the specific post-Covid economic effects aiding a local and national recovery. Paragraphs 81 and 83 of the NPPF (2021) are referenced in the applicants Planning Statement to further justify inappropriate development in the Green Belt.

- 6.37 There is an economic objective to the principle of sustainable development and it is necessary to consider in the context of the application. The applicant considers the levels of deprivation within the borough and, as a result of the development, there would be an immediate benefit to the local economy and the Government's levelling up aspirations.
- 6.38 To summarise, the applicant considers the proposal would have the following operational benefits (not including construction benefits);
- Direct employment: 703 jobs
 - Indirect employment: 209;
 - Direct GVA: £134m
 - Additional 45,340 sq.m of industrial floorspace in Thurrock (uplift of 2.7%)
- 6.39 The applicant draws from an appeal application, outside the Borough (ref (APP/K2420/W/21/3279939), where the Inspector attributed significant weight to the employment uses proposed, having considered they met the large-scale local requirements (as well as additional economic benefits) within specific area. Similarly, the applicant refers to the economic benefits of the logistics park and increasing and evolving demand due to the rapid growth in the e-commerce sector.
- 6.40 The applicant further claims that the logistics sector now provides high quality, well paid and productive jobs; the field is becoming a leading sector in decarbonisation through adopting techniques such as electrification and automation. In order the sectors aspirations to be realised, the applicant asserts that modern facilities are required in appropriate locations.
- 6.41 Essentially, the applicant asserts there would be economic benefits resulting from the proposed development at a local, regional and national level.

Assessment

- 6.42 Notwithstanding the economic benefits, the application site is within the designated Green Belt and the development constitutes inappropriate development, which is by definition harmful. While the stated benefits are noted, para. 11 (d) of the NPPF confirms the application of the principle of sustainable development as follows;
- 6.43 *'where there are no relevant development plan policies, or the policies which are most important for determining the application are out of date, granting permission unless the application of policies in this Framework that protect areas of particular importance provides a clear reason for refusing the development proposed.'*

- 6.44 Footnote 6 from the above extract includes Green Belt as an area or asset of particular importance. Succinctly put, land designated as Green Belt provides a strong reason for refusing of the proposal. Notwithstanding the acknowledged economic benefits the proposals could not be viewed as 'Achieving Sustainable Development' since this would directly contravene the NPPF's policies on 'Protecting Green Belt land' (Chapter 13).
- 6.45 Using the 'Employment benefits' as a VSC to address the inappropriate development, the applicant has provided details of similar applications relatively nearby, for instance;
- the site adj. A13 A1306 and Purfleet Road for a distribution centre (19/00271/FUL);
 - the redevelopment of Purfleet Centre for a mixed use development (17/01668/FUL);
 - Ponds Farm (now Ocado) (12/00862/FUL);
 - Amazon Fulfilment Centre (10/50157/TTGOUT).
- 6.46 None of the applications above are entirely the same as the current application. Some are within the Green Belt, some are similar in nature in terms type of business and some are legacy cases from Thurrock Development Corporation.
- 6.47 The applicant also considers that if Thurrock is to meet employment targets and maintain a strong delivery pipeline, it will need to bring forward sites urgently (para. 6.67) and references evidence of an appeal case (external to the Council) that support the premise that a lack of alternative sites should be afforded significant weight in the planning balance. The economic benefits of the proposals with regard to short term construction jobs, job creation during operation and the linked benefits to the local and wider economy are recognised. Clearly the scale of the proposals would mean a large number of jobs.
- 6.48 To summarise under this heading, the proposal would result in direct employment benefits in the short term, during construction, and later operational economic benefits. This benefit accords with the economic objective of sustainable development and therefore is afforded moderate positive weight.

b. Strengthening of the National Growth Area and Freeport;

Applicant's case

- 6.49 The Government considers that Freeports will play a crucial part in driving forward the levelling up agenda and play a fundamental role in the Government's post-

COVID-19 recovery. Thames Freeport which includes London Gateway and Tilbury Port has recently received Government approval. Freeports will benefit from a range of customs measures; meaning that businesses operating inside designated areas in and around the port may manufacture goods using these imports, before exporting them again without paying the tariffs and benefit from simplified customs procedures.

6.50 The benefits of Thames Freeport within the Borough have been noted by the applicant and at para. 6.78 of the Planning Statement it is considered that that the proposal will help strengthen the local Freeport through the provision of a direct and indirect jobs and significant investment into Thurrock.

6.51 Essentially on this consideration, the applicant's position is summarised below;

'Mardyke Farm would provide a range of higher quality units both small and over 100,000 sq.ft, which would address the needs of local business requiring newer premises or wishing to grow as well as those wishing to move into the areas whether that be those displaced from London or elsewhere'

6.52 This suggested consideration is not dissimilar to the economic opportunities discussed above. Notwithstanding, it is addressed it is as separate matter.

Assessment

6.53 Para. 81 of the NPPF (2021) stipulates that significant weight should be placed on the need to support economic and productivity, taking into account both local business needs and wider opportunities for development. Paragraph 83 also stipulates that planning policies and decisions should recognise and address the specific locational requirements of different sectors. The LPA do not dispute the potential benefits of Freeports within the borough, although it is not clear from the applicants Planning Statement why Green Belt land is required to further support Thames Freeport. It is acknowledged the location of the application site in relation to transport networks and existing employment land designations, but this is not sufficient to warrant a VSC in itself.

6.54 In light of the above, the aspirations of the logistics sector are appreciated, as outlined above. However, Officers take the view it has not been sufficiently demonstrated why Green Belt land is required to for these aspirations to be realised.

6.55 Therefore this factor is afforded very limited weight in the Green Belt planning balance.

c. Traffic Calming Measures and HGV Reduction on Ship Lane, Aveley

Applicant's case

- 6.56 The proposals include a 'HGV roundabout' mostly within the application site, which forms a new access to the site, but the plans indicate works would need also need to be made to the public highway. If HGVs are not heading to the application site, the works would enable lorries travelling northbound, erroneously, on Ship Lane (from jct. 31) to be re-routed back to jct.31 rather than continuing through Aveley village. Essentially a new roundabout along the eastern boundary, which forms a new access to the application site and potentially also to the site directly opposite, would prevent HGVs leaving the site from travelling towards Aveley village to the north. The applicant considers that HGV movements along Ship Lane are a major issue amongst residents and that the Council has recognised such issues with attempts to address matters through a public consultation. The applicant is offering to bring forward the highways works and pay for them as part of the proposed developments, subject of this application.

Assessment

- 6.57 For information, historically there has been an issue arising from HGVs travelling from jct.31 northbound along Ship Lane and then negotiating the Ship Lane / High Street mini-roundabout and High Street before joining the B1335 (Aveley bypass).
- 6.58 The issue has previously been recognised by Highways Officers and a public consultation (Ship Lane, Aveley HGV Movements Consultation) with local residents was undertaken by the Council in January and February 2019. This consultation was comprehensive with over 4,000 properties consulted and 362 responses received. Five options to address the HGV issue, with estimated costs, were presented as part of the consultation comprising:
- a) new roundabout at the Thurrock Hotel entrance (i.e. adjacent to the current application site);
 - b) two-way width restriction on Ship Lane;
 - c) partial one-way routing;
 - d) partial road closure and
 - e) northbound bus lane.
- 6.59 The applicant is promoting a potential solution to the Ship Lane HGV issue and it is

clear the Council has previously identified the HGV/highways issues along Ship Lane heading towards Aveley. As noted above, options have been formulated and a public consultation exercise completed back in 2019 and the roundabout (option a) was the favoured outcome. Nevertheless, the LPA is unaware of any immediate plans to bring forward the preferred outcome. Additionally, given the period of time that has passed since the Council's 2019 consultation the likelihood of these works being delivered is unlikely especially given the indicative costs.

- 6.60 Having liaised with the Highways Authority, in terms of the proposed access to the site, the Highways department consider that given the scale of development, changes to the existing site access will be required to accommodate increased HGV movements into/exiting the site. Therefore, an improved access to the site is functionally required in highways terms. However, the proposals would deliver the preferred solution from earlier consultation.
- 6.61 Consequently, moderate positive weight should be afforded to the applicant's proposed roundabout.

d. Enhancement to the Green Network and Mardyke Valley

Applicant's case

- 6.62 It is the applicant's stance that the proposed development addresses the Borough's shortfalls in sufficient quality and accessible open green space. The proposals are considered to improve existing open space for multi-purpose uses, these suggested uses are listed below;
- Children's Play;
 - Improved footpath and Boardwalk facilities;
 - Dog Adventure Playground;
 - Leisure and Sports.
- 6.63 In order to support this position, the applicant references the Council's Community Needs and Open Spaces Study (2005), Green Grid Strategy: Open Spaces Strategy (2006-2011) and Thurrock Active Places Strategy (2020). These supporting studies have assisted the applicant in concluding that the proposed development would assist in the provision of high-quality infrastructure for the benefit of local residents and the prospective workforce of the proposed employment uses.

Assessment

- 6.64 Planning policies recognise the need for additional quality open recreational space within the Borough. However, as a very special circumstance to justify inappropriate development in the Green Belt, Officers do not consider that the provision of outdoor recreational space is sufficient or appropriate to justify the quantum employment floorspace proposed. Other than the type of outdoor provision listed above, the applicant has not supplied any other details on what this outdoor recreation facilities involve. At this stage, it is not even clear whether the outdoor recreational space would amount to operational development particularly as the open space is not a 'new' provision.
- 6.65 Furthermore, the possibility of the outdoor space is further questionable as the provision would be made outside the redline boundary of the application site but within the blue line of the wider land which denotes the applicant's ownership. There have been considerable comments from members of the public regarding their support for 'youth provision' which Officers consider to correspond to the provision of recreational space and community amenities. Having liaised with the agent on the matter, they have advised that they would be seeking to address the recreational facilities within a s106 obligation.
- 6.66 The Planning Statement also makes claims that the recreational space provided would be 'accessible' to members of the public as well as workers of the employment buildings. In terms of accessibility to the public, the area that is designated for recreational space to the west of the application site is currently accessed through public footpath to the south of the site from Arterial Road (A1306, Purfleet). Therefore, members of the public would need to be routed through the existing footpath via Watts Woods, or the newly created footpath or through the vehicle access onto Ship Lane then through employment area. In these circumstances, Officers do not agree with the applicant's case on the degree of accessibility to the recreational space, nor that the provision of open space could compensate for employment buildings proposed. But it is acknowledged that the community facilities that form part of the proposal could provide a wider benefit.
- 6.67 Notwithstanding the above, Officers consider that the proposed boardwalk would be a genuine benefit along the Mardyke River as it would enhance the existing footpath route (FP149) and, therefore, consider positive weight could be afforded to this factor.
- 6.68 For reasons expressed above it is considered that limited positive weight could be attributed to this factor.

e. New Community Amenities

Applicant's case

- 6.69 This factor which has been promoted as an argument for Very Special Circumstance is closely linked with (d) above: Enhancement to the Green Network and Mardyke Valley, which is essentially the provision of outdoor recreational space. In terms of the amenities provided, the Planning Statement states that the new amenity provision refers to the indoor/outdoor spaces and that the Essex Boys and Girls Club would control the facilities. This community provision would be available to employees of the proposed logistics park, but also open to members of the public. The applicant is proposing to pay for the community facilities which they are willing to secure through a s106 obligation.

Assessment

- 6.70 Unlike the recreational enhancements proposed, the proposed community building is within the red line outlining the application site and the benefits of such uses are noted. Within the context of the application, the amount of community use floorspace proposed compared with totality of employment floorspace roughly equates to 1% although it is acknowledged that the quantum of community floorspace proposed does not need to be proportional to the employment floorspace. Although dual-use of the building by employees and the public is proposed, it is not understood how the building could accommodate prospective employees and/or members of the public separately or simultaneously. Similar to the proposed recreational space provision, the accessibility of the community use building has yet to be established.
- 6.71 Provision of community amenities would accord with the social objective of sustainable development. However, notwithstanding the level of support for the application from members of the public relating to the community provisions, for reasons expressed above Officers consider that only limited positive weight could be attributed to this factor.

f. Landscape and Ecology Enhancements

Applicant's case

- 6.72 The applicant considers that the proposal will deliver extensive areas of greenspace which, as a design feature, which will assist with achieving sustainable drainage capacity, visual screening and open space provision for the future users of Mardyke Park. It is also held that the provision of greenspace would also contribute significantly to biodiversity, mitigation and enhancements, whilst highest value receptors (Watts Wood ancient woodland and the Mardyke river) are retained and unimpacted. A 15-metre buffer is also proposed between the watercourse and

the built environment, with the exception of the proposed boardwalk. A range of management techniques are proposed which, inter alia, involve habitat creation, encouraging a more riparian edge habitat (by way of bund removal), an appropriate scrub management regime and the bring back of Watts Wood into active management.

- 6.73 The applicant concludes on the enhancements to landscape and ecology support the objectives of Policy CSSP5: Sustainable Green Grid. Essentially, it is considered that the proposed ecological and biodiversity improvements within the Mardyke valley would also be offering education/public awareness benefits. The implementation of interpretation boards are also proposed as an educational resource to encourage existing / new users to interact with the wider site.
- 6.74 The proposals are also purported to provide a range of ecological enhancements, such as new native trees, hedgerows and planting to reinforce vegetation along the boundary.

Assessment

- 6.75 While active management of the ancient woodland is proposed, it is further proposed that Watts Woods would be separated from the proposed development with fencing, retaining walls and woodland & thicket planting, details of fencing have been supplied to demonstrate details.
- 6.76 Improved access to the river as a result of the boardwalk is of some value, as this is considered a provision over and above ordinary landscape and ecology enhancements. Improving accessibility to the Mardyke river, through a boardwalk would be considered a site-specific benefit of the application. Details of the boardwalk are yet to be confirmed and, thus, Officers are not clear on the appropriateness of the design. If the application were to be recommended for approval, such details would need to be acquired via a suitably worded planning condition or s106 obligation.
- 6.77 Under the heading of Biodiversity Net Gain (BNG), as a benefit of the proposals references have been made to what the applicant considers relevant appeal decisions which are outside the Borough. According to the Ecological Impact Assessment, the calculations are said to demonstrate net gains of +11.08% in biodiversity units and +19.62% in Hedgerow Units.
- 6.78 Appeal decisions supplied in favour of Landscape / Ecological Enhancement as a benefit amounting to VSC are outlined in the applicant's Planning Statement. In short, the applicant considers that the appeal decisions are evidence that significant weight should be afforded to this factor and, therefore, regarded as a

Very Special Circumstance in support of the development.

- 6.79 The enhancements to the site are noted, but at this stage it is not clear whether the enhancements to the site apply to the wider area within the applicant's ownership but outside of the red line boundary of the application. Although, as briefly noted above, the public accessibility claims to the site are not entirely agreed.
- 6.80 Thus, the biodiversity points are noted, but how the wider site would be maintained is a concern as the accessibility to the site is limited. It must be remembered that the provision of landscaping within new developments and ecological enhancements, including Biodiversity Net Gain, are encouraged by existing local and national planning policies. As a general point this would limit the weight to be applied to this consideration. However, emerging requirements for Biodiversity Net Gain indicate a 'metric' of 10%, whereas the proposals offer a net gain in excess of this minimum.
- 6.81 In light of the above, and as a matter of judgement, the factors relating to the proposed boardwalk and the BNG provisions are afforded moderate weight in the Green Belt balance.

g. Carbon Neutral development meeting BREEAM Outstanding

Applicant's case

- 6.82 As a factor comprising VSC's, the applicant asserts that the proposal would operate as a net zero carbon development; fossil fuel free, all-electric, will adopt highly efficient air source heat pumps and include rooftop photovoltaic panels to further provide renewable electricity.
- 6.83 There are ample national policies and local plan policies that endorse development to adopt a reduction in carbon emissions by relying less on fossil fuels, using renewable sources of energy and ensuring new buildings are efficient and built to the requisite standards.
- 6.84 The development proposes the following measures to ensure the development exceeds the policy requirements;
- Reduction in 100% of the regulated carbon emissions;
 - Annual energy usage is predicted at 2,072,343kWh
 - Annual electricity generation from the roof PV's of 2,033,660kWh

- The development would, therefore, be designed to meet the UK Green Building Council (UKGBC) Net Zero Carbon Buildings;
- Use highly efficient air source heat pumps for heating, hot water and cooling with no reliance of heat source pumps.

Assessment

- 6.85 In light of the above measures proposed, it is the applicant's view these measures exceed local and national requirement and, as a result, it is alleged this would result in an exemplar development raising the net zero sustainability and net carbon expectations in the borough.
- 6.86 The NPPF (2021) encourages the planning system to aid a transition to a low carbon future as a means tackle climate change and at para. 157 the NPPF it stipulates that LPA's should expect new developments to comply with local requirements for decentralised energy supply. Policy PMD12 (Sustainable Buildings) requires non-residential floorspace over 1,000sq.m to achieve BRERAM Outstanding (in addition to national standards for zero carbon). Policy PM13 (Decentralised, Renewable and Low-Carbon Energy Generation) also requires new developments to secure a minimum of 20% of predicted energy from decentralised/renewable or low carbon sources. Furthermore, the Government has released as an independent report titled 'Mission Zero' (2023) setting out a pathway to reaching net zero greenhouse emissions by 2050.
- 6.87 It is acknowledged that efforts have been made to ensure the proposed logistics park, comply with local and national policies, and that the applicant has taken special steps to ensure the scheme operate as a net zero carbon development. However, with regard to achieving BREEAM Outstanding standards, this aspect of the proposed benefits is a policy compliance matter. With regard to net zero operational carbon and the proposed usage of air source heat pumps, these clearly exceed the policy criteria, but are consistent with Government aims to support a net zero carbon development.
- 6.88 On balance in light of the above, it is considered that moderate positive weight should be attributed to this factor.
- 6.89 The following factors that have not been formally submitted as considerations amounting to VSC's, but have been mentioned in support of the application.

h. Very Special Circumstances: Strategic Green Belt Assessment (2019)

Applicant's Case

6.90 The applicant references 'The Thurrock Strategic Green Belt Assessment Stages 1a and 1b (January 2019) within the Planning Statement. The Thurrock Strategic Green Belt Assessment (TSGBA) Stages 1a and 1b was produced by the Council in January 2019 and forms part of the suite of documents supporting the new Local Plan. This document identifies strategic parcels of land within the Green Belt in terms of their 'contribution' to three of the five Green Belt purposes. The site is identified as forming part of strategic parcel no. 39 and paragraph 6.1.5 (conclusions) identifies that, even in the event this parcel were to be released from the Green Belt to accommodate some development, it maintains that 'carefully located development within parts of these parcels would not lead to the physical or perceived merging of towns'.

Assessment

- 6.91 Notwithstanding the above, the Thurrock Local Plan Issues & Options (Stage 2) consultation also refers to the Thurrock Green Belt Assessment Stages 1a and 1b as a technical document that "...does not specifically identify any sites or broad areas of Green Belt for development as any decision on the need to amend the boundary of the Green Belt in Thurrock must be taken as part of the wider plan-making and evidence development process...".
- 6.92 Furthermore, the TSGBA (2019) also asserts that parcel 39 has other strong constraints to development within this area, those being the Mardyke valley and the associated flood risks to the surrounding land within this parcel.
- 6.93 Such constraints shall be considered later in this report, but for the purpose of assessing Very Special Circumstances, the conclusions of the *Thurrock Strategic Green Belt Assessment* have only very limited weight in the consideration of this case.

Green Belt conclusion

- 6.94 The proposed employment hub comprises inappropriate in the Green Belt. Consequently, the development would be harmful by definition with reference to paragraph 147 of the NPPF. The proposals would reduce the openness of the Green Belt and, with reference to the purposes of the GB defined by NPPF para. 138, would result in a degree of coalescence and encroachment contrary to purposes (a), (b), (c) and (e). In accordance with NPPF paragraph 144 "substantial" weight should be given to this harm.
- 6.95 With reference to the applicant's case for other considerations, an assessment of the factors promoted is provided in the analysis above. However, for convenience, the weight which can be attached to the factors promoted by the applicant and the

GB harm can be briefly summarised as:

Brief summary of GB harm considerations promoted by Applicant			
<u>Harm</u>	<u>Weight</u>	<u>Factors / considerations promoted by the Applicant</u>	<u>Weight</u>
Inappropriate development	Substantial	New Employment Opportunities	Moderate positive weight
Reduction in the openness of the GB		Strengthening of the National Growth Area and Freeport	Very limited positive weight
Conflict (to varying degrees) with the purposes including land in the GB (purposes (a), (b), (c) and (e))		Traffic Calming Measures and HGV Reduction on Ship Lane, Aveley	Moderate positive weight
		Enhancement to the Green Network and Mardyke Valley	Limited positive weight
		New Community Amenities	Limited positive weight
		Landscape and Ecology Enhancements	Moderate positive weight
		Carbon Neutral development meeting BREEAM Outstanding	Moderate positive weight
		Strategic Green Belt Assessment (2019)	Very limited positive weight

6.96 As ever in reaching a conclusion on Green Belt issues, a judgement as to the balance between harm and whether the harm is clearly outweighed by other considerations, including the benefits of the development, must be reached. In this case there is harm to the GB with reference to inappropriate development, loss of openness and some conflict with the purposes of the Green Belt. Several factors have been promoted by the applicant as comprising benefits which could clearly outweigh the harm to the GB (and any other harm) so as to comprise the VSC necessary to approve inappropriate development. It is for the Committee to judge:

- i. the weight to be attributed to these factors;
- ii. whether the factors are genuinely ‘very special’ (i.e. site specific) or whether the

accumulation of generic factors combine at this location to comprise VSC.

- 6.97 Members of the Planning Committee are reminded of the content of NPPF paragraph 148 which states:

“Very Special Circumstances will not exist unless the potential harm to the Green Belt by reason of inappropriateness, and any other harm resulting from the proposal, is clearly (emphasis added) outweighed by other considerations.”

- 6.98 Therefore, and although every case falls to be determined on its own merits, the benefits of the proposals must clearly outweigh the harm for VSC to exist. If the balancing exercise is finely balanced, then VSC will not exist. In this case it is considered that the moderate, limited or very limited benefits of the proposals do not clearly outweigh the substantial harm to the GB and other harm detailed below and as a consequence VSC do not exist.

II. TRANSPORT, HIGHWAYS AND ACCESS

Access

- 6.99 Ship Lane is a Level 1 Rural Distributor (Corridor of Movement) which provides access to the M25. Policy PMD9 of the Core Strategy maintains a presumption against the increased use of an existing direct access onto a Corridor of Movement and, as over 44,000 sq.m of industrial/storage floor space is proposed within the application site, it is evident the employment floorspace proposed would exceed the capacity of the current vehicle access to the site. Notwithstanding this, the NPPF (2021) requires that development should only be prevented, or refused on highways grounds, if there would be an unacceptable impact on highway safety or the residual cumulative impacts on the road network would be severe and policy PMD9 is also generally consistent with this point.
- 6.100 The planning application is accompanied by a Transport Assessment (TA) which forms an appendix to the Environmental Statement. As a result of the proposed development, an amended vehicle access to north east boundary along Ship Lane is proposed in the form of a new roundabout. Officers have liaised with the local highway authority regarding the proposed roundabout, but Highways officers do not attribute any substantial weight to the roundabout as a new access to the site nor as a HGV mitigation measure since, in highways terms, some form of works to the junction would be required to accommodate the proposed vehicle/HGV movements to and from the site.
- 6.101 As a result, vehicle, pedestrian and cycle access to the application site would be accommodated from Ship Lane from the roundabout. The new internal footways

would link to employment units proposed and the community building, but would also link to the existing public footpath/proposed boardwalk along the Mardyke. Additional pedestrian access to the site is also proposed to the south along Arterial Road, east of the existing public footpath access point. The Council’s Public Rights of Way Officer has commented on the proposed improvements to public footpath 149 and the proposed boardwalk: no objections were raised on these points, but suggestions were made to ensure the longevity of the improvements and that the Council would not be liable for the maintenance of the works of the boardwalk. In any case, if the application were to be recommended for approval, these matters would be addressed as an obligation within the s106 agreement.

Parking

- 6.102 Parking proposed within the site for employment floorspace amounts to 502 vehicle and 132 cycle spaces with appropriate provisions of motorcycle spaces, disable parking and electrical charging facilities.
- 6.103 Vehicles for the community hub would access the facilities via the Ship Lane entrance and a total 25 car parking spaces and 13 cycle spaces would be allocated for the community facilities on site. Again, appropriate disabled provisions and electric vehicle charging points would be provided for this part of the site. The Council adopted new Parking Design and Development Standards in February 2022 and no objection has been raised by the Highways Officer in relation to the proposed parking provision. Proposed vehicle parking arrangement therefore comply with Policy PMD8 of the Core Strategy.

Traffic Impacts

- 6.104 With regard to baseline conditions, the table extract (below) contains 2022 Automatic Traffic Count (ATC) Surveys: Traffic Flows which indicate the M25/A13 (as strategic routes/motorways) carrying significantly more traffic than surrounding local roads. But the other routes below are necessary to consider, given the proximity of the site and to J31 of the M25. The figures below are extracted from the Transport section of the ES and summarised the junctions that have been assessed as experiencing ‘minor’ or greater impacts as a result of the development.

Table 11.2 ATC/DfT Traffic Flow Data around the Site (Two-Way)

Location	Daily Flow
A1306 Arterial Road (N of Purfleet Road)	22,146
A1306 New Road (S of Purfleet)	21,220
A1306 Arterial Road (N of 1090)	18,5424
A1306 Arterial Road (W of Armour Road)	11,768
A1306 Arterial Road (E of Armour Road)	10,790

Ship Lane (S of site access)	12,066
Ship Lane (N of site access)	11,856
High Street, Aveley (W of Ship Lane)	9,178
High Street, Aveley (E of Ship Lane)	8,840
A1306 Arterial Road (E of M25)	32,428
A1306 Arterial Road (E of B186)	16,278

Note: Average weekday traffic was measured between 17th to 23rd January 2022

6.105 The ES Transport chapter identifies residential uses, employment uses, sensitive groups and locations as the relevant receptors to be considered within the scope of the ES. Although, there are relatively limited sensitive receptors in close proximity to the site for consideration.

Construction Impacts

6.106 Regarding the impact of remedial and construction works at the site, these operations will have a direct impact on the number of vehicle HGV and LGV movements to the site. The ES states that it would be difficult to estimate the number vehicles required prior to the operational phase. Nevertheless, attempts have been made to estimate the numbers construction/remediation trips, with an estimated at 100 trips (max) with an average of 40 trips per day for remediation and 50 trips (max) with an average 30 trips for construction trips per day.

6.107 All construction traffic arriving at the site, before it disperses onto the A13 east/west and M25 north/south, would arrive on Ship Lane (south of site access) which already has a baseline figure of 12,066 trips (see table 11.2 above). Therefore, the impact to Ship Lane (south) and associated M25/A13 junctions would experience an increase of 1.7% to the former and a much lower figure for the strategic network (given the significantly higher movement numbers on these junctions). In light of the above, the ES considers that the impact of the constructions phase be negligible. In order to mitigate any impacts of the construction phase, a Construction Environmental Management Plan (CEMP) would be required by appropriately worded planning condition.

Operational Impacts

6.108 The surrounding roads surveyed by the ES indicate that the impact would be negligible (less than 1%) or minor (1-10%) impact on all the surveyed roads, while Ship Lane would have a moderate impact (10-30%) with an increase in traffic of 17.3%.

6.109 The ES considers the ‘moderate’ traffic impact to Ship Lane is principally due to this being main route to and from the application site and, as such, the wider highway

network would carry all the operational HGV traffic, while trips from the north of the site access would be accounted for as employee trips only. Access to the site from the south would experience moderate impacts and, it is for this reason that the ES asserts that as it is only one portion of the road network that will experience moderate traffic impacts as a result of the proposed operational development. Thus the ES consider that the overall impact of the proposed development on the surrounding road / highway network would be minor. On this basis the TA concludes that, as the only impact to the highway network would be to J31 of M25 during AM peak times, it would not be appropriate for the applicant to mitigate this impact, since the junction would still be overcapacity even without the development proposed the junction.

6.110 Table 11.5 from chapter 11 of the ES below indicates the impact from the proposed operational development.

Location	2025 Daily Flow	Development Flow	Total Flow	% increase	Severity of Impact
A1306 Arterial Road (N of Purfleet Road)	23,273	235	23,508	1.0%	Minor
A1306 New Road (S of Purfleet)	22,299	235	22,534	1.1%	Minor
A1306 Arterial Road (N of 1090)	19,466	235	19,701	1.2%	Minor
A1306 Arterial Road (W of Armour Road)	12,367	235	12,602	1.9%	Minor
A1306 Arterial Road (E of Armour Road)	11,338	235	11,573	2.1%	Minor
Ship Lane (S of site access)	12,727	2,206	14,933	17.3%	Moderate
Ship Lane (N of site access)	12,506	431	12,937	3.4%	Minor
High Street, Aveley (W of Ship Lane)	9,681	256	9,938	2.6%	Minor
High Street, Aveley (E of Ship Lane)	9,325	175	9,500	1.9%	Minor
A1306 Arterial Road (E of M25)	34,077	417	34,494	1.2%	Minor
A1306 Arterial Road (E of B186)	17,106	231	17,337	1.4%	Minor

6.111 In terms of cumulative effects of the development, the combined effects of several

development schemes (in conjunction with the proposed development) which may, on an individual basis be insignificant but cumulatively have a significant effect, have been assessed. During both the construction and operational phases of development the ES concludes that the cumulative effects of the development would be negligible with no significant impacts.

Consultation responses: Local Highways Authority and National Highways

- 6.112 Both the local and strategic highway authorities were consulted on the proposed application, as the J30/J31 are likely to be impacted by the proposed development, with J30 being a National Highways asset and J31 being a Thurrock asset.
- 6.113 The initial comments from National Highways stated that the parameters of the original Transport Assessment (TA) were not agreed and that trip rate assumptions were not appropriate. On this basis, a holding objection was issued. Thurrock Highways considered that further modelling to test traffic sensitivity would be required as J30/J31 are intrinsically linked.
- 6.114 On this basis, the applicant has submitted a TA addendum and supporting Transport notes. The additional details supplied essentially conclude that VISSIM modelling will be produced to allay the concerns of both the strategic and local highway authorities and will review J30/J31 as a single model. Nevertheless, the applicant still considers that the TA assumptions still indicate a negligible impact on both junctions and that modelling could be dealt with by an appropriate planning condition and/or s106 mitigation.
- 6.115 With specific regard to the potential significant impacts, mitigation and any residual impact, at the time of writing the updated highway information supplied alludes to there being limited construction or operational impacts and that conditional mitigation measures would be relevant to the limited impacts, such as a CEMP during construction. Travel Plan details have been submitted, but the Travel Plan Coordinator considers that the further details would be required, though Officers are of the view this could be resolved by condition, if the application were recommended for approval.
- 6.116 The current position is that the Local Highways Authority has requested additional VISSIM modelling to understand the potential impact on J31 and, in turn, National Highways further request modelling on this basis due to the potential implications on J30. Therefore, at the time of drafting, as there is insufficient information to determine what the impact would be to both J30 and 31 of the M25, a reason for refusal can be justified on the basis of insufficient information to determine impact.

III. ECOLOGY

- 6.117 The ecology section, (Chapter 6 of the ES) includes an assessment of the likely significant impacts with regard to ecology within the site and within the immediate locality. The Council's Landscape and Ecology advisor has been consulted on the application and states that the application site forms part of the Mardyke Local Wildlife Site (Mardyke LWS) and forms part of the local wildlife corridor extending from Purfleet to North Stifford, while also connecting to five other LWS. The Ecology advisor is of the view that there would be a significant narrowing of the Mardyke LWS as an ecological corridor.
- 6.118 The ES states that the Watts Wood Local Wildlife Site (Watts Wood LWS) comprises an additional study area which supports the species-poor field north of ancient woodland. The surveys from the ES indicate that the main habitat within the application site is modified grassland, which has been identified generally as species-poor, as the site is managed by regular mowing practices. In light of this, the Council's Landscape and Ecology advisor considers that the proposed development has limited potential for supporting protected species, but it was noted that there was potential for roosting, foraging and commuting bats.
- 6.119 Furthermore, although Watts Wood LWS is outside of the application site, it is a key habitat within the immediate locality. The proposed open space to the west of the application site, north of the ancient woodland LWS, is to be retained as large areas of grassland with enhancements to this area, which will comprise recreational space and is intended to be managed as meadow in the long-term. Approximately, 3.18ha of open space would be retained, although it is important to note that the retention of open space is outside the application site and not part of the redevelopment for employment purposes. Therefore, Officers are of the view this open / recreational space above Watts Wood LWS is not strictly a retention of open space as this formally outside of the application boundary, but already exists as such.
- 6.120 Nevertheless, given the mowing maintenance practices, the area above Watts Wood is deemed species poor by the Council's Ecology advisor. Additionally, a number of trees in the Watts Wood LWS will be felled principally due to low ecological value amounting to 0.73ha. No objections were raised in relation to this. Conversely, the Council's Ecology advisor, following his visit to the site viewed mammal tunnels along the north buffer of the site and has requested badger surveys to be conducted and, in the event the application is approved, that these surveys are conditioned accordingly.
- 6.121 Ultimately, the Council's Ecology advisor does not object to the application, but suggests planning conditions if the proposal were to be approved.

IV. LANDSCAPE AND VISUAL IMPACT

- 6.122 The Landscape & Visual Impact chapter of the ES makes reference to the Council's 'The Greengrid Strategy for Thurrock 2006-2011', which recognises that improved green access links between green assets is key to maximising the benefits derived from green assets for residents, workers and visitors in the Borough and identifies a need to enhance existing provision to ensure that it meets the standards set out in the Council's Community Needs and Open Spaces Study (2005). Overall, the Open Spaces Study identifies that the Mardyke Valley scores high on value, but low on quality. Nevertheless, a recommendation was made to reconnect the Mardyke Valley, among other areas, to urban areas in order to create an A13 Parkway Corridor.
- 6.123 In addition, the emerging Thurrock Green & Blue Infrastructure Strategy (2022) also identifies the Mardyke Valley area as a potential for enhancements and for the delivery of significant green and blue infrastructure (GBI benefits). As noted above, the proposed development would effectively narrow the Mardyke LWS, which also has implications for the emerging intentions for enhancing GBI within the Borough.
- 6.124 Furthermore the Thurrock Landscape Capacity Study 2005, which informs and supplements the current Local Plan (Core Strategy), identifies the application site within the 'Urban Fringe'. The Landscape Character Area Map (map 4) underpins Policy CSTP23 of the Core Strategy (2015) which requires the Council to retain and enhance strategic local views which contribute to a distinctive sense of place. Policy CSTP23 stipulates that these views, their sensitivity and capacity for change must be addressed and the effect of the development on them appropriately tested.
- 6.125 The consultation comments from the Council's Landscape advisor express concern that given the location of the site, with exposed boundaries along the Ship Lane/Arterial Road junction, any large scale development would effectively become a dominant feature within the Mardyke Valley. It is noted that the application is identified as being within the Urban Fringe Landscape, within the Landscape Character Area map, which does not 'comply' with the rural image of the area. Nevertheless, the Policy CSTP23 identifies the Urban Fringe landscape as an area where character is an issue.
- 6.126 The Landscape and Visual Impact Assessment (LVIA) submitted discusses the surrounding landscape and describes the application site in landscape terms. Essentially, the surrounding character and the built form has been assessed as part of the site's immediate locality namely; Thurrock Hotel to the east, the industrial buildings and the Premier Inn building to the south of Arterial Road. The LVIA also makes reference to the electrical pylons running through the site which limit the

quality of the site's local landscape character and, as a result, the LVIA asserts that overall the site is of medium – low landscape quality.

- 6.127 The LVIA also states that the application site is not covered by statutory/non-statutory designations for landscape quality/character and is in proximity to transport routes and built form. The points raised in the LVIA have been noted, although on viewing the site from aerial maps it is evident that the application site is part of the wider Mardyke Valley and most of the site and the surrounding area acts a landscape buffer south of the Mardyke river. The pylons/overhead cables naturally diminish the sites landscape value to a degree, but the layout of the site and the nature of the built form is of a sporadic nature. Therefore, with regards to the proposed development, 12no. industrial/warehouse type buildings with the 3 largest buildings being standing at 18.7m high need to be considered in this context.
- 6.128 In light of the above assessment, the LVIA consider that the site is of medium landscape sensitivity. Notwithstanding this sensitivity the proposed scale and quantum of built form are considered to significantly at odds with the site's landscape setting.

Consideration

- 6.129 The Landscape advisor has raised an objection to the application on the grounds of landscape and the visual impacts. The outcomes of the applicant's Landscape Visual Impact Assessment (LVIA) are not agreed by the advisor and instead it is considered that that the actual impact to the landscape would be substantial and adverse at a local level. The development would comprise of large-scale warehouse buildings, although the smaller units are generally proposed along the public footpath which would still be significant in scale at 11.5m high (roof pitch height). Therefore, the Landscape advisor considers that the operational effects of the development would create significant impacts to the users of public footpath FP149.
- 6.130 Within the ES, in terms of the predicted effects of construction, the impact on the landscape character / features has been identified as experiencing considerable change during the construction phase and, as a result a moderate – substantial adverse, significant effect on the assessment area's landscape character. In terms of the construction impacts on the landscape character of the Mardyke Valley and West Thurrock, impact has been identified as negligible / slight adverse and not significant due to existing landscaping, the site's boundary trees/landscaping, as well as potential temporary hoardings and compliance with a Construction Environment Management Plan which would mitigate some of the landscape

effects. Although, it is noted from the LVIA that some receptors would experience significant residual effects which are harmful to the landscape character.

- 6.131 In terms of the effects of operational effects, the LVIA identifies that the site would extend the urban area south of the Arterial Road northwards and states that the operational effects to the landscape would be similar to that outlined in the construction stages, with significant harmful residual impacts on some of the receptors identified. Furthermore, the residual visual impacts on a number of receptors have also been identified as significant.
- 6.132 The mitigation measures proposed for the landscape impacts at the operational stage primarily consist of landscaping and tree planting around the periphery of the site. It is contended by the applicant that any residual effects would remain until proposed mitigation has fully established, around 15 years after planting has been implemented. Notwithstanding, the mitigation measures proposed, the LVIA states that the residual visual effects would reduce to moderate / slight adverse once mitigation has been planted which would ultimately not be of significance. Even with landscaping mitigation measures fully implemented, and the planting fully matured the LVIA still asserts there would be a significant adverse visual impact to users of Ship Lane.
- 6.133 The Council's Landscape advisor has noted the visual effects of the scheme and impacts to the local area and the impacts to Ship Lane and FP149. Given the proximity of the industrial buildings proposed to the site boundary, the Landscape advisor considers that the assessment of the effects on users of the footpath would be substantial as the development would replace existing views of grassland and trees.
- 6.134 Furthermore, in addition to the landscape mitigation measures, one of the design features proposed comprises the public open space provisions to the rear/west of the application site. Although, Officers are not satisfied this comprises a mitigation measure as the site to the west, outside the developable site area already exists as open space and therefore this cannot justifiably put forward as a mitigation measure to off-set 12 industrial units to the east fronting Ship Lane. The Council's Landscape advisor also agrees that public open space (if provision is genuine) would not be able to fully mitigate the loss of the prominent countryside area which forms part of a priority green infrastructure project area in the emerging Local Plan.
- 6.135 In light of the above, the application is recommended for refusal on the basis of harm to landscape and visual receptors.

V. DESIGN, APPEARANCE AND LAYOUT

- 6.136 The NPPF (2021) at para. 126 stipulates the importance of high quality, beautiful and sustainable places, which is fundamental to what the planning and development process should achieve. It goes on to state that good design is a key aspect of sustainable development, creates better places in which to live and work and helps make development acceptable to communities.
- 6.137 Para. 130 of the NPPF (2021) emphasises (inter-alia) that decisions should ensure that developments will function well, add to the overall quality of the area for the lifetime of the development, sympathetic to the local character / landscape setting and ensuring developments create places that are safe, inclusive and accessible providing high standards of amenity for users of the site.
- 6.138 Policy PMD2 requires design proposals to respond to the sensitivity of the site and its surroundings. It also stipulates that developments ought to contribute positively to the character of the areas that may be affected by it and ultimately the creation of a positive sense of place.

Layout

- 6.139 The layout of the application is constrained primarily by the National Grid overhead power lines (OHL) running through the centre and north of the application site. Each run of the OHLs requires a 5.5 metre easement zone which restricts development being built within this area. As a result, the layout of the site is split into three distinct areas.
- 6.140 In terms of vehicle access, a new roundabout is proposed to the north-eastern boundary along Ship Lane, which also has a limb that leads to the boardwalk to the north of the site. The Design & Access Statement (DAS) states that a primary estate road will connect to all the proposed units within the site and the community use building car park. The proposed parking areas are situated as close as practically possible to the proposed buildings in order to reduce the amount of hardstanding required to accommodate access roads/parking.
- 6.141 The northern area of the site is adjacent to the Mardyke river and public footpath 149. In order to improve pedestrian connectivity/accessibility from Ship Lane and encourage interaction with the river, a boardwalk is also proposed in this area. A number of smaller industrial/storage units are proposed south of boardwalk with floor areas ranging from 224sq.m to 1560sq.m and maximum heights of approximately 11.5m. A landscape buffer would be retained between the proposed building with existing/proposed trees and the boardwalk.
- 6.142 The central area of the site, which sits between the two OHLs would comprise Unit 2 which is the largest building in this portion of the site (11,408sq.m floor area)

which fronts Ship Lane, but has been setback from the highway with designated parking area to the east of the building. Unit 5 is a mid-sized building, also with designated parking and a service yard. To the far west of the application site would be the proposed community use building with a site area of 500sq.m , which is constrained between the OHL easement zone. The southern portion of the site would contain the two largest buildings (Units 6 and 7) which are directly north of the A1306 Arterial Road. The southern portion of the site is directly north-west of the J31 roundabout and also has a landscape buffer fronting the roundabout.

- 6.143 East of the northern 'portions' of the site an open space area is proposed to create recreational space, but is outside the red line boundary (developable area) of the site. To the west of the southern portion of the application site is Watts Wood, which again is outside the application site.
- 6.144 A number of the existing trees also constrain the layout of the site, but not to the same degree as the OHLs. Notwithstanding this, some existing trees will be removed to accommodate the some of the proposed buildings.

Design

- 6.145 The DAS expands on the rationale for the building arrangements within the site. It is explained that the smaller units (units 1, 3 and 4) are situated to the north of the site adjacent to the Mardyke river and along the proposed boardwalk in order to minimise the impact to the north, which is characterised by open Green Belt land and the river Mardyke. The larger units (units 2, 6 and 7) are mostly situated towards the boundary edges along Ship Lane and Arterial Road to respond to the scale of the industrial units south of the application site and also create active frontages from the adjacent highways.

Appearance

- 6.146 The Council's Urban Design Officer has been consulted on the application and has expressed concerns with the scheme, particularly in regard to the massing and scale of the industrial / storage buildings in terms of their relationship with the landscape and wider area. In terms of the existing character of the site, the Design Officer considers that the edge of the commercial and residential areas of Purfleet is the Arterial Road, where the boundaries of the landscape becomes defined by Watts Wood and the Mardyke Valley to the north. South of the Arterial Road is characterised by large scale commercial uses and buildings, however the Urban Design Officer points out that north of the Arterial Road the built form is characterised by a rural typology; a small number of buildings that are low level in height, massing and sporadic in layout. For instance, Thurrock Hotel is located to the east of Ship Lane and set back from the road, the low level structures of the

Mardyke Farm west of Ship Lane, and the existing dwelling that is north of Arterial Road and adjacent to Watt's Wood.

- 6.147 The applicant considers that the buildings and associated service areas are intentionally proposed in varying orientations to break up the overall massing of the overall scheme. Notwithstanding, the buildings are designed as industrial scale buildings and a development that would undoubtedly lead to urbanisation of the site. The existing site is a large, mostly open plot of land, which is characterised by two small areas of built form which have limited views from Ship Lane and Arterial Road. The proposed industrial buildings would have large-scale footprints to the south and east of the site, which are the most visually prominent areas and have a height in excess of 18 metres. The applicant has stated that the design approach for the buildings to the south (units 6 / 7) is principally to create active frontages, with the use of the materials palette and orientation of the buildings. Although, given the existing typology to the north of Arterial Road, it is not considered that the industrial buildings of the proposed scale would be appropriate in this location.

Materials

- 6.148 The materials palette discussed in the DAS details that the material which have been selected have been chose to create visual interest, variations, texture and rhythm to the building elevations. The prevailing colour palette appears to be varying shades of grey. Although Officers have some reservations about the current proposed palette some attempt via materials has been made to try and reduce the mass and bulk of the buildings. If the application were to be recommended for approval, the Officers would recommend that a condition to be added to reconsider the proposed materials palette.
- 6.149 As noted in the sections of this report above, the development of the site as proposed would cause harm to the Green Belt and harm to landscape and visual receptors. Although the Council's Urban Design team object to the proposal, if design were considered as a discrete matter it is not considered that the proposals are so unusual in terms of commercial development such as to justify a reason for refusal on design grounds. Improvements to materials could be secured by condition as detailed above. In light of the existing Green Belt and landscape / visual impact concerns, there is no need to add a reason for refusal on design grounds.

VI. AMENITY USES

- 6.150 The applicant considers the proposals could add amenity value to employees and the wider locality. The community building to the west of the site would be a multipurpose workspace and Community hub, which seeks to serve both the

employees of the proposed business / logistics park and community users for a range of social, leisure and religious activities. It is intended the community building would act as a hub for the adjacent recreational space / landscaped area to the west of the application site and north of Watts Wood. This community building comprises changing rooms with showers and WCs (including disabled facilities), a multi-use room, a plant room and a general purpose community use / function hall with café provisions.

- 6.151 The proposed boardwalk would run alongside the existing public footpath 149 and improve the existing footpath provisions to the north of the application site. Ultimately, the proposed boardwalk would provide pedestrian access to the application site from Ship Lane, connect with the footpath to the west of the site and continue through to the existing footpath to the south along Arterial Road. An additional pedestrian footpath is also proposed east of the Arterial Road public footpath to access the site.
- 6.152 There has been considerable support from local Scout / community groups regarding the community and recreational benefits. The applicant proposes nature trails, a woodland school and educational programmes for the ancient woodland area and states that the woodland would be adequately managed and brought back into use, further mitigating some of the reported anti-social behaviour reported in the Planning Statement.
- 6.153 Evidently, there would be a number of social and health benefits for the recreational / community aspects of the development which would accord with Policies CSTP10, CSTP15 and CSTP20. However, it is pertinent to keep in mind that there has been limited details supplied regarding the outdoor recreational facilities and it is unlikely these would amount to 'development'. Furthermore, the red line boundary for the site does not extend to the west to include land which is within the applicant's ownership but not subject of the current application. Having liaised with the agent on this point, it has been noted that applicant would secure the outdoor recreational provisions through a s106 obligation.
- 6.154 These aspects have been reviewed in the Green Belt section above. However, with all the amenity benefits considered as a whole, including the community support for the outdoor facilities, as the community building itself is partly ancillary to the business park development, the benefits of the community uses are somewhat limited given the quantum of employment floorspace proposed.

VII. GROUND CONDITIONS AND CONTAMINATION

- 6.155 The environmental topic of ground conditions and contamination forms a chapter within the ES and a Phase 1 Geo-environmental Risk Assessment Report and Phase 2 Site Investigation Report also form appendices to the ES.
- 6.156 With regard to baseline conditions, the site comprised open agricultural land until the 1950s, with electricity pylons, buildings forming Mardyke Farm and residential properties developed in the 1970s and 1980s. Built development and associated roads / hardstandings are concentrated in the north-eastern part of the site. The wider area surrounding the site has been subject to historic mineral extraction with subsequent infilling. Made ground forms part of the site.
- 6.157 The Phase 1 Risk Assessment Report considers that made ground is likely to be present on the north-eastern part of the site associated with the farmhouse building and scaffold yard. This is the principal source of any contamination on-site, although an infilled pond or pit to the south-east is also a potential contamination source. Possible asbestos containing materials have also been identified in the roof structure of workshops on-site. Former landfill sites nearby are a potential source of off-site contamination, although risks are considered to be 'low' as the closest landfill site accepted only inert waste. Risks to human health from hazardous ground gas is assessed as 'Low' to 'Moderate' and the Phase 1 survey suggests that a hazardous gas risk assessment should be undertaken. Risks to infrastructure from ground gas are also assessed as 'low' to 'moderate'. Other risks from contamination, such as risks to controlled waters and aquifers are assessed as 'very low'.
- 6.158 The Phase 2 Site Investigation Report includes results from intrusive site investigations, including 13 no. window sample boreholes and 22 no. trial pits. Made ground was encountered in the south-east corner of the site, a localised area in the centre of the site (scaffold yard area) and in north-west corner of the site to a maximum depth of c.0.80 m. The remaining areas of the site are underlain by topsoil with natural strata beneath (sand / gravel / clay with chalk beneath). Concentrations of Polycyclic aromatic hydrocarbons (PAH) compounds were identified in the made ground on the eastern part of the site, however risks to human health are considered to be 'very low' or 'negligible'. Groundwater testing and the testing of surface water has not identified any significant levels of contamination and the risk to controlled waters is 'negligible'. Ground gas monitoring results have identified concentrations of CO₂ and methane such that gas protection measures for new buildings will be required to mitigate impacts. Subject to routine precautionary measures the risks to the health of construction workers are not significant.
- 6.159 The ES summarises the potential residual impacts on the receptors of human health, controlled waters and below ground infrastructure after the effects of

mitigation measures (CEMP, Remediation Strategy, use of PPE, gas protection measures etc.) are considered to assess residual impacts. All receptors are assessed as experiencing 'negligible' residual effects during construction and operation, apart from the exposure of construction workers to potentially contaminated soils where the residual impact is assessed as 'minor adverse'. This level of impact is nevertheless below the threshold for what would be considered 'significant' impact.

- 6.160 The consultation response received from the Environmental Health Officer agrees that the site poses a 'negligible' to 'very low' risk to human health from the contamination levels encountered.
- 6.161 In conclusion under this heading, the impacts of ground conditions and contamination would have a negligible impact on the majority of sensitive receptors and a 'minor adverse' impact on one receptor, albeit below the level of significance. Subject to mitigation which could be secured by planning condition, no objections are raised.

VIII. SITE DRAINAGE, FLOOD RISK AND WATER RESOURCES

- 6.162 The ES includes a chapter considering the topic of water resources and flood risk. This assessment in this chapter is supplemented by a Flood Risk Assessment (FRA).
- 6.163 With reference to the developable part of the application site (c. 13.2 Ha in area) the majority of land is located with the 'High Risk' flood zone (Zone 3) with the next largest part of the developable area within Zone 1 (low risk) and a very small part of the site in the medium risk zone (Zone 2). Ground levels across the site generally fall to the north, towards the Mardyke which is classified as a 'main river'.
- 6.164 The applicant's FRA concludes that although most of the site is within Flood Zone 3, it benefits from existing flood defences and is unlikely to be affected by fluvial flooding. Although the proposals would increase impermeable surfaces across the site, the FRA notes that surface water flows will be restricted to greenfield run-of rates. The FRA therefore concludes that subject to mitigation the proposals are acceptable in terms of flood risk and site drainage.
- 6.165 Following the receipt of consultation response from the Environment Agency, the applicant has submitted further technical information, a Hydraulic Modelling Report and information to inform the Sequential Test. Officers are aware of ongoing dialogue between consultants acting on behalf of the applicant and the Agency. At the time of drafting this report (and although an updated consultation response from the Environment Agency is expected) the formal position of the Agency is to object

to the application and recommend that planning permission is refused. This objection is on the basis that the part of the site lies within fluvial Flood Zone 3b (functional floodplain). In these circumstances the flood risk vulnerability of the proposals, i.e. 'Less Vulnerable' is incompatible with Table 2 of NPPG which clearly states that such development should not be permitted in Zone 3b.

6.166 Any updated consultation response will be reported verbally to the Planning Committee, but at the time of drafting this report Officer have to conclude that there is a flood risk objection to the proposals.

IX. ARCHAEOLOGY

6.167 The Archaeology section, Chapter 5, of the ES includes an assessment of the likely significance of below ground archaeology on-site as follows;

Period	Significance
Prehistoric	High (Regional / National)
Roman	Medium (Sub-regional / district)
Saxon / Medieval	Medium (Sub-regional/district)
Post-medieval	Low (Negligible)
Source: ES Vol. 1, Chap. 5 paragraph 5.35-5.75, table 5.5 inclusive	

6.168 The Historic Environment Advisor at Essex County Council (Place Services), having reviewed the historic records and recent evidence from surrounding developments in their initial comments, noted the proposed development’s location within a landscape containing extensive and important Paleolithic and Paleo-environmental remains. On this basis, Place Services requested further field evaluations to establish the extent of surviving archaeological assets prior to determination of the application.

6.169 Since the initial comments made, the applicant has submitted a further Geoarchaeological Desk-Based Assessment by ArcStrata (February 2023), in addition to the original archaeology documents submitted. Following the submission of further reports, the Place Services advisor acknowledged that boreholes and test pit assessment has been undertaken by the applicant which had further defined the potential significance of archaeological and palaeo-environmental deposits on the site.

6.170 In light of the above, Place Services were therefore content that the test pit assessments adequately identified the potential for important deposits on the site

and, as result, recommends that a number of planning conditions are attached to any grant of planning permission. The nature of these conditions relate to establishing programme of archaeological investigation (in accordance with a written scheme of investigation), completion of programme of archaeological evaluation, a mitigation strategy completion of field work, a post excavation assessment. A number of planning conditions were suggested by the Heritage advisor which prior to any preliminary works and/or any development ensure that any harms to any archaeological remains are sufficiently mitigated during the preliminary/construction stages with a post excavation assessment built in.

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

X. NOISE AND VIBRATION

- 6.172 The ES includes an assessment of the noise and vibration impacts of the development. As the existing residential properties on the site (Broomhill and nos.1-3 Mardyke View) would be demolished, the nearest sensitive receptors are located to the east of Ship Lane (Thurrock Hotel), north of the Mardyke (caravan site), west of junction 31 (Premier Inn, Arterials Road) and south-west of the site (dwellings at Bailey Close / Cartel Close). These receptors are assessed as having a 'high' sensitivity to noise and vibration impacts. A noise survey was conducted in November 2021 with monitoring stations located at the northern, southern and eastern site boundaries. The measured noise levels at these locations were characterised by road traffic noise from Ship Lane, Arterial Road (A1306), the A13 the A282 / M25. These levels clearly form the baseline for assessing the impacts of the development.
- 6.173 The ES considers noise and vibration impacts from both the construction and operation of the proposed development, based on British Standards (BS) and other relevant standards. The ES also considers that construction work would be carried out during the daytime period and therefore the construction noise limit is set at 65 dB L_{Aeq} (as prescribed in BS5228 - Code of practice for noise and vibration control on construction and open sites). With regard to the vibration impacts of construction, the assessment adopts the recommended threshold of 1.0 mm.s⁻¹. The ES includes an assessment of the noise impact from fixed mechanical plant and traffic noise on the closest sensitive receptors. Finally, within the proposed development, the assessment uses a recommended threshold for internal noise

levels of between 45 and 50 dB L_{Aeq} (as recommended in BS8233:2014 – Guidance on sound insulation and noise reduction for buildings).

6.174 Noise impacts during construction activities are assessed in the ES using the methodology in BS5228 and, based on the predicted plant and vehicle movement during the construction phase, noise impacts on sensitive receptors are shown in the table below:

<u>Noise Impacts During Demolition & Construction</u>			
Receptor	Calculated sound pressure level L_{Aeq} dB	Noise Criteria	Excess over the pre-existing noise climate
R1 (Thurrock Hotel)	61		-4
R2 (caravan site)	54		-11
R3 (Bailey Close / Cartel Close)	52	65	-13
R4 (Premier Inn)	59		-6

6.175 Calculated noise levels are predicted be below the existing baseline experienced by these receptors. Consequently, the noise impact of construction and demolition activities would be negligible and no mitigation measures, such as acoustic screens, are required. The impacts of vibration during construction are also negligible, given the distances between the site and the closest sensitive receptors.

6.176 A summary of the predicted noise impacts of the development during its operational phase is shown in the table below, based on the modelling of noise from fixed plant and vehicle movements:

<u>Noise Impacts During Operation</u>			
Receptor	Calculated sound pressure level L_{Aeq} dB	Lowest existing noise climate L_{Aeq} dB	LA_{eq} dB
Day Time (0700-1900)			
R1 (Thurrock Hotel)	56	56	0
R2 (caravan site)	50	52	-2
R3 (Bailey Close / Cartel Close)	44	53	-9

R4 (Premier Inn)	47	53	-6
Night Time (2300-0700)			
R1 (Thurrock Hotel)	52	51	+1
R2 (caravan site)	46	45	+1
R3 (Bailey Close / Cartel Close)	41	50	-9
R4 (Premier Inn)	44	50	-6

- 6.177 The table above demonstrates that during daytime hours the operational noise generated by the development would be below existing baseline noise levels. During nighttime hours, noise generated by traffic using the site would lead to a very small increase (+1 LA_{eq} dB) in noise levels at receptors nos. 1 and 2. However, this magnitude of change would have a negligible impact.
- 6.178 The consultation response received from the Environmental Health Officer confirms that noise impacts have been assessed using the relevant BS and other criteria. A negligible noise impact is predicted for the closest sensitive receptors to the site and therefore no adverse comments are raised. Any grant of planning permission would be subject to a planning condition requiring submission, approval and compliance with a Construction Environment Management Plan, which would include restrictions on the hours when demolition and construction activities could occur.
- 6.179 In conclusion under this heading, the impacts of demolition / construction noise and vibration, and operational noise impacts would have a negligible impact on sensitive receptors. Subject to mitigation which could be secured by planning condition, no objections are raised.

XI. AIR QUALITY

- 6.180 The ES includes an assessment of the air quality impacts of the development. This assessment considers both the construction and operational phases of development, including vehicle emissions and impacts from construction activities on sensitive residential and ecological receptors close to the site.
- 6.181 With regard to baseline conditions, a number of designated Air Quality Management Areas (AQMAs) are located within the study area considered by the ES as follows:

Ref.	Location	Pollutants Declared	National Air Quality Objectives exceeded

AQMA No.5	Warren Terrace / A1306 / A13	NO ₂ PM ₁₀	Annual Mean 24-Hour Mean
AQMA No.9	Thurrock Hotel, Ship Lane	NO ₂	Annual Mean
AQMA No.8	Premier Inn, Jct.31	NO ₂ PM ₁₀	Annual Mean 24-Hour Mean
AQMA No.12	Arterial Road, Purfleet	NO ₂	Annual Mean
AQMA No.13	Arterial Road, Aveley	NO ₂	Annual Mean
AQMA No.26	Purfleet Bypass	NO ₂	Annual Mean

- 6.182 An automatic roadside air quality monitoring station is located on London Road, Purfleet c.900m from the application site. Data from this station records that annual mean concentrations of NO₂ have exceeded National Air Quality Objectives for the period 2016-2020. Although the target annual mean concentration have not been met, there has been a decline in NO₂ concentrations, reflecting the changes to vehicle fleet as a response to the Low Emission Zone for Greater London.
- 6.183 The air quality baseline includes the ecological receptor at the Inner Thames Marshes SSSI, located c.1.7km to the west of the site. Baseline NO_x concentrations for the period 2018-2020 exceeded critical levels for the protection of vegetation, although baseline nitrogen deposition did not exceed the lower critical load level. A total of 21 existing residential receptors close to the site are considered by the assessment, which assigns a ‘high’ sensitivity to these receptors.
- 6.184 The assessment of dust emission impacts during construction works considers demolition, earthworks, construction and trackout activities. Aside from demolition activities (which are assigned a ‘small’ magnitude of change because of the small volume of structures to be demolished), these activities are considered by the ES to have a potentially ‘large’ magnitude of impact. Nevertheless because there are no residential sensitive receptors within 50m of the site boundary, the sensitivity of this surrounding area to dust soiling is considered to be low. Similarly, dust soiling is considered to be of low sensitivity for human health. The ES therefore concludes that the risks of dust impacts from construction activities on both dust soiling and human health are low.
- 6.185 The impacts on air quality from construction traffic movement are also considered by the ES. This part of the assessment uses assumptions about the average number of HGV movements during the construction phase and vehicle routing via the M25 / A282 and A13. The ES assumes that construction traffic will pass close to existing AQMAs, but not through these areas. The assessment concludes that there would be a ‘negligible’ impact on sensitive receptors. This impact would be further mitigated through a Construction Logistics Plan

- 6.186 With regard to impacts from the operation of the development, and assuming a 'worst-case' scenario, modelling results show that one existing receptor is predicted to experience a 'minor adverse' impact with reference to NO₂ concentrations, with all other receptors experiencing 'negligible' impacts. However, as the hourly mean NO₂ objective would not be exceeded at any receptor, the impact on NO₂ concentration would not be significant. Operational impacts from PM₁₀ concentrations are modelled as 'negligible' at all receptors and are considered as not significant. Similarly concentrations of PM_{2.5} would be negligible.
- 6.187 A range of measures are proposed to mitigate the construction and operational impacts on air quality and the residual impacts of the development are summarised below:

Summary of Residual Effects						
Effect	Receptor (sensitivity)	Nature of Effect and Scale	Magnitude of change	Classification of effect	Mitigation	Residual effect
Construction Effects						
Fugitive dust emissions	Existing dwellings (high)	Dust soiling - Local	Minor	Adverse	CEMP	Negligible
Fugitive dust emissions – Human health	Existing dwellings (high)	Human health - Local	Minor	Adverse	CEMP	Negligible
Plant emissions	Existing dwellings (high)	Human health - Local	Minor	Adverse	CEMP	Negligible
Construction transport emissions	Existing dwellings (high)	Human health - Local	Minor	Adverse	Construction Logistics Plan	Negligible
Operational Effects						
Road transport emissions	Existing dwellings (high)	Human health - Local	Minor	Adverse	Travel Plan Electric vehicle charging spaces Cycle spaces	Negligible
Road transport emissions	Proposed receptors (Medium)	Human health - Local	Negligible	-	N/A	Negligible
Road transport emissions	Ecological receptors (Medium)	Critical level - Local	Negligible	-	Travel Plan Electric vehicle charging spaces Cycle spaces	Negligible
Road transport emissions	Ecological receptors (Medium)	Nitrogen deposition - Local	Negligible	-	Travel Plan Electric vehicle charging spaces Cycle spaces	Negligible
Road transport emissions						

- 6.188 The Council's Environmental Health Officer has no comments to make on the applicant's assessment on impact on air quality although measures to mitigate the impacts from dust are recommended via a CEMP. Comments from Natural England related to impacts on the ecological receptor (SSSI) raise no objection and consider that the development will not have likely significant effects on protected sites.
- 6.189 In conclusion under this heading, the impacts of demolition / construction and operation of the development would have a negligible impact on sensitive receptors with reference to air quality. Subject to mitigation which could be secured by planning condition, no objections are raised.

XII. ENERGY AND SUSTAINABLE BUILDINGS

- 6.190 The issue of energy use and sustainability is a matter to be considered in its own right. The application is accompanied by an Energy and Sustainability Statement and a separate BREEAM Assessment.
- 6.191 With regard to national planning policy, paragraph no. 154 of the NPPF states that new development should be planned for in ways that (inter-alia) *"can help to reduce greenhouse gas emissions, such as through its location, orientation and design."* Paragraph no. 157 goes on to state that in determining planning applications, local planning authorities should expect new development to:
- a) comply with any development plan policies on local requirements for decentralised energy supply unless it can be demonstrated by the applicant, having regard to the type of development involved and its design, that this is not feasible or viable; and
 - b) take account of landform, layout, building orientation, massing and landscaping to minimise energy consumption.
- 6.192 Adopted Core Strategy policy PMD12 (Sustainable Buildings) requires that from the year 2019, major non-residential buildings achieve a BREEAM 'Outstanding' rating. Policy PMD13 (Decentralised Renewable and Low-Carbon Energy Generation) requires major non-residential development proposals to generate 20% of their predicted energy needs from decentralised, renewable or low-carbon sources from the year 2020. However, both of these policies allow for exceptions where the requirements would jeopardise the financial viability of a proposal.
- 6.193 The submitted BREEAM Assessment document confirms the design actions required under RIBA stages 1 and 2 (Feasibility & Brief and Concept Design) to achieve an 'Outstanding' rating. Unit nos. 1, 2, 3, 5, 6 and 7 have been assessed

as ‘shell and core’ units, whereas unit no. 4 has been assessed as ‘Shell’ only. Based on the various categories of BREEAM credits available (materials efficiency etc.) the assessment concludes that all of the proposed units will achieve in excess of the minimum 85% score necessary to achieve an ‘Outstanding’ score. The development would therefore comply with Policy PMD12.

- 6.194 The submitted Energy and Sustainability Statement is a more holistic document considering the proposed development in terms of energy use, materials, waste, carbon emissions, climate change, flood risk, pollution, landscape, ecology and transport. However, in summary the proposals “*aspire to achieve net zero operational carbon on-site*”. To achieve this objective the design includes passive design measures, highly efficient building envelopes and use of rigorous energy consumption standards. The development will be fully electric and will use heat pumps for space heating, hot water and cooling. Consequently the operation of the development will not be reliant on fossil fuels.
- 6.195 In relation to policy PMD13, c.11,500sq.m of photo-voltaic (PV) panels would be deployed on roofs and the applicant predicts that this technology will produce enough electricity to meet all of the predicted energy demand of the development on a yearly basis. The combination of roof-mounted PV panels and air source heat pumps will clearly exceed the Core Strategy policy minimum requirement for on-site renewable energy. Furthermore, the development aspires to achieve the highest possible standards for energy efficiency.

VIII. SOCIO-ECONOMICS

- 6.196 The ES includes an assessment of the socio-economic impacts of the development. As a baseline, this ES chapter uses a Local Impact Area – LIA (Thurrock) and a Wider impact Area – WIA (LB Havering and Basildon). Based on 2020 Annual Population Survey data unemployment levels in the LIA were 4.9%, slightly higher than the WIA, but in-line with the national (England) figure. In the LIA, jobs in the transport and storage sector and retail account for proportionately more jobs than in the WIA where the manufacturing, health, professional, finance and information sectors employ proportionately more people.
- 6.197 The baseline data also includes data on the 2019 Indices of Multiple Deprivation (IMD) which confirm that the LIA is ranked 116th out of 317 local authorities meaning that Thurrock is in the 40% of most deprived authorities in the country. At a neighbourhood level, from a total of 32,844 spatial neighbourhoods in the country the area including the application site ranks as follows:

English Indices of Multiple Deprivation
--

	Rank (out of 32,844 neighbourhood areas)	Decile (1 = most deprived and 10 = least deprived)
Income	8,557	3 rd
Employment	13,478	5 th
Education	7,746	3 rd
Health	19,861	4 th
Crime	2,597	1 st
Barriers to housing	773	1 st
Living environment	5,875	2 nd
Income deprivation affecting children	4,038	2 nd
Income deprivation affecting older people	8,104	3 rd
Overall	6,684	3rd

- 6.1987 Finally, the baseline refers to community and recreational facilities and the ES confirms that local library, community hub, village hall facilities etc. are a minimum of 1.2km from the site. Similarly open space / recreation grounds are located at least 1km from the site.
- 6.199 A number of receptors are identified by the ES as experiencing the socio-economic impacts of the proposed development. These comprise the local labour market, community infrastructure, the commercial property market and local deprivation. Effects during the construction phase of development on these receptors are associated with direct employment and economic value added. Similarly the operational effects of the development on socio-economic receptors are associated with direct employment, indirect jobs, economic value added, impact on deprivation and community benefits.
- 6.200 The applicant estimates that the development would require an 18-month construction phase and although the number of construction jobs will vary over this period, the ES estimates an average of 348 direct jobs per annum. Although the benefits of construction jobs will be experienced beyond the LIA and even beyond the WIA, the ES nevertheless concludes that construction-phased employment benefits would be a temporary but beneficial impact of the development. Similarly the economic value added by the construction-phase can be assessed as temporary but beneficial.
- 6.201 With regard to the operational impacts of the development on socio-economic receptors, the number of direct jobs created would depend on the nature of individual occupiers. However, applying average employment densities to the proposed floorspace the ES estimates that c.640 jobs could be created. As above,

the benefits of these new jobs would be experience in the LIA, the WIA and beyond. Indirect jobs would also 'follow' the direct employment created and the ES assesses the new direct and indirect employment as a permanent, beneficial impact of the development. Similarly, the economic value added by the development would be a permanent, beneficial impact.

6.202 The economic and employment benefits of the development could address some of the indices of deprivation shown in the table above. Consequently, the effects of the development on deprivation are assessed as a permanent, beneficial impact.

6.203 Finally, the development includes elements of community infrastructure and recreation space. Without prejudice to the Green Belt arguments set out above, under the heading of socio-economic impacts these elements would have a permanent, beneficial impact on the LIA.

XIV. PLANNING OBLIGATIONS

6.204 Adopted Core Strategy policy PMD16 (Developer Contributions) generally states that the Council will seek to secure planning obligations (via s106 of the Town and Country Planning Act 1990) to contribute to the delivery of infrastructure such that cumulative impacts can be managed and in order to mitigate the impacts of development proposals. The policy goes on to state that a range of matters may be addressed by planning obligations including:

- housing
- education and training
- transport infrastructure
- community, cultural and social infrastructure;
- built environment
- environment / climate change; and
- utilities and communications.

6.205 Paragraph no. 57 of the NPPF states that:

Planning obligations must only be sought where they meet all of the following tests:

- 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*

6.206 Without prejudice to the Officer recommendation below, the applicant has offered the following draft heads of terms:

	<u>Description</u>	<u>Trigger</u>	<u>Amount</u>
a.	Operationally Zero Carbon (as set out in the 'Energy and Sustainable Buildings' chapter above)		
b.	Local Employment	Prior to occupation of proposed employment uses	£50,000 towards support training / skills
c.	Roundabout junction	On commencement	£2,420,000
d.	Mardyke Valley boardwalk	Prior to occupation of proposed employment uses	£500,000
e.	Workspace & Community Hub	Prior to occupation of proposed employment uses	£2,000,000
f.	Educational woodland walkway	Prior to occupation of proposed employment uses	£25,000
g.	Highway contribution	Prior to occupation of proposed employment uses	To be confirmed
h.	Scout perimeter fence	On commencement	£25,000
i.	Trim Trail	Prior to occupation of proposed employment uses	£35,000
j.	Monitoring fee	On commencement	£10,000

6.207 When considering the above HOTs, item (b) would be a reasonable obligation, however it is more usual for an application to submit for approval and comply with a 'local employment / skills plan'. Items (c), (d) and (e) comprise part of the proposals as defined in the description of development. The value of these items should be taken as informative of the costs of providing a new roundabout junction, community / workspace hub and boardwalk.

6.208 As the application is recommended for refusal it has not been necessary to give further consideration to whether these draft heads of terms meet the required tests set out by national policy. Similarly, Officers have given no consideration to potential planning conditions. The content of the table above therefore be considered as indicative only.

XV. OTHER MATTERS

6.209 The proposed development would result in the loss of a 4 dwellings.

6.210 It is clear that over the last few years that the provision of housing has become one of the key aspects of planning and this is reflected in Government Guidance. The NPPF is clear on the importance of providing dwellings and maintaining a housing stock and Councils can be penalised when they are unable to demonstrate they are meeting their housing need. Section 5 of the NPPF highlights the importance for LPAs of ensuring a sufficient supply of homes.'

6.211 The proposed development would result in the demolition of 4 dwellings on site; the Applicant has provided no argument as to why the dwellings are no longer fit for purpose or required. The unjustified loss of the dwellings at a time when the Council cannot demonstrate a 5 Year Housing Land Supply, is considered to weigh against the proposal and would be against Government Guidance.

Environmental Statement (ES)

6.212 In coming to its view on the proposed development the local planning authority has taken into account the content of the ES submitted with the application, as well as representations that have been submitted by third parties. The ES considers the potential impacts of the proposal and sets out appropriate mitigation measures.

6.213 The ES considers the impact of the development on a range of environmental receptors. Subject to appropriate mitigation which can be secured through a S.106 legal agreement and appropriate planning conditions, the ES generally concludes that any impact arising from the construction and operation of the development would be within acceptable limits and would not be significant. However, notwithstanding the in-principle Green Belt and flood risk objections and insufficient highways modelling, it is considered that the impacts on landscape and visual receptors would be significant.

7.0 CONCLUSIONS AND REASONS FOR RECOMMENDATION

7.1 The principal issue for consideration in this case is the assessment of the proposals against planning policies for the Green Belt and whether there are considerations which clearly outweigh harm such that the VSC to justify a departure from normal policy exist. The proposals are 'inappropriate development' in the GB, would lead to the loss of openness and would cause some harm to the purposes of the Green Belt. Substantial weight should be attached to this harm in the balance of considerations. Although positive weight can be given to some of the benefits of

the proposals, the identified harm must be clearly outweighed for VSC to exist. NPPF para. 147 sets the stringent policy test that harm must be clearly outweighed by other considerations for VSC to exist. In this case it is concluded that the identified Green Belt harm and any other harm (summarised below) is not clearly outweighed by other considerations and therefore a case for VSC does not exist.

- 7.2 With regard to highways and transport considerations, there is currently a 'holding objection' from National Highways which remains in place until 18th April 2023 and the Highways Officer has requested that further modelling of impacts is undertaken. It is understood that the applicant is preparing the further information sought, but at the time of writing there is insufficient information to conclude that there would be no severe impacts on the highway network.
- 7.3 The applicant's Landscape and Visual Impact Assessment concludes that there would be some adverse effects on receptors and the Council's Landscape Advisor considers that there will be substantial adverse effects, particularly for users of Ship Lane and footpath no.149. The adverse effects of the cannot be fully mitigated.

With regard to flood risk matters, there is currently an objection from the Environment Agency on the basis that the proposals are incompatible with the flood risk classification for the site. Although an updated consultation response may be forthcoming, at the time of drafting the application cannot be supported on flood risk grounds.

- 7.4 Subject to mitigation, there are no objections to the proposals on other matters. It is also accepted that the proposals would contribute to the economic and social objectives of sustainable development. Nevertheless for the reasons set out above the application is recommended for refusal.

8.0 RECOMMENDATION

- 8.1 Refuse planning permission for the following reasons:

1. The application site is located within the Green Belt, as identified on the Policies Map accompanying the adopted Thurrock Local Development Framework Core Strategy and Policies for the Management of Development (2015). National and local planning policies for the Green Belt set out within the NPPF and Thurrock Local Development Framework set out a presumption against inappropriate development in the Green Belt. The proposals are considered to constitute inappropriate development with reference to policy and would by definition be harmful to the Green Belt. It is also considered that the proposals would harm the openness of the Green Belt and would be contrary to purposes a), b), c) and e) of the Green Belt, as set out by paragraph 138 of the NPPF. It is considered that the identified harm to the Green Belt is not clearly

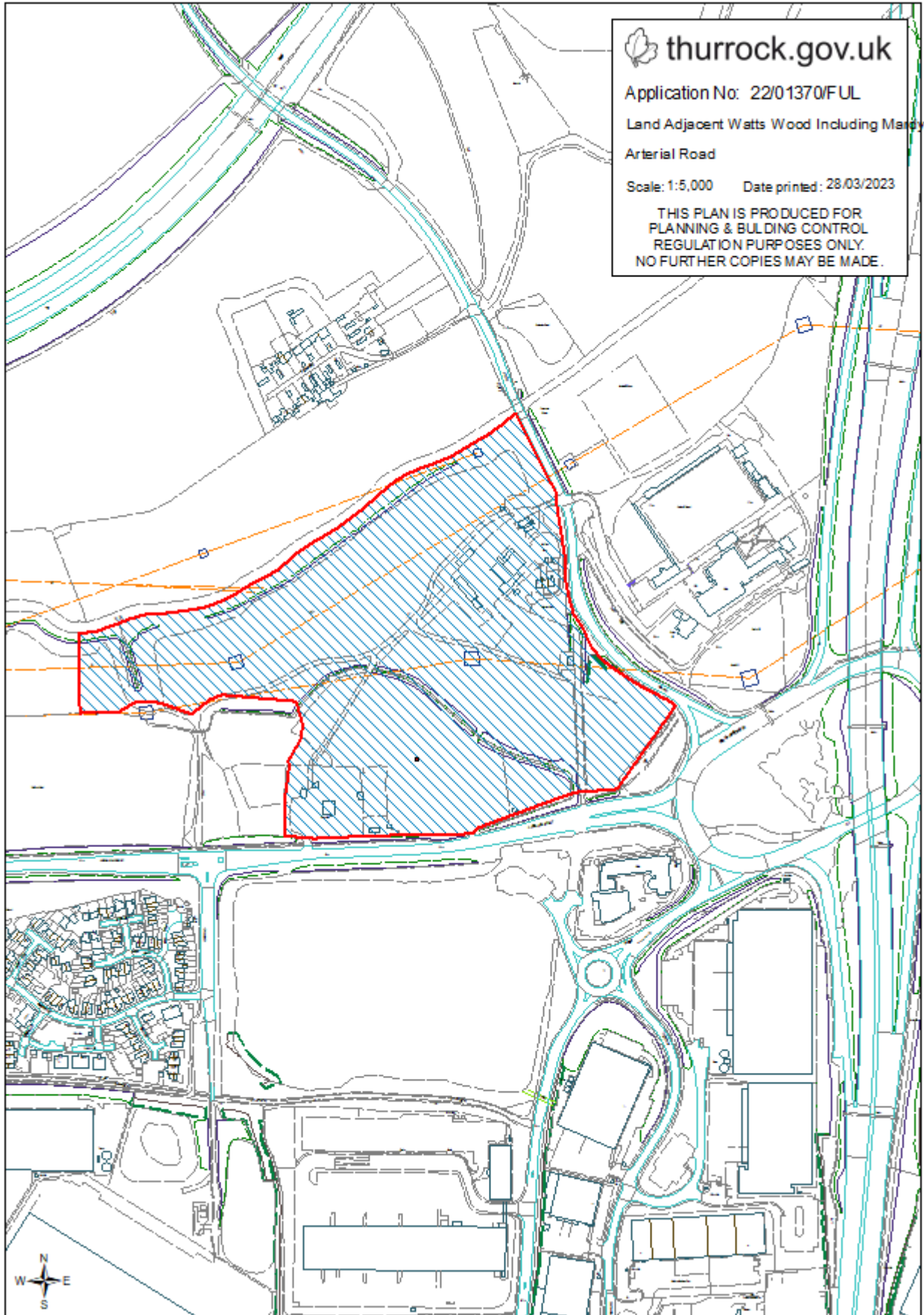
outweighed by other considerations so as to amount to the very special circumstances required to justify inappropriate development. The proposals are therefore contrary to Part 13 of the NPPF and Policies CSSP4 and PMD6 of the adopted Thurrock Local Development Framework Core Strategy and Policies for the Management of Development (2015).

2. Insufficient information has been submitted to demonstrate the impact of the development proposals on the surrounding highways network. In these circumstances the local planning authority cannot conclude whether impacts would be severe or acceptable, subject to mitigation. The proposals are therefore contrary to Policy PMD9 of the Thurrock Local Development Framework Core Strategy and Policies for the Management of Development (2015) and paragraph no. 110 of the NPPF.
3. The proposals constitute 'less vulnerable' development, but are partly located within Flood Zone 3b (Functional Floodplain) such that Table 2 (Flood Risk Vulnerability and Flood Zone Incompatibility) of National Planning Practice Guidance requires that development should not be permitted. The proposal is therefore contrary to Policy PMD15 of the Thurrock Local Development Framework Core Strategy and Policies for the Management of Development (2015) and paragraph no.159 of the NPPF.
4. The development proposals will result in substantial adverse impacts on landscape and visual receptors, particularly users of both Ship Lane and public footpath no. 149, which cannot be adequately mitigated. The proposals would therefore result in residual landscape and visual harm contrary to paragraph nos. 130 and 145 of the NPPF and Policies PMD1 and PMD2 of the Thurrock Local Development Framework Core Strategy and Policies for the Management of Development (2015).
5. The proposal would result in the loss of 4 dwellings which contributes to the housing stock. The Council cannot currently demonstrate a Five-Year Housing Supply. At present a case has not been fully made for the loss of the dwellings, which would have a limited impact on the number of homes in the Borough. The proposal is contrary to the aims of strategic policies CSSP1 and CSTP1 of the Thurrock Local Development Framework Core Strategy and Policies for Management of Development 2015 and the guidance set out within National Planning Policy Framework 2021.

Positive and Proactive Statement

Town and Country Planning (Development Management Procedure) (England) Order 2015 (as amended) - Positive and Proactive Statement:

The Local Planning Authority has acted positively and proactively in determining this application by identifying matters of concern with the proposal and discussing with the Applicant/Agent. However, the issues are so fundamental to the proposal that it has not been possible to negotiate a satisfactory way forward and due to the harm which has been clearly identified within the reason(s) for the refusal, approval has not been possible.



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Agenda Item 8

Planning Committee 06 April 2023

Application Reference: 22/01672/FUL

<p>Reference: 22/01672/FUL</p>	<p>Site: Thurrock Football Club Ship Lane Aveley RM19 1YN</p>
<p>Ward: West Thurrock and South Stifford</p>	<p>Proposal: Development of a vehicle Pre-Delivery Inspection (PDI) centre with associated hardstanding for parking spaces, a PDI Building, new access to include HGV turnaround, and a 2.4m high boundary fence. The proposal also includes the change of use of existing flat (Use Class C3) to part of clubhouse, landscaping, ecological enhancements, and associated works.</p>

Plan Number(s):		
Reference	Name	Received
AJ0029-SDA-00-00-DR-A-10001 Rev. P2	Location Plan	14.12.22
A1J0029-SDA-00-00-DR-A-10100 Rev. P1	Existing Site Plan	14.12.22
AJ0029-SDA-00-XX-DR-A-PL001 Rev. P21	Proposed Site Plan	14.12.22
AJ0029-SDA-01-00-DR-A-PL100 Rev. P7	Proposed Floor Plans	14.12.22
AJ0029-SDA-01-ZZ-DR-A-PL200 Rev. P05	Proposed Elevations	14.12.22
GROU 607/1-001	Detailed Soft Landscape Proposals	14.12.22
19037-13-T-E	Existing & Proposed Stadium Overview Plan	14.12.22
9037-13-B-G1	Existing & Proposed Floor Plan (Grandstand)	14.12.22
19037-13-B-G2	Existing & Proposed Floor Plan (Main Changing Rooms)	14.12.22
19037-13-B-G3	Existing & Proposed Floor Plan (North Stand)	14.12.22
19037-13-B-G4	Existing & Proposed Floor Plan (Junior Changing Rooms)	14.12.22
19037-13-B-G5	Existing & Proposed Floor Plan (West Stand)	14.12.22
19037-13-B-G6	Existing & Proposed Floor Plan (South Stand – Ship Lane)	14.12.22
19037-13-E-1	Existing & Proposed Elevations & Sections Changing Room (Main)	14.12.22

19037-13-E-2	Existing & Proposed Elevations (Ship Lane Stand)	14.12.22
19037-13-E-3	Existing & Proposed Elevations (Main Grandstand)	14.12.22
19037-13-E-4	Existing & Proposed Elevations & Sections (North Stand)	14.12.22
19037-13-E-5	Existing & Proposed Elevations (West Stand)	14.12.22
581-EX03	Sketch Scheme Club House Floor Plans As Existing	14.12.22
581-EX04	Planning Application Club House Elevations As Existing	14.12.22

<p>The application is also accompanied by:</p> <ul style="list-style-type: none"> • Arboricultural Report; • Archaeological Desk Based Assessment; • Design & Access Statement; • Flood Risk Assessment & Surface Water Drainage Strategy; • Flooding Sequential Test Assessment; • Geo-Environmental Desk Study Report; • Noise Impact Assessment; • Planning Statement; • Preliminary Ecological Appraisal; • Reptile Survey Report; and • Transport Statement 	
<p>Applicant: Group 1 Automotive and Grays Athletic Football Club</p>	<p>Validated: 20 December 2022 Date of expiry: 02 May 2023 (Agreed extension of time)</p>
<p>Recommendation: Refuse planning permission</p>	

This application is scheduled for determination by the Council’s Planning Committee because the application is considered to have significant policy or strategic implications

and constitutes a departure from the Development Plan (in accordance with Part 3 (b), Section 2 2.1 (a) of the Council's constitution).

1.0 BRIEF SUMMARY

1.1 This application involves two elements comprising:

- i. Change of use of an existing first floor flat above the club house to Use Class D2 (assembly and leisure);
- ii. development of a pre-delivery inspection (PDI) facility for vehicles on the site of the existing football training pitches located to the north of the football stadium. The PDI to comprise a building of c.1,200 sqm floorspace, parking spaces for c.1,204 vehicles and revised access arrangements.

1.2 This application follows two previous decisions by the Planning Committee to refuse applications for similar proposals. In February 2021 planning permission (ref: 19/01418/FUL) was refused, the description for that application was:

Retention of the former Thurrock Football Club stadium for ongoing football use. Development of a vehicle Pre-Delivery Inspection (PDI) centre on the site of training / practice pitches to the north of the stadium to comprise 1,224 parking spaces, PDI Building (1,199.6 sq.m GEA), new access to include HGV turnaround, 2.4m high boundary fence, landscaping, change of use of existing flat (Use Class C3) to Use Class D2 and associated works

Planning permission (ref: 21/00931/FUL) was also refused by Committee in August 2021 with the following description:

Retention of the former Thurrock Football Club Stadium for ongoing football use. Development of a vehicle Pre-Delivery Inspection (PDI) centre to comprise 1,224 parking spaces, PDI Building (1,199.6 sqm GEA), new access to include HGV turnaround and bus lane, 2.4m boundary fence, landscaping, change of use of existing flat (Use Class C3) to part of clubhouse and associated works

1.3 A further planning application (ref. 22/01222/FUL) was submitted in September 2022 proposing:

Retention of the former Thurrock Football Club Stadium for use by Grays Athletic FC (and other community groups). Development of a vehicle Pre-Delivery Inspection (PDI) centre to comprise 1,224 parking spaces, PDI Building (1,199.6 sqm GEA), new access to include HGV turnaround, EV charging facilities,

enforcement camera, 2.4m boundary fence, landscaping, change of use of existing flat (Use Class C3) to part of clubhouse and all associated works.

However a decision was taken by the LPA to ‘decline to determine’ the application using discretionary powers within s.70a of the Town and Country Planning Act 1990. Under the provisions of this section of the Act, the LPA has the power to decline to determine a planning application which is deemed similar to an application for planning permission that, within the last 2 years, has been refused and there has been no appeal to the Secretary of State. With specific regard to the application submitted in September 2022 (ref 22/01222/FUL), the LPA deemed no material changes had been made since the previous refused application (ref. 21/00931/FUL).

- 1.4 The current application, submitted in December 2022, is accompanied by a ‘linked’ application (ref. 22/01673/FUL) and in these circumstances the discretionary powers under s70a of the Act were not exercised and the submission was validated.

2.0 DESCRIPTION OF PROPOSAL

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

Site Area	c.7 Ha
Area of proposed PDI facility (including associated parking & landscaping	c.3.7 Ha
Area of former football stadium, car park & ancillary areas	c. 2.2 Ha
Unused land located NE of stadium	c. 1.1 Ha
Proposed building height	Maximum up to c.7.1m
Jobs created	30 FTE
Parking provision	1,204 car parking spaces for vehicle stock 30 spaces for employees 18 electric vehicle charging spaces 5 customer spaces

2.2 Proposed PDI Facility:

The northern part of the site, most recently used as football practice / training pitches would be developed as a PDI facility comprising stock parking for 1,204 vehicles, separate staff parking, a PDI Centre building and revised access arrangements onto Ship Lane. The part-applicant (Group 1 Automotive) is a

vehicle retailer group operating at over 70 locations in the south east of England comprising authorised dealerships for a number of vehicle manufacturers, including Audi, BMW and Ford. The group handles both new and used vehicles. In summary, the facility would receive, store, prepare and test vehicles prior to exportation to individual dealerships. A part two-storey PDI Centre building would be used to inspect, modify and generally prepare vehicles prior to export. No retailing of vehicles would be undertaken from the site, although a small number of customer parking spaces are proposed.

2.3 The applicant’s Transport Statement (TS) confirms that cars would be transferred to the site from four UK ports comprising Sheerness (Kent), Halewood (Merseyside), Grimsby (Humberside) and Portbury (Bristol). The TS assumes that September will be the busiest month for the site as a result of new vehicle registrations. During this month the site would receive 43 daily loads via 3 or 10-car transporters. Proposed daily vehicle trips associated with the PDI are shown in the table below:

Proposed daily vehicle trips (one-way)			
<u>Source</u>	<u>Vehicle Type</u>	<u>September</u>	<u>Typical Month</u>
Imports	10-Car Transporters	13	8
Exports	Cars	30	18
Exports	3-Car Transporters	30	18
Exports	Mini-Bus	5	3
Fuelling / Road Tests	Cars	88	53
Staff	Car / Van	25	15
Totals		187	115

After storage, inspection and testing at the site vehicles would be exported to dealerships located in Essex, Kent and south London. The TS suggests that import and export of vehicles would be via the strategic road network, i.e. junctions 30 and 31 of the M25. Individual vehicles would be road tested before export, consisting of a short round-trip to a petrol filling station. On a typical day c.26 vehicles would be road tested, although this total would increase during September.

2.4 Detailed inspection, valeting etc. of vehicles would take place within a part two-storey building to be located close to the southern boundary of the PDI facility. This building would include a number of vehicle bays along with ancillary office and welfare accommodation. A new access to serve the PDI facility would be formed from ‘Southway’, the existing spur road from Ship Lane which served the former football club site and the Thurrock Hotel. The new access arrangements include a proposed HGV turnaround provided to discourage HGVs from continuing northbound on Ship Lane and travelling through Aveley village.

- 2.5 The PDI facility would be secured via a proposed 2.4m high metal palisade fence. No external floodlighting of the vehicle area is proposed. The use would create up to 30 new jobs (FTE).
- 2.6 The proposals also include the change of use of an existing residential flat located above the clubhouse to Use Class D2 (assembly and leisure).

2.7 Football Use

Members of the Planning Committee will note that the two recent applications for the site included reference to '*Retention of the former Thurrock Football Club stadium for ongoing football use*' in the description of the proposals. However, the previous reports made clear that retention of the football stadium and its re-use for sport was not development (as defined by the Town and Country Planning Act) and therefore planning permission was not required for this element of the proposal.

- 2.8 The applicant's Planning Statement states at paragraph no. 4.12 :

"It is proposed that the football stadium will be gifted to Grays Athletic Football Club (Which is joint applicant for this application) for use by Grays Athletic FC."

Although, as noted above, the re-use of an existing football stadium is not, on a prima-facie, basis a planning matter.

- 2.9 Linked to the current application, a separate planning application has been submitted by Group 1 Automotive and Grays Athletic Football Club (GAFC) proposing the "Construction of new 3G football pitch, spectator area and 4.5m high fencing" on land at Belhus Park. This application (ref. 22/01673/FUL) is reported elsewhere on this agenda.

3.0 **SITE DESCRIPTION**

- 3.1 This proposal involves the site of the former Thurrock Football Club, located to the north of jct. 31 of the M25 motorway and in between Ship Lane (to the west) and the northbound slip road from jct. 31 to jct. 30 (to the east). The site comprises the following three main elements:
- (i) football stadium: located on the south and south-western part of the site and focused on a full-size and floodlit football pitch. An unmarked car parking area adjoins the pitch to the west. At the southern edge of this parking area is a club house building with bar, office, kitchen and toilets located at ground floor level with a residential flat above. At the western-end of the pitch and behind one of the goals is a covered spectator terrace with entrance turnstiles. This covered

terrace extends the northern side of the pitch. To the south of the pitch is a covered and seated grandstand. At the south-eastern corner of the pitch is a single storey changing room building containing home, away and official's rooms. A covered terrace occupies the central space behind the eastern goal with junior changing rooms, toilets and ground maintenance equipment accommodated at the eastern end of pitch. The stadium has capacity for 3,500 spectators, including 524 seats.

(ii) to the north of, and separated by a belt of trees from, the stadium is a level and open grassed area formerly used as a football practice / training area. Aerial photographs suggest that this areas included two, full-size playing pitches.

(iii) located to the east of the stadium and south of the practice pitches is an open and unused area of rough grassland with tree planting.

3.2 All of the site is located within the Metropolitan Green Belt (GB), as defined in the Core Strategy, which also defines the site of the training pitches as a Local Nature Reserve. The site of the practice pitches is within the high risk flood zone (Zone 3), although the football stadium and associated car park is at low risk of flooding (Zone 1). The northern boundary of the site immediately adjoins the Mardyke, defined by the Environment Agency as a 'main river'. Overhead electricity transmission lines forming part of the National Grid pass east to west through the site, principally across the practice pitches. Two pylons associated with the overhead lines are positioned within the site, located adjacent to the M25 / A282 and Ship Lane frontages.

3.3 The site immediately adjoins an Air Quality Management Area (no. 9) which covers the site of the Thurrock Hotel and is designated due to its position adjacent to junction 31 of the M25. The site of the practice pitches and land to the east of the stadium is underlain by landfill deposited in the 1980s.

4.0 RELEVANT PLANNING HISTORY

4.1 The site of the former Thurrock FC stadium originally formed part of the grounds of the Aveley County Secondary School which was built in the 1930's. The school building was later used as an annexe to Thurrock Technical College and was converted to its current use as a hotel in the late 1980s. Thurrock FC (originally named Purfleet FC) played at the site from the mid-1980s until the resignation of the club from competition at the end of the 2017/18 football season. The recent relevant planning history of the former football club site, including the practice pitches, is set out in the table below:

<u>Application Ref.</u>	<u>Description of Proposal</u>	<u>Decision</u>
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75/00179/FUL	Infilling to suitable depth to provide workable top soil for vegetable production - Average additional depth approx. 8 ft. School Marsh bounded on West by Ship Lane	Approved
85/00867/FUL	Changing rooms	Approved
87/00461/FUL	Grandstand and floodlights	Approved
97/00843/FUL	Football club house	Approved
98/00466/FUL	Proposed roof cover to existing terracing, new stand, fencing, hardstanding, snack bar and overflow car park	Withdrawn
08/00685/FUL	Erection of covered seating	Refused
03/00872/FUL	Disabled access ramp	Approved
03/00948/FUL	Operational works to re-surface training ground for 5 junior football practice pitches	Approved
19/01586/SCR	Environmental Impact Assessment Screening Opinion pursuant to Part 3 (8) of the Town and Country Planning (Environmental Impact Assessment) Regulations 2017: Refurbishment of the former Thurrock Football Club stadium, to include replacement of existing stadium pitch with new all-weather 3G pitch for community football use. Development of a vehicle Pre-Delivery Inspection (PDI) centre on the site of training / practice pitches to the north of the stadium to comprise 1,224 parking spaces, PDI Building (1,199.6 sq.m GEA), new access to include HGV turnaround, 2.4m high boundary fence, landscaping, change of use of existing flat (Use Class C3) to Use Class D2 and associated works.	EIA not required
19/01418/FUL	Retention of the former Thurrock Football Club stadium for ongoing football use. Development of a vehicle Pre-Delivery Inspection (PDI) centre on the site of training / practice pitches to the north of the stadium to comprise 1,224 parking spaces, PDI Building (1,199.6 sq.m GEA), new access to include HGV turnaround, 2.4m high boundary fence, landscaping, change of use of existing flat (Use Class C3) to Use Class D2 and associated works.	Refused
21/00931/FUL	Retention of the former Thurrock Football Club Stadium for ongoing football use. Development of a vehicle Pre-Delivery Inspection (PDI) centre to comprise 1,224 parking spaces, PDI Building	Refused

	(1,199.6 sq.m GEA), new access to include HGV turnaround and bus lane, 2.4m boundary fence, landscaping, change of use of existing flat (Use Class C3) to part of clubhouse and associated works.	
22/01222/FUL	Retention of the former Thurrock Football Club Stadium for use by Grays Athletic FC (and other community groups). Development of a vehicle Pre-Delivery Inspection (PDI) centre to comprise 1,224 parking spaces, PDI Building (1,199.6 sqm GEA), new access to include HGV turnaround, EV charging facilities, enforcement camera, 2.4m boundary fence, landscaping, change of use of existing flat (Use Class C3) to part of clubhouse and all associated works	Declined to determine

5.0 CONSULTATIONS AND REPRESENTATIONS

PUBLICITY:

5.1 This application has been advertised by way of individual neighbour notification letters sent to 28 surrounding occupiers, press advert and site notices. The application has been advertised as a departure from the Development Plan and a major development.

A total of 224 public comments have been received, comprising 44 objections (including an objection from a local ward Councillor) and 180 expressions of support.

In summary, the objections received raise the following concerns:

- increased vehicle movements / congestion;
- loss of Green Belt;
- flood risk; and
- benefits of proposals are over-stated.

In summary, the representations of support refer to the following matters:

- support for GAFC;
- economic benefits; and
- community benefits.

5.3 CONSULTATION RESPONSES:

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

5.4 ESSEX COUNTY COUNCIL (ARCHAEOLOGY):

No objection – subject to conditions.

5.5 ANGLIAN WATER:

No objection – subject to conditions.

5.6 ESSEX POLICE:

Detailed design comments offered referring to CCTV, lighting, fencing etc.

5.7 CADENT GAS:

No objection, subject to informatives.

5.8 NATIONAL HIGHWAYS:

Recommend that conditions be attached to any grant of planning permission.

5.9 ENVIRONMENT AGENCY:

Initial holding objection to the proposal removed, provided that the local planning authority take into account their relevant flood risk responsibilities (i.e. sequential test and exceptions test as appropriate).

5.10 THURROCK COUNCIL – HIGHWAYS:

No objection. Compared to the previous planning application the number of movements has increased, but this does not raise significant concerns. The formation of a turning loop and bus land is agreed in principle. However, a roundabout remains the preference. A number of planning conditions are suggested in the event that planning permission is granted.

5.11 THURROCK COUNCIL – ENVIRONMENTAL HEALTH:

Contaminated land – Agree with the recommendations of the applicant’s desk study regarding site investigation, soil and groundwater testing and ground gas monitoring.

Noise – the development should not adversely affect the amenity of the nearest noise sensitive receptors

5.12 SPORT ENGLAND:

Holding objection raised, on the basis that further information is required to consider the proposed mitigation scheme located at Belhus Park (planning application ref. 22/01673/FUL).

6.0 POLICY CONTEXT

6.1 National Planning Policy Framework (NPPF)

The revised NPPF was published on 24 July 2021. Paragraph 11 of the Framework sets out a presumption in favour of sustainable development. This paragraph goes on to state that for decision taking this means:

- c) approving development proposals that accord with an up-to-date development plan without delay; or
- d) where there are no relevant development plan policies, or the policies which are most important for determining the application are out of date¹, granting permission unless:
 - i. the application of policies in this Framework that protect areas or assets of particular importance provides a clear reason for refusing the development proposed²; or
 - ii any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in this Framework taken as a whole.

¹ This includes, for applications involving the provision of housing, situations where the local planning authority cannot demonstrate a five year supply of deliverable housing sites or where the Housing Delivery Test indicates that the delivery of housing was substantially below (less than 75% of) the housing requirement over the previous three years.

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

The NPPF sets out the Government's planning policies. Paragraph 2 of the NPPF confirms the tests in s.38 (6) of the Planning and Compulsory Purchase Act 2004 and s.70 of the Town and Country Planning Act 1990 and that the Framework is a material consideration in planning decisions. The following chapter headings and content of the NPPF are particularly relevant to the consideration of the current proposals:

6. Building a strong, competitive economy;
8. Promoting healthy and safe communities;
9. Promoting sustainable transport;
12. Achieving well-designed places;
13. Protecting GB land;
14. Meeting the challenge of climate change, flooding and coastal change; and
15. Conserving and enhancing the natural environment;

6.2 National Planning Practice Guidance (NPPG)

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

- Air quality;
- Climate change;
- Design: process and tools;
- Determining a planning application;
- Flood risk and coastal change;
- Green Belt;
- Land affected by contamination;
- Natural environment;
- Open space, sports and recreation facilities, public rights of way and local green space;
- Transport evidence bases in plan making and decision taking;
- Travel Plans, Transport Assessments and Statements; and
- Use of planning conditions.

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

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

Overarching Sustainable Development Policy:

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

Spatial Policies:

- CSSP2: Sustainable Employment Growth;
- CSSP4: Sustainable GB; and
- CSSP5: Sustainable Greengrid

Thematic Policies:

- CSTP6: Strategic Employment Provision;
- CSTP9: Well-being: Leisure and Sports;
- CSTP14: Transport in the Thurrock Urban Area: Purfleet to Tilbury;
- CSTP16: National and Regional Transport Networks;
- CSTP18: Green Infrastructure;
- CSTP19: Biodiversity;
- CSTP22: Thurrock Design;
- CSTP25: Addressing Climate Change;
- CSTP26: Renewable or Low-Carbon Energy Generation; and
- CSTP27: Management and Reduction of Flood Risk

Policies for the Management of Development

- PMD1: Minimising Pollution and Impacts on Amenity;
- PMD2: Design and Layout;
- PMD6: Development in the Green Belt;
- PMD7: Biodiversity, Geological Conservation and Development;
- PMD8: Parking Standards;
- PMD9: Road Network Hierarchy;
- PMD10: Transport Assessments and Travel Plans;
- PMD12: Sustainable Buildings;
- PMD13: Decentralised, Renewable and Low Carbon Energy Generation;
- PMD15: Flood Risk Assessment; and
- PMD16: Developer Contributions

6.4 Thurrock Local Plan

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

6.5 Thurrock Design Strategy

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

7.0 **ASSESSMENT**

7.1 Procedure:

With reference to procedure, this application has been advertised (inter-alia) as being a departure from the Development Plan. Should the Planning Committee resolve to grant planning permission (contrary to recommendation), the application will first need to be referred to the Secretary of State under the terms of the Town and Country Planning (Consultation) (England) Direction 2021. The reason for the referral as a departure relates to the provision of a building where the floorspace to be created exceeds 1,000 sq.m and the scale and nature of the development would have a significant impact on the openness of the Green Belt. Therefore, the application will need to be referred under paragraph 4 of the Direction (i.e. Green Belt development). The Direction allows the Secretary of State a period of 21 days within which to 'call-in' the application for determination via a public inquiry. In reaching a decision as to whether to call-in an application, the Secretary of State will be guided by the published policy for calling-in planning applications and relevant planning policies.

7.2 The assessment below covers the following areas:

- I. Green Belt considerations;
- II. Traffic impact, access and car parking;
- III. Design and layout;
- IV. Impact on ecology and biodiversity;
- V. Flood risk and drainage;

- VI. Effect on neighbouring properties;
- VII. Land contamination and ground conditions;
- VIII. Energy and sustainable buildings; and
- IX. Other Matters

7.3 I. GREEN BELT CONSIDERATIONS:

As noted above, there are two aspects to the proposals; firstly the construction of the PDI Centre building, open vehicle storage and associated development connected with the proposed PDI facility and secondly the change of use of existing flat (Use Class C3) to part of the clubhouse. As all of the site is located within the Green Belt, adopted Core Strategy policies CSSP4 and PMD6 apply to the proposals alongside part 13 of the NPPF (Protecting GB land). Under the heading of Green Belt considerations it is necessary to refer to the following key questions:

- i. whether the proposals constitute inappropriate development in the GB;
- ii. the effect of the proposals on the open nature of the GB and the purposes of including land within it; and
- iii. whether the harm to the GB is clearly outweighed by other considerations so as to amount to the very special circumstances (VSC) necessary to justify inappropriate development.

7.4 i. Whether the proposals constitute inappropriate development in the GB:

Paragraph 137 of the NPPF confirms that the Government attaches great importance to GBs and states that the:

“fundamental aim of GB policy is to prevent urban sprawl by keeping land permanently open; the essential characteristics of GB are their openness and their permanence”.

With regard to proposals affecting the GB, paragraph 143 states that

“Inappropriate development is, by definition, harmful to the GB and should not be approved except in VSC”.

Paragraph 148 goes on to state that local planning authorities should ensure that *“substantial weight”* is given to any harm to the GB and that ‘VSC’ will not exist unless the potential harm to the GB by way of inappropriateness, and any other harm resulting from the proposal, is clearly outweighed by other considerations.

7.5 With reference to proposed new buildings in the GB, paragraph 149 confirms that a local planning authority should regard their construction as inappropriate, with the following exceptions:

- a) buildings for agriculture and forestry;
- b) the provision of appropriate facilities (in connection with the existing use of land or a change of use) for outdoor sport, outdoor recreation, cemeteries and burial grounds and allotments; as long as the facilities preserve the openness of the GB and do not conflict with the purposes of including land within it;
- c) the extension or alteration of a building provided that it does not result in disproportionate additions over and above the size of the original building;
- d) the replacement of a building, provided the new building is in the same use and not materially larger than the one it replaces;
- e) limited infilling in villages;
- f) limited affordable housing for local community needs under policies set out in the development plan (including policies for rural exception sites); and
- g) limited infilling or the partial or complete redevelopment of previously developed land, whether redundant or in continuing use (excluding temporary buildings), which would:
 - not have a greater impact on the openness of the GB than the existing development; or
 - not cause substantial harm to the openness of the GB, where the development would re-use previously developed land and contribute to meeting an identified affordable housing need within the area of the local planning authority.

7.6 The proposals for the PDI facility include a part two-storey PDI centre building to be used for commercial purposes. Clearly this element of the proposed development does not fall within any of the exceptions listed at (a) to (g) above and therefore constitutes inappropriate development.

7.7 The remaining element of the PDI facility is the proposed formation of a hardsurfaced storage area to accommodate 1,204 parking spaces, separate staff parking, a turning area for car transporters and the HGV turning area. This area, apart from the HGV turning area would be enclosed by a 2.4m high palisade fence. The laying down of a hardstanding is normally defined as an 'engineering operation' and not a 'building operation'. Paragraph 150 of the NPPF states that certain other forms of development (apart from the building operations defined at paragraph 149 (a) to (g) are:

“not inappropriate in the GB provided they preserve its openness and do not conflict with the purposes of including land within it”.

- 7.8 In this case, it is considered that the formation of such a large area of hardstanding, extending to c. 3Ha in area, and the associated 2.4m high palisade fence would materially reduce the openness of the GB at this location. Consequently, it is considered that the vehicle storage area, parking area, turning areas and perimeter fencing, in addition to the proposed PDI Centre building, are also inappropriate development.
- 7.9 Development plan policy, as expressed in the Core Strategy and Policies for the Management of Development (as amended 2015) is consistent with national policy on GB matters. Core Strategy policy CSSP4 sets out the objective of maintaining the purpose, function and open character of the GB. In order to implement this policy, the Council will:
- maintain the permanence of the boundaries of the GB;
 - resist development where there would be any danger of coalescence; and
 - maximise opportunities for increased public access, leisure and biodiversity.
- 7.10 In addition, Core Strategy policy PMD6 states that, inter-alia, planning permission will only be granted for new development in the GB provided it meets, as appropriate, the requirements of the NPPF. Consequently, it is a straightforward matter to conclude that the proposals for the PDI facility, comprising the building, associated hardstandings and perimeter fence constitute inappropriate development in the GB.
- 7.11 ii. The effect of the proposals on the open nature of the Green Belt and the purposes of including land within it:
- Having established that the proposed PDI facility is inappropriate development which is, by definition, harmful to the GB (NPPF para. 147), it is also necessary to consider whether there is any other harm (NPPF para. 148).
- 7.12 As noted above paragraph 137 of the NPPF states that the fundamental aim of GB policy is to prevent urban sprawl by keeping land permanently open; the essential characteristics of GBs being described as their openness and their permanence. With regard to the proposed PDI facility, it is clear from the submitted drawings that built development and accompanying hardstandings would occupy a considerable part of the site. The PDI proposals would therefore comprise a substantial amount of new built development and engineering operations in an area which is currently open. Advice published in NPPG (July 2019) addresses the role of the GB in the planning system and, with reference to openness, cites the following matters to be taken into account when assessing impact:
- openness is capable of having both spatial and visual aspects;

- the duration of the development, and its remediability; and
- the degree of activity likely to be generated, such as traffic generation.

7.13 It is considered that the proposed PDI facility would have a detrimental impact on both the spatial and visual aspects of openness, i.e. an impact as a result of the footprint of development and building volume. The applicant has not sought a temporary planning permission and it must be assumed that the design-life of the development would be a number of decades. The intended permanency of the development would therefore impact upon openness. Finally, the development would generate traffic movements associated with the import and export of vehicles, road testing and staff movements. This activity would also impact negatively on the openness of the GB.

7.14 Therefore, it is considered that the amount and scale of development proposed would significantly reduce the openness of the site. As a consequence the loss of openness, which is contrary to the NPPF, should be accorded substantial weight in the consideration of this application.

7.15 Paragraph 138 of the NPPF sets out the five purposes which the GB serves as follows:

- a) to check the unrestricted sprawl of large built-up areas;
- b) to prevent neighbouring towns from merging into one another;
- c) to assist in safeguarding the countryside from encroachment;
- d) to preserve the setting and special character of historic towns; and
- e) to assist in urban regeneration, by encouraging the recycling of derelict and other urban land.

In response to each of these five purposes:

7.16 a) to check the unrestricted sprawl of large built-up areas

The NPPF does not provide a definition of the term “large built-up areas”. In this part of the Borough the southern edge of the GB is formed by the A1306 with land at Purfleet, West Thurrock, Chafford Hundred and Grays forming a continuous built-up area south of the A1306. To the north of the A1306 land within the Mardyke, A13 and M25 corridors is also within the defined GB with the boundary drawn tightly around the edges of the built-up areas of Aveley and South Ockendon. It is considered that the urban area stretching between Purfleet and Grays south of the A1306 can reasonably be described as a ‘large built-up area’. The location of the proposed PDI facility is however detached from the A1306 and consequently the development would not result in any material harm to the purpose of the GB in checking the unrestricted sprawl of large built-up areas.

7.17 b) to prevent neighbouring towns from merging into one another

As described above, the site of the proposed PDI Centre facility would be located to the north of the A1306 and the built-up area extending from Purfleet in the west to Grays in the east. The settlements of Aveley and South Ockendon to the north are separated from this built-up area by the GB. If the settlements of Aveley / South Ockendon and Purfleet / West Thurrock are described as 'towns' then the development of the PDI Centre facility would result in a small degree of merging between these settlements. Although it is accepted that this conclusion relies on some interpretation of whether the settlements and built-up areas are 'towns'.

7.18 c) to assist in safeguarding the countryside from encroachment

With regard to the third GB purpose, the proposal would involve built development on what is currently open land. The term "countryside" can conceivably include different landscape characteristics (e.g. farmland, woodland, marshland, grassland etc.) and there can be little dispute that the site comprises "countryside" for the purposes of applying the NPPF policy test. It is considered that the proposals would constitute an encroachment of built development into the countryside at this location, causing some harm to the third purpose for including land in the GB.

7.19 d) to preserve the setting and special character of historic towns

As there are no historic towns in the immediate vicinity of the site, the proposals do not conflict with this defined purpose of the Green Belt.

7.20 e) to assist in urban regeneration, by encouraging the recycling of derelict and other urban land

In general terms, the development of the proposed PDI Centre could occur in the urban area and in principle, there is no spatial imperative why GB land is required to accommodate this element of the proposals. Members will be aware that a new Local Plan for the Borough is being prepared and the release of some GB land is anticipated in order to meet future growth. Indeed, the existing adopted Core Strategy (policy CSSP4) recognises the scenario of some GB release. Although the new Local Plan may identify locations for the release of GB land, the document and its accompanying evidence base is at a very early stage and cannot be afforded weight in the decision-making process. Therefore, on first impression, the development of this GB site as proposed might discourage, rather than encourage urban renewal. The applicant has not provided any analysis demonstrating whether sites within the urban area are available for the commercial use proposed.

- 7.21 In conclusion under the headings of consideration of inappropriate development (i) and impact on openness (ii) it is considered that the proposed PDI Centre would lead to harm to the GB by way of inappropriate development (i.e. definitional harm), would be harmful by way of loss of openness and would be harmful as a result of conflict to varying degrees with GB purposes b), c) and e). In accordance with paragraph 148 of the NPPF substantial weight should be afforded to this harm.
- 7.22 With regard to the proposed change of use of the existing first floor flat, located above the club house, paragraph 150 (d) applies. As the clubhouse building is of permanent and substantial construction the re-use as proposed raises no conflict in principle with the NPPF or Core Strategy policies in this respect.
- 7.23 iii. Whether the harm to the GB is clearly outweighed by other considerations so as to amount to the VSC necessary to justify inappropriate development

Paragraph 148 of the NPPF states that, when considering any planning application, local planning authorities

“should ensure that substantial weight is given to any harm to the Green Belt. VSC will not exist unless the potential harm to the GB by reason of inappropriateness, and any other harm, is clearly outweighed by other considerations”.

- 7.24 Neither the NPPF nor the Adopted Core Strategy provide guidance as to what can comprise VSC, either singly or in combination. However, some interpretation of VSC has been provided by the Courts. The rarity or uniqueness of a factor may make it very special, but it has also been held that the aggregation of commonplace factors could combine to create VSC (i.e. ‘very special’ is not necessarily to be interpreted as the converse of ‘commonplace’). However, the demonstration of VSC is a ‘high’ test and the circumstances which are relied upon must be genuinely ‘very special’. In considering whether VSC exist, factors put forward by an applicant which are generic or capable of being easily replicated on other sites, could be used on different cases leading to a decrease in the openness of the GB. The provisions of VSC which are specific and not easily replicable may help to reduce the risk of such a precedent being created. Mitigation measures designed to reduce the impact of a proposal are generally not capable of being VSC. Ultimately, whether any particular combination of factors amounts to VSC will be a matter of planning judgment for the decision-taker.
- 7.25 The Planning Statement submitted by the applicant to accompany the application sets out the applicant’s case for other considerations which could amount to VSC under the following headings:
- a) the gifting of Thurrock stadium to GAFC for community football use;

- b) the provision of a 3G pitch at Belhus Park;
- c) the provision of a HGV turnaround facility to assist with HGV management on Ship Lane and to avoid the use of HGVs travelling through Aveley village centre;
- d) the introduction of an international automotive retailer to Thurrock with associated job creation to be advertised exclusively locally for a period of eight weeks;
- e) new tree planting and ecological enhancements on the site;
- f) new EV charging facilities; and
- g) provision and space for a future boardwalk along the River Mardyke for improved leisure access, as required in the future.

In addition to the main points a) to g) above, the applicant also refers to various court cases, the Council's recent Strategic GB Assessment and their own assessment of the site against the purposes of the GB as described at paragraph 138 of the NPPF.

7.26 The detail of the applicant's case under these headings and a consideration of the matters raised are provided in the paragraphs below.

7.27 *a) the gifting of Thurrock stadium to GAFC for community football use*

Applicant's case:

The applicant cites adopted Core Strategy both policies CSTP9 (Well Being: Leisure and Sports which, inter-alia, supports the delivery of high quality sports facilities and CSTP10 (Community Facilities). It is noted that the stadium has been unused since the end of the 2017/8 football season and that, up to now, no occupier has come forward with the intention of using the stadium for sports purposes. Following discussions between Sport England, Thurrock Council (Recreation and Leisure Services) and the Football Foundation, mitigation for the loss of the training pitches would be made via a new 3G pitch at Belhus park (planning application ref. 22/01673/FUL). GAFC are now a joint applicant. A 3G pitch would accord with the Council's 'Active Place Strategy' (2020).

7.28 Assessment:

For clarity, it is considered that the applicant's reference to Core Strategy policy CSTP10 is not particularly relevant and that CSTP9 is more pertinent as it specifically refers to leisure and sports. With reference to new and existing sports and leisure facilities, Policy CSTP9 states (inter-alia) that the Council will safeguard existing and future provision of leisure, sports and open space facilities and will only allow the loss of a particular facility where appropriate alternative provision can be

made elsewhere. The football stadium and practice pitches are not identified by the Core Strategy proposals map as an 'open space'. Although the description of the development does not refer to the stadium (aside from the change of use to part of the clubhouse), the applicant cites the continuing use of an existing sports facility by gifting the stadium to GAFC. This fact does not weigh against the proposals, but it should not necessarily be concluded that positive planning weight should be placed on the re-use of the stadium. Crucially no 'development' (in the planning sense) is associated with the gifting of the stadium to GAFC and this does not need planning permission.

- 7.29 Understandably the applicant promotes the gifting and re-use of the stadium as a benefit associated with the PDI proposals. But the currently vacant stadium could be re-occupied by GAFC or any other football club without any planning 'event' such as an application for planning permission. Put simply, the stadium could be re-used without any reference to the local planning authority.
- 7.30 In conclusion under this heading, the 'development' which attracts the requirement for planning permission in this case is the proposed PDI facility and change of use of the first floor of the clubhouse. The gifting of the football stadium to GAFC is not an activity requiring planning permission. It is understandable that the applicant would wish to rely on the gifting as a benefit when it is considered that GAFC do not have a home ground of their own and indeed have been promoting a new stadium in north Grays for some time. The stadium has been vacant for over four seasons and its re-use is broadly speaking desirable. However, in terms of planning policies which clearly set out protection for the GB, the proposed re-use and re-occupation of a currently vacant stadium does not carry significant or compelling weight in favour of the development. Members are reminded that it is the PDI proposals which are the principal development in this case. There is nothing in this application to show that the PDI centre is essential to allow the football club to be reopened or use the site. The football club could reuse the site without any further development being needed.

7.31 *b) The provision of a 3G pitch at Belhus Park*

Applicant's case:

The linked planning application (22/0173/FUL) proposes a new 3G pitch at Belhus Park. Provision of the 3G pitch accords with the Thurrock Council Playing Pitch Strategy and Action Plan (2020). This represents a community benefit.

7.32 Assessment:

The consultation response received from Sport England (who are a statutory consultee in this case) dated 16th March 2023 raises a holding objection to the application. Sport England notes that the application site is considered to constitute playing field, or land last used as playing field, as defined in The Town and Country Planning (Development Management Procedure) (England) Order 2015. Within their response Sport England also refer to paragraph no. 99 of the NPPF which states that:

“Existing open space, sports and recreational buildings and land, including playing fields, should not be built on unless:

- a) an assessment has been undertaken which has clearly shown the open space, buildings or land to be surplus to requirements; or
- b) the loss resulting from the proposed development would be replaced by equivalent or better provision in terms of quantity and quality in a suitable location; or
- c) the development is for alternative sports and recreational provision, the benefits of which clearly outweigh the loss of the current or former use.

Sub-heading b) could apply to the proposals and any updated consultation response from Sport England will be reported.

7.33 Core Strategy policy CSTP9 (Well-Being: Leisure and Sports) identifies Belhus Park as a key site for leisure and sports facilities. Therefore, in terms of location, Belhus Park is considered appropriate for replacement facilities which would be lost as a result of the PDI development. However, both the applicant and Sport England refer to the proposed 3G pitch as “mitigation” for the loss of the two full-sized training pitches. As noted earlier in the report (paragraph 7.24) the mitigation of impact is unlikely to qualify as consideration, or indeed a benefit, which should be afforded positive weight in the balance of GB considerations. In simple terms, the proposed 3G pitch at Belhus Park is mitigation such that there is no overall loss in provision. In this context any replacement cannot be seen as a benefit attracting positive weight.

7.34 *c) the provision of a HGV turnaround facility to assist with HGV management on Ship Lane and to avoid the use of HGVs travelling through Aveley village centre*

Applicant’s case:

The applicant refers to the Council’s aspiration to remove HGV’s from Ship Lane and that this aspiration has not yet been achieved. The proposals include an ‘HGV loop’ within the site which would enable lorries travelling northbound on Ship Lane

(from jct.31) to re-route back to jct.31 rather than continuing through Aveley village. A proposed traffic island within the Ship Lane carriageway would prevent HGVs leaving the site from travelling towards Aveley village. The applicant considers that amenity benefits would follow if HGV movements were removed from the village.

7.35 Assessment:

For information, there is an issue arising from HGV's travelling from jct.31 northbound along Ship Lane and then negotiating the Ship Lane / High Street mini-roundabout and High Street before joining the B1335 (Aveley bypass). The preferred HGV route is via the A13 and B1335 (Sandy Lane / Aveley bypass). However, Ship Lane will appear as a shorter route on satellite navigation systems etc.

7.36 This issue has been recognised by Highways Officers and a public consultation (Ship Lane, Aveley HGV Movements Consultation) with local residents was undertaken by the Council in January and February 2019. This consultation was comprehensive with over 4,000 properties consulted and 362 responses received. Five options to address the HGV issue, with estimated costs, were presented as part of the consultation comprising:

- i. new roundabout at the Thurrock Hotel entrance (i.e. adjacent to the current application site);
- ii. two-way width restriction on Ship Lane;
- iii. partial one-way routing;
- iv. partial road closure; and
- v. northbound bus lane.

Consultation comments received expressed a clear preference for the new roundabout junction. Progression of the 'preferred option' would be dependent on available funding, so at this time a potential delivery date for a new roundabout is not known.

7.37 Although the applicant is promoting a potential solution to the Ship Lane HGV issue, it is clear that the Council has already identified this as a matter to be addressed. Furthermore, options have been formulated and a public consultation exercise completed. If the Council (as local highways authority) progresses with a scheme to deliver one of the consultation options then it can be assumed that the issue will be dealt with, in which case the applicant's HGV turn around becomes largely superfluous. The consultation response from the Highways Officer confirms that a roundabout junction remains the preference. The weight which can be afforded to this 'benefit' is a matter of judgement. The issue of HGVs routing through Aveley has been identified as an matter for action, but has not been

flagged as 'critical' on the Infrastructure Requirement List and the applicant's proposal is not the optimum solution. However, the timescales for delivery of the Council's scheme is unknown and in this sense the applicant's proposal could be a positive benefit. But given the uncertainties only limited positive weight can be attached to this factor.

7.38 *d) the introduction of an international automotive retailer to Thurrock with associated job creation to be advertised exclusively locally for a period of eight weeks*

Applicant's case:

The applicant (Group 1 Automotive) is an international automotive retailer and will create up to 30 full-time equivalent (FTE) jobs during operation. Construction phase jobs will also be created. The applicant is prepared to accept a s106 obligation to promote local employment.

7.39 Assessment:

New jobs, both during the construction and operation of the development would contribute to the economic objective of sustainable development, referred to by paragraph 8 of the NPPF. However, development of a GB site is in conflict with the environmental objective of sustainable development and job creation on its own would be highly unlikely to clearly outweigh GB harm to justify a departure from planning policies.

7.40 The applicant's Planning Statement suggests that up to 30 jobs would be created on-site during the operational phase of the development. It is difficult to make an assessment of whether the proposals represent an intensive employment density of the site, partly because the proposed PDI and associated parking area is not a standard employment use (such as warehousing or general industrial use). The widely accepted guide to employment densities is the 'Employment Density Guide' (3rd Edition, 2015) produced by the Homes & Communities Agency (HCA). This Guide provides details of FTE jobs which could be expected by new floorspace for a range of employment uses. The proposed PDI does not fall comfortably into any of the Use Classes as there will be elements of light industrial, general industrial and storage use proposed. Based on the proposed floorspace of c.1,200 sqm, the maximum employment figure of 30 suggested by the applicant is broadly consistent with the employment guide (25 jobs for light industrial use / 33 jobs for general industrial use).

7.41 However, a large part of the application site would be occupied for vehicle parking and in terms of employment generation, this is considered to be an inefficient use

of the land. As an example, if the 3.7Ha site of the proposed PDI centre were to be redeveloped for Class B2 (industrial) purposes, a building with a plot ratio of c.50% could be expected. That is, a building occupying c.50% of the plot is a reasonable assumption, based on (for example) plot ratios achieved at London Gateway logistics park. This plot ratio would result in a building with c.18,500 sq.m floorspace. If the HCA Guide is applied for a warehouse building with this floorspace (such as a national distribution centre) then c.194 jobs could be expected. Accordingly, although the proposed up to 30 jobs is of some benefit, the proposals are not an efficient use of the land and more conventional employment uses would be expected to generate greater employment benefits. Put another way, if the site were to be part of a planned release of GB for employment uses, a higher (and hence more efficient) employment generation figure would be expected for the amount of land involved.

7.42 In these circumstances only limited positive weight is applied to this factor.

7.43 *e) new tree planting and ecological enhancements on the site*

Applicant's case:

The Planning Statement notes that existing tree stock on site will be complimented by new planting along the landscaping strip fronting the Mardyke and around the edges of the site, both to provide appropriate wildlife habitat and to visually obscure the proposed palisade fence around the site. Additionally, new ecological enhancement measures such as bird boxes, bat boxes, bee hotels, log piles, etc. are proposed to be installed/created throughout the site.

7.44 Assessment:

A 'Detailed Soft Landscaping Proposals Plan' has been submitted which shows the retention of existing trees and vegetation on-site, new tree and shrub planting and ecological enhancement measures comprising bird boxes, bat boxes log piles etc.

7.45 The 'benefit' of these measures should be balanced in the context of the requirements of national and local planning policies and legislation. Section 197 of the Town and Country Planning Act 1990 states (inter-alia):

"It shall be the duty of the local planning authority—

(a) to ensure, whenever it is appropriate, that in granting planning permission for any development adequate provision is made, by the imposition of conditions, for the preservation or planting of trees;"

Paragraph 130 of the NPPF (under the chapter heading 'Achieving well-designed places') states:

“Planning policies and decision should ensure that development:

b) are visually attractive as a result of good architecture, layout and appropriate and effective landscaping”.

Finally, Core Strategy policy PMD2 (Design and Layout) requires (inter-alia) that all development proposals must satisfy the following criteria:

“viii Landscape - Features contributing to the natural landscape in the Borough, such as woods, hedges, specimen trees, unimproved grassland, ponds and marshes, will be protected and where appropriate enhanced to maintain their landscape and wildlife value. Provision and enhancement of landscape features will also be required “.

7.46 In this national and local planning policy context, the provisions of additional soft landscaping on the site should not be seen as exceptional. It is also notable that the Planning Statement refers to the proposed soft landscaping serving a function *“to visually obscure the proposed palisade fence around the site”*. Therefore at least part of the proposed soft landscaping is to mitigate the visual impact of the proposed 2.4m high palisade security fence around the proposed PDI facility. The above factors clearly limit the weight which can be attached to this element of the applicant’s case.

7.47 With regard to biodiversity enhancement measures, paragraph 174 of the NPPF states that:

“Planning policies and decisions should contribute to and enhance the natural and local environment by:

d) minimising impacts on and providing net gains for biodiversity, including by establishing coherent ecological networks that are more resilient to current and future pressures;”

Therefore, although the measures proposed are welcome, they are complying with existing national policy requirements.

7.48 In conclusion under this heading, the proposed soft landscaping and ecological enhancement measures are welcomed. However they are required by national and local policies and indeed partly mitigate the impact of the proposed PDI facility. Very limited positive weight should be attached in the GB planning balance.

7.49 *f) new EV charging facilities*

Applicant's case:

18 no. EV charging facilities would be provided to serve the proposed PDI facility with two "public" EV spaces in the existing car park adjacent to the former stadium.

7.50 Assessment:

The Council's "Parking Design and Development Standards" (2022) require the provision of both active and passive EV charging facilities for new development. Therefore the proposed PDI facility would have to provide EV charging spaces to meet standards. The proposed 2no. EV charging spaces outside the stadium are a 'benefit' as they are not required by standards. However the weight attached to this 'extra' provision is negligible.

7.51 g) provision and space for a future boardwalk along the River Mardyke for improved leisure access, as required in the future

Applicant's case:

The application proposal provides for space for a future boardwalk along the River Mardyke for improved leisure access should it be required in the future. As no boardwalk exists at the current time, it is not proposed to incorporate an actual boardwalk as part of the proposal. However, space is to be given over for such a boardwalk should a proposal come forwards at any time in the future seeking to provide a boardwalk along this part of the River Mardyke in order to open up the river for enhanced leisure use.

7.52 Assessment:

The proposed site layout plan should land reserved for a 'potential future boardwalk' within the site adjacent to the northern boundary. The delivery of this item is not secured by the proposals and its provision is uncertain. Although, if provided, a boardwalk could connect to Ship Lane, there are no eastbound connections. The utility of such a feature is therefore questionable. Indeed the exiting National Cycle Network route no.13 is located on the northern side of the Mardyke river (c. 120m from the site) linking Purfleet on Thames to Stifford village. Given this good quality, off-road link, the proposed boardwalk is arguably unnecessary. No weight should be afforded to this factor.

7.53 Green Belt conclusions

The proposed PDI centre comprises inappropriate in the GB. Consequently, the development would be harmful by definition with reference to paragraph 147 of the NPPF. The proposals would reduce the openness of the GB and, with reference to the purposes of the GB defined by NPPF para. 138, would result in a degree of coalescence and encroachment contrary to purposes (b), (c) and (e). In accordance with NPPF paragraph 144 “substantial” weight should be given to this harm.

7.54 With reference to the applicant’s case for other considerations, an assessment of the factors promoted is provided in the analysis above. However, for convenience, the weight which can be attached to the factors promoted by the applicant and the GB harm can be briefly summarised as:

Brief summary of GB harm considerations promoted by Applicant			
<u>Harm</u>	<u>Weight</u>	<u>Factors / considerations promoted by the Applicant</u>	<u>Weight</u>
Inappropriate development	Substantial	the gifting of Thurrock stadium to GAFC for community football use	Very limited positive weight
Reduction in the openness of the GB		the provision of a 3G pitch at Belhus Park	No weight
Conflict (to varying degrees) with the purposes including land in the GB (purposes (b), (c) and (e))		the provision of a HGV turnaround facility to assist with HGV management on Ship Lane and to avoid the use of HGVs travelling through Aveley village centre	Limited positive weight
		the introduction of an international automotive retailer to Thurrock with associated job creation to be advertised exclusively locally for a period of eight weeks	Limited positive weight
		new tree planting and ecological enhancements on the site	Very limited positive weight

		new EV charging facilities	Negligible positive weight
		provision and space for a future boardwalk along the River Mardyke for improved leisure access, as required in the future	No weight

7.55 As ever in reaching a conclusion on GB issues, a judgement as to the balance between harm and whether the harm is clearly outweighed by other considerations, including the benefits of the development, must be reached. In this case there is harm to the GB with reference to inappropriate development, loss of openness and some conflict with the purposes of the GB. Similar to the previous applications, several factors have been promoted by the applicant as comprising benefits which could clearly outweigh the harm to the GB (and any other harm) so as to comprise the VSC necessary to approve inappropriate development. It is for the Committee to judge:

- i. the weight to be attributed to these factors;
- ii. whether the factors are genuinely ‘very special’ (i.e. site specific) or whether the accumulation of generic factors combine at this location to comprise VSC.

7.56 Members of the Planning Committee are reminded of the content of NPPF paragraph 148 which states:

“Very Special Circumstances will not exist unless the potential harm to the Green Belt by reason of inappropriateness, and any other harm resulting from the proposal, is clearly (emphasis added) outweighed by other considerations.”

7.57 Therefore, and although every case falls to be determined on its own merits, the benefits of the proposals must clearly outweigh the harm for VSC to exist. If the balancing exercise is finely balanced, then VSC will not exist. In this case it is considered that the limited or very limited benefits of the proposals do not clearly outweigh the substantial harm to the GB and as a consequence VSC do not exist.

II. TRAFFIC IMPACT, ACCESS & CAR PARKING

7.58 The planning application is accompanied by a Transport Statement (TS). As the application site is located a short distance to the north of the M25 jct.31 Highways

England has been consulted due to the linkages between jct. 31 (which is a local highways authority asset) and jct. 30 (which is a National Highways asset).

- 7.59 With reference to the proposed PDI Centre, vehicles to be processed at the facility would be imported into the UK via four ports located at Sheerness (Kent), Halewood (Merseyside), Grimsby (Humberside) and Portbury (Bristol). After the vehicles are tested and prepared at the site, they would be exported to 22 dealerships located in Essex, Kent and south London. The applicant's TS provides a break-down of anticipated HGV movements associated with the import and export of vehicles. The TS also considers the fluctuation in HGV movement associated with new vehicle registrations. The TS also refers to movements associated with the road-testing of vehicles prior to export, including an associated route.
- 7.60 The Council's Highways Officer has considered applicant's TS and concluded that its content is generally acceptable. Subject to mitigation measures to be secured via planning conditions, the impact of the proposals on the local highways network and junction capacity is accepted. Accordingly, planning conditions, were permission to be granted, are suggested to address:
- maximum number of daily HGV movements;
 - records of HGV movements;
 - times of HGV movements;
 - maximum number of roads tests;
 - hours of road tests;
 - submission of details of the proposed HGV turning loop; and
 - a vehicle booking system.

A number of 'standard' highways planning conditions are also recommended.

- 7.61 The formal consultation response from Highways England recommends that planning conditions are attached to any grant of planning permission to address the following matter:
- submission of a delivery management plan.

Therefore the conclusions of both the local and strategic highways authorities are that, subject to mitigations to be secure by planning conditions, there are no highways objections to the application.

III. DESIGN & LAYOUT

- 7.62 The proposed PDI centre would involve the formation of a large area of hardstanding for vehicle parking extending to c.3.7 Ha in area and providing 1,204 parking spaces. This area would have a functional appearance and, due to the value of the cars on-site, would be secured with a 2.4m high security fence. Although the applicant has not referred to security lighting as part of the submission, the need for such lighting should not be discounted given the extent of the site and health and safety requirements.
- 7.63 A part two-storey building is proposed comprising c.1,200sq.m to a height of 7.1m. The appearance of this building would be somewhat utilitarian with a shallow roof pitch and silver-grey coloured cladding. Although it appreciated that this is a functional building, the design and appearance is not of the highest architectural interest.
- 7.64 To the north of the site on the northern side of the Mardyke is a recreational footpath through the Mardyke river valley. Although a landscape buffer is proposed along the northern boundary of the site which would potentially filter views towards the site when established, the proposed security fencing and building would appear as prominent to views from the footpath. The visual impact of the proposals does not weigh in favour of the proposals. Members of the Committee will be aware that the NPPF and the Council's own planning policies emphasise the importance of good design. It is considered that the proposed building would be visually prominent and would not be visually attractive. For information, paragraph no. 126 of the rNPPF now that:

“the creation of high quality, beautiful and sustainable buildings and places is fundamental to what the planning and development process should achieve”

The appearance of the development is not a positive factor in overall planning balance.

IV. IMPACT ON ECOLOGY & BIODIVERSITY

- 7.65 The application is accompanied by a Preliminary Ecological Appraisal (PEA) and Reptile Survey Report. The conclusions of the PEA recommend a series of mitigation measures to address potential impacts on protected / importance species and habitats on-site. The majority of land required for the development of the PDI centre currently comprises open, ruderal vegetation which is considered to be of little ecological value. As mentioned above, new landscaping is proposed with ecological enhancements. Consequently, it is concluded that, subject to mitigation

to be secured by planning conditions, there are no objections to the proposals on ecological grounds.

V. FLOOD RISK & DRAINAGE

- 7.66 The site is located within the high-risk flood zone (3a) and is located adjacent to a main river. The consultation response from the Environment Agency does not object to the proposal, but reminds the local planning authority of its responsibilities in applying the Sequential Test. Paragraph no. 162 of the NPPF states:

“The aim of the sequential test is to steer new development to areas of lowest risk of flooding. Development should not be allocated or permitted if there are reasonably available sites appropriate for the proposed development in areas with a lower risk of flooding ...”

- 7.67 A Strategic Flood Risk Assessment (SFRA) (2010) was undertaken on behalf of the Council in 2010 with the purpose of informing the Core Strategy and this document applied the sequential test to the identified ‘broad areas for regeneration’ in the Borough. Consequently, for development proposals within these broad areas the sequential test is passed via application of the SFRA. Guidance within NPPG states that:

“For individual planning applications ... where the use of the site being proposed is not in accordance with the development plan, the area to apply the Sequential Test across will be defined by local circumstances relating to the catchment area for the type of development proposed ... When applying the Sequential Test, a pragmatic approach on the availability of alternatives should be taken”

- 7.68 Under the heading of ‘Who is responsible for deciding whether an application passes the Sequential Test?’ NPPG advises:

“It is for local planning authorities, taking advice from the Environment Agency as appropriate, to consider the extent to which Sequential Test considerations have been satisfied, taking into account the particular circumstances in any given case. The developer should justify with evidence to the local planning authority what area of search has been used when making the application.”

Further advice on the process of undertaking the Sequential Test is available from the Environment Agency who advise that developers should provide information about:

- alternative sites;
- estimates of alternative site capacity; and

- information about the Development Plan allocation, constraints etc. of alternative sites.

7.69 The current application is accompanied by a Flooding Sequential Test Assessment which now includes the required information above. Consequently, it is considered that Sequential Test is passed.

VI. EFFECT ON NEIGHBOURING PROPERTIES

7.70 The closest sensitive receptors to the site are potential guests at the Thurrock Hotel located to the south of the site on the southern side of the stadium. Activities at the proposed PDI centre would principally involve car and HGV movements associated with the delivery, export and testing of vehicles. Any potentially noisy activities associated with the preparation of vehicles would occur inside the PDI building. Consequently it is considered that the PDI centre would not result in any significant harm to the amenity of hotel guests.

VII. LAND CONTAMINATION & GROUND CONDITIONS

7.71 The site of the proposed PDI centre comprises made ground (landfill) dating from the 1980's and the submission is therefore accompanied by a ground conditions report (preliminary assessment). The Council's Environmental Health Officer considers that a ground condition survey should be undertaken to determine the extent of any potential contamination and establish the load bearing strength of the strata. A planning condition could be used to address this matter were the application recommended for approval.

VIII. ENERGY & SUSTAINABLE BUILDINGS

7.72 As the proposed PDI centre building exceeds 1,000 sqm in floorspace, policies PMD12 and PMD13 of the adopted Core Strategy require compliance with specified BREEAM standards and generation of on-site electricity from renewable or other sustainable sources. Although the application is not accompanied by any energy or sustainability statement confirming intended standards, planning conditions could be used to address this matter, were the application recommended for approval.

8.0 CONCLUSIONS AND REASONS FOR RECOMMENDATION

8.1 The principal issue for consideration in this case is the assessment of the proposals against planning policies for the GB and whether there are considerations which clearly outweigh harm such that the VSC to justify a departure from normal policy exist. The proposals are 'inappropriate development' in the GB, would lead to the loss of openness and would cause some harm to the purposes of the GB. Substantial weight should be attached to this harm in the balance of considerations. Although positive weight can be given to some of the benefits of the proposals, the

identified harm must be clearly outweighed for VSC to exist. NPPF para. 147 sets the stringent policy test that harm must be clearly outweighed by other considerations for VSC to exist. In this case it is concluded that the identified harm is not clearly outweighed by other considerations and therefore a case for VSC does not exist.

- 8.2 The design of the proposed PDI building is disappointing and would be visible and prominent to users of the nearby Mardyke Valley footpath. Subject to potential planning conditions there are no objections to the proposals with regard to highways issues, impact on ecology or other planning considerations. At the time of writing, as referenced above, there is also a holding objection from Sport England due to insufficient information. Furthermore, while the applicant promotes the gifting and re-use of the stadium as a benefit associated with the PDI proposals, the LPA concludes that the currently vacant stadium could be re-used without any reference to the local planning authority. Nonetheless, the GB issues remain the primary matter which is of paramount importance in the consideration of this case. Consequently, it is recommended that planning permission is refused.

9.0 RECOMMENDATION:

- 9.1 The Committee is recommended to refuse planning permission for the following reason:
- 1 The application site is located within the Green Belt, as identified on the Policies Map accompanying the adopted Thurrock Local Development Framework Core Strategy and Policies for the Management of Development (2015). National and local planning policies for the Green Belt set out within the NPPF and Thurrock Local Development Framework set out a presumption against inappropriate development in the Green Belt. The proposals are considered to constitute inappropriate development with reference to policy and would by definition be harmful to the Green Belt. It is also considered that the proposals would harm the openness of the Green Belt and would be contrary to purposes b), c) and e) of the Green Belt, as set out by paragraph 138 of the NPPF. In particular, the appearance of the proposed PDI centre building and perimeter fencing would appear as visually intrusive feature to users of the Mardyke Valley footpath. It is considered that the identified harm to the Green Belt is not clearly outweighed by other considerations so as to amount to the very special circumstances required to justify inappropriate development. The proposals are therefore contrary to Part 13 of the NPPF and Policies CSSP4 and PMD6 of the adopted Thurrock Local Development Framework Core Strategy and Policies for the Management of Development (2015).

Town and Country Planning (Development Management Procedure) (England)

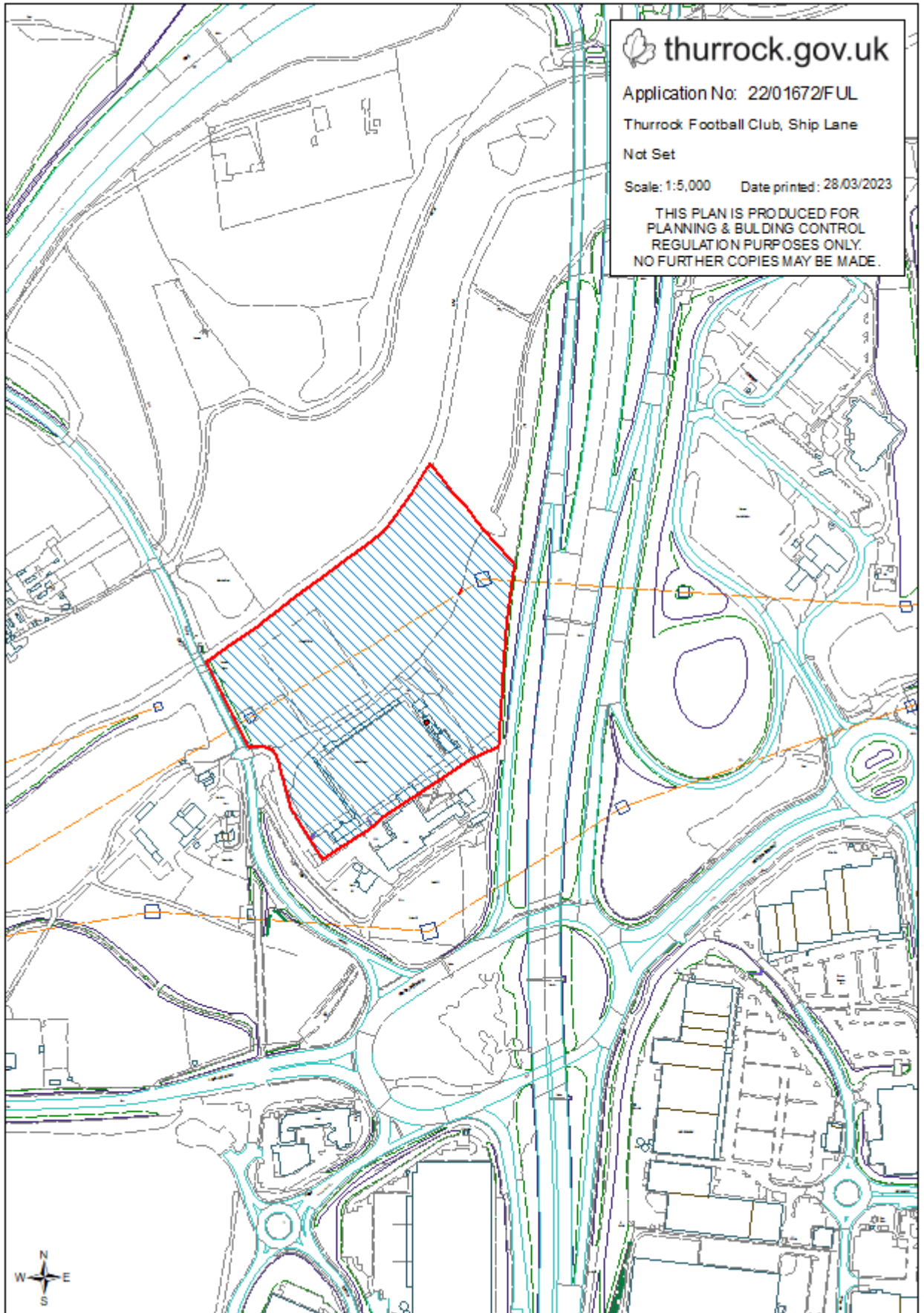
Order 2015 (as amended) - Positive and Proactive Statement:

The Local Planning Authority has acted positively and proactively in determining this application by identifying matters of concern with the proposal and determining the application within a timely manner, clearly setting out the reason(s) for refusal, allowing the Applicant/Agent the opportunity to consider the harm caused and whether or not it can be remedied by a revision to the proposal. The Local Planning Authority is willing to liaise with the Applicant/Agent to discuss the best course of action and is also willing to provide pre-application advice in respect of any future application for a revised development.

Documents:

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

www.thurrock.gov.uk/planning



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Agenda Item 9

Planning Committee 06 April 2023	Application Reference: 22/01672/FUL
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Reference: 22/01673/FUL	Site: Belhus Park Golf and Country Park Belhus Park Lane Aveley
Ward: Aveley & Uplands	Proposal: Construction of new 3G football pitch, spectator area and 4.5m high fencing.

Plan Number(s):		
Reference	Name	Received
DWG_BS_000_P1	Existing Site Location Plan	19.01.2023
DWG_BS_100_P2	Existing Plan	14.12.2022
DWG_00_100_P2	Proposed Plan	14.12.2022

The application is also accompanied by:	
<ul style="list-style-type: none">• Covering letter• Heritage Statement	
Applicant: Group 1 Automotive and Grays Athletic Football Club	Validated: 27 January 2023 Date of expiry: 2 May 2023 (Agreed extension of time)
Recommendation: Refuse planning permission	

This application is scheduled for determination by the Council's Planning Committee because the application is linked to planning application ref. 22/01672/FUL, reported separately on this agenda.

1.0 BRIEF SUMMARY

1.1 This application has been submitted by Group 1 Automotive and Grays Athletic Football Club and proposes an all-weather playing pitch on Council-owned land at Belhus Park. This submission is linked to planning application ref. 22/01672/FUL reported elsewhere on this agenda.

2.0 DESCRIPTION OF PROPOSAL

2.1 The application proposes the construction of an all-weather surfaced (3G) playing pitch, located on land south of the Impulse leisure centre and north of an existing single-storey changing room block. The playing surface would measure 100m x

70m and the submitted plans show the area marked out for use as either two or four playing pitches. Run-off areas adjacent to the playing pitches would be provided, along with recesses for storage of goalposts etc. A 'ball-stop and pitch perimeter' fence is proposed to enclose the playing surface to a maximum height of 4.5m. No details are provided of the colour or detailed design of the fence have been provided, although the submitted drawings indicate a 'weldmesh' security-style. A 'spectator area' is indicated outside of the perimeter fence.

- 2.2 The applicant's covering letter states that the proposal is linked to planning application ref. 22/01672/FUL (submitted by the same applicant) and that the full justification is set out in the linked application.

3.0 SITE DESCRIPTION

- 3.1 The application site is located entirely within the Green Belt (GB) and also on an area designated as Existing Open Space by the adopted Core Strategy. The site is within Belhus Park which appears on the Register of Historic Parks and Garden (Grade II).
- 3.2 The area which the proposed pitch would occupy is an open and flat grassed area located in between the leisure centre car park and a changing room building. The latest aerial photography suggests that the proposal would partly encroach onto one pitch marked for use as mini-soccer. Although the application form suggests that no trees would be affected by the proposals, aerials photographs suggest that one mature tree would need to be removed to accommodate the pitch.
- 3.3 The application site is in the ownership of the Council.

4.0 RELEVANT PLANNING HISTORY

- 4.1 The site of the proposed playing pitches has a site history dating from the 1950's associated with the extraction of minerals and subsequent infilling. Planning permission was granted in 2013 for "Use of land to provide additional football pitches, together with new changing facilities and other associated works" on a larger site including land north of the Aveley bypass and south of the Impulse leisure centre (ref. 13/00340/FUL). This permission was never implemented.

5.0 CONSULTATIONS AND REPRESENTATIONS

PUBLICITY:

- 5.1 This application has been advertised by way of individual neighbour notification letters sent to 5 surrounding occupiers, press advert and site notices. The

application has been advertised as a departure from the Development Plan and a major development.

Eight (8) representations have been received comprising 1 letter of support (relating to the provision of a new pitch and the Council's Active Play Policy) and 7 objections referring to:

- limited benefit given the presence of Aveley FC nearby;
- absence of floodlights;
- visual impact of proposed fencing;
- queries regarding future maintenance.

CONSULTATION RESPONSES:

- 5.2 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

SPORT ENGLAND:

- 5.3 Raise a holding objection, on the ground that there is insufficient information to enable Sport England to adequately assess the proposal or to make a substantive response. If the Council is minded to determine the application in advance of the requested information being provided then Sport England's position would be an objection because based on the limited information provided to date the sport related benefits of the proposed 3G pitch would not be considered to outweigh the detriment caused by the impact on the playing field. Should the local planning authority be minded to grant planning permission for the proposal, contrary to Sport England's holding objection, then the Town and Country Planning (Consultation) (England) Direction 2021, requires the application to be referred to the Secretary of State, via the National Planning Casework Unit (because the site is land of a local authority).

HERITAGE ADVISOR:

- 5.4 No objections to the proposed 3G pitch. However, the proposed fence would have a negative impact on the heritage asset although the harm would be 'less than substantial' and would need to be weighed against any public benefits of the proposals.

HISTORIC ENGLAND:

- 5.5 Raises concerns as there would be some harm to the significance of the registered park and garden. This harm is assessed as being located at the lower end of the range of 'less than substantial harm'. The LPA should undertake the required balancing exercise set out in the NPPF.

HIGHWAYS:

- 5.6 Further information required – a Transport Statement is required to assess the highways and parking impact of the proposal.

ENVIRONMENTAL HEALTH OFFICER:

- 5.7 A planning condition is recommended limiting any hours of construction.

6.0 POLICY CONTEXT

6.1 National Planning Policy Framework (NPPF)

The revised NPPF was published on 24 July 2021. Paragraph 11 of the Framework sets out a presumption in favour of sustainable development. This paragraph goes on to state that for decision taking this means:

- c) approving development proposals that accord with an up-to-date development plan without delay; or
- d) where there are no relevant development plan policies, or the policies which are most important for determining the application are out of date¹, granting permission unless:
 - i. the application of policies in this Framework that protect areas or assets of particular importance provides a clear reason for refusing the development proposed²; or
 - ii any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in this Framework taken as a whole.

¹ This includes, for applications involving the provision of housing, situations where the local planning authority cannot demonstrate a five year supply of deliverable housing sites or where the Housing Delivery Test indicates that the delivery of housing was substantially below (less than 75% of) the housing requirement over the previous three years.

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

The NPPF sets out the Government's planning policies. Paragraph 2 of the NPPF confirms the tests in s.38 (6) of the Planning and Compulsory Purchase Act 2004 and s.70 of the Town and Country Planning Act 1990 and that the Framework is a material consideration in planning decisions. The following chapter headings and content of the NPPF are particularly relevant to the consideration of the current proposals:

8. Promoting healthy and safe communities;
12. Achieving well-designed places;
13. Protecting GB land; and
16. Conserving and enhancing the historic environment

6.2 National Planning Practice Guidance (NPPG)

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

- Determining a planning application;
- Green Belt;
- Historic environment;
- Open space, sports and recreation facilities, public rights of way and local green space; and
- Use of planning conditions.

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

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

Overarching Sustainable Development Policy:

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

Thematic Policies:

- CSTP9: Well-being: Leisure and Sports;
- CSTP20: Open Space

Policies for the Management of Development

- PMD1: Minimising Pollution and Impacts on Amenity;
- PMD2: Design and Layout;
- PMD4: Historic Environment; and
- PMD6: Development in the GB.

6.4 Thurrock Local Plan

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

6.5 Thurrock Design Strategy

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

7.0 **ASSESSMENT**

The principal issues to be considered in this case are:

- I. Principle of development and Green Belt implications;
- II. Impact on the Registered Park and Garden;
- III. Highway issues;
- IV. Other matters.

I. PRINCIPLE OF DEVELOPMENT AND GREEN BELT IMPLICATIONS

- 7.1 The proposed formation of additional football pitches raises no material conflict with either national or local Green Belt planning policies. Paragraph no. 145 of the NPPF states that:

“Once Green Belts have been defined, local planning authorities should plan positively to enhance their beneficial use, such as looking for opportunities to provide access; to provide opportunities for outdoor sport and recreation ...”

- 7.2 Although the proposed perimeter fencing would have an impact on the visual component of GB openness, this impact should be balanced against the benefit of an all-weather playing surface, which can be used more intensively than a natural grass surface.
- 7.3 Core Strategy policy CSTP9 (Well-Being: Leisure and Sports) generally supports the safeguarding of existing sports facilities and the provision of new facilities. This policy identifies Belhus as a key site for ‘flagship leisure and sports facilities’. In broad terms a new 3G pitch would accord with the aims of this thematic policy.
- 7.4 Core Strategy policy CSTP20 (Open Space) is applicable to the site and this policy refers (inter-alia) to recreational spaces to meet the needs of local communities. Similarly policy PMD5 (Open Spaces, Outdoor Sports & Recreational Facilities) generally protects existing facilities and seeks the provision of new sports and recreational infrastructure.
- 7.5 The applicant’s justification and reasoning for the proposed 3G pitch is provided in the Planning Statement accompanying the linked application (22/01673/FUL) as follows:

“... further ongoing discussions with Sport England have occurred, which have also involved discussions between Sport England and Thurrock Council (Recreation and Leisure Services) and the Football Foundation. Accordingly, it is now proposed that mitigation for the loss of the natural turf training pitches on the application site (Thurrock FC site) would principally be made off-site in the form of 3G pitch to the value of £500,000 towards enhanced football at Belhus Park. This application (22/01673/FUL) has been worked up in consultation with Impulse Leisure and Velocity Sports Limited and proposed a 3G football pitch in an agreed location, at an agreed costing which accords with the applicant’s previously suggested contribution of £500,000 as agreed with Sport England. This is, therefore, a worked up and deliverable proposal.”

- 7.6 The consultation response from Sport England (dated 16.03.23) places a holding objection and requests that additional information is provided on the following matters:
- proposed pitch layouts;
 - playing surface specifications;

- pedestrian and maintenance access; and
- floodlighting.

Although it is possible that the applicant will be able to respond to these queries, at the time of writing the holding objection applies. If the Committee were minded to approve the application in advance of the requested information being provided, Sport England's position would one of objecting to the application. In which case any resolution to grant planning permission would be subject to referral to the Secretary of State.

- 7.7 However, of more concern is the mechanism for delivering the proposed 3G pitch. Although the planning application has been submitted by Group 1 Automotive and Grays Athletic Football Club, the land on which the pitch would be located is in the ownership of the Council. The applicant has no legal interest in the site and therefore cannot be bound by any obligation to deliver the facility. The application does not explain how, if planning permission is granted, the 3G pitch would be provided. Clearly if the applicant has no interest in the site they could not guarantee that the pitch would be provided, which rather weakens the argument that the 3G pitch provides both mitigation and a benefit for the loss of the pitches at the Thurrock FC site. The Council could not bind itself to a legal agreement to deliver the pitch on behalf of the applicant. This is because as a matter of contract law, the Council (as landowner) cannot enter into an agreement with the Council (as local planning authority) since they are not separate legal entities. Accordingly, as the proposed 3G pitch is 'linked' to the proposals at the Thurrock FC (recommended for refusal), as there is no mechanism promoted to deliver the facility and as there is a holding objection from Sport England the proposals cannot be supported.

II. IMPACT ON THE REGISTERED PARK & GARDEN

- 7.8 As identified earlier in the report the site is within the Grade II Belhus Park Registered Park and Garden which extends to include land east and west of the M25 motorway between Aveley / Kennington and South Ockendon. Belhus Park is therefore a 'Heritage Asset' to which Chapter 16 of the NPPF applies. As required by paragraph no. 194 of the NPPF, the application is accompanied by a Heritage Statement. Paragraph no. 199 generally requires that when considering the impact of a proposed development on the significance of a designated heritage asset, great weight should be given to the asset's conservation (and the more important the asset, the greater the weight should be). This is irrespective of whether any potential harm amounts to substantial harm, total loss or less than substantial harm to its significance.

- 7.9 Both Historic England and the Council's Heritage Advisor have concluded that the proposal would cause some harm to the heritage asset. However, the level of harm would be 'less than substantial'. In these circumstances paragraph no. 202 of the NPPF applies which requires the harm to be weighed against the public benefits of the proposals. A new 3G pitch could result in benefits related to participation in sport and associated public health benefits. However, as noted above, the mechanism for delivering the pitch (if approved) is uncertain and has not been explained by the applicant. In these circumstances, a conclusion that the public benefits of the 3G pitch outweigh the harm to the heritage asset cannot be reached.

III. HIGHWAY MATTERS

- 7.10 The consultation response from the Council's Highways Officer requests further information regarding parking and potential traffic impact. It is recognised that the 3G pitch would be located within an existing park containing sports pitches with existing car parking available adjacent to the leisure centre and along its access road (Park Lane). In these circumstances the implications for parking and traffic impact are negligible and it is not considered necessary to require further information.

IV. OTHER MATTERS

- 7.11 Although the application form states that there are no trees within the site, there is a single mature tree within the southern part of the site which would have to be removed to accommodate the pitch. No objection is raised on this basis. A replacement could be considered if permission were to be granted.

8.0 CONCLUSIONS & REASONS FOR RECOMMENDATION

- 8.1 The land use principle of a 3G pitch at Belhus Park is generally supported by planning policies for the Green Belt. However from Sport England have issued a holding objection to the proposals on the basis that further information is required. In addition, as the applicant has no legal interest in the application site and the Council cannot bind itself by obligation; a mechanism for delivering the pitch (if approved) has not been demonstrated. Furthermore, as the delivery of the pitch is uncertain, the local planning authority cannot conclude on the balance between harm to the heritage asset and any public benefits arising from the proposal. For these reasons it is recommended that planning permission is refused.

9.0 RECOMMENDATION

9.1 The Committee is recommended to refuse planning permission for the following reasons:

- 1 The application is not accompanied by sufficient detail regarding proposed pitch layouts, pitch design specifications, details of pedestrian and maintenance access and floodlighting to enable the local planning authority and Sport England to make an adequate assessment of whether the proposals provide adequate mitigation for the proposed loss of existing playing fields at the former Thurrock Football Club site. Consequently, the proposals are contrary to paragraph no. 99 of the NPPF and policies CSTP20 and PMD5 of the Thurrock Core Strategy and Policies for the Management of Development 2015.
- 2 As no mechanism has been provided by the application which guarantees the delivery of the proposed 3G pitch, the local planning authority cannot conclude whether any public benefits of the proposals outweigh the identified harm to the Grade II Belhus Park Registered Park and Garden. The proposal is therefore contrary to paragraph no. 202 of the NPPF.

Informative:

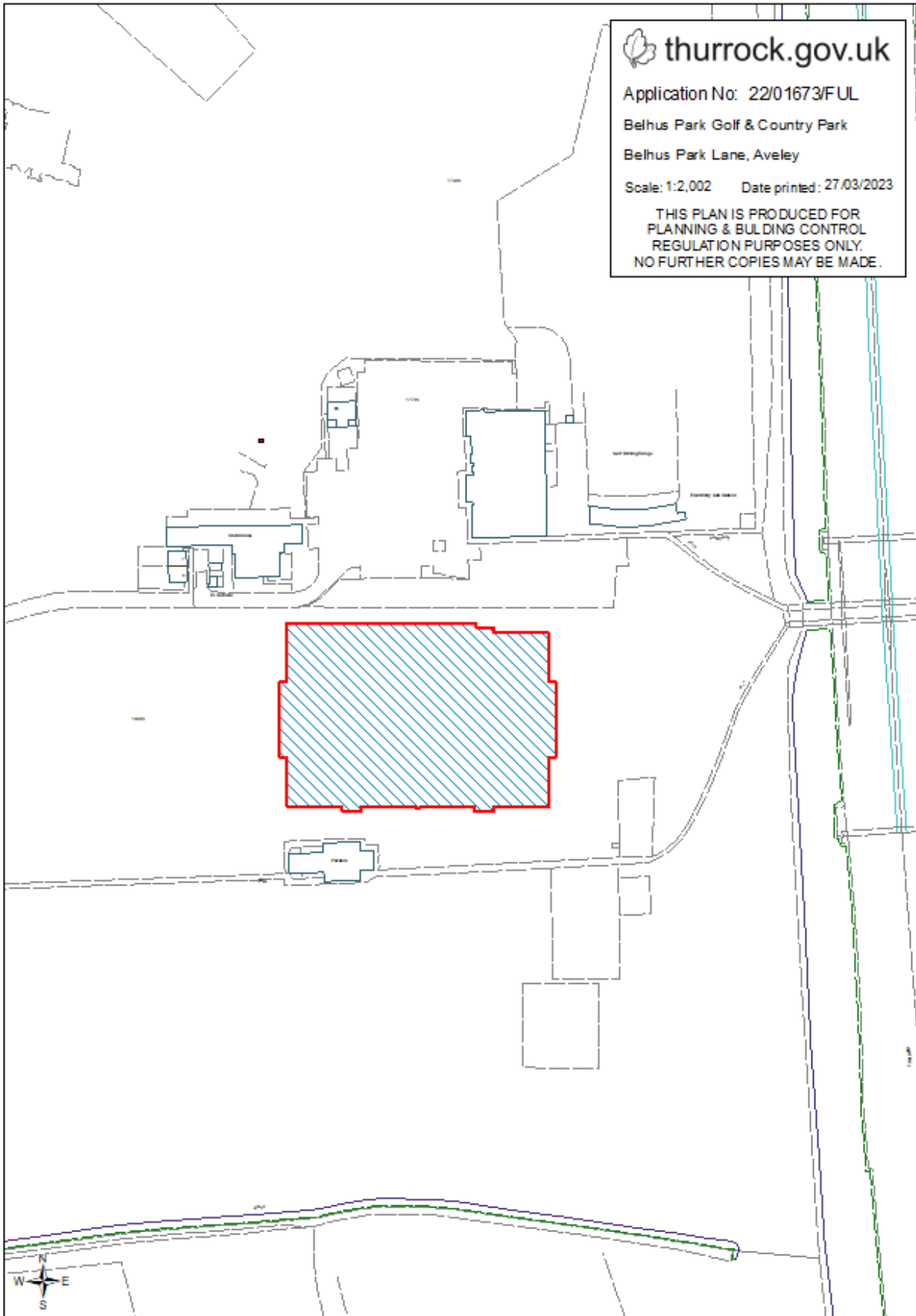
- 1 Town and Country Planning (Development Management Procedure) (England) Order 2015 (as amended) - Positive and Proactive Statement:

The Local Planning Authority has acted positively and proactively in determining this application by identifying matters of concern with the proposal and determining the application within a timely manner, clearly setting out the reason(s) for refusal, allowing the Applicant/Agent the opportunity to consider the harm caused and whether or not it can be remedied by a revision to the proposal. The Local Planning Authority is willing to liaise with the Applicant/Agent to discuss the best course of action and is also willing to provide pre-application advice in respect of any future application for a revised development.

Documents:

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

www.thurrock.gov.uk/planning



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