

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 **13 July 2023**

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

### Membership:

Councillors Tom Kelly (Chair), Georgette Polley (Vice-Chair), Paul Arnold, Steve Liddiard, Jacqui Maney, Terry Piccolo, Sue Shinnick and Lee Watson

Steve Taylor, Campaign to Protect Rural England Representative

### Substitutes:

Councillors Adam Carter, Mark Hooper, Sara Muldowney, Joycelyn Redsell and James Thandi

### Agenda

Open to Public and Press

	<b>Page</b>
<b>1 Apologies for Absence</b>	
<b>2 Minutes</b>	<b>5 - 8</b>
To approve as a correct record the minutes of the Planning Committee meeting held on 8 June 2023.	
<b>3 Item of Urgent Business</b>	
To receive additional items that the Chair is of the opinion should be considered as a matter of urgency, in accordance with Section 100B (4) (b) of the Local Government Act 1972.	
<b>4 Declaration of Interests</b>	
<b>5 Declarations of receipt of correspondence and/or any</b>	

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

**6 Planning Appeals 9 - 14**

**7 Public Address to Planning Committee**

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

**8 22/01370/FUL: Land adjacent Watts Wood including Mardyke Farm, Ship Lane and Broomhill, Arterial Road, Purfleet-on-Thames, Essex 15 - 98**

**9 22/01672/FUL: Thurrock Football Club Ship Lane, Aveley, RM19 1YN 99 - 146**

**10 22/01673/FUL: Belhus Park Golf And Country Park, Belhus Park Lane, Aveley, RM15 4PX 147 - 162**

**11 23/00149/HHA: Lyndfield, Orsett Road, Horndon On The Hill, Essex, RM16 3BH 163 - 182**

**12 19/01556/OUT: Kings Farm / Thurrock Airfield, Parkers Farm Road, Orsett, RM16 3HX 183 - 198**

**13 21/02190/FUL: Land Adjoining Tamarisk Road, South Ockendon, Essex 199 - 226**

**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](mailto:Direct.Democracy@thurrock.gov.uk)

Agenda published on: **5 July 2023**

## **Information for members of the public and councillors**

### **Access to Information and Meetings**

#### **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.

Hand sanitiser will also be available at the entrance for your use.

#### **Recording of meetings**

This meeting will be live streamed with the recording available on the Council's webcast channel.

If you have any queries regarding this, please contact Democratic Services at [Direct.Democracy@thurrock.gov.uk](mailto:Direct.Democracy@thurrock.gov.uk)

#### **Guidelines on filming, photography, recording and use of social media at council and committee meetings**

The council welcomes the filming, photography, recording and use of social media at council and committee meetings as a means of reporting on its proceedings because it helps to make the council more transparent and accountable to its local communities. If you wish to film or photograph the proceedings of a meeting and have any special requirements or are intending to bring in large equipment please contact the Communications Team at [CommunicationsTeam@thurrock.gov.uk](mailto:CommunicationsTeam@thurrock.gov.uk) before the meeting. The Chair of the meeting will then be consulted and their agreement sought to any specific request made.

Where members of the public use a laptop, tablet device, smart phone or similar devices to use social media, make recordings or take photographs these devices must be set to 'silent' mode to avoid interrupting proceedings of the council or committee. The use of flash photography or additional lighting may be allowed provided it has been discussed prior to the meeting and agreement reached to ensure that it will not disrupt proceedings.

The Chair of the meeting may terminate or suspend filming, photography, recording and use of social media if any of these activities, in their opinion, are disrupting proceedings at the meeting.

## Thurrock Council Wi-Fi

Wi-Fi is available throughout the Civic Offices. You can access Wi-Fi on your device by simply turning on the Wi-Fi on your laptop, smartphone or tablet.

- You should connect to TBC-GUEST
- Enter the password **Thurrock** to connect to/join the Wi-Fi network.
- A Terms & Conditions page should appear and you have to accept these before you can begin using Wi-Fi. Some devices require you to access your browser to bring up the Terms & Conditions page, which you must accept.

The ICT department can offer support for council owned devices only.

## Evacuation Procedures

In the case of an emergency, you should evacuate the building using the nearest available exit and congregate at the assembly point at Kings Walk.

## How to view this agenda on a tablet device



You can view the agenda on your [iPad](#) or [Android Device](#) with the free modern.gov app.

Members of the Council should ensure that their device is sufficiently charged, although a limited number of charging points will be available in Members Services.

To view any “exempt” information that may be included on the agenda for this meeting, Councillors should:

- Access the modern.gov app
- Enter your username and password

# DECLARING INTERESTS FLOWCHART – QUESTIONS TO ASK YOURSELF

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

## Helpful Reminders for Members

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

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

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



Does the business to be transacted at the meeting

- relate to; or
- likely to affect

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

Disclosable Pecuniary Interests shall include your interests or those of:

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

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

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

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

### Pecuniary

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

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

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

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

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

### Non-pecuniary

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



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

## Our Vision and Priorities for Thurrock

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

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

## Minutes of the Meeting of the Planning Committee held on 8 June 2023 at 6.00 pm

---

**Present:** Councillors Tom Kelly (Chair), Georgette Polley (Vice-Chair), Paul Arnold, Mark Hooper, Steve Liddiard, Jacqui Maney, Sara Muldowney and James Thandi

Steve Taylor, Campaign to Protect Rural England Representative

**Apologies:** Councillors Terry Piccolo, Sue Shinnick and Lee Watson

**In attendance:** Leigh Nicholson, Assistant Director of Planning, Transport and Public Protection  
Jonathan Keen, Principal Planning Officer  
Nadia Houghton, Principal Planning Officer  
Lucy Mannion, Senior Planning Officer  
Ross McCardle, Senior Planning Officer  
Julian Howes, Senior Highways Engineer  
Caroline Robins, Legal Representative  
Matthew Boulter, Strategic Head of Democratic Scrutiny and Member Services

---

Before the start of the Meeting, all present were advised that the meeting was being live streamed to the Council's website.

### **1. Minutes**

The minutes of the meeting held on 16 March and 6 April 2023 were approved as a true and correct record.

### **2. Item of Urgent Business**

There were no items of urgent business.

### **3. Declaration of Interests**

There were no interests declared.

### **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**

There were no declarations of receipt of correspondence.

## 5. Planning Appeals

The Assistant Director of Planning, Transport and Public Protection presented the report to Members.

### **RESOLVED:**

**That the report be noted.**

## 6. 21/01635/FUL – Land south of Marsh Farm, Marsh Lane, Fobbing Essex

The report was presented by the Senior Planning Officer.

During the debate the Chair commented over the last 18 months the Committee had seen a number of large developments of this nature within the borough. He continued by mentioning that looking at the national picture with the cost of energy and energy production, which had been highlighted within the report it was clear the Government supported the use of these developments. However he stated as seen at the Committee in April and in the report there was little support from local residents.

Councillor Arnold remarked he felt the site visit was very beneficial for Members, however, he was not in favour of the application, and he felt the application would have harmful to the visual effects which was currently enjoyed by local residents and visitors.

Councillor Polley stated that she agreed with Councillor Arnold's comments, she continued by mentioning if there was another application of this size being proposed on the Green Belt she didn't feel that it would be suggested for approval.

The Chair thanked Members for their comments and sought if anyone wished to recommend the Officers recommendation. No Members recommend the application as per the Officer report, the Chair then sought an alternative recommendation.

The Assistant Director of Planning, Transport and Public Protection advised the Constitution was clear that an alternative recommendation would need to be put forward, which met with council policies.

Councillor Polley Vice-Chair of the Committee proposed to refuse the application on the grounds of harm to the Green Belt and the openness of the Green Belt and was seconded by Councillor Arnold. It was not considered that the matters put forwards towards very special circumstances clearly outweighed the harm and the proposal constituted inappropriate development within Green Belt.

**For: (4)** Councillors Tom Kelly (Chair), Georgette Polley (Vice-Chair), Paul Arnold and James Thandi



**Against: (0)**

**Abstained: (0)**

**7. 22/01714/FUL - Whitwell Court, Fairview Chase, Stanford Le Hope, Essex**

The report was presented by the Principal Planning Officer.

The Chair of the Committee sought clarification that parking for the proposed development met the parking standards and whether it was allocated or shared parking. The Principal Planning Officer confirmed that it would be one parking space per unit, in addition there were conditions requiring that layout and the access arrangements were to be agreed with officers prior to any works starting.

The Chair of the Committee proposed the officer recommendation to approve the application subject to conditions and was seconded by Councillor Polley.

**For: (8)** Councillors Tom Kelly (Chair), Georgette Polley (Vice-Chair), Paul Arnold, Mark Hooper, Steve Liddiard, Jacqui Maney, Sara Muldowney and James Thandi

**Against: (0)**

**Abstained: (0)**

**8. 22/01685/FUL - Sandown Nurseries, Sandown Road, Orsett**

The Chair of the Committee advised the application had been withdrawn from the agenda at the request of the applicant.

**9. 23/00303/FUL - 32 Rainbow Lane, Stanford Le Hope, SS17 0AS**

The report was presented by the Principal Planning Officer.

The Chair of the Committee proposed the officer recommendation to refuse the application and was seconded by Councillor Polley.

**For: (8)** Councillors Tom Kelly (Chair), Georgette Polley (Vice-Chair), Paul Arnold, Mark Hooper, Steve Liddiard, Jacqui Maney, Sara Muldowney and James Thandi

**Against: (0)**

**Abstained: (0)**

## **Exclusion of The Public And Press**

Members of the Sub-Committee agreed that, in accordance with Section 100A(4) of the Local Government Act, 1972, the press and public be excluded from the meeting for the following items of business, on the grounds that they could involve the possible disclosure of exempt information as defined in Schedule 12A of that Act.

### **10. Planning Appeal for Mill Lane Planning Application 22/01074/FUL - Exempt Item**

The report was presented by the Senior Planner, who outlined the main points as within the report circulated to Members prior to the meeting.

#### **RESOLVED:**

**1. That Members of the Planning Committee give consideration the following 2 options and that the Planning Committee determine which option they wish to agree for the purposes of this planning appeal:**

- **Defend the original reasons of refusal; or**
- **To not defend the decision to refuse.**

**Members of the Planning Committee agreed not to defend the decision to refuse**

**The meeting finished at 7.45 pm**

Approved as a true and correct record

**CHAIR**

**DATE**

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

<b>13 July 2023</b>		<b>ITEM: 6</b>
<b>Planning Committee</b>		
<b>Planning Appeals</b>		
<b>Wards and communities affected:</b> All	<b>Key Decision:</b> Not Applicable	
<b>Report of:</b> Louise Reid - Strategic Lead Development Services		
<b>Accountable Assistant Director:</b> Leigh Nicholson, Assistant Director of Planning, Transportation and Public Protection.		
<b>Accountable Director:</b> Mark Bradbury, Interim Director of 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: **22/01162/CLEUD**

Location: Land To Rear Of 2 To 20, Hillcrest Avenue, West Thurrock, Essex

Proposal: Lawful application to regularise the storage and hobby use of the land with the erection of palisade fencing.

**3.2 Application No: 22/00243/CV**

Location: 45 Longhouse Road, Chadwell St Mary, Grays, Essex, RM16 4RT

Proposal: Application for the removal of condition no. 4 of planning permission ref: 17/01064/FUL [Conversion of garage into a self-contained annexe with extensions to garage. A drop kerb proposed to front to accommodate new driveway] to allow for use as a separate dwelling.

**3.3 Application No: 22/01689/FUL**

Location: 11 Scott Road, Chadwell St Mary, Thurrock, RM16 4ED

Proposal: Single storey rear of garden one bedroom annexe.

**3.4 Application No: 21/00456/CLEUD**

Location: Little Acres, Inglefield Road, Fobbing, Essex, SS17 9HW

Proposal: Lawful Development Certificate for residential use for the whole site.

**4.0 Appeals Decisions:**

The following appeal decisions have been received:

**4.1 Application No: 21/01781/FUL**

Location: Land Adjacent 2, Fort William Road, Vange, Essex

Proposal: Change of use of land to residential use for the stationing of 1 No. residential static caravan and dayroom, storage of hardcore and upgrading of existing access. Retention of use of land for storage of 1 No. touring caravan and standing of field shelter.

Appeal Decision: Appeal Allowed

4.1. The Inspector considered the main issue to be the impact of the development on the openness and purposes of the Green Belt and if the

proposal would be inappropriate development whether the harm by reason of inappropriate and any other harm would be outweighed by other considerations so as to amount to the very special circumstances necessary to justify it.

- 4.2 The Inspector found there would be an impact on openness, which is contrary to a fundamental aim of the Green Belt, but he felt the impacts would be limited as the site is constrained.
- 4.3 The Inspector noted that there was not a demonstrable supply of sites to meet Gypsy & Traveller need at this time, but he did note that the Council is working towards a new Local Plan in the next couple of years and a new GTAA is anticipated shortly.
- 4.4 The lack of the 5 year supply of sites, needs of the occupiers and the potential for a temporary consent meant that the Inspector considered the very special circumstances to allow permission in the Green Belt existed. A temporary 5 year consent for the named occupier was granted and the appeal was allowed.
- 4.5 The full appeal decision can be found online.

#### **4.2 Enforcement Case: 20/00476/BUNWKS**

Location: 38 Sanderling Close, East Tilbury, Essex, RM18 8FF

Notice: Without planning permission the erection of black metal railings with a maximum height of 1.4m to the front of the property

Appeal Decision: Appeal Dismissed (Notice upheld)

- 4.1. The Enforcement Notice was appealed on the grounds that the steps required (ground (f)) and time period for compliance (ground (g)) were excessive.
- 4.2 Ground (f)  
The appellant wanted to retain the railings at 1m in height, rather than the 2m as built. The Inspector found that PD rights which would have allowed 1m high railings were removed for the site when planning permission was originally granted, the appeal on this ground therefore failed.
- 4.3 Ground (g)  
The appellant suggested the compliance period to remove the railings would be too short, due to a lack of available contractors. The Inspector found no evidence of a lack of contractors had been provided, therefore the appeal on this ground failed.
- 4.4 The full appeal decision can be found online.

## 5.0 APPEAL PERFORMANCE:

	JUN	JUL	AUG	SEP	OCT	NOV	DEC	JAN	FEB	MAR	APR	MAY
Total No of Appeals	0	1	6	1	14	3	5	2	5	4	12	2
No Allowed	0	0	2	0	4	2	3	1	2	1	6	1
% Allowed	0%	0	33.3%	0%	28.6%	66.7%	60%	50%	40	25%	50%	50%

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

## 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**

### 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: **Caroline Robins**  
**Locum Principal Solicitor**

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, Sustainability, Crime and Disorder, or 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](http://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

This page is intentionally left blank



# Agenda Item 8

Planning Committee: 13 July 2023	Application Reference: 22/01370/FUL
----------------------------------	-------------------------------------

<b>Reference:</b> 22/01370/FUL	<b>Site:</b> Land adjacent Watts Wood including Mardyke Farm, Ship Lane and Broomhill, Arterial Road Purfleet-on-Thames Essex
Aveley and Uplands	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.

<b>Plan Number(s):</b>		
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:**  
14 July 2023 (Extension of time)

	agreed)
<b>Recommendation:</b> Refuse planning permission	

## 1.0 BACKGROUND

- 1.1 At the meeting of the Planning Committee held on 6 April 2023 Members of the Planning Committee considered a report assessing the above proposal. The Committee voted to undertake a site visit to better understand the proposal. The site visit took place on 5 July 2023.
- 1.2 The report below summarises the matters which were verbally reported to Committee in April and also provides a summary of any further submissions from the applicant, consultation responses and planning updates.
- 1.3 A copy of the report presented to the April Committee meeting is attached.

## 2.0 SUMMARY OF VERBAL UPDATES FROM APRIL COMMITTEE

- 2.1 Shortly before the Committee meeting in April the applicant submitted a VISSIM traffic report outlining the results of modelling requested by the local highways authority to further consider the impact of the development on M25 J30 and J31. This traffic report has been circulated to both Highways Officers and National Highways for comment.
- 2.2 At the April Committee Officers reported that a further consultation response had been received from the Environment Agency. This response (dated 23 March 2023) confirms:
- an existing embankment protects the site from flooding in the 1% plus climate change event;
  - upon review of the applicant's Flood Risk Assessment, a previous objection is removed, providing that the local planning authority takes into account the flood risk considerations which are their responsibility.
- 2.3 A verbal update was given at the April Committee confirming that 154 representations had been received, comprising 34 objections and 120 letters of support. In addition to the petition containing 600+ signatures objecting to the development, a petition of support containing 171 signatures has also been received.
- 2.4 Before the April meeting the applicant produced a 'Briefing Pack' which was

circulated to Committee Members. The applicant's covering e-mail referenced publication of the Council's 'Employment Land Availability Assessment' (ELAA) in April 2023. This assessment forms part of the evidence base for the new Thurrock Local Plan and it is currently intended to undertake a formal public consultation on the draft plan (Regulation 18) in the autumn. The Executive Summary for the ELAA confirms the status of the document in determining if sufficient land can be identified to meet quantitative and qualitative employment land needs identified in the 2023 Economic Development Needs Assessment (EDNA). The EDNA has now also been published on-line. Under the heading of 'Potential Employment Land' paragraph no. xxii of the ELAA states that in order to address the shortfall of general employment land, particularly within the Grays, West Thurrock and Purfleet area, *"the Council should consider "allocating additional land"*. Under the heading of "Potential Sites" paragraph no. 5.5.14 of the ELAA states that:

*"Sites well situated to serve the market for employment premises in the Purfleet and West Thurrock areas are listed below. The Council should consider allocating some or all as employment land."*

A list of sites potential sites follows, including:

*"T101 Mardyke Farm, Ship Lane. An employment scheme is proposed on the eastern end of this area would have good access to the M25. A preliminary site layout shows the site accommodating a range of unit sizes."*

The application site is therefore identified as a potential employment site to meet land demand in the Purfleet / West Thurrock area. However, it is a matter for the Council to consider through the Local Plan whether this site should be allocated. As noted by Officers at the April meeting, the ELAA will inform the emerging Local Plan and the reference to this site in the document can only be afforded limited weight in the overall planning balance.

### **3.0 CONSULTATION UPDATES**

3.1 Since the previous Committee report was published, the following consultation responses have been received:

- National Highways (18 April 2023): Holding response recommending that the local planning authority does not determine the application until 13 June 2023. The reasons for the response are noted as:

*'We have been involved in recent discussions and have made progress towards the resolution of outstanding issues in relation to the planning application. We are broadly content with the assessment presented to date of the development related impacts on the SRN at M25 Junctions 30 and 31 and additionally the A13/A1306*

*Wennington Interchange. However this is conditional on two outstanding issues that need resolution prior to making a final recommendation in relation to this application. Outstanding Issues - Firstly, additional transport modelling assessments have now been provided to demonstrate the impacts of the development with a traffic signal mitigation scheme associated with the consented Purfleet Centre at the M25 Junction 31 northbound off slip merge with the M25 Junction 30 northbound off slip. The assessment has shown the change in journey times through the modelled network but additionally needs to demonstrate that with the mitigation there will not be any risk of queueing back from the M25 Junction 31 northbound off slip road to the Junction 31 roundabout. Maximum queue length estimates should be provided for each scenario. Further details showing the total flows in each modelled scenario also need to be provided to ensure that with and without development flows are correct. Secondly, subject to the above requirements we additionally require confirmation from Thurrock Council that they are content with the traffic modelling undertaken for the M25 Junction 31 roundabout and will not be requiring further modelling or modifications to existing modelling work. Should Thurrock Council require further modelling work or modifications to existing modelling work we would need to further assess implications for the SRN as it connects to this roundabout and may be subjected to knock on effects of flow changes. This Updated recommendation takes into account the further information submitted by the applicant.'*

- Thurrock Highways (15 May 2023): Further information required - the applicant has provided a rebuttal to previous Highway comments which is not fully accepted. It is still not necessarily agreed as development proposals could be unacceptable if they increase demand for use of a section of the network that is already operating over-capacity or cannot be safely accommodated within the existing infrastructure provision, unless suitable mitigation is agreed. In addition, some further concerns remain regarding the Vissim modelling that have also been reiterated by National Highways. As such there are still a number of issues with the assumptions within the modelling that are still not agreed, particularly in regards impact on junctions on the Thurrock network particularly at Junction 30 and Junction 31. At present, full comments remain reserved subject to additional comments from National Highways as clearly there is a close interaction between the National Highways network and the Thurrock highway network. As previously set out, there still remains concern regarding the traffic impact on Ship Lane and Aveley village particularly if congestion occurs at Junction 31 and the local network.
- National Highways (13 June 2023): Holding response recommending that the local planning authority does not determine the application until 13 September 2023. The reasons for the response are noted as:

*'Firstly, following our previous April correspondence we requested additional modelling information from the applicant's consultants. We received and reviewed the additional information and concluded that there was scope to further refine the*



*underlying trip generation and distribution assumptions. On this basis further evidence arrived yesterday on 12 June. As you will understand, we will be reviewing in the coming days and will provide an update on the acceptability of the evidence.*

*Secondly, subject to the above requirements we additionally require confirmation from Thurrock Council that they are content with the traffic modelling undertaken for the M25 Junction 31 roundabout and will not be requiring further modelling or modifications to existing modelling work. Should Thurrock Council require further modelling work or modifications to existing modelling work we would need to further assess implications for the SRN as it connects to this roundabout and may be subjected to knock on effects of flow changes.'*

#### **4.0 UPDATES, ASSESSMENT & IMPLICATIONS**

- 4.1 Following receipt of the applicant's VISSIM traffic report shortly before the April Committee meeting, an updated version of this traffic report was submitted in May, as well as additional queue length data.
- 4.2 Further modelling updates were submitted following the comments from TC Highways in May 2023 (outlined above). Towards the end of May 2023 National Highways raised points of clarification and, following this, additional VISSIM modelling was received in mid-June.
- 4.3 Following the submission of the June version of VISSIM modelling, National Highways have directed the LPA not to determine the application until 13 September 2023. Therefore, at the time of writing, there have been no further updates regarding the position of Thurrock Council Highways or National Highways. On this basis, the LPA consider that the issues surrounding the impact to the highways network are still unresolved and, in turn, the second Highways reason for refusal remains.
- 4.4 As noted above, an updated consultation response from the Environment Agency (dated 23 March 2023) confirms no objection to the planning application, providing that the local planning authority takes into account the flood risk considerations which are their responsibility. The application is located within an area with a high probability of fluvial flooding (Zone 3a), although the proposed land uses are classified as 'less vulnerable' by Annex 3 of Planning Practice Guidance (Flood Vulnerability Classification). In these circumstances, the application is subject to the Sequential Test and should be supported by a site-specific flood risk assessment (FRA).
- 4.5 Sequential Test:
- As noted by paragraph no. 162 of the NPPF, the aim of the Sequential Test is to steer new development to areas with the lowest risk of flooding from any source.

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. It is the responsibility of the local planning authority to consider whether the test is passed, with reference to the information it holds on land availability. The applicant will need to identify whether there are any other 'reasonably available' sites within the area of search, that have not already been identified by the planning authority in site allocations.

4.6 In support of the application, a 'Sequential Test Report' (February 2023) has been submitted. This document provides an assessment of allocated industrial and commercial sites in the adopted Thurrock Local Plan (1997) and the draft Local Development Framework (LDF) Site Specific Allocations (2013). Progression of the LDF was suspended in preference for a new Local Plan. However, the 2013 Draft Allocations document identified 18 sites as 'Land for Primary Industrial and Commercial Employment' totalling c.379 Ha of land. All of these sites except one are located in the high risk flood zone. The single site at a lower risk of flooding is 0.35Ha in area and is the subject of a live planning application for residential use. This site could not be considered either suitable or reasonably available for development. The adopted Core Strategy (2015) does not include site specific allocations, although the Strategy is accompanied by a spatial 'Policies Map'. This map identifies the existing 'Primary Industrial and Commercial Areas' as well as 'Land for New Development in Primary Areas'. All of these spatial allocations are located in areas with a high probability of flooding (Purfleet / West Thurrock / Tilbury). Accordingly, it can be concluded that there are no suitable and reasonably available sites which could accommodate the proposed development and which are at a lower risk of flooding. In these circumstances, the Sequential Test for flooding is passed.

4.7 The consultation response from the Environment Agency referred to above also makes the following observations on the content of the applicant's FRA:

Actual flood risk:

- the site lies outside the flood extent for a 1% (1 in 100 year) annual probability event, including a 17% allowance for climate change;
- the site benefits from an embankment which acts as a defence. The embankment is above the 1% annual probability flood level (including climate change allowance) – therefore the site is not at actual risk of flooding in this event;
- flood resilience measures are proposed in the FRA;
- as a result of the embankment, on-site flood depth are 0m in the 1% flood event (with climate change);

- therefore the proposal has a safe means of access from all proposed buildings to an area wholly outside the floodplain in the 1% flood event (with climate change); and
- compensatory storage is not required.

4.8 Residual flood risk (in the event of a breach scenario):

- in a worst-case scenario the site could experience breach flood depths up to 0.69m in the northern corner of the site in the 1% flood event (with climate change);
- assuming a flood velocity of 0.5m/second this would pose a danger to most in the 1% event (with climate change);
- flood resilience / resistance measures have been proposed;
- a Flood Evacuation Plan is recommended; and
- the site is at risk from reservoir flooding, although such flooding is extremely unlikely providing the reservoir appropriately managed and maintained.

4.9 The report presented to the April Planning Committee included a reason for refusal (no.3) stating that the site was located in the functional floodplain (Zone 3b) and as such the proposals should not be permitted as the land use was incompatible with the flood risk classification. The updated consultation response from the Environment Agency confirms that the site is located in flood Zone 3a (not 3b). Therefore, subject to the application of the Sequential Test, there is no in-principle objection on flood risk grounds. The Sequential Test has been applied and is passed. Subject to planning conditions securing the measures within the FRA and requiring a flood evacuation plan, this reason for refusal can be removed from the recommendation.

4.10 Reason for refusal no.5 from the April report referred to the loss of 4 no. existing dwellings on-site as being contrary to both Government guidance and Core Strategy policy. To expand upon this matter, Core Strategy policy (CSSP1 – Sustainable Housing and Locations) sets out a housing delivery target of 18,500 dwellings in the period between 2001 and 2021, with an indicative provision of 4,750 dwellings between 2021 and 2026. This policy then goes on to address the allocation, phasing and broad spatial distribution of housing locations. Although it may be implied that the policy would include the retention of existing housing stock as a component of the 'target' for housing delivery, CSSP1 does not specifically mention that loss of existing housing will be resisted.

4.11 Core Strategy policy CSTP2 (Strategic Housing Provision) is clearer in the approach to existing housing and states that:

*“For the period 1 April 2009 to 31 March 2021, and additional 13,440 dwellings are*

*required to meet this aim”.*

The reference to “additional” implies that existing housing stock should be retained. However, the policy goes on:

*“For the 5 year period a April 2021 to 31 March 2026, the Council has made an indicative provision for 4,750 dwellings.”* The lack of reference to “*additional dwellings*” in the period between 2021-2026 is perhaps inconsistent with other wording within the Policy.

- 4.12 Paragraph nos. 6.210 and 6.211 of the April report referred to the NPPF in the context of housing supply and the relevant extract from the NPPF is paragraph no. 60 which states the Government objective of “significantly boosting the supply of homes”. Although not specifically mentioned within national guidance, it must be assumed that the retention of existing housing is a key element in the objective of boosting the supply of new housing. Nevertheless, although the loss of 4 no. dwellings is a material planning consideration, this loss should be balanced against the economic benefits of the proposals and in particular the creation of c.700 new jobs.

## **5.0 CONCLUSION**

- 5.1 The recommendation remains one of refusal for the reasons stated in 8.0 of the April Committee report. However, for the reasons cited above, the objection to the proposal on flood risk grounds now falls away.

## **6.0 RECOMMENDATION**

- 6.1 The Committee is recommended to 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 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).
4. 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.

### **Informative(s)**

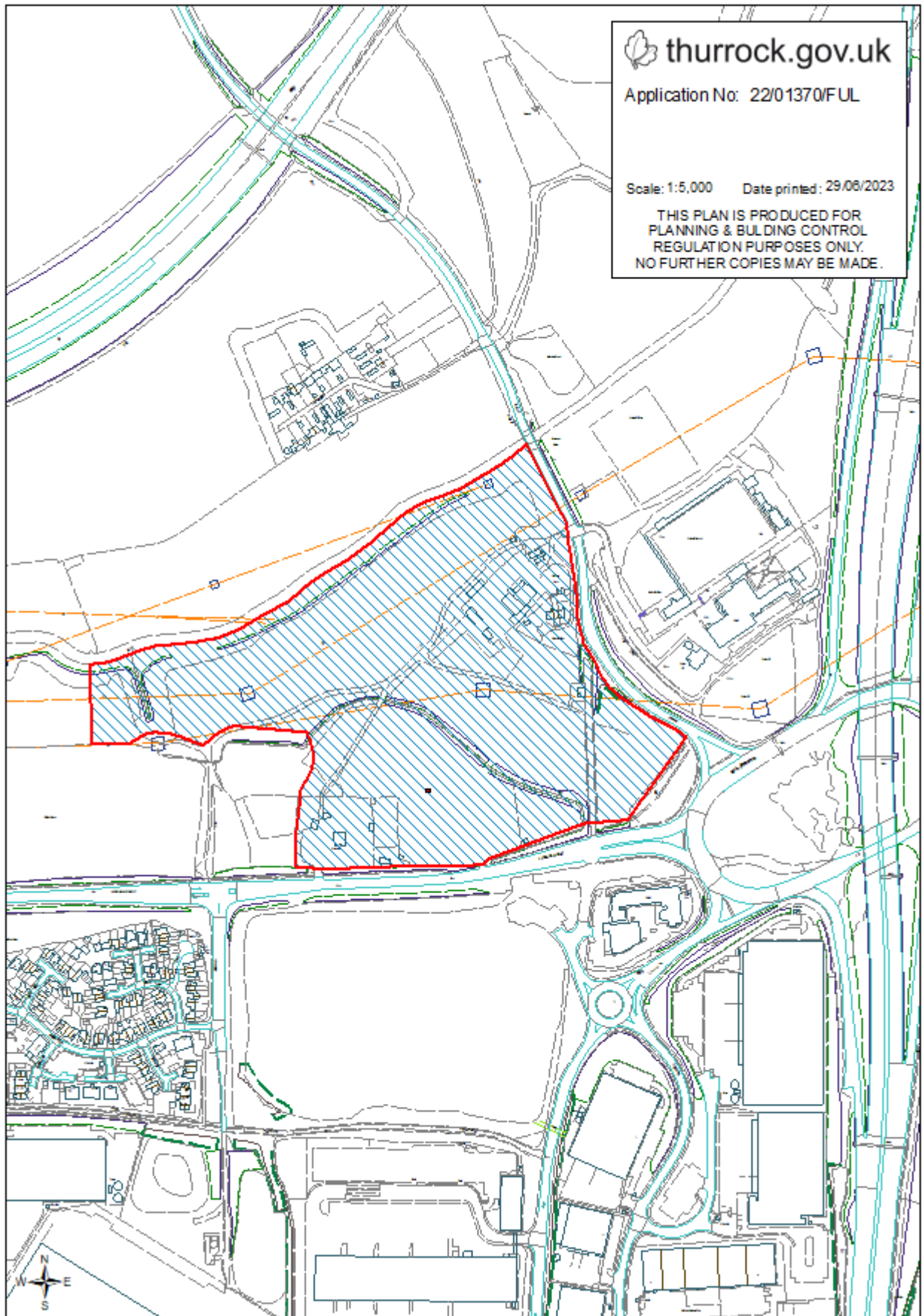
1. Town and Country Planning (Development Management Procedure) (England) Order 2015 (as amended) - Positive and Proactive Statement:

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

**Documents:**

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

[www.thurrock.gov.uk/planning](http://www.thurrock.gov.uk/planning)



This page is intentionally left blank



<b>Reference:</b> 22/01370/FUL	<b>Site:</b> Land adjacent Watts Wood including Mardyke Farm, Ship Lane and Broomhill, Arterial Road Purfleet-on-Thames Essex
<b>Ward:</b> Aveley and Uplands	<b>Proposal:</b> 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.

<b>Plan Number(s):</b>		
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"> <li>• B2 / B8 Use Classes</li> <li>• 44,463 sq.m GIA floorspace totals</li> </ul>
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

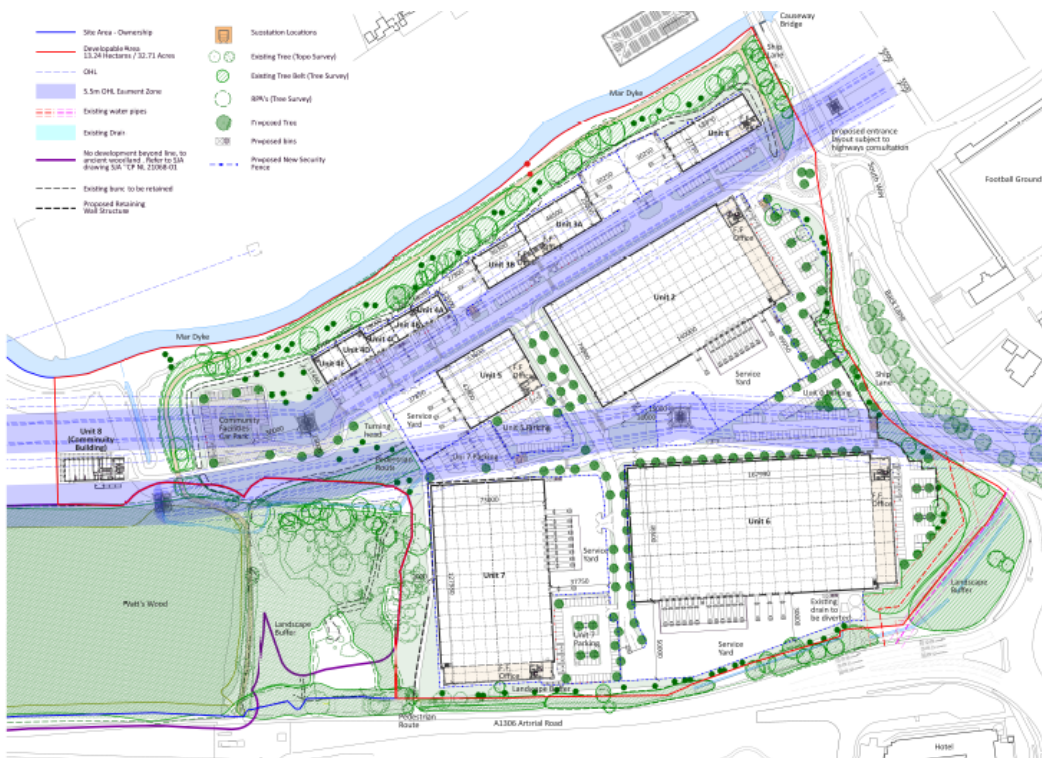
eastern boundary will be removed as part of the redevelopment to accommodate the proposed units.

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](http://www.thurrock.gov.uk/planning)

#### PUBLICITY:

4.2 This application has been advertised by way of individual neighbour notification letters, press advert and public site notice which has been displayed 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 date<sup>1</sup>, granting permission unless:
  - i. the application of policies in this Framework that protect areas or assets of particular importance provides a clear reason for refusing the development proposed<sup>2</sup>; or
  - ii any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in this Framework taken as a whole.

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

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

The 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)<sup>1</sup>

#### 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 an 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:

<b>Brief summary of GB harm considerations promoted by Applicant</b>			
<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 17<sup>th</sup> to 23<sup>rd</sup> 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.

<b>Location</b>	<b>2025 Daily Flow</b>	<b>Development Flow</b>	<b>Total Flow</b>	<b>% increase</b>	<b>Severity of Impact</b>
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 CO<sub>2</sub> 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;

<b>Period</b>	<b>Significance</b>
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<sup>-1</sup>. 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 &amp; 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<sub>eq</sub> 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 <sub>2</sub> PM <sub>10</sub>	Annual Mean 24-Hour Mean
AQMA No.9	Thurrock Hotel, Ship Lane	NO <sub>2</sub>	Annual Mean
AQMA No.8	Premier Inn, Jct.31	NO <sub>2</sub> PM <sub>10</sub>	Annual Mean 24-Hour Mean
AQMA No.12	Arterial Road, Purfleet	NO <sub>2</sub>	Annual Mean
AQMA No.13	Arterial Road, Aveley	NO <sub>2</sub>	Annual Mean
AQMA No.26	Purfleet Bypass	NO <sub>2</sub>	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 NO<sub>2</sub> 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 NO<sub>2</sub> 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<sub>x</sub> 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 NO<sub>2</sub> concentrations, with all other receptors experiencing 'negligible' impacts. However, as the hourly mean NO<sub>2</sub> objective would not be exceeded at any receptor, the impact on NO<sub>2</sub> concentration would not be significant. Operational impacts from PM<sub>10</sub> concentrations are modelled as 'negligible' at all receptors and are considered as not significant. Similarly concentrations of PM<sub>2.5</sub> 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:



<b>Summary of Residual Effects</b>						
Effect	Receptor (sensitivity)	Nature of Effect and Scale	Magnitude of change	Classification of effect	Mitigation	Residual effect
<b>Construction Effects</b>						
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
<b>Operational Effects</b>						
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 116<sup>th</sup> 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:

<b>English Indices of Multiple Deprivation</b>
--

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

- 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. The NPPF also promotes an effective and efficient use of land, paragraph 119 sets out 'Planning policies and decisions should promote an effective use of land in meeting the need for homes and other uses.'

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 can justify a departure from normal policy. 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).

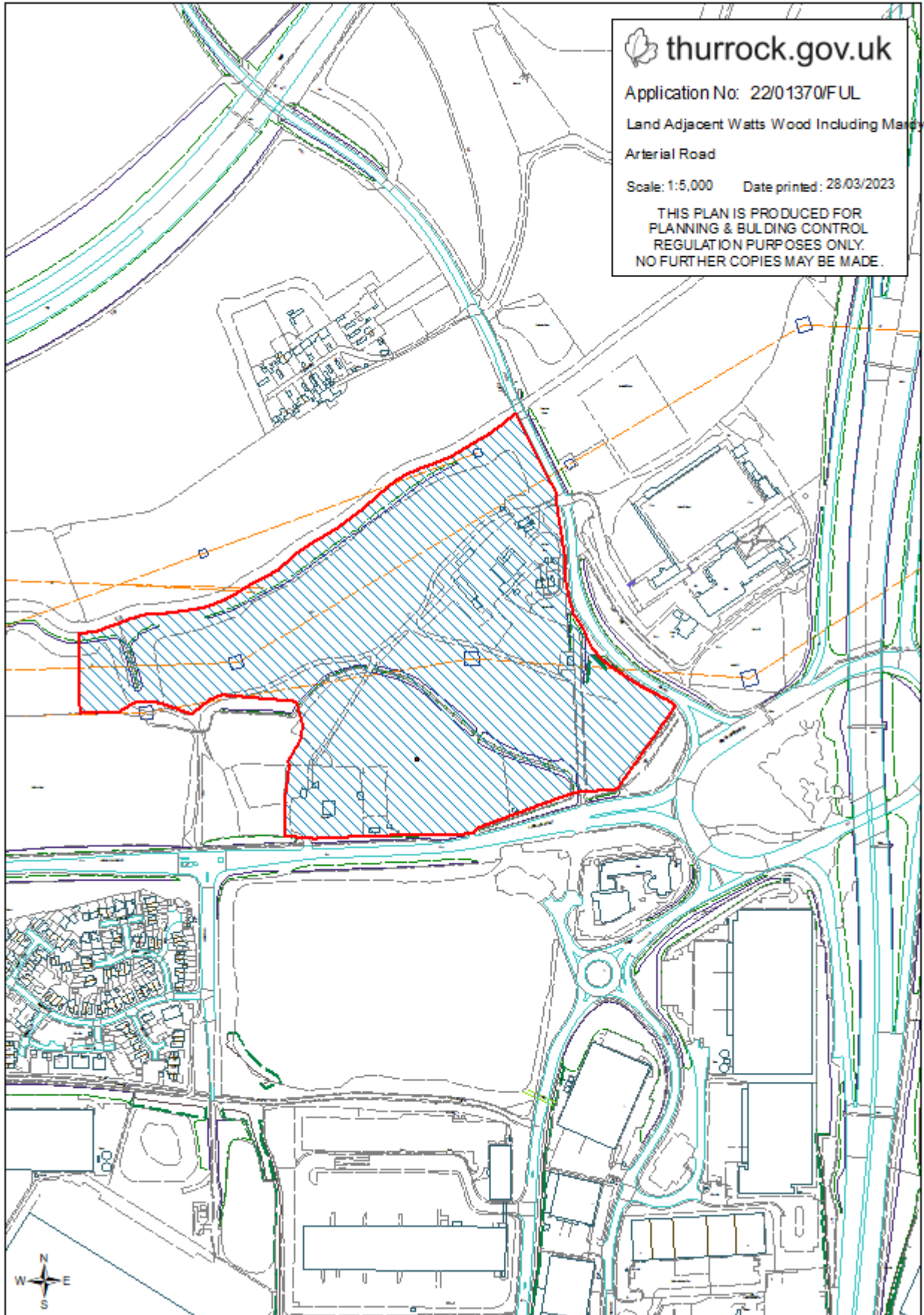
2. Insufficient information has been submitted to demonstrate the impact of the development proposals on the surrounding highways network. In these circumstances the local planning authority cannot conclude whether impacts would be severe or acceptable, subject to mitigation. The proposals are therefore 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 and the unjustified loss of the dwellings would undermine the needs of the Borough contrary to 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.



© Crown copyright and database rights 2023 Ordnance Survey 100025457

This page is intentionally left blank

# Agenda Item 9

Planning Committee: 13 July 2023	Application Reference: 22/01672/FUL
----------------------------------	-------------------------------------

<b>Reference:</b> 22/01672/FUL	<b>Site:</b> Thurrock Football Club Ship Lane Aveley RM19 1YN
<b>Ward:</b> West Thurrock and South Stifford	<b>Proposal:</b> 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.

<b>Plan Number(s):</b>		
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"> <li>• Arboricultural Report;</li> <li>• Archaeological Desk Based Assessment;</li> <li>• Design &amp; Access Statement;</li> <li>• Flood Risk Assessment &amp; Surface Water Drainage Strategy;</li> <li>• Flooding Sequential Test Assessment;</li> <li>• Geo-Environmental Desk Study Report;</li> <li>• Noise Impact Assessment;</li> <li>• Planning Statement;</li> <li>• Preliminary Ecological Appraisal;</li> <li>• Reptile Survey Report; and</li> <li>• Transport Statement</li> <li>• Community Benefits, Grays Athletic Community Football Club &amp; Ship Lane</li> </ul>	
<p><b>Applicant:</b> Group 1 Automative and Grays Athletic Football Club</p>	<p><b>Validated:</b> 20 December 2022</p> <p><b>Date of expiry:</b> 14.07.2023 (Extension of time agreed)</p>
<p><b>Recommendation:</b> Refuse planning permission</p>	

## 1.0 BACKGROUND

- 1.1 At the meeting of the Planning Committee held on 6 April 2023 Members of the Planning Committee considered a report assessing the above application. The Committee voted to undertake a site visit to better understand the proposal.

- 1.2 The site visit was due to take place on 5 July 2023.
- 1.3 The report below summarises the matters which were verbally reported to Committee in April and also provides a summary of submissions from the applicant, consultation responses and planning updates.
- 1.4 A copy of the report presented to the April Committee meeting is attached as an appendix.

## **2.0 SUMMARY OF UPDATES FROM APRIL COMMITTEE**

- 2.1 A verbal update was given at the April Committee confirming that 276 representations had been received, comprising 56 objections and 220 letters of support. In addition to the petition containing approximately 618+ signatures objecting to the development.
- 2.2 Prior to the April meeting the applicant had submitted draft s106 Heads of Terms to be considered with application, the details of which are outlined below;
- i) Transfer of Football Stadium
- 2.3 The applicant maintains that upon any grant of planning permission for the PDI Centre, Group One Automative will transfer the stadium and associated land to the rear to Grays Athletic Community Club Limited for community uses.
- ii) 3G football pitch
- 2.4 Upon a grant of planning permission for a PDI Centre, Group One Automative will fund the construction of a 3G football pitch, agreed in kind, in Belhus Park (see report for application ref. 22/01673/FUL).

### Proposed Transfer of Football Stadium

- 2.5 With regards to the transfer of the football stadium, the April Committee Report notes the applicants' intention to promote the gifting and re-use of the stadium as a benefit of the PDI proposals. Although, in terms of what constitutes 'development' under the provisions of the Town and Country Planning Act, the re-use of a vacant football stadium does not require planning permission.
- 2.6 Comments of support have been received regarding the transfer of the stadium to Grays Athletic Football Club (GAFC), which urge the LPA to attribute weight to this factor due to the perceived benefits as a community asset. In addition, supporting comments suggest that as the site is in private ownership and currently on sale for

£3 million GAFC, nor any other football club, could afford the asking price. It has been mentioned that GAFC, which is owned/managed by its supporters, could not realistically purchase the stadium on the open market. It is also suggested that without planning permission for the PDI Centre, the proposed community uses could be permanently lost at the stadium and that significant weight would be afforded to this.

- 2.7 Given that there have been effectively four planning submissions at the site for a PDI centre each involving the proposed gifting of the existing stadium to GAFC, Officers are aware of the predicament facing Grays AFC. Moreover, Officers recognised in the April Committee report that GAFC do not have a home ground and have been promoting a new stadium in the north of Grays for some time.
- 2.8 Nonetheless, Officers have been consistent on this point. 'Development' is a term defined within planning legislation. While Officers appreciate the financial implications facing the club, the transfer of an existing football stadium to a football club does not require planning permission as it does not comprise 'development' within the definition of development under section 55 of the Town and Country Planning Act 1990.
- 2.9 Therefore, concerning the proposed Heads of Terms item i), the transfer of the football stadium would fail to comply with para. 57 of the NPPF which states that planning obligations must only be sought where, inter alia, the obligation is necessary to make the development acceptable in planning terms. To reiterate, no planning 'event' is required for the transfer of stadium to GAFC and planning permission is not required to occupy or reuse the football stadium and, therefore, no planning mechanism, nor planning obligation could be legitimately used to secure this proposed Heads of Terms.

### 3G Football Pitch

- 2.10 This application has been submitted with the linked application at Belhus Park for the new 3G pitch. The assessment of this linked application (ref 22/01673/FUL) can be found within this Planning Committee Agenda. In any case, the linked application for a 3G pitch has been recommended for refusal for the following reason;

- 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.*

- 2.11 As indicated in Sport England's and the Council's Leisure Manager consultation responses, the current submission for the 3G pitch at Belhus Park lacks sufficient information to appropriately assess the application. The Planning Statement supplied with the current application (22/01672/FUL) indicates that a 'financial contribution of £500,000 for the enhanced football provision at Belhus Park in Aveley would be secured 'in an effort to address the previous reason for refusal and concerns raised by planning officers previously at Committee...'. Furthermore, the Planning Statement mentions that discussions have been had with Impulse Leisure and Velocity Sports Limited regarding the new 3G Pitch at Belhus Parks which had fully been costed and worked up.
- 2.12 It should be noted that the £500,000 is a contribution only and will not be able to cover the full costs of the 3G Pitch, spectator area and 4.5m high fencing in its entirety. The guidance on Sport England's website suggests indicative figures for an adult playing pitch in the region of £900,000-£1,000,000. Thus, it is not clear from the submission how the additional funding to support the proposals might be obtained. Furthermore, given the second reason for refusal, the financial contribution towards the 3G Pitch further questions the deliverability of the proposed football pitch facility at Belhus Park and, ultimately, whether the harms to the Grade II Registered Park and Garden can be considered to be outweighed.
- 2.13 Since the April Committee, the applicant has not offered any further clarification on how the pitch will be delivered and queries remain regarding the limitations in the financial contributions in delivering the Belhus Park proposals. Therefore, with regards to the Belhus Park application, as made clear in the previous Committee Report, the applicant does not own the site and a s106 agreement cannot be the appropriate mechanism to secure the development can be delivered.
- 2.14 In light of the above, Officers consider that due to the uncertainty in the deliverability of the football pitch and the insufficient information supplied, a s106 obligation would not be appropriate. Therefore, on this basis, Officers are still unable to conclude the public benefits of the proposals could outweigh the harms identified to the Grade II Belhus Park, Registered Park and Garden, in accordance

with paragraph 202 of the (NPPF 2021).

### 3.0 CONSULTATION UPDATES

- 3.1 Since the previous Committee report was published, no further consultation comments have been received.

### 4.0 UPDATES, ASSESSMENT & IMPLICATIONS

- 4.1 Comments were made at the April Planning Committee and specific concerns raised as to whether there is an expiry period for a field that was last used as a 'playing field' for sporting activities to be considered as an actual 'playing pitch'.
- 4.2 The Town and Country Planning Development Management Procedure (England) Order 2015 (as amended) (the Order) stipulates that local planning authority's should consult Sport England for developments on land which has been used as a playing field at any time in the last 5 years before the making of the relevant application and which remains undeveloped.
- 4.3 Paragraph 7.28 of the April Committee report references Policy CSTP9 which, inter-alia, states 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. It was also stated that the football stadium and practice pitches are not identified by the Core Strategy proposals map as an 'open space'.
- 4.4 Matters relating to the gifting of the now disused stadium to Grays Athletic FC have been addressed in the April Committee Report which concluded that there is nothing in the application to show that the PDI centre is essential to allow the football club to be reopened and that Grays Athletic could reuse the site without any further development being needed.
- 4.5 Notwithstanding the above, with regards to the query raised at the April Planning Committee and the time period for a playing field last used as a playing pitch, the Order defines what constitutes a playing field and, consequently what constitutes a playing pitch.

These are outlined below;

- i. *'playing field' means the whole of the site which encompasses at least one playing pitch*
- ii. *'playing pitch' means a delineated area which, together with any run-off area, is of 0.2 hectares or more, and which is used for associate football, American football, rugby, Gaelic football, shinty, hurling, polo or cycle polo.*

The following are types of development are classified as requiring a statutory consultation with Sport England;

Development which -

*(i) is likely to prejudice the use, or lead to the loss of use, of land being used as a playing field; or*

*(ii) is on land which has been –*

*(aa) used as a playing field at any time in the last 5 years before the making of the relevant application and which remains undeveloped; or*

*(bb) allocated for use as a playing field in a development plan or in proposals for such a plan or its alteration or replacement; or*

*(iii) involves the replacement of the grass surface of a playing pitch on a playing field with an artificial, man-made or composite surface.*

- 4.6 It was reported in the April Planning Committee report that Thurrock FC had previously used the football stadium, but the stadium (and likely the associated training pitches) have been unused since the end of the 2017/2018 football season. The Council's aerial photographs appear to corroborate this as the training pitches appear to be in use during 2018. The next available aerial photographs are from 2021 and show an overgrown field reflecting the fact that the pitches are no longer in use.
- 4.7 Officers consider that the pitches comply with the definitions of the playing pitches, as defined within the Order, as the size of the training pitches are considered to comply with the definition and due to the last use being a training pitch for football purposes. At the time of the submission of the application, the fields that were previously used for training pitches were used within the last 5 years for such uses, therefore consultation with Sport England was necessary under the provisions of the Order.
- 4.8 Since the April Planning Committee, a submission has been made on behalf of Grays Athletic Football Club regarding the community benefits of the proposed scheme. The benefits proposed are noted and, while the April Committee Report had made some references to the community benefits as considerations to be weighed in the Green Belt planning balance, it was concluded that the gifting of the existing stadium for community uses afforded very limited positive weight. On this basis, the community benefits are appreciated but they do not outweigh the harms resulting from inappropriate development in the Green Belt and harms to openness and purposes.

## **5.0 CONCLUSION**

- 5.1 The recommendation remains one of refusal for the reasons stated in 8.0 of the April Committee report.

## **6.0 RECOMMENDATION**

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

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).

#### **Informative(s)**

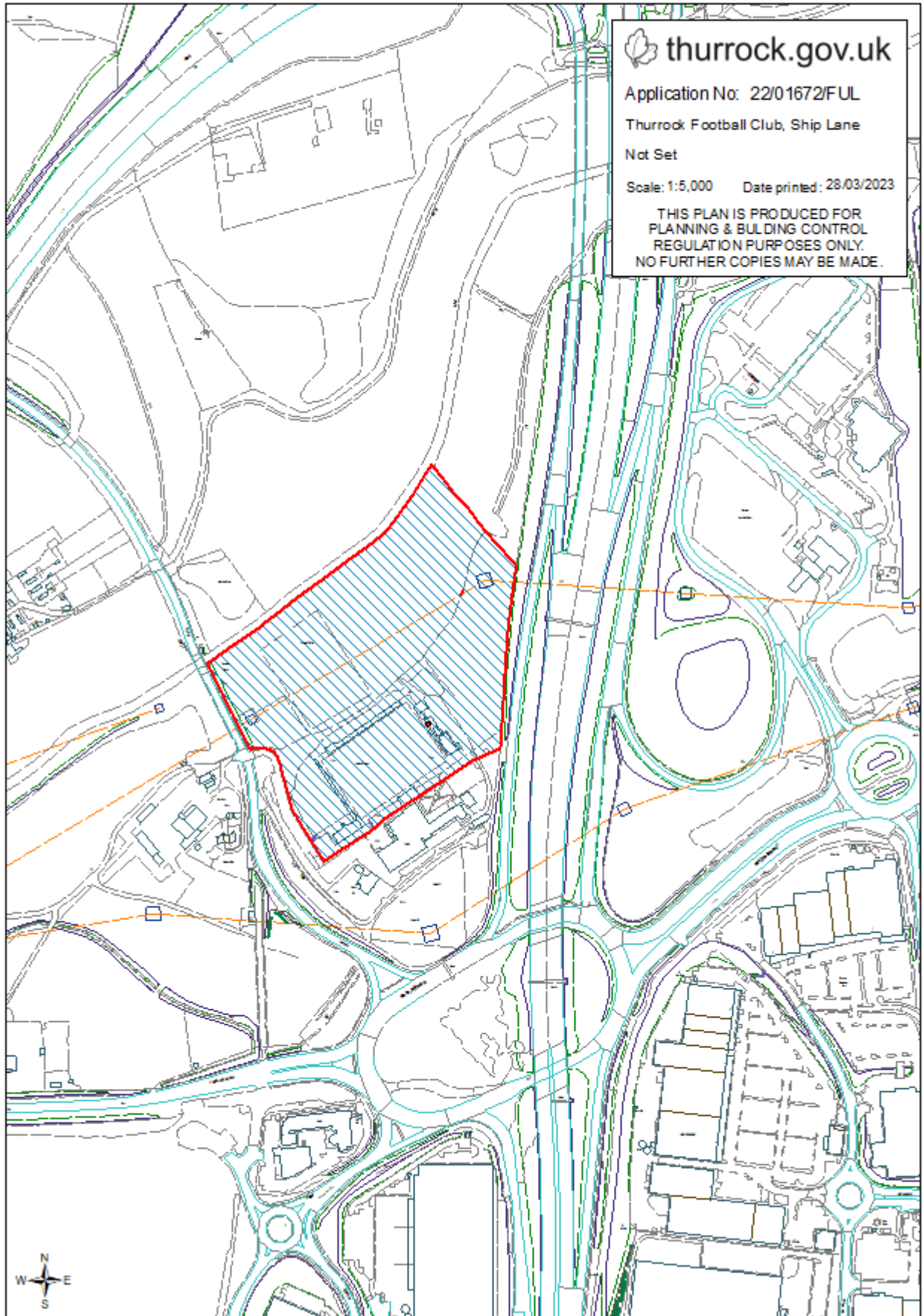
1. Town and Country Planning (Development Management Procedure) (England) Order 2015 (as amended) - Positive and Proactive Statement:

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

#### **Documents:**

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

[www.thurrock.gov.uk/planning](http://www.thurrock.gov.uk/planning)



© Crown copyright and database rights 2023 Ordnance Survey 100025457

This page is intentionally left blank

<p><b>Reference:</b> 22/01672/FUL</p>	<p><b>Site:</b> Thurrock Football Club Ship Lane Aveley RM19 1YN</p>
<p><b>Ward:</b> West Thurrock and South Stifford</p>	<p><b>Proposal:</b> 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>

<b>Plan Number(s):</b>		
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"> <li>• Arboricultural Report;</li> <li>• Archaeological Desk Based Assessment;</li> <li>• Design &amp; Access Statement;</li> <li>• Flood Risk Assessment &amp; Surface Water Drainage Strategy;</li> <li>• Flooding Sequential Test Assessment;</li> <li>• Geo-Environmental Desk Study Report;</li> <li>• Noise Impact Assessment;</li> <li>• Planning Statement;</li> <li>• Preliminary Ecological Appraisal;</li> <li>• Reptile Survey Report; and</li> <li>• Transport Statement</li> </ul>	
<p><b>Applicant:</b> Group 1 Automotive and Grays Athletic Football Club</p>	<p><b>Validated:</b> 20 December 2022 <b>Date of expiry:</b> 02 May 2023 (Agreed extension of time)</p>
<p><b>Recommendation:</b> 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:

<b>Proposed daily vehicle trips (one-way)</b>			
<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
<b>Totals</b>		<b>187</b>	<b>115</b>

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>
-------------------------	--------------------------------	-----------------

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](http://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 date<sup>1</sup>, granting permission unless:
  - i. the application of policies in this Framework that protect areas or assets of particular importance provides a clear reason for refusing the development proposed<sup>2</sup>; or
  - ii any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in this Framework taken as a whole.

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

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

The 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:

<b>Brief summary of GB harm considerations promoted by Applicant</b>			
<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)

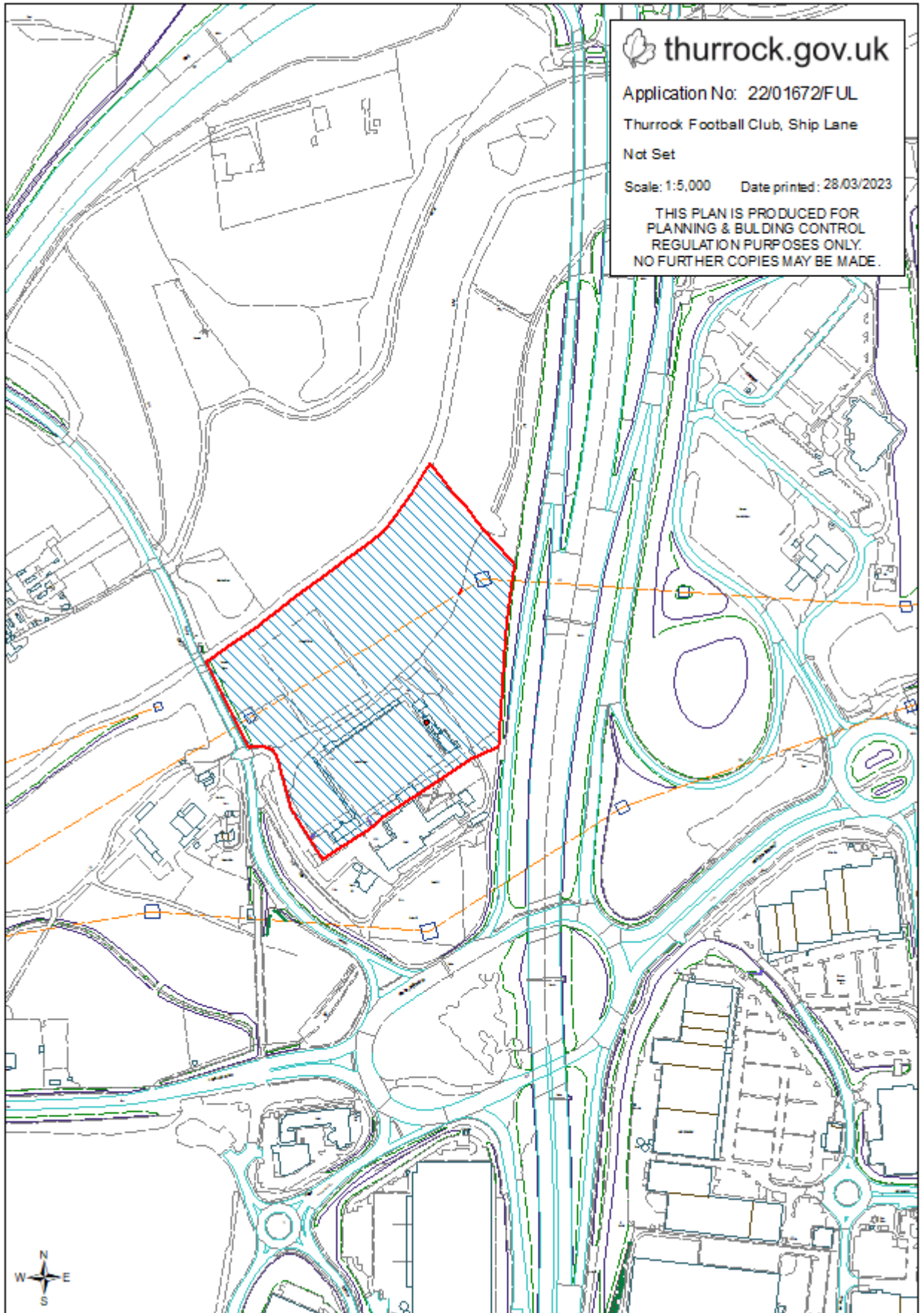
Order 2015 (as amended) - Positive and Proactive Statement:

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](http://www.thurrock.gov.uk/planning)



© Crown copyright and database rights 2023 Ordnance Survey 100025457

This page is intentionally left blank

Planning Committee: 13 July 2023	Application Reference: 22/01673/FUL
----------------------------------	-------------------------------------

<b>Reference:</b> 22/01673/FUL	<b>Site:</b> Belhus Park Golf And Country Park Belhus Park Lane Aveley RM15 4PX
<b>Ward:</b> Aveley and Uplands	<b>Proposal:</b> 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"> <li>• Covering letter</li> <li>• Heritage Statement</li> </ul>	
<b>Applicant:</b> Group 1 Automotive and Grays Athletic Football Club	<b>Validated:</b> 27 January 2023  <b>Date of expiry:</b> 14 July 2023 (extension of time agreed)
<b>Recommendation:</b> Refuse planning permission	

## 1.0 BACKGROUND

- 1.1 At the meeting of the Planning Committee held on 6 April 2023 Members voted to undertake a site visit before any Officer presentation, questions or debate of the proposal. A site visit was also agreed (following the presentation, questions and debate) for the associated Thurrock Football Club application (ref 22/01672/FUL). The report below summarises any further consultation responses and planning updates.
- 1.2 The site visit took place on 5<sup>th</sup> July 2023.
- 1.3 A copy of the report presented to the April Committee meeting is attached as an appendix.

## **2.0 CONSULTATION UPDATES**

- 2.1 Since the April Committee report was published, a consultation response was received from the Council's Sports Development Policy Manager as follows:

*“Thurrock’s Playing Pitch needs assessment and subsequent Strategy identifies the need for additional 3G pitches within Thurrock and specifically identifies Belhus Park Leisure Centre as a recommended site.*

*With regard to this application, I understand that a contribution of £500k would be made available from a linked development for a 3G pitch at Belhus Park Leisure Centre. However, the current estimated cost of building a 3G pitch is in the region of £900k. With this in mind, and with the lack of information within the application regarding the size, specifications and quality of the pitch, it makes it very difficult to assess whether this proposal would be suitable, have longevity and meet identified needs.*

*The application does not appear to include permission for pitch floodlighting which would be essential for evening use during the winter months. No reference has been made to how floodlighting would be provided or who would be providing it however, without floodlighting (and planning permission for floodlighting), a 3G pitch would not meet the needs identified with Thurrock Playing Pitch Strategy.”*

## **3.0 UPDATES, ASSESSMENT & IMPLICATIONS**

- 3.1 Since the previous Committee Report was published there are no further updates.

## **4.0 CONCLUSION**

- 4.1 The recommendation remains one of refusal for the reasons stated in 9.0 of the April Committee report.

## **5.0 RECOMMENDATION**

- 6.1 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(s)**

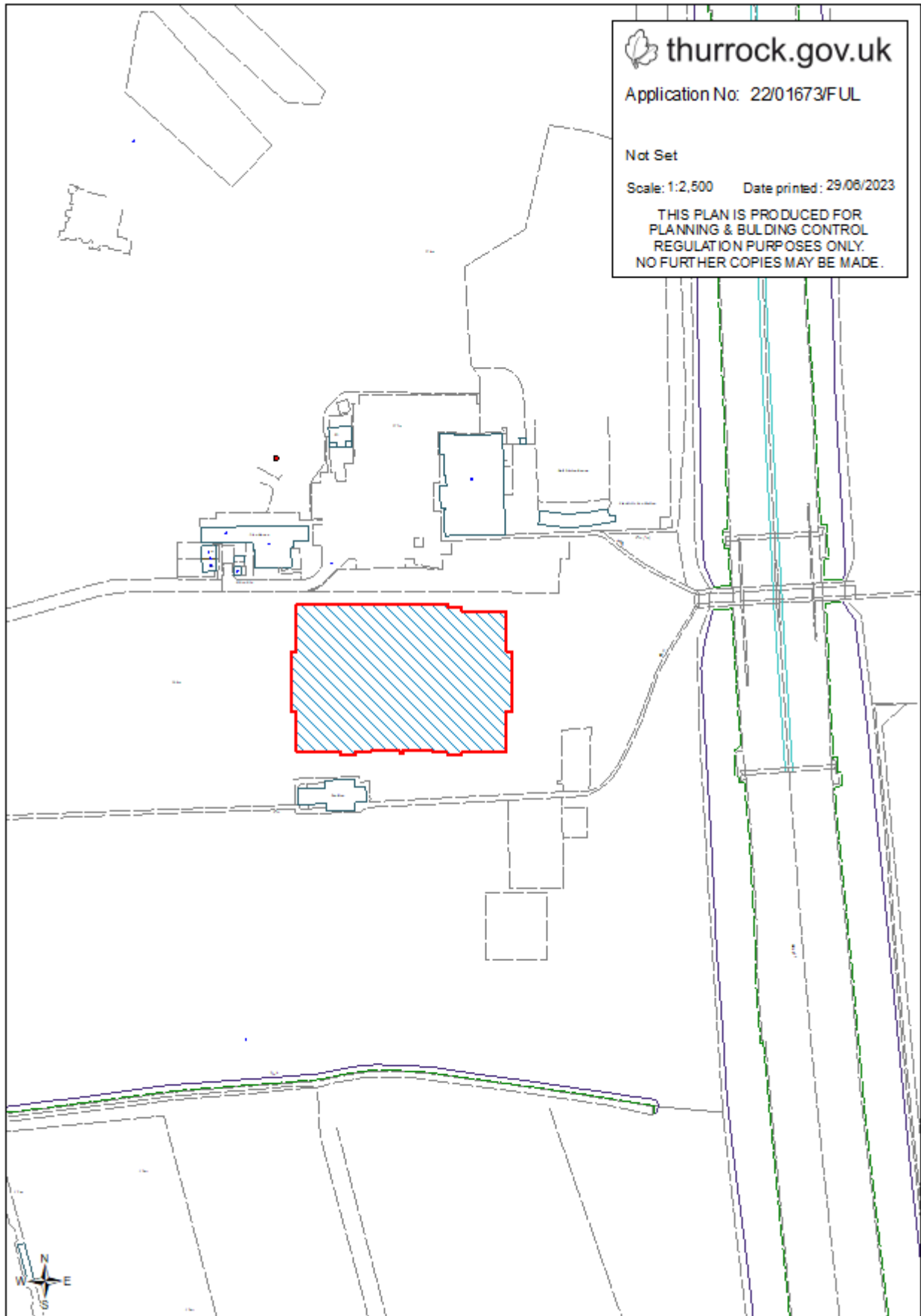
1. Town and Country Planning (Development Management Procedure) (England) Order 2015 (as amended) - Positive and Proactive Statement:

The Local Planning Authority has acted positively and proactively in determining this application by identifying matters of concern with the proposal and 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](http://www.thurrock.gov.uk/planning)





<b>Reference:</b> 22/01673/FUL	<b>Site:</b> Belhus Park Golf and Country Park Belhus Park Lane Aveley
<b>Ward:</b> Aveley & Uplands	<b>Proposal:</b> Construction of new 3G football pitch, spectator area and 4.5m high fencing.

<b>Plan Number(s):</b>		
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"> <li>• Covering letter</li> <li>• Heritage Statement</li> </ul>	
<b>Applicant:</b> Group 1 Automotive and Grays Athletic Football Club	<b>Validated:</b> 27 January 2023 <b>Date of expiry:</b> 2 May 2023 (Agreed extension of time)
<b>Recommendation:</b> 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](http://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 date<sup>1</sup>, granting permission unless:
  - i. the application of policies in this Framework that protect areas or assets of particular importance provides a clear reason for refusing the development proposed<sup>2</sup>; or
  - ii any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in this Framework taken as a whole.

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

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

The 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:

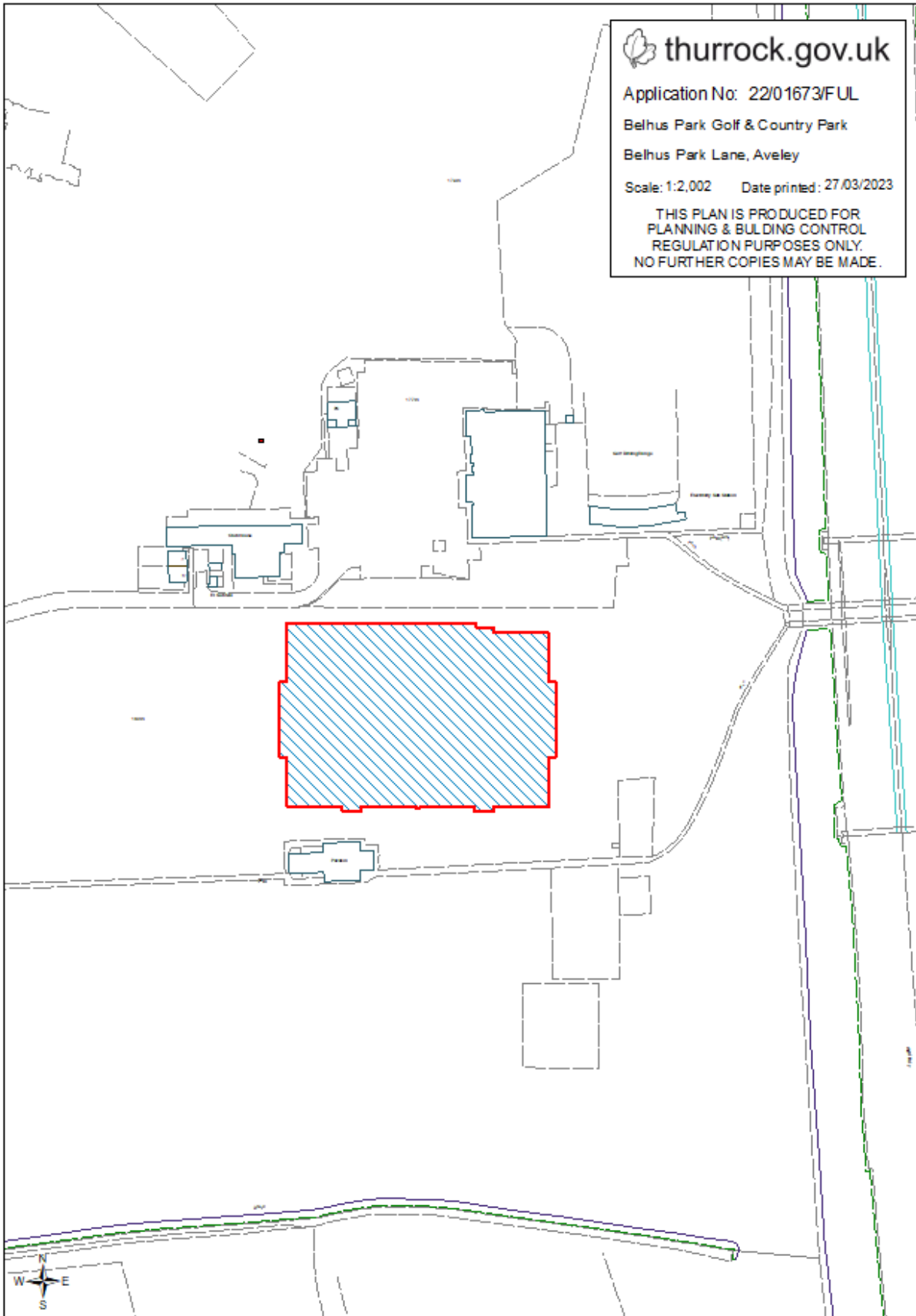
- 1 Town and Country Planning (Development Management Procedure) (England) Order 2015 (as amended) - Positive and Proactive Statement:

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](http://www.thurrock.gov.uk/planning)



© Crown copyright and database rights 2023 Ordnance Survey 100025457

This page is intentionally left blank

# Agenda Item 11

Planning Committee 13 July 2023	Application Reference: 23/00149/HHA
---------------------------------	-------------------------------------

<b>Reference:</b> 23/00149/HHA	<b>Site:</b> Lyndfield Orsett Road Horndon On The Hill Essex RM16 3BH
<b>Ward:</b> Orsett	<b>Proposal:</b> First floor side extension.

Plan Number(s):		
Reference	Name	Received
2058/10	Proposed Elevations	8th February 2023
2058/12	Existing Elevations	8th February 2023
2058/13	Proposed Floor Plans and Location Plan	8th February 2023
2058/11	Existing Floor Plans and Proposed Block Plan	9th March 2023
TT/9	Proposed Garage Plans and Elevations and Sections	6th March 2023
TT/7/R1	Proposed Detached Games Room Plans and Elevations	6th March 2023

The application is also accompanied by: – Planning Statement, dated January 2023	
<b>Applicant:</b> Mr & Mrs Trevor Thornton	<b>Validated:</b> 6 March 2023  <b>Date of expiry:</b> 17 July 2023 (Extension of Time Agreed)
<b>Recommendation:</b> Refusal	

The application is scheduled for determination by the Council’s Planning Committee because it has been called in by Cllrs B Johnson, G Snell, B Maney, L Spillman and A Jefferies (in accordance with the Constitution, Chapter 5, Part 3 (b), 2.1 (d) (ii)) to assess the impact of the proposal upon the Green Belt.

**1.0 DESCRIPTION OF PROPOSAL**

1.1 The application seeks planning permission for a first floor side extension above an existing ground floor extension providing an extra two bedrooms resulting in a four bedroom detached dwelling.

**2.0 SITE DESCRIPTION**

2.1 The application site is a detached property located on the northern side of Orsett Road close to Orsett Fruit Farm. The site is set within a semi-rural residential area and is located within an area designated as Metropolitan Green Belt. Permitted Development rights remain intact.

2.2 As set out in the table below, two Lawful Development Certificates have been determined as lawful (Refs: 18/00355/CLOPUD and 18/00334/CLOPUD) for a hip to gable roof alteration and two storey rear extension respectively. Neither development has been implemented as set out in the Planning Statement submitted with this application. This is currently the only additional development that could be carried out at the site.

**3.0 RELEVANT HISTORY**

Application Reference	Description of Proposal	Decision
48/00097/FUL	Rebuilding of piggeries and store	Approved
73/00564/FUL	Kitchen Addition.	Approved
95/00096/FUL	Demolition of existing single garage and erection of detached triple garage	Refused
95/00097/FUL	Two storey side extension to provide elderly persons accommodation and ensuite bathroom and additional bedroom	Refused (Appeal Dismissed)
95/00269/FUL	Single storey side extension to provide elderly persons accommodation	Refused (Appeal Dismissed)
97/00681/FUL	Single storey side extension to provide additional bedroom and extension to living room.	Approved
99/00198/FUL	First floor side extension above	Refused

	partly constructed ground floor extension	
11/00677/HHA	First floor side extension to dwelling.	Refused (Appeal Dismissed)
17/30156/PHMT	Two storey rear extension and 2x side dormers to hipped roof	Advice Given
18/00334/CLOPUD	Two storey rear extension	Approved
18/00335/CLOPUD	Proposed hip to gable and dormers	Approved
18/01050/HHA	First floor side extension	Refused (Appeal Dismissed)
21//30240/PHMT	Feedback on an historical planning application previously refused for a first floor extension.	Advice Given

#### 4.0 CONSULTATIONS AND REPRESENTATIONS

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

**PUBLICITY:**

This application has been advertised by way of individual neighbour notification letters, press notice and public site notice which has been displayed nearby. No written comments have been received.

#### 5.0 POLICY CONTEXT

National Planning Policy Framework (NPPF)

5.1 The revised NPPF was published on 27th March 2012, revised on 24<sup>th</sup> July 2018, February 2019 and again in July 2021. Paragraph 11 of the Framework sets out a presumption in favour of sustainable development. Paragraph 2 of the Framework confirms the tests in s.38 (6) of the Planning and Compulsory Purchase Act 2004 and s.70 of the Town and Country Planning Act 1990 and that the Framework is a material consideration in planning decisions. Paragraph 10 states that in assessing and determining development proposals, local planning authorities should apply the presumption in favour of sustainable development.

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

- 4. Decision-making
- 12. Achieving well-designed places
- 13. Protecting Green Belt land

#### National Planning Practice Guidance NPPG)

5.2 In March 2014 the Department for Communities and Local Government (DCLG) launched its planning practice guidance web-based resource. This was accompanied by a Written Ministerial Statement which includes a list of the previous planning policy guidance documents cancelled when the NPPF was launched. PPG contains 42 subject areas, with each area containing several subtopics. Those of particular relevance to the determination of this planning application comprise:

- Design
- Determining a planning application
- Green Belt
- Use of Planning Conditions

#### Local Planning Policy: Thurrock Local Development Framework 2015

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

##### Spatial Policies:

- CSSP4 (Sustainable Green Belt)

##### Thematic Policies:

- CSTP22 (Thurrock Design)
- CSTP23 (Thurrock Character and Distinctiveness)

##### Policies for the Management of Development:

- PMD1 (Minimising Pollution and Impacts on Amenity)
- PMD2 (Design and Layout)



- PMD6 (Development in the Green Belt)
- PMD8 (Parking Standards)

### Thurrock Local Plan

5.4 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.

### 5.6 Thurrock Residential Alterations and Extensions Design Guide (RAE)

In September 2017 the Council launched the RAE Design Guide which provides advice and guidance for applicants who are proposing residential alterations and extensions. The Design Guide is a supplementary planning document (SPD) which supports policies in the adopted Core Strategy.

## **6.0 ASSESSMENT**

### Background

- 6.1 Historical mapping tools indicate that the wider site was formerly a small holding with a residential dwelling located to the south of the site close to the southern boundary abutting Orsett Road. It has been identified that the parcel of land directly to the north of the original dwelling would not be considered as forming part of the residential curtilage as this would be designated land for the small holding, which the applicant has previously indicated was an orchard.
- 6.2 The red line drawn on the submitted location plan omits the above mentioned parcel of land not considered as forming part of the residential curtilage. The Council therefore concurs with the boundary line provided for this application.

- 6.3 The application site has an extensive planning history and permission has previously been granted within the residential curtilage under application references 73/00564/FUL (Kitchen Addition) and 97/00681/FUL (Single storey side extension to provide additional bedroom and extension to living room) whereby the combined floorspace of these developments utilised the two reasonably sized rooms allowance limitation set out in policy PMD6 of the Core Strategy.
- 6.4 It is noted that planning permission was sought in 1995 for a two storey side extension (Ref: 95/00097/FUL) and later the same year for a single storey side extension (Ref: 95/00269/FUL). Both applications were refused by the Council, appeals were lodged by the applicant which were both later dismissed at appeal by the Planning Inspectorate.
- 6.5 In addition, three further planning applications have since been submitted seeking approval for a first floor side extension in the location of the current application being considered. These were submitted under Refs: 99/00198/FUL, 11/00677/HHA and 18/01050/HHA. All of which were refused, and appeals later lodged for the latter two applications. Both appeals were subsequently dismissed by the Planning Inspectorate.
- 6.6 The most recently refused planning application for a first floor side extension (Ref: 18/01050/HHA) was refused for the following reason:

*The proposal is for extensions to the dwelling in excess of the amount that would be considered proportionate to the existing dwelling, in this case, in excess of the two reasonable sized room allowance specified by Policy PMD6 of the Core Strategy. The proposed development is therefore considered to constitute inappropriate development with reference to paragraph 145 of the NPPF and would therefore be, by definition, harmful to the Green Belt. 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, with reference to paragraph 88 of the NPPF, required to justify inappropriate development. The proposal is therefore contrary to Chapter 9 of the NPPF and Policy PMD6 of the adopted Thurrock Local Development Framework Core Strategy and Policies for the Management of Development DPD (as amended) 2015.*

*The site is located within the Green Belt, therefore the principle of development could be considered inappropriate and therefore harmful, unless the proposal conforms to policy.*

- 6.7 The appeal relating to the above refusal was determined in April 2019 and dismissed by the Planning Inspector outlining the following reasons:

*Paragraph 145 of the NPPF (prior to the 2021 amendment) regards the construction of new buildings as inappropriate in the Green Belt. One of several exceptions is the extension or alteration of a building provided it does not result in disproportionate additions over and above the size of the original building. The NPPF does not offer any advice on what might be regarded as “disproportionate” or not, but refers to “size”.*

*Policy PMD6 of the Core Strategy (CS) adopted in January 2015, indicates that an extension must not be disproportionate to the original dwelling. This policy context is broadly in accordance with that of the later NPPF. The policy then goes on to state that in Thurrock this means no larger than two reasonably sized rooms.*

*The Council explains that two previously extensions approved under references 73/00564/FUL and 97/00081/FUL have exceeded the allowance permitted under policy.*

*In comparing the original dwelling to the dwelling it would become should this proposal be permitted, the previous additions including this proposal would result in disproportionate additions over and above the size of the original dwelling.*

*Consequently the proposal would be inappropriate development that is, by definition, harmful to the Green Belt and in conflict with CS Policy PMD6 and the NPPF.*

*Openness is an essential characteristic of the Green Belt. The proposal would not increase the footprint of the building and the dwelling is relatively inconspicuous set on a large plot secluded by trees. Although the dwelling’s location and setting would help to moderate the effect on openness, the proposal would change the appearance of the property and considerably increase its bulk therefore increasing its visual impact. This means that there would be harm as openness cannot be preserved.*

*The appellants indicate that it is their view that a more harmful scheme to the openness of the Green Belt could be achieved under permitted development rights. To illustrate this point, two Certificates of Lawfulness of Proposed Use or Development (CLOPUD) have been submitted and approved by the Council. Reference 18/00334/CLOPUD was granted on 25 April 2018 for a two storey rear extension and reference 18/00335/CLOPUD granted on 27 April 2018 for a proposed hip to gable with dormers.*

*I note that the appellants indicate the fallback schemes would be larger in volume than the appeal proposal. However, in my view, neither the two storey rear*

*extension nor the loft conversion would provide the additional two bedrooms sought. Both schemes would have a similar impact on openness to the appeal proposal.*

*There is also a physical possibility that more than one scheme could be carried out. This then negates the fallback position further. Given that the fallback schemes would not provide the accommodation sought, the appeal proposal is preferred, the effect on openness of all three schemes would be similar and there is no mechanism to prevent permitted development rights being implemented in addition to the appeal proposal, the weight I ascribe to the fallback position is limited.*

*The Government attaches great importance to Green Belts. Thus, when considering any planning application, substantial weight should be given to any harm to the Green Belt. That is a high hurdle to overcome. In this appeal I have found harm to the Green Belt by way of inappropriateness and to its openness. Balanced against that are the other considerations referred to above. They though, for the reasons given, do not clearly outweigh the harm to the Green Belt. The very special circumstances necessary to justify the development have not been demonstrated. Consequently the proposed development conflicts with the aims of CS Policy PMD6 and the NPPF.*

6.8 The assessment below covers the following areas:

- I. Principle OF DEVELOPMENT
- II. Very Special Circumstances
- III. Design, Layout and Character Impact
- IV. Impact on Neighbouring Amenity
- V. Access and Car Parking

- I. PRINCIPLE OF DEVELOPMENT

6.9 Policy PMD6 of the Core Strategy states that planning permission will only be granted for new development in the Green Belt provided it meets as appropriate the requirements of the NPPF, other policies in this Core Strategy, and the following:

*1. Extensions*

- i. The extension of a building must not result in disproportionate additions over and above the size of the original building. In the case of residential*

*extensions this means no larger than two reasonably sized rooms or any equivalent amount.*

- ii. *The extension of the curtilage of a residential property which involves an incursion into the Green Belt will only be permitted where it can be demonstrated that very special circumstances apply.*

### Green Belt Assessment

- 6.10 The site is located within the Metropolitan Green Belt where strict controls apply in relation all new development.
- 6.11 Core Strategy Policy PMD6 applies in this area. National and local policies, including this policy, seek extensions to residential dwellings to be proportionate and that would consequently not exceed that represented by two reasonably sized rooms for the dwelling.
- 6.12 Based on what is considered as the original footprint of the host dwelling, the original floor space would allow for extensions up to an increased floor area of approximately 29.41sq. metres. This additional increase in floor space could be used for development at any location within the application site, not just for extensions physically connected to the host dwelling.
- 6.13 When including the existing extensions physically connected to the host dwelling, the floor areas occupied by the porch and utility room extension and the single storey side extension (dining room and lounge extension) equates to 63.05sq. metres.
- 6.14 The proposed first floor side extension would occupy a floor area of 36.67sq. metres resulting in the cumulative additional floor area to the host dwelling of 99.72sq. metres. Based on the two reasonable sized rooms allowance set out in paragraph 6.12 the proposal would, in conjunction with existing extensions to the property, collectively be in excess of this limitation by over 70sq. metres.
- 6.15 Furthermore, it is relevant to highlight that in the dismissed appeal decision in March 2019 (Appeal ref: APP/M1595/D/18/3218486) for a first floor side extension it was concluded that *'the previous additions including this proposal would result in disproportionate additions over and above the size of the original dwelling. In my judgement and taking into account the approach in CS Policy PMD6, the proposal would be a disproportionate addition to the original dwelling.'* Given the scheme proposed under this application would principally be for the same development, there would be no justification in reaching an alternative conclusion at this time.

- 6.16 Therefore, the proposal would be in excess of what would be considered as proportionate development within the Green Belt. The proposal would consequently be contrary to policy PMD6 and guidance set out in the NPPF and be considered as disproportionate development that is inappropriate in the Green Belt.
- 6.17 In addition, as previously mentioned, the detached games room and detached triple garage present at within the application site are not considered original, as supported by Building Control records where these developments were completed circa. 1997. Plans for both buildings have been submitted with the application. The floor areas for both buildings equates to 50.67sq. metres.
- 6.18 When adding this figure to that detailed in paragraph 6.14, the additional development within the application site would equate to a total area in excess of 120sq. metres. The proposal would therefore result in an increase of over 4 times what is permitted under Policy PMD6.

## II. VERY SPECIAL CIRCUMSTANCES

- 6.19 As detailed above, the proposed development represents inappropriate development within the Metropolitan Green Belt. Paragraph 147 of the NPPF states that inappropriate development is by definition harmful to the Green Belt and that it should not be approved except in very special circumstances.
- 6.20 The NPPF also states "When considering any planning application, Local Planning Authorities should ensure that substantial weight is given to any harm to the Green Belt". Paragraph 148 states that Very Special Circumstances will not exist unless the potential harm to the Green Belt by reason of inappropriateness, and any other harm, is clearly outweighed by other considerations.
- 6.21 Neither the NPPF nor the adopted Core Strategy provide guidance as to what can comprise as 'very special circumstances', either singly or in combination. However, some interpretation of very special circumstances has been provided by the Courts. The rarity or uniqueness of a factor may make it very special, but it has also been held that the aggregation of commonplace factors could combine to create very special circumstances (i.e. 'very special' is not necessarily to be interpreted as the converse of 'commonplace'). However, the demonstration of very special circumstances is a 'high' test and the circumstances which are relied upon must be genuinely 'very special'.
- 6.22 With regards to the NPPF, paragraph 143 states *that 'inappropriate development is, by definition, harmful to the Green Belt and should not be approved except in very special circumstances'*. Paragraph 144 goes onto state that, when considering any planning application, local 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”.*

6.23 Page 16 of the Planning Statement outlines five main reasons which the applicant considers to constitute as Very Special Circumstances. These are summarised and assessed below:

6.24 a) *the absence of demonstrable, actual harm from addition proposed*

The applicant has stated that in the assessment of application ref: 18/01050/HHA the height, depth and location of the additions did not result in the material harm to views into or around the building, and that the openness of the site was not eroded due to design or positioning. In addition, it is put forward that there would be no reasonable additions that could be made to the dwelling under the assessment of the 2 reasonably sized rooms, and given the property currently provides only two bedrooms, better use of the dwelling could be provided if the proposed addition was allowed.

#### Consideration

Whilst it is acknowledged the property currently provides two bedrooms to the first floor, additional reception rooms have been created through previous extensions to the host dwelling which could (and have previously) be used as additional bedroom/s if so required. In addition it should be noted that in dismissing the appeal against the 2018 application the Planning Inspector states at paragraph 8: *“Openness is an essential characteristic of the Green Belt. The proposal would not increase the footprint of the building and the dwelling is relatively inconspicuous set on a large plot secluded by trees. Although the dwelling’s location and setting would help to moderate the effect on openness, **the proposal would change the appearance of the property and considerably increase its bulk therefore increasing its visual impact. This means that there would be harm as openness cannot be preserved,** in addition to the harm arising from the inappropriate development and I attach considerable weight to this harm”.* [[Our emphasis]. Accordingly the applicants assessment of lack of harm is challenged and no weight is attached to the purported very special circumstance.

6.25 b) *the provision of neighbouring development already permitted at Home Farm, one of the closest neighbours to the site. Application ref: 18/01763/HHA*

The applicant has put forward that development within the nearby site known as Home Farm, located to the north east of the application site, has received planning permission for ground floor structures that were linked together. The applicant also puts forward that whilst this site is also located within the Green Belt and the

development completed is akin to that proposed at Lyndfield, the approved development at Home Farm has created a far larger dwelling.

### Consideration

The extensive planning history for Home Farm has been considered and previous planning applications have been refused as well as approved. As a broad overview, these applications have been refused on Green Belt grounds where very special circumstances did not justify the inappropriate development. However, it is relevant to highlight that each application site is assessed on its own merits and whilst the applicant may consider Home Farm to be a similar site, specific site constraints and the coverage of what is considered as the original dwelling would have been established when assessing planning applications relating to this site, and would be of relevance as to the extent of what would be considered as two reasonably sized rooms. For example, the larger the original dwelling, the larger coverage extensions allowed under Policy PMD6 would be likely to have. Furthermore, it is noted that the application referred to at Home Farm included the demolition of a garage and rear extension in lieu of the proposed development consisting of a two storey side extension and single storey rear extension. Given that each application site is assessed on its own merits, and that the original dwelling at Home Farm varies to that at Lyndfield, it is considered that this reasoning affords no weight as a very special circumstance.

6.26 *c) the presence of a lean-to on the dwelling known as Lyndfield in 1937, therefore comprising part of the original dwelling*

The applicant refers to historical OS plans dating back to 1958 where a lean-to outshot structure is present to the host dwelling. It is put forward that the kitchen extension now present (approved under ref: 73/00564/FUL) replaced this element of the building, and should therefore not be considered as additional development.

### Consideration

It is considered that the authenticity of the above statement does not need to be established for the following reason. The extended kitchen, labelled as a utility room on floor plans, has a coverage of 10.05sq. metres. Even if this area were to be deducted for the overall increase in floor area to the host dwelling as set out in Paragraph 6.20 the proposal would continue to result in additional development in excess of the two reasonably sized room allowance set out in Policy PMD6. Therefore, this very special circumstance would be afforded limited weight.

6.27 *d) the provision of a unilateral undertaking that revokes both the outstanding lawful development certificates*



The applicant has put forward that an agreement to revoke the existing Lawful Development Certificates (refs: 18/00334/CLOPUD and 18/00355/CLOPUD) would ensure that the lawful extension and roof alteration could not be built. In addition, it is put forward that removing Permitted Development Rights for the wider application site would ensure that if permission were granted for the proposed first floor side extension that no other development could be carried out within the site without first additional planning permission. This reasoning has been proposed given the comments made by the Planning Inspector when dealing with the appeal for application ref: 18/01050/HHA (Appeal ref: APP/M1595/D/18/321848) whereby it was suggested that fallback position merit attributed was limited.

### Consideration

Whilst the applicant states that both lawful permissions would be revoked immediately should permission be granted, this would not necessarily be considered to afford significant weight given that the aforementioned Lawful Development Certificates were determined in April 2018 and they have not yet been implemented. In addition, as highlighted by the Inspector, the development permitted under these applications would not provide two additional bedrooms. However, whilst the internal number of rooms would be achieved, these would not be in the locations preferred by the applicant. Although the Inspector acknowledged that if the development permitted under the Lawful Development applications were to be implemented these would result in a negative aesthetic impact upon the host dwelling, this would not afford significant weight in terms of very special circumstances due to the lack of intention shown by the applicant to implement either of these developments. For this reason, very limited weight would be afforded to very special circumstances in this instance.

6.28 *e) the provision of a unilateral undertaking revoking permitted development Classes A to D upon the favourable determination of this application*

The applicant argues that the removal of Permitted Development Rights to Home Farm only included Class A. Their Unilateral Undertaking proposal would include further development whereby the limitations of what could be implemented under Permitted Development would be significantly reduced in comparison. It has been suggested that this agreement would have an expiry date of 3 years where should the proposal not be built out then Permitted Development Rights would be reinstated.

Consideration

These mitigation measures offered would not necessarily be considered to overcome the current issue with development within the application site as the ground area occupied by the games room and garage equates to over 91% of the ground area occupied by the host dwelling. However, being able to limit and restrict further additional development would be favourable and affords limited weight in terms of very special circumstances.

6.29 A summary of the weight which has been placed on the various Green Belt considerations is provided below:

<b>Summary of Green Belt Harm and Very Special Circumstances</b>			
<b>Harm</b>	<b>Weight</b>	<b>Factors Promoted as Very Special Circumstances</b>	<b>Weight</b>
Inappropriate development	Substantial	<i>a) the absence of demonstrable, actual harm from addition proposed</i>	No weight
		<i>b) the provision of neighbouring development already permitted at Home Farm, one of the closest neighbours to the site. Application ref: 18/01763/HHA</i>	No weight
		<i>c) the presence of a lean-to on the dwelling known as Lyndfield in 1937, therefore comprising part of the original dwelling</i>	Very limited weight
		<i>d) the provision of a unilateral undertaking that revokes both the outstanding lawful development certificates</i>	Very limited weight
		<i>e) the provision of a unilateral undertaking revoking permitted development Classes A to D upon the favourable determination of this application</i>	Limited weight

6.30 In reaching a conclusion on Green Belt issues, a judgement as to the balance between harm and whether the harm is clearly outweighed must be reached. In this case there is harm to the Green Belt with reference to inappropriate development (i.e. harm by definition), loss of openness and harm to Green Belt purpose. The five factors promoted by the applicant as considerations amounting to 'Very Special Circumstances' necessary to justify inappropriate development and for the Committee to judge:

- i. the weight to be attributed to these factors;
- ii. whether the factors are genuinely 'Very Special' (i.e. site specific) or whether the accumulation of generic factors combine at this location to comprise 'Very Special Circumstances'.

6.31 It is considered that the applicant has not advanced any factors which would cumulatively amount to Very Special Circumstances that could overcome the harm that would result by way of inappropriateness and the other harm identified in the assessment. The proposal is clearly contrary to Policies CSSP4, PMD2 and PMD6 of the adopted Thurrock Local Development Framework Core Strategy and Policies for the Management of Development (as amended 2015) and the National Planning Policy Framework 2021.

### III. DESIGN, LAYOUT AND CHARACTER IMPACT

6.32 The overall design of the proposal is considered sympathetic and relates suitably to the character of the host dwelling. The ridge line of the proposed roof would be set lower than that of the original roof forming an 'M' shaped dual pitch roof when viewing from the west which would be somewhat unconventional. However, this would not be sufficient reason to recommended for refusal as the level of harm to the character and appearance of the host dwelling would be limited.

6.33 Given the position and orientation of the host dwelling within the application site, the proposal would be visible from the driveway serving the site. However, given the majority of the driveway is set beyond the entrance gates close to the adjacent highway of Orsett Road, the visual impact from a public realm would be limited in this instance.

6.34 For the reasons set out able, it is considered the proposal would be acceptable in relation to policies CSTP22, CSTP23 and PMD2.

### IV. IMPACT ON NEIGHBOURING AMENITY

- 6.35 Due to the level of separation between neighbouring properties, the proposal would not result in additional impacts upon amenity and would be in accordance with policy PMD1 and the Residential Alterations and Extensions SPD 2017.

#### V. ACCESS AND CAR PARKING

- 6.36 The proposal would result in an uptake in the parking provision requirements given the increase in the number of bedrooms. However, the level of hardstanding to the south west of the site close to the access gates and detached garage would be of a sufficient area to accommodate the extra provision. Therefore, the proposal would be in accordance with policy PMD8.

### 7.0 CONCLUSIONS AND REASON(S) FOR REFUSAL

- 7.1 The application site is located within the Metropolitan Green Belt where limitations apply in relation to additional development permitted, as set out in policy PMD6. Existing development present within the application site already exceeds the two reasonably sized room allowance, and therefore, the proposal would further increase this excess.
- 7.2 Whilst the applicant has put forward five separate Very Special Circumstances, these have been considered and assessed. These factors would not cumulatively amount to Very Special Circumstances that could overcome the harm that would result by way of the inappropriateness and other harm identified by way of disproportionate development in the Green Belt.

### 8.0 RECOMMENDATION

- 8.1 Refuse planning permission for the following reasons:

- 1 The proposal is for extensions to the dwelling in excess of the amount that would be considered proportionate to the existing dwelling, in this case, in excess of the two reasonable sized room allowance specified by Policy PMD6 of the Core Strategy. The development would therefore result in inappropriate development in the Green Belt which is, by definition, harmful. The proposal would also cause a reduction in the openness. It is not considered that the matters put forward as very special circumstances clearly outweigh the identified harm to the Green Belt so as to amount to the very special circumstances required to justify inappropriate development. The proposal is therefore contrary to Policies CSSP4 and PMD6 of the adopted Thurrock Core Strategy and Policies for the Management of Development (as amended 2015) and the National Planning Policy Framework 2021.

**Informative:**

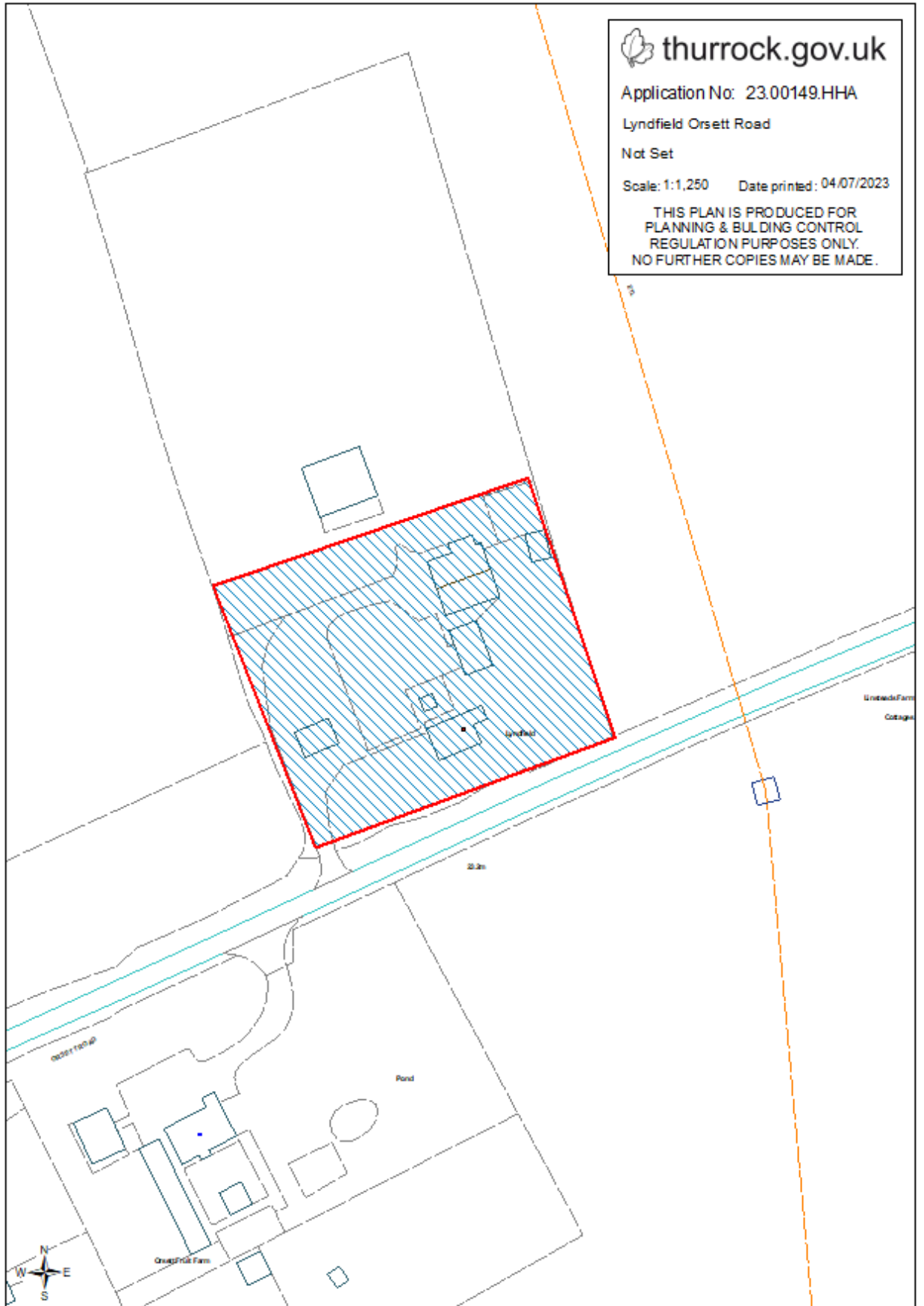
Town and Country Planning (Development Management Procedure) (England) Order 2015 (as amended) - Positive and Proactive Statement:

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](http://www.thurrock.gov.uk/planning)



© Crown copyright and database rights 2023 Ordnance Survey 100025457



This page is intentionally left blank



<b>Reference:</b> 19/01556/OUT	<b>Site:</b> Kings Farm / Thurrock Airfield Parkers Farm Road Orsett RM16 3HX
<b>Ward:</b> Orsett	<b>Proposal:</b> Application for outline planning permission with all matters reserved apart from access: Proposed mixed use development comprising up to 750 no. residential dwellings, medical facility, retail and commercial units.

<b>Plan Number(s):</b>		
<u>Reference</u>	<u>Name</u>	<u>Received</u>
LP001	Location Plan	20 July 2021
RS-1493-01	Topographical Plan	15 October 2019
MP0001 Rev F	Illustrative Masterplan	20 July 2021
MP0007	Indicative CGIs	20 July 2021

The application (see Appendix 1 for list of previously submitted details) is accompanied additionally by:

- Email dated 20.2.23 from Transport Consultants, KMC Transport Planning
- Email dated 20.5.23 from applicant’s planning agent
- Technical Note May 2023, KMC Transport Planning
- Planning Statement (July 2021) tba (– agent indicated may update this to reflect changes to Transport Assessment to include above Technical Note);
- Design and Access Statement (July 2021) tba – (agent indicated may update this to reflect changes to Transport Assessment to include above Technical Note);

To clarify, the planning application was originally submitted in October 2019. In accordance with the Town and Country Planning (Environmental Impact Assessment) Regulations 2017 (as amended) the application was screened and it was determined that an Environmental Impact Assessment (EIA) was required. A Scoping Opinion to confirm the content and format of the EIA was issued in March 2020 and the planning application was validated in July 2021. Further information to support the EIA was subsequently submitted in May 2022.

<b>Applicant:</b> Grasslands Ltd	<b>Validated:</b> 19 July 2021  <b>Date of expiry:</b>
-------------------------------------	---

	(18 October 2021) Extension of time negotiated until 31 July 2023
--	---

<b>Recommendation:</b> Refuse planning permission
---

This application is scheduled for determination by the 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). A report was prepared for the Committee meeting in January 2023. However, shortly before the meeting the applicant requested that the report be withdrawn from the agenda to enable further work to address some of the reasons for refusal listed. This report is being submitted following a period of 6 months in which the applicant has requested time to make further submissions and to enable consultees to make any further comments. The contents of this report address only the changes/submissions since the January Committee Report was published. This report should therefore be read in conjunction with the earlier report (Appendix 1).

## 1.0 CONSULTATIONS AND REPRESENTATIONS

1.1 3 additional letters have been received objecting to the application on the grounds that:

- the proposal would result in the loss of an airfield, contrary to the need to retain a network of general aviation airfields identified in the NPPF;
- it would result in high levels of lighting in a current “dark” location which will adversely affect astronomy and the hobby of star gazing;
- as the area is close to the Langdon Hills nature reserve, light pollution would be disruptive to nature;
- there is no room to improve infrastructure and the A128 is already badly congested and has a high accident record;
- current bus services to the village are already very limited and the local train station (West Horndon) has very limited parking for people who need to commute;
- the development would have a catastrophic result not only on the village of Bulphan but also on Orsett and the surrounding villages; and
- due to flooding in the area in combination with use of local roads when main roads are blocked, the local roads are often in poor state of repair and not suitable for extra use.

## 1.2 CONSULTATION RESPONSES:

Detailed below is a summary of the further consultation responses received since January 2023. The full version of each consultation response can be viewed on the

Council's website via public access at the following link:

[www.thurrock.gov.uk/planning](http://www.thurrock.gov.uk/planning)

### 1.3 NATIONAL HIGHWAYS (NH):

We have previously issued a holding recommendations to the LPA regarding this application, seeking capacity assessments for the A13/A1012 junction and the adjoining Treacle Mine Roundabout. We are interested as to whether there would be any adverse safety implications for the SRN as a result of this proposal. This information has recently been provided in the form of a technical note from Vectos (the applicant's consultant).

NH recommend that planning permission not be granted for a specified period (until 27<sup>th</sup> July 2023). Should the local planning authority not propose to determine the application in accordance with this recommendation they are required to consult the Secretary of State for Transport, as set out in the Town and Country Planning (Development Affecting Trunk Roads) Direction 2018, via [transportplanning@dft.gov.uk](mailto:transportplanning@dft.gov.uk) and may not determine the application until the consultation process is complete.

The reason for the recommendation not to approve the scheme is that, at 31 May 2023:

We have previously issued a holding recommendation to the LPA regarding this application, seeking further information regarding the proposals. Following our review of the KMC Addendum TA (May 2022), we accept that the revised trip rates and trip generation presented. The agreed development trip generation now includes 530 two-way vehicles trips in the AM peak and 478 vehicles trips in the PM peak.

With trips distributed / assigned over the strategic and local highway network, it is evident that the A13/A1012 junction receives a sizable volume of development trips that could impact on the operation and safety of this junction. The operation of the A13/A1012 junction is also closely linked to the Treacle Mine Roundabout positioned to the south, for which there are queue interactions between the two junctions.

Our primary concerns relate to the potential for mainline queuing on the A13 from the eastbound and westbound off-slips at the A13/A1012 junction. The westbound off-slip in particular, given that trips associated with this development will add to this movement during the sensitive weekday peak hours.

Capacity assessments of the A13/A1012 junction have been requested, and National Highways has recently received a technical note prepared by Vectos setting out the LinSig modelling for the combined junction. This audit is currently ongoing, to determine the severity of development traffic impact. Until this information has been presented, we are unable to determine the impact of proposals on the SRN.

#### 1.4 THURROCK HIGHWAYS:

A Transport Assessment (TA) was submitted in support of the application with a rebuttal to highway comments. Both gave a positive view towards the potential traffic impact, and identifies that there will not be a need for minimal mitigation or changes to various junctions in the locale.

However, a number of queries were raised regarding public transport accessibility and walking and cycling regarding compliance with Thurrock Transport Policies and the NPPF and National Highways raised issues regarding the impact of the development at the North Stifford Interchange and the Treacle Mine roundabout and a meeting was held to discuss the Transport Assessment with ourselves and the traffic modelling with both ourselves and National Highways.

The meeting with KMC transport planning on 1<sup>st</sup> March 2023 was to discuss their emailed comments (dated 23<sup>rd</sup> February 2023) and there was a further meeting on 21<sup>st</sup> March 2023 which discussed our concerns over alternatives means of transport accessibility to the site and we discussed various potential options for them to go way and consider regarding the feasibility and we asked them to look in more detail at the access to Bulphan for pedestrians and if this was feasible.

The applicant has yet to fully provide further information as requested in the meeting regarding sustainable transport measures but has provided a response on the North Stifford Interchange and the Treacle Mine roundabout traffic impact analysis. The comments provide a positive view on the impact.

It is still not necessarily agreed as development proposals could be unacceptable, if they increase demand for use of a section of the network that is already operating over-capacity or cannot be safely accommodated within the existing infrastructure provision, unless suitable mitigation is agreed. This area already suffers at times from severe congestion.

The modelling of the North Stifford interchange and the Treacle Mine Roundabout was in the main requested by National Highways and therefore at present full comments remain reserved subject to additional comments from National Highway as clearly there is a close interaction between the National Highways Network and the Thurrock Highway Network. In addition further work on the sustainability of the site in regards walking, cycling, public transport and other forms of transport are awaited.

#### 1.5 FLOOD RISK MANAGER (LLFA):

Objects on the grounds that surface water flow rates are not deflected by the proposed development and would create flooding elsewhere.

#### 1.6 NHS:

Clarification was sought by officers on NHS's previous comments. The NHS responded that the requested financial contribution would be for Horndon-on the Hill and Orsett surgeries.

#### 1.7 ADDITIONAL AREAS OF ASSESSMENT

The following section provides further assessment to matters that have arisen following the publication of the original report. As with the rest of this report, it should be read in conjunction with the report set out in the appendix.

##### LOSS OF AIRFIELD

The issue of the loss of the current airfield was not previously covered in the January Committee report. One reason for this is that the airfield is not historic but was allowed to continue after enforcement action was taken due to the change of use of the agricultural field to airfield, albeit that this period is now around 20 years.

Notwithstanding, the objector (referenced above) is correct that the NPPF (2021) does indicate in Section "9. Promoting sustainable transport" at para. 106 that

*"Planning policies should: ....f) recognise the importance of maintaining a national network of general aviation airfields, and their need to adapt and change over time – taking into account their economic value in serving business, leisure, training and emergency service needs, and the Government's General Aviation Strategy<sup>45</sup>.*

<sup>45</sup> *Department for Transport (2015) General Aviation Strategy.*"

- 1.8 The NPPF also defines general aviation airfields (GA/GAA) as “*Licensed or unlicensed aerodromes with hard or grass runways, often with extensive areas of open land related to aviation activity.*”

The adopted Core Strategy 2015 postdates the 2012 NPPF (and has been considered by a Planning Inspector to be in accordance with it). There is no local policy requiring the retention of airfields.

- 1.9 Notwithstanding, where a plan is silent on a topic area, the NPPF is a material consideration. The NPPF indicates that there should be a recognition of the importance of maintaining a national network of general aviation airfields. Beyond that there is no specification that any particular airfield has to be retained nor of how many airfields are needed to provide the network indicated.
- 1.10 The 2015 General Aviation Strategy published by the Department of Transport is somewhat dated and two more recent reports are now available which provide more background:
- 1.11 A Report entitled “General Aviation Airfields Study Final Report” by York Aviation was published by the Department for Transport in March 2021. The Study indicates that

*“The GA sector is supported by a large and diverse network of airfields located across the UK. Previous research by York Aviation has identified that there may be around 900 active airfields across the country, although this figure is likely to be much higher. Very little is known about a significant proportion of these and many are thought to be very simple, basic ‘farm strip’ type airfields, sometimes operated under the 28 day rule [permitted development], which allows flying activity to be undertaken for 28 days in a calendar year without planning permission. This research has identified just under 400 airfields where there is some information available, sufficient to support consideration of a broad typology that helps to understand the local economic impact of these airfields. It is, however, important to remember that data on even these airfields is often poor and severely limited, particularly in relation to the extent of activity.*”

*For the purposes of considering the potential local economic impact of GA airfields... identified four broad airfield categories. These can be summarised as follows:*

- *Category 1 - this category includes airports and airfields with instrument runways that are at least capable of taking Business Aviation light jets but which may also, in some cases, facilitate smaller GA aircraft as well. These airfields are likely to have the greatest economic impact;*

- *Category 2 - airfields in this category have 50 or more based aircraft. Many are likely to support occasional business-related air taxis and helicopters, including emergency services flights. They generally have a substantial level of flight training, maintenance and hangarage, but do not have the facilities required for larger Business Aviation aircraft. This category would also cover some airfields with grass runways but which are still substantial GA airfields;*
- *Category 3 - airfields in this category have between 20 and 50 based aircraft and are also likely to have some measure of flight training, albeit generally at a basic (PPL) level. Most also have some maintenance and hangarage, although this is likely to be limited. They are, in many ways, similar to Category 2 airfields but are smaller and with less extensive facilities;*
- *Category 4 - airfields in this category have fewer than 20 based aircraft or none at all. They are likely to have very limited or basic facilities. Most farm strips, for example, fall into this category.”*

The airfield at Kings Farm would appear to fall in Category 3 or 4.

- 1.12 The current Thurrock Airfield at Kings Farm remains in use (Case Officer observation on 31.5.23) as a general aviation airfield (GAA) with a number of planes (around 15-20) parked to the south-western corner and the grass cut either side of the hardstanding airstrip.
- 1.13 The DoT report concludes that *“Overall, as would be expected, Category 1 airfields are likely to have by some margin the largest local economic impact amongst GA airfields and to make the most substantial contribution towards the Department’s broader aims. It should, however, also be recognised that Category 2 airfields can be significant local assets. While Category 3 airfields do appear to make a smaller contribution than Category 2 airfields, they still often have training facilities, and some have links with local educational institutions and share many similar runway characteristics with Category 2 airfields.”*
- 1.14 While the above DoT report included case studies of only 12 airfields (of around 900), it is reasonable to indicate that the current airfield which includes a hangar and a vehicle workshop would be expected to provide jobs and have a local economic impact.
- 1.15 In 2022, the DoT produced a document entitled “Flightpath to the Future”. In Chapter 8 and under a section entitled “Airfield Protection: Supporting the strategic infrastructure network and assets of GA for activities today and to secure it for the next generation” it states:

*“We will continue to seek to ensure plan making and decision taking has appropriate regard to the importance of the national network of GA facilities, in line with the National Planning Policy Framework which seeks to recognise the importance of maintaining a national network of general aviation airfields, and their need to adapt and change over time. We will publish guidance for Local Planning Authorities on the importance of GA to ensure that GA is better understood and informs local planning and decision taking.”*

- 1.16 While the above shows a direction of travel, there is no further advice on how to consider the loss of a GA airfield in the planning context. In addition, the current consultation version of the NPPF does not indicate any alteration to the current wording on GA/GAA.
- 1.17 No information has been provided by the applicants regarding the current usage of application site as an airfield. It is recognised that the loss of the airfield would result in the loss of an airfield, loss of aircraft storage and aircraft mechanical/repair services (including jobs associated with it). While business can form part of the flying offer, there is no evidence that this airfield is used in this context as either providing passenger services or commercial carrying services.
- 1.18 Other airfields exist locally, for example at Damyns Hall Farm/Aerodrome in Upminster and at Stapleford Abbots, Essex.
- 1.19 As indicated in the NPPF, there is no specific requirement to retain any specific airfield(s), just for planning policies to be written which consider the maintenance of a network. As such, the loss of an airfield must be considered in this context in the planning balance.
- 1.20 TRANSPORTATION

The applicant's transport consultants consider, in relation to the proposed new roundabout and lack of detail to ensure that it could meet highway safety standards for both existing and proposed users, that:

- the TA Addendum included a detailed review of the site access junction in terms of compliance with design standards;
- a Stage 1 RSA has been with the TA Addendum submitted in April 2022;
- that a new footway connection from the site along Parkers Farm Road into Bulphan with extensive work undertaken on the design of the proposed footway and;



- the applicant is liaising with the adjacent landowner to get agreement for the footway.

1.21 The applicants recognise that the third-party landowner would need to enter into a legal agreement. These negotiations are on-going and it is considered that the deferring consideration of this application has provided sufficient time to finalise the agreement. There is no desire-line for pedestrian or cycle trips along the A128 and the applicant agrees to provide a contribution towards cycle improvements to Orsett. This could form part of any s106 agreement with Thurrock Council. In response to concerns that the application site is remote from shops, services and public transport and would rely almost entirely on private vehicles such that it does not comply with NPPF the applicant considers that the day-to-day needs of residents can be met locally and with the additional facilities provided within the development. Relating to a concern regarding the layout of roads within the site and whether they can accommodate larger vehicles turning, it is pointed out that this is an outline application and that internal roads form part of any future application for the approval of reserved matters.

1.22 The applicant's transport 'Technical Note May 2023 (KMC Transport Planning)' states that:

*"KMC commissioned SLR/Vectos to undertake the modelling exercise. SLR/Vectos have previously modelled the A13 corridor including the A13/A1012 and Treacle Mine roundabout in relation to the Thames Enterprise Park (TEP) application which was considered in 2022. To assess the impact of the Thurrock Airfield development, the two junctions have been modelled using the LINSIG model that was originally used to support the VISSIM modelling for the TEP application. The modelling methodology and results are presented in the Technical Note prepared by SLR/Vectos (ref: N01/237249B (REV A)) included in Appendix B. The modelling demonstrates that no material impact is forecast from the Thurrock Airfield development at either roundabout in the AM peak hour. Both junctions are forecast to operate acceptably. In the PM peak, average queues increased by fewer than 4 pcu, to 145m. Even when considering this value as the average queue, the extent is not likely to impact upon operation of the A13 roundabout. The level of change is not considered significant."*

1.23 The applicant's planning agent on 20<sup>th</sup> May 2023 indicated that the following information is being completed:

- the additional information requested in respect of the footpath link between the development site and Bulphan village; and
- the request from Thurrock Highways to examine the possibility of Parkers Farm being a 'no through road'.

- 1.24 NH have extended their holding response to 27<sup>th</sup> July 2023 (that the LPA does not consider an approval of the scheme) citing

*“Comments will follow in a separate email shortly. But for the purpose of the application, there is a need to extend our current holding position until this information has been reviewed. Therefore, at this stage, we are unable to determine the impact of proposals on the SRN (Strategic Road Network) and conclude our recommendation to the LPA. Based on the information provided to date, we are not yet able to conclude our audit of the development proposals and determine its impact on the SRN. As such, we are yet to be satisfied that the proposals would not affect the safety, reliability and/or operation of the SRN (the tests set out in DfT Circular 01/2022 and MHCLG NPPF para 111). A holding recommendation extension is included in the NHPR attached and should be in place until at least 27 July 2023 or until we are able to revise our position.”*

- 1.25 The local highway authority has reviewed the Transport Assessment, Transport Addendum and the Technical Note, together with the email from KMC dated 20<sup>th</sup> February 2023 and met with the applicant’s Transport Consultants along with NH. They confirm that if NH are satisfied regarding the road network, then they would also be satisfied in this respect, although NH (see above) does not agree that the applicant has, even after further information has been provided, fully justified its stance that there would be minimal impact on the national road network.
- 1.26 Notwithstanding, concerns remain with the proposals for cycle and pedestrian links along Parkers Farm Road/Church Lane which stem from the proposal requiring a Traffic Order to stop all but local access to enable the reduction in the 50 mile an hour speed limit which, while it could be required to be undertaken though any s106 legal agreement, would require separate consultation with existing local residents. On the basis that there has been significant local objection to the proposal and also that concerns have been raised that there is rat-running on Parkers Farm Road/Church Lane, the outcome of a Traffic Order is by no means certain. In addition, the roadway/highway limit does not extend wide enough to accommodate all the proposed pedestrian footway works such that a S278 could not be used to provide all the proposed works. The applicant indicates that other owners of the additional land are willing to enter into any necessary deals to enable this. However no signed agreements/evidence has been provided by the applicants that any deals have been made such that there is uncertainty that this could be achieved. In addition, the pedestrian link across a field to the north has not been included within the application boundary/nor is it owned by the applicant. In any event, this route is premised in part by the idea that the small primary school can be extended to accommodate any/all new pupils arising from the proposed development. The local education authority has not indicated that this school can either a) be extended nor

b) that it would wish for this school to be extended in future but has requested a financial contribution towards increasing spaces at existing local schools. While pedestrian/cycle access from the site to the main facilities available in the village of Bulphan would also be from Parkers Farm Road/Church Lane, it is more likely given the long, circuitous route provided to the village shop/other facilities (with no walking access along the A128) that future occupiers of the application site would most likely choose to use their private cars via the A128.

1.27 In relation to a possible bus service, the applicant has indicated that they have a quote from a local bus company for a half-hourly service from the application site along the A128. This quote and the request for it have not been provided to the LPA. It is noted that no rural villages in the Thurrock area have such a high-frequency and regular daily services. Notwithstanding, the LHA have indicated that a quote is not confirmation that such a service would be provided such that there is no guarantee that a practical/feasible service would be provided for the new occupiers. Even if one is, it's continued provision would depend on usage and, given high car ownership would be expected for this remote site, it is unlikely that the bus company would provide this service much beyond an initial term. A s106 could not require the bus company to be tied to their quoted provision and the Council could not be required to subsidise a service to this remote location in the longer term. It is not therefore considered that a reasonable public transport service is likely to be provided to the remote application site in the longer term.

1.28 Conclusion on Transportation issues:

There has been some movement to try to overcome concerns raised previously, including the provision of a Technical Note in May 2023 and meetings/discussions/email correspondence with the Council's Highways Team. However, despite an additional 6-month period since the application was first included on the January Committee Agenda, neither NH nor local highway authority consider that the information submitted is sufficient that the applicant can justify their scheme in terms of the impact on the highway network or in respect of cycle and pedestrian access or public transport provision in connection with the proposed scheme at the application site.

1.29 FLOOD RISK

The application seeks outline planning permission. However, the issue of flood risk does require some certainty at the outline stage and in the absence of any further submission, it is considered that the proposal does not sufficiently overcome the flooding issues in this fen location where surface water flooding has been identified to the satisfaction of the Flood Risk Manager. Such that a refusal reason is warranted. An additional reason can therefore be added to the list from the Officer

Report of January 2023.

1.30 RECOMMENDATION:

- 8.1 For the above reasons, the recommendation remains the same as previously included in the January 2023 Committee report, as follows:

The Committee is recommended to **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 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.

By reason of the scheme being for a large housing estate with ancillary urban-led development, the proposals are considered to constitute inappropriate development with reference to paragraph 149 (inappropriate buildings – shops, services and a medical centre) and 149 g) (inappropriate buildings – dwellings - due to harmful impact on openness) of the NPPF. The proposals would also be contrary to purposes c) and e) of the five Green Belt purposes, which are that the proposal would not assist in safeguarding the countryside from encroachment (c) and not assist in urban regeneration, by encouraging the recycling of derelict land (e and would, by definition be harmful to the Green Belt.

The identified harm to the Green Belt and other harm identified is not clearly outweighed by other considerations, either singly or in combination, such as to amount to the very special circumstances required to justify inappropriate development in the Green Belt. The proposals are therefore contrary to Part 13, paragraphs 138, 148 and 149 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. The proposals would, by reason of the combination of the high number, scale, density, proposed storey-heights and the extent/spread of proposed dwellings and other built forms across the majority of the 31.2 ha application site, result in harm to openness and permanence which are the essential characteristics of Green Belts, contrary to paragraph 137 of the NPPF and CCSP4 and PMD6 of the adopted Thurrock Local Development Framework Core Strategy and Policies for the Management of Development (2015).

3. The proposal would result in a large urban settlement which would be harmful to the existing/established visual and landscape characteristics of the fen countryside contrary to Policy CSTP18 of the adopted Thurrock Local Development Framework Core Strategy and Policies for the Management of Development (2015). The proposal would, by reason of the proposed retail, employment uses and the medical centre in this remote/unsustainable location, result in an unsustainable pattern of development which would cause an unacceptable increase in private vehicle traffic contrary to modal shift expectations, in particular along the A128, cause some loss of vitality and viability of the retail hierarchy's existing town centre uses and facilities particularly in Bulphan and Orsett and not meet the Borough's identified medical facility needs, contrary to paragraphs 142 and 143 of the NPPF and Policies CSSP1, CSTP6, CSTP8 and CSTP11 of the adopted Thurrock Local Development Framework Core Strategy and Policies for the Management of Development (2015)
4. Insufficient information has been submitted as to whether the proposal would adversely impact on the strategic road network (A1089 and A13 ); as such, National Highways and the local planning authority is not satisfied on the basis of the current submission that the proposals would not adversely affect the safety, reliability and/or operation of the Strategic Road Network (the tests set out in DfT C2/13 para 10 and MHCLG NPPF para 111) and highway safety concerns are raised in relation to the local road network contrary to Policies CSTP16 and PMD9 of the adopted Thurrock Local Development Framework Core Strategy and Policies for the Management of Development (2015).
5. The proposed mitigation measures in the Travel Plan and Transport Assessment Addendum are not, due to their reliance on other landowners and the Council making the provision outside the application site boundary, of sufficient robustness to provide adequate connectivity to existing services such as to overcome the shortcomings associated with the site's remote/unsustainable location, contrary to Policies CSTP15 and CSTP33 of the adopted Thurrock Local Development Framework Core Strategy and Policies for the Management of Development (2015).
6. The applicant has not provided sufficient justification as to whether the flooding issues raised can be overcome to the satisfaction of the LLFA. The proposals are therefore contrary to policies CSTP27 and PMD15 of the adopted Thurrock Local Development Framework Core Strategy and Policies for the Management of Development (2015).

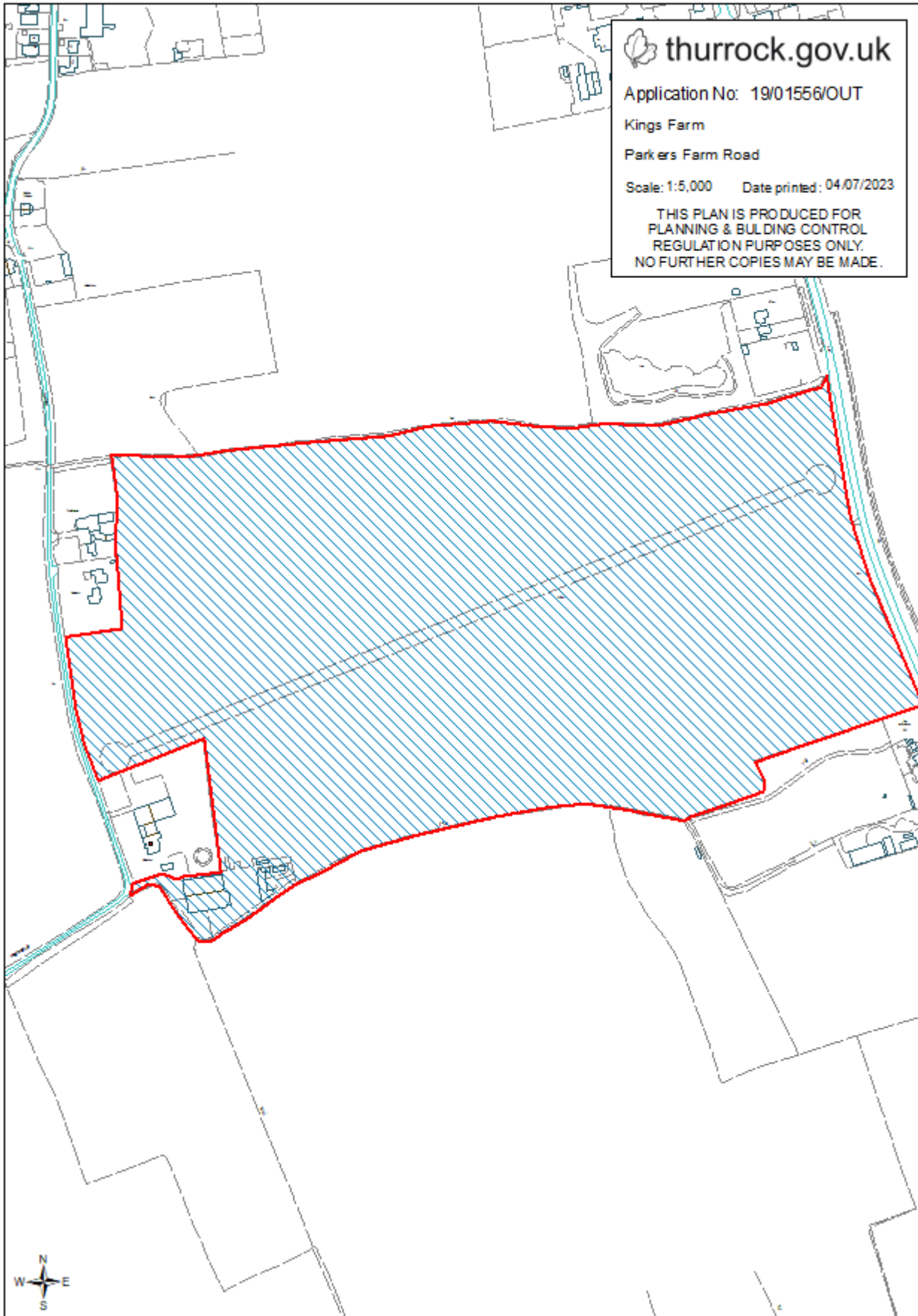
### Positive and Proactive Statement

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

### **Documents:**

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

[www.thurrock.gov.uk/planning](http://www.thurrock.gov.uk/planning)



This page is intentionally left blank



<b>Reference:</b> 21/02190/FUL	<b>Site:</b> Land Adjoining Tamarisk Road South Ockendon Essex
<b>Ward:</b> Ockendon	<b>Proposal:</b> Erection of five buildings to provide 38 residential apartments (Use Class C3) with car parking, cycle parking, new primary and secondary vehicular accesses, soft and hard landscaping including amenity space and associated works

<b>Plan Number(s):</b>		
Reference	Name	Received
SSSOX-BPA-ZZ-XX-DR-A-P0000	Site Location Plan A	29 December 2021
SSSOX-BPA-ZZ-XX-DR-A-P0010 Rev A	Existing Site Plan	29 December 2021
SSSOX-BPA-ZZ-XX-DR-A-P0300	Existing Site Sections	29 December 2021
SSSOX-BPA-ZZ-XX-DR-A-P1101 Rev B	Proposed Site Plan	26 August 2022
SSSOX-BPA-ZZ-XX-DR-A-P1110 Rev B	Proposed Ground +First Floor Plans	26 August 2022
SSSOX-BPA-ZZ-XX-DR-A-P1111	Proposed Second +Third Floor Plans	29 December 2021
SSSOX-BPA-ZZ-XX-DR-A-P1112	Proposed Roof Plan	29 December 2021
SSSOX-BPA-ZZ-XX-DR-A-P1200 Rev A	Proposed Site Elevations	26 August 2022
SSSOX-BPA-ZZ-XX-DR-A-P1300	Proposed Site Sections	29 December 2021
SSSOX-BPA-ZZ-XX-DR-A-P1501	Mews Street Visualisations	29 December 2021
SSSOX-BPA-ZZ-XX-DR-A-P1500	Tamarisk Road Visualisations	29 December 2021
SSSOX-BPA-ZZ-XX-DR-A-P2300	Proposed Dwelling Numbers and Block Layouts	29 December 2021

SSSOX-BPA-ET-XX-DR-A-P3100	Eastern Typology Plans	29 December 2021
SSSOX-BPA-ET-XX-DR-A-P3101	Eastern Typology Elevations	29 December 2021
SSSOX-BPA-ET-XX-DR-A-P3102	Eastern Typology Sections	29 December 2021
SSSOX-BPA-WT-XX-DR-A-P3110	Western Typology Plans	29 December 2021
SSSOX-BPA-WT-XX-DR-A-P3111 Rev A	Western Typology Elevations	26 August 2022
SSSOX-BPA-ET-XX-DR-A-P3112	Western Typology Sections	29 December 2021
SSSOX-BPA-ST-XX-DR-A-P3120	Southern Typology Plans	29 December 2021
SSSOX-BPA-ST-XX-DR-A-P3121 Rev A	Southern Typology Elevations	26 August 2022
SSSOX-BPA-ET-XX-DR-A-P3122	Southern Typology Sections	29 December 2021

The application is also accompanied by:

- Acoustic Assessment Report, ref:11453.RP01.AAR.0, RBA Acoustics, 15 December 2021
- Air Quality Assessment, ref: AS-21-1218-RPT-01 Rev 1, Atmospheric Solutions, 9 December 2021
- Arboricultural Impact Assessment and Method Statement, ref: PRI23585aia\_ams, ACD Environmental, 7 January 2022
- Daylight and Sunlight Report, ref: L210418/PS/G8, Calford Seadon, December 2021
- Design and Access Statement Rev A, Bell Phillips Architects, 17 December 2021, Parts 1 – 3
- Drainage Strategy, ref: 5504, Holloway Jennings, December 2021
- Ecological Impact Assessment, ref: bpthur/2005007, ACD Environmental, 22 December 2021
- Energy Strategy Proposals, Ref: C210090/A1/0002 YP/II/G81 Rev 1, Calford Seadon, December 2021

- Exterior Lighting Note, Calford Seadon
- Flood Risk Assessment, ref: GEOL21-8669, Issue 2, GEOL Consultants Ltd. 21 December 2021 – Parts 1 – 3
- Land Contamination Report- Phase 1, ref: GEOL21-8669, GEOL Consultants Ltd. 17 December 2021 – Parts 1 – 7
- Landscape Statement, ref: 5490-OOB-XX-XX-RP-L-0001 Rev P06, Oobe, December 2021, Parts 1 and 2
- Network Rail Note, ref: K210412 /C4/0005, Calford Seadon, 1 December 2021
- Planning and Affordable Housing Statement, DLBP, December 2021
- Structural Design Extent, Holloway Jennings, December 2021
- Sustainable Design and Construction Statement, ref: C210090/A1/0003 YP/II/G81 Rev: 1, Calford Seadon, December 2021
- Transport Statement, ref: bpthur/2005007 2<sup>nd</sup> Issue, Motion, 9 December 2021, Parts 1 – 4 & Addendums October 2022 and January 2023
- Tree Survey and Plan, ref: PRI23585ts, ACD Environmental, 20 December 2021
- Viability Report, Town Centre Regeneration, February 2022

**Applicant:**  
Major Commercial

**Validated:**  
29 December 2021  
**Date of expiry:**  
17 July 2023 (Extension of time agreed with applicant)

**Recommendation:** Approve, subject to conditions and s106 Legal Agreement

This application is scheduled for determination by the Council’s Planning Committee because it has been called in by Cllrs Shinnick, Fletcher, Muldowney, Watson and Worrall (in accordance with the Constitution Chapter 5, Part 3 (b), 2.1 (d) (ii)) to assess and examine the impact to infrastructure, increased traffic, concerns about access, parking, potential privacy and amenity, design and street scene concerns and lack of doctors, dentist and school places.

**1.0 DESCRIPTION OF PROPOSAL**

- 1.1 This application seeks full planning permission for the development of 38 dwellings residential apartments in five blocks with car parking, cycle parking, new primary and secondary vehicular accesses, soft and hard landscaping including amenity space and associated works
- 1.2 Table 1 below summarises some of the main points of detail contained within the development proposal:

<b>Site Area (Gross)</b>	0.5 hectares				
<b>Height</b>	Three/four storey flat blocks				
<b>Units (All)</b>	<b>Type (ALL)</b>	<b>1-bed</b>	<b>2-bed</b>	<b>3-bed</b>	<b>TOTAL</b>
	Flats	20	10	8	38
	<b>TOTAL</b>	<b>20</b>	<b>10</b>	<b>8</b>	<b>38</b>
<b>Car parking</b>	32 spaces (average of 0.84 spaces per unit)  Provision of car club facilities for at least one vehicle.				
<b>Amenity Space for units</b>	All units have a private balcony or patio area.  Communal amenity space.				
<b>Density</b>	76 units per hectare				

**2.0 SITE DESCRIPTION**

- 2.1 The application site is a mainly triangular shaped parcel of land located to the south of Ockendon Station, between the railway line and Tamarisk Road in South Ockendon. The site is presently an area of mainly flat scrub land formerly used as railway sidings.
- 2.2 The land to the east, south and south-west of the site is a residential area of South Ockendon. To the north is South Ockendon station. To the north-west of the site and across the railway line lies a Next distribution centre. The site lies within flood zone 1.

**3.0 RELEVANT HISTORY**

Application Reference	Description of Proposal	Decision
14/00755/OUT	Development of the site for the provision of 7 houses and 10 flats (outline application with Access, Layout and Scale for consideration)	Refused
11/00732/OUT	Development of site for up to 16 dwellings (Outline application with all matters reserved)	Refused
97/00590/OUT	Use of land for light industry, research and development and/or offices	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](http://www.thurrock.gov.uk/planning)

**PUBLICITY:**

4.2 This application has been advertised by way of individual neighbour notification letters, newspaper advertisement, and public site notice which has been displayed nearby. There were four comments of objection received, from three different properties. The matters raised were:

- Lack of doctors, dentists and schools
- Lack of parking
- Additional traffic
- Access to site
- Overlooking properties opposite
- Out of character
- Increased pollution
- Increased noise
- Effect to wildlife

4.3 ANGLIAN WATER:

No objections.

4.4 CADENT

No objection, Informative recommended

4.5 C2C:

No response received.

4.6 EDUCATION:

Request that the sum of £32,539.35 be secured through a planning obligation for secondary and nursery levels.

4.7 EMERGENCY PLANNING:

No objections.

4.8 ENVIRONMENTAL HEALTH:

No objections, subject to conditions for a Construction Environment Management Plan (CEMP), contaminated land and compliance with operational noise mitigation.

4.9 FLOOD RISK MANAGER:

No objections, subject to condition for a Surface Water Management Plan.

4.10 HIGHWAYS:

No objection, subject to conditions regarding visibility splays, parking area to be completed before occupation and a car club space to be secured through a planning obligation.

4.11 HOUSING:

Policy compliant level of affordable housing should be supplied.

**4.12 LANDSCAPE & ECOLOGY:**

No objections, subject to conditions regarding compliance with mitigation or details submitted.

**4.13 NHS MID AND SOUTH ESSEX:**

Request that the sum of £15,000 be secured through a planning obligation.

**4.14 NETWORK RAIL:**

No objections.

**4.15 ESSEX POLICE:**

Recommends that the relevant Secured by Design accreditation is achieved.

**4.16 URBAN DESIGN:**

No objections.

**5.0 POLICY CONTEXT****National Planning Guidance**National Planning Policy Framework (NPPF)

5.1 The revised NPPF was published on 20 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 date<sup>1</sup>, granting permission unless:
  - i. the application of policies in this Framework that protect areas or assets of particular importance provides a clear reason for refusing the development proposed<sup>2</sup>; or
  - ii any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in this Framework taken as a whole.

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

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

5.2 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:

- 2. Achieving sustainable development
- 5. Delivering a sufficient supply of homes
- 9. Promoting sustainable transport
- 11. Making effective use of land
- 12. Achieving well-designed places
- 15. Conserving and enhancing the natural environment

#### National Planning Practice Guidance (PPG)

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

- Design: process and tools
- Determining a planning application
- Effective use of land
- Housing and economic land availability assessment
- Housing and economic needs assessment
- Housing needs of different groups
- Housing: optional technical standards
- Renewable and low carbon energy
- Travel plans, transport assessments and statements in decision-taking
- Use of Planning Conditions



## Local Planning Policy

### Thurrock Local Development Framework (as amended) 2015

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

#### OVERARCHING SUSTAINABLE DEVELOPMENT POLICY:

- OSDP1: Promotion of Sustainable Growth and Regeneration in Thurrock

#### SPATIAL POLICIES:

- CSSP1: Sustainable Housing and Locations

#### THEMATIC POLICIES:

- CSTP1: Strategic Housing Provision
- CSTP2: The Provision of Affordable Housing
- CSTP22: Thurrock Design
- CSTP23: Thurrock Character and Distinctiveness
- CSTP27: Management and Reduction of Flood Risk

#### POLICIES FOR THE MANAGEMENT OF DEVELOPMENT

- PMD1: Minimising Pollution and Impacts on Amenity
- PMD2: Design and Layout
- PMD8: Parking Standards
- PMD10: Transport Assessments and Travel Plans
- PMD13: Decentralised, Renewable and Low Carbon Energy Generation
- PMD16: Developer Contributions

### Thurrock Local Plan

- 5.5 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.

### Thurrock Design Strategy

5.6 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.

5.7 Thurrock Design Guide – Residential Alterations and Extensions (RAE): September 2017 - SPD

## **6.0 ASSESSMENT**

6.1 The assessment below covers the following areas:

- I. Principle of the development
- II. Design and layout and impact upon the area
- III. Amenity space and living standards
- IV. Traffic impact, access and car parking
- V. Effect on neighbouring properties
- VI. Landscape and ecology
- VII. Contaminated land
- VIII. Flood risk/drainage
- IX. Renewable energy
- X. Planning obligations

### **I. PRINCIPLE OF THE DEVELOPMENT**

6.2 The site is within a residential area with no specific land designation within the adopted Core Strategy. The previous planning refusals for residential development at the site were related to a previous employment designation within planning policy evidence documents. Since this time, the *Arisdale* residential development continues to be built out to the west of the railway line on previous employment land and the area has changed to being more residentially focused.

- 6.3 Policy CSSP1 (Sustainable Housing and Locations) refers to the target for the delivery of new housing in the Borough over the period of the Development Plan. This policy notes that new residential development will be directed to previously developed land in the Thurrock urban area, as well as other specified locations. The policy aims to ensure that up to 92% of new residential development will be located on previously developed land. This site constitutes previously developed land as it was in use as a railway siding. Policy CSTP1 seeks a density of at least 60 dwellings per hectare on regenerated sites such as this, which is met. Alongside the above, where a Council cannot demonstrate a 5 year housing supply there is a presumption in favour of residential development with the NPPF. Thurrock's current 5 year land supply is less than 5 years. This presumption in favour of development means that applications for housing start at a point of the planning balance weighted towards approval. This is unless there are any policy reasons to not grant planning permission.
- 6.4 In light of the above, the principle of the development is considered to be acceptable, complying with national and local planning policies.

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

- 6.5 The proposal is within a built-up area and would consist of five separate blocks arranged out in a mews layout. There would be 3 three storey blocks facing onto Tamarisk Road. To the rear of the site adjacent to the railway line there would be a block which is part four/part two storey and the final block to the south of the site would be three storey.
- 6.6 The five blocks are split in to three different typologies: Western, Eastern and Southern.
- 6.7 Western Typology  
The western block would contain 16 of the 38 homes along the mews development to provide a four-storey pair typology with each block housing two duplex flats. The duplex nature of the buildings would provide access to private gardens for the lower dwellings and top floor terraces for the upper dwellings. The four storey sections would appear effectively linked via the two storey elements breaking up the overall length and mass of the build form.
- 6.8 Eastern Typology  
Along the eastern side of the mews would run three separate three-storey blocks which would cumulatively house 18 of the total 38 homes. The buildings have been designed with private terraces and courtyards facing within the site towards the mews. Dual aspect, habitable rooms have been designed to face the eastern road

side of the development to avoid overlooking into the western blocks. The eastern stretch would have front entrances to provide active frontages from the roadside.

#### 6.9 Southern Typology

A single three-storey block would be situated to the south west of the site. This block is designed to include an undercroft car parking area on the ground floor and four flats split across the 1st and 2nd floors. The southern block would be the only flatted block in the development. All flats within the block will be accessed by a communal internal staircase and would have mews facing external balconies.

6.10 The proposal put forward is considered a quality modern design with effective detailing and large windows, which would enable the development to both fit in with and benefit the area. The proposed palette of materials would also be complementary to the character and appearance of the locality and could be controlled via suitably worded planning condition.

6.11 The proposed density is 76 dwellings per hectare. Policy CSTP1 states that a housing density of at least 60 dwellings per hectare is sought in accessible areas. Due to the proximity of the proposal to South Ockendon railway station a higher density than the prevailing form of existing development to the east of the site is considered appropriate. Within the NPPF (par 125) states *Where there is an existing or anticipated shortage of land for meeting identified housing needs, it is especially important that planning policies and decisions avoid homes being built at low densities, and ensure that developments make optimal use of the potential of each site.* The overall medium to high density would be considered acceptable for the location.

6.12 The buildings are considered acceptable to the appearance and character of the street scene and immediate area. Accordingly, the proposal is considered to meet the aims and objectives of the NPPF and policies CSTP22, CSTP23 and PMD2 of the Core Strategy.

### III. AMENITY SPACE AND LIVING STANDARDS

6.13 The internal floor area of the units exceed the minimum requirements of the Local Plan Annex of 45sqm/55sqm for a one/two bed unit. The internal sizes also exceed the national space standards. The internal sizing of the apartments would be considered acceptable for one/two/three bedroomed units and the proposed floor area provision for all of the units would be acceptable.

6.14 The levels of natural light and a ventilation to properties would be acceptable with adequate window/door coverage.

- 6.15 Communal amenity space would be proposed within the application site. There are also areas of vegetation provided for the setting of the building which would help provide the landscaped setting for the development given the higher proportion of one bed units in the development. Each flat would have a private balcony or patio area which would be acceptable for the location and immediate context. Overall, whilst there would be a shortfall in the external amenity space provided, the level of external amenity space within the scheme would be considered acceptable for the layout of the development given its urban context and location.
- 6.16 In terms of noise, Environmental Health have confirmed there needs to be the acoustic attenuation of the railway noise. A configuration of 10/12/4 double glazing for rooms overlooking the railway line including the north and south facades of the development adjacent to the railway. Standard double glazing for the other areas of the development. This minimum standard of glazing must be installed at the relevant facades of the proposed housing and will be secured by condition.
- 6.17 The living accommodation which would be provided is considered to be acceptable and complies with paragraph 130 of the NPPF and with policies PMD1 and PMD2 of the Core Strategy.

#### IV. TRAFFIC IMPACT, ACCESS AND CAR PARKING

- 6.18 The Council's Highway Officer has advised that the site is in an area of *medium accessibility*. Whilst it is extremely close to a railway station, it is not within an existing Controlled Parking Zone (CPZ). The broader section of Tamarisk Road is within controlled parking zone. So, whilst the application site itself is not within a residents permit parking scheme, all the adjacent roads are resulting in a high level of on-street car parking control. The development is close to frequent bus services, but the site is remote from any local amenities, such as shopping parades.
- 6.19 The vehicle access for the development would be from Tamarisk Road centrally within the proposal site. This entrance would be within an area which is traffic calmed. In the event planning permission is granted, a condition would be required to ensure the provision of suitable visibility splays for this access.
- 6.20 Network Rail need retain their access through the site, although this is just for a few times a year for maintenance. This is something that could be accommodated by the development.
- 6.21 In terms of car parking, the proposal would provide 32 spaces which equates to 0.84 spaces per unit; this is below the adopted parking standards but can be mitigated by a contribution for a car club which would be operated as part of this development, on the public highway. Therefore, the inclusion of the implementation

of a Traffic Regulation Order (TRO) for car club bays and the provision of car club facilities for at least one vehicle would be included in the s106 at a cost provision of £40,000 which the applicant has agreed to. The addition of one space, albeit on the public highway, would not meet parking standards. However, as a car club space this would benefit more than one household and the wider community. Cycle storage would be provided with one cycle space per dwelling which meets Council policy requirements.

6.22 Accordingly, it is considered that in terms of access and parking that the proposal is acceptable and would comply with policies PMD2 and PMD8.

## V. EFFECT ON NEIGHBOURING PROPERTIES

6.23 The height and layout of the blocks are arranged to fit the immediate context and local character and are mindful of neighbouring amenity. There would be no unacceptable overlooking, overshadowing, overbearing impact and thereby no unacceptable loss of amenity to surrounding residential properties. The two nearest properties are across Tamarisk Road and are set away from the road. There would be a minimum separation distance of over 25m between the eastern block which directly faces Tamarisk Road, which is acceptable.

6.24 Due to the proximity of existing residential properties a condition restricting the hours of construction would be necessary. This would likely be 08.00 to 18.00 Monday to Friday, 08.00 to 13.00 Saturday and none on Sundays and Public Holidays. This has been included as part of the recommended Construction Environmental Management Plan (CEMP) condition.

6.25 The size and design of the buildings ensure that there is no unacceptable impact to any surrounding properties. The proposal would have an acceptable effect on the living conditions of neighbouring residents and would therefore comply with paragraph 130f of the NPPF, Policy PMD1 of the Core Strategy and the RAE.

## VI. LANDSCAPE & ECOLOGY

6.26 The site has generally low ecological value and the proposed development would not adversely affect any statutory or non-statutory non-designated ecological sites. Precautionary measures for site clearance have been proposed; these need to be incorporated into a CEMP. Several measures have been put forward to biodiversity enhancement, including bird and bat boxes.

6.27 The arboricultural assessment confirms that the trees on and adjacent to the site are mainly low quality and so are not a constraint to development. Four Category B trees can all be retained. The proposed landscape scheme has responded to the

requirement to provide a shared use street through the mews style layout. This will require significant areas of hard landscaping. Therefore, the quality of materials and street furniture to be used will be critical in ensuring the success of the scheme. The main planting would be associated with the small park area. Other planting will mainly be restricted to small borders and site boundaries and careful choice of planting will be required to ensure it does not outgrow its location. The landscape strategy that has been submitted provides a range of trees, shrubs and perennials to be used, and these are considered appropriate. The final details of the materials and planting can be agreed by suitably worded conditions to ensure the hard and soft landscaping materials and details would be appropriate. Therefore, there is no objection to the scheme on ecology or landscape grounds.

## VII. CONTAMINATED LAND

- 6.28 A Phase I Preliminary Contamination Risk Assessment was submitted with the application. Environmental Health have reviewed the report and agree with the findings that a further Phase II investigation is required for the proposed development. A risk assessment should be submitted based on the findings of the Phase II investigation. If required, a remediation method statement should be submitted and a verification report provided when the remedial works have finished. All matters relating to contamination would be suitably controlled via planning condition.

## VIII. FLOOD RISK/ DRAINAGE

- 6.29 The site lies within flood zone 1, the lowest probability zone. As the site is less than 1ha, there is no flood risk assessment required. In terms of surface water drainage a preliminary drainage plan was submitted with the application. Subject to a pre-commencement planning condition for a surface water drainage scheme for the development, there are no concerns. An appropriate condition has been included and the proposals would comply with policy CSTP27.

## IX. RENEWABLE ENERGY

- 6.30 Policy PMD13 requires new development of 5 or more residential dwellings, to secure, as a minimum, at least 20% of their predicted energy from decentralised and renewable or low-carbon sources, unless it can be demonstrated to the Council's satisfaction, by way of a full viability assessment, that this is not feasible or viable.
- 6.31 An energy assessment has been prepared which sets out the proposed energy use and renewable energy measures proposed. The proposals are based on a fabric

first approach with low Uvalues and thermal bridging. PV solar panels are to be provided on roofs. Therefore, the proposal meets the aims and objectives of PMD13.

## X. VIABILITY AND PLANNING OBLIGATIONS

6.32 The application has been accompanied by a Viability Statement which has been considered by an external viability consultant appointed by Thurrock Council. Whilst the importance of affordable housing and community contributions is paramount, the independent assessment findings confirms that the development is not commercially viable. Policy CSTP2(3) confirms *the Council recognises that the majority of Thurrock's identified housing land supply is on Previously Developed Land often subject to a variety of physical constraints. The capacity of a site to deliver a level of Affordable Housing that can be supported financially will be determined by individual site 'open book' economic viability analysis where deemed appropriate. This analysis will take into consideration existing use values, as well as other site-specific factors.*

6.33 In this case, the applicant has agreed the following contributions:

- an Education (Nursery and Secondary levels only) contribution of £32,895.64, as per the Council's education consultation response
- a Healthcare contribution of £15,000, as per the CCG consultation response
- a Transport contribution of £40,000 for car club and related matters, as we have proposed as part of our highway strategy.

The total contributions would amount to £78, 895.64.

## 7.0 CONCLUSIONS AND REASONS FOR APPROVAL

7.1 The proposal would redevelop a previously developed site to provide new homes which is welcomed. National planning policies require a presumption in favour of housing development where a 5 year housing supply is no evidence. The proposal meets policies in terms of the design and layout. There would be no unacceptable impacts to any neighbouring properties. With mitigation, there would be no unacceptable impacts in terms of highways. The proposal would comply with all relevant adopted Core Strategy policies and is recommended to Members favourably.

## 8.0 RECOMMENDATION

Approve, subject to the following:



A) The completion and signing of an obligation under s.106 of the Town and Country Planning Act 1990 relating to the following heads of terms:

- Education (Nursery and Secondary levels only) contribution of £32,895.64
- Healthcare contribution of £15,000
- Car club and related matters contribution of £40,000

B) the following planning conditions:

**TIME LIMIT**

- 1 The development hereby permitted shall be begun before the expiration of three years from the date of this permission.

Reason: To comply with Section 91(1) of The Town & Country Planning Act 1990 as amended by Section 51 of the Planning and Compulsory Purchase Act 2004.

**APPROVED PLANS**

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

<b>Plan Number(s):</b>		
Reference	Name	Received
SSSOX-BPA-ZZ-XX-DR-A-P0000	Site Location Plan A	29 December 2021
SSSOX-BPA-ZZ-XX-DR-A-P0010 Rev A	Existing Site Plan	29 December 2021
SSSOX-BPA-ZZ-XX-DR-A-P0300	Existing Site Sections	29 December 2021
SSSOX-BPA-ZZ-XX-DR-A-P1101 Rev B	Proposed Site Plan	26 August 2022
SSSOX-BPA-ZZ-XX-DR-A-P1110 Rev B	Proposed Ground +First Floor Plans	26 August 2022
SSSOX-BPA-ZZ-XX-DR-A-P1111	Proposed Second +Third Floor Plans	29 December 2021
SSSOX-BPA-ZZ-XX-DR-A-P1112	Proposed Roof Plan	29 December 2021

SSSOX-BPA-ZZ-XX-DR-A-P1200 Rev A	Proposed Site Elevations	26 August 2022
SSSOX-BPA-ZZ-XX-DR-A-P1300	Proposed Site Sections	29 December 2021
SSSOX-BPA-ZZ-XX-DR-A-P1501	Mews Street Visualisations	29 December 2021
SSSOX-BPA-ZZ-XX-DR-A-P1500	Tamarisk Road Visualisations	29 December 2021
SSSOX-BPA-ZZ-XX-DR-A-P2300	Proposed Dwelling Numbers and Block Layouts	29 December 2021
SSSOX-BPA-ET-XX-DR-A-P3100	Eastern Typology Plans	29 December 2021
SSSOX-BPA-ET-XX-DR-A-P3101	Eastern Typology Elevations	29 December 2021
SSSOX-BPA-ET-XX-DR-A-P3102	Eastern Typology Sections	29 December 2021
SSSOX-BPA-WT-XX-DR-A-P3110	Western Typology Plans	29 December 2021
SSSOX-BPA-WT-XX-DR-A-P3111 Rev A	Western Typology Elevations	26 August 2022
SSSOX-BPA-ET-XX-DR-A-P3112	Western Typology Sections	29 December 2021
SSSOX-BPA-ST-XX-DR-A-P3120	Southern Typology Plans	29 December 2021
SSSOX-BPA-ST-XX-DR-A-P3121 Rev A	Southern Typology Elevations	26 August 2022
SSSOX-BPA-ET-XX-DR-A-P3122	Southern Typology Sections	29 December 2021

Reason: For the avoidance of doubt and to ensure that the development is carried out in accordance with the details as approved with regard to policies PMD1 and PMD2 of the adopted Thurrock LDF Core Strategy and Policies for the Management of Development [2015].

### **DETAILS OF MATERIALS**

- 3 Notwithstanding the information on the approved plans, no development shall commence above ground level until written details of all materials to be used in the construction of the external surfaces of the development hereby permitted have been submitted to and approved in writing by the local planning authority. The development shall be carried out using the materials and details as approved.

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

### **CONSTRUCTION ENVIRONMENTAL MANAGEMENT PLAN [CEMP]**

- 4 No demolition or construction works shall commence until a Construction Environmental Management Plan [CEMP] has been submitted to and approved in writing by the local planning authority in writing. The CEMP should contain or address the following matters:
- (a) Hours of use for the construction of the development
  - (b) Hours and duration of any piling operations,
  - (c) Vehicle haul routing in connection with construction, remediation and engineering operations,
  - (d) Wheel washing and sheeting of vehicles transporting loose aggregates or similar materials on or off site,
  - (e) Details of construction any access or temporary access, and details of temporary parking requirements;
  - (f) Location and size of on-site compounds [including the design layout of any proposed temporary artificial lighting systems];
  - (g) Details of any temporary hardstandings;
  - (h) Details of temporary hoarding;
  - (i) Details of the method for the control of noise with reference to BS5228 together with a monitoring regime;
  - (j) Measures to reduce vibration and mitigate the impacts on sensitive receptors together with a monitoring regime;
  - (k) Measures to reduce dust with air quality mitigation and monitoring,
  - (l) Details of security lighting layout and design; and
  - (m) Contact details for site managers including information about community liaison including a method for handling and monitoring complaints.
  - (n) Precautionary measures for site clearance in accordance with Ecological Impact Assessment, ref: bpthur/2005007, ACD Environmental, 22 December 2021

Works on site shall only take place in accordance with the approved CEMP.

Reason: In order to minimise any adverse impacts arising from the construction of the development in accordance with policy PMD1 of the adopted Thurrock LDF Core Strategy and Policies for the Management of Development [2015].

## **CONTAMINATED LAND**

- 5 No works, including groundworks, shall take place until Phase II investigation and risk assessment, in addition to the assessment provided with the planning application, must be completed in accordance with a scheme to assess the nature and extent of any contamination on the site, whether or not it originates on the site. The investigation and risk assessment must be undertaken by competent persons and a written report of the findings must be produced. The written report is subject to the approval in writing of the local planning authority.

Reason: To ensure that risks from land contamination to the future users of the land and neighbouring land are minimised, together with those to controlled waters, property and ecological systems, and to ensure that the development can be carried out safely without unacceptable risks to workers, neighbours and other offsite receptors in accordance with policy PMD1 of the adopted Thurrock Core Strategy and Policies for the Management of Development [2015].

## **GROUND CONTAMINATION REMEDIATION**

- 6
- a) If required by condition 5 above, a detailed remediation scheme to bring the site to a condition suitable for the intended use by removing unacceptable risks to human health, buildings and other property and the natural and historical environment must be prepared, and is subject to the approval in writing of the local planning authority. The scheme must include all works to be undertaken, proposed remediation objectives and remediation criteria, timetable of works and site management procedures. The scheme must ensure that the site will not qualify as contaminated land under Part 2A of the Environmental Protection Act 1990 in relation to the intended use of the land after remediation.
- b) The approved remediation scheme must be carried out in accordance with its terms prior to the commencement of development other than that required to carry out remediation, unless otherwise agreed in writing by the local planning authority. The local planning authority must be given two weeks written notification of commencement of the remediation scheme works. Following completion of measures identified in the approved remediation scheme, a verification or validation report that demonstrates the effectiveness of the remediation carried out must be produced, and is subject to the approval in writing of the local planning authority.

Reason: To ensure that risks from land contamination to the future users of the land

and neighbouring land are minimised, together with those to controlled waters, property and ecological systems, and to ensure that the development can be carried out safely without unacceptable risks to workers, neighbours and other offsite receptors in accordance with policy PMD1 of the adopted Thurrock LDF Core Strategy and Policies for the Management of Development [2015].

## **SURFACE WATER DRAINAGE**

- 7 No development shall commence, other than demolition works, until a detailed surface water drainage scheme for the site, based on the submitted sustainable drainage strategy, has been submitted to and approved in writing by the local planning authority. The scheme should include but not be limited to:
1. Full details of all components of the proposed surface water drainage system including dimensions, locations, gradients, invert levels, cover levels and relevant construction details.
  2. Supporting calculations confirming compliance with the Non-statutory Standards for Sustainable Drainage, and the agreed discharge rate of 3l/s and the attenuation volumes to be provided.
  3. Details of the maintenance arrangements relating to the proposed surface water drainage system, confirming who will be responsible for its maintenance and the maintenance regime to be implemented.
  4. The surface water drainage system shall be implemented and maintained in accordance with the approved details thereafter.
  5. Infiltration tests to be carried out in line with 365 for the locations where SUDS are proposed.

The scheme shall be implemented as approved and maintained in perpetuity.

Reason: To ensure the incorporation of an appropriate drainage scheme and to avoid pollution of the water environment and to minimise flood risk in accordance with policies PMD1 and PMD15 of the adopted Thurrock LDF Core Strategy and Policies for the Management of Development [2015].

## **SIGHT SPLAYS**

- 8 Prior to development above ground level of the development hereby permitted, details of the proposed visibility splays for the vehicular access shall be submitted to and approved in writing by the local planning authority. The measures shall be implemented prior to first occupation of the development and shall be permanently retained as approved thereafter.

Reason: In the interest of highway and pedestrian safety in accordance with policies PMD2 and PMD9 of the adopted Thurrock LDF Core Strategy and Policies for the Management of Development [2015].

#### **PARKING PROVISION – AS SHOWN ON THE APPROVED PLANS**

- 9 The development hereby permitted shall not be first occupied until such time as the vehicle parking areas shown on the approved plans, have been hard surfaced, sealed and marked out as shown on the plan on page 13 of the Transport Statement Addendum, Motion, 20 January 2023. The vehicle parking areas shall be retained in this form at all times thereafter and maintained for their designated purpose.

Reason: In the interests of highway safety and to ensure that adequate car parking provision is available in accordance with policies PMD8 and PMD9 of the adopted Thurrock LDF Core Strategy and Policies for the Management of Development [2015].

#### **REFUSE AND RECYCLING STORAGE – AS PER THE APPROVED PLANS**

- 10 The refuse and recycling storage facilities as shown on the approved plans shall be constructed and completed prior to the first occupation of the development and retained for such purposes at all times thereafter.

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

#### **CYCLE PARKING – AS SHOWN ON THE APPROVED PLANS**

- 11 The cycle parking facilities as shown on the approved plans shall be provided prior to the first occupation of any of the residential units and retained for such purposes thereafter.

Reason: To reduce reliance on the use of private cars, in the interests of sustainability, highway safety and amenity in accordance with Policies PMD2 and PMD8 of the adopted Thurrock LDF Core Strategy and Policies for the Management of Development [2015].

## **ACOUSTIC ATTENUATION**

- 12 Development on site shall only take place in accordance with the Acoustic Assessment Report, ref:11453.RP01.AAR.0, RBA Acoustics, 15 December 2021 and in particular the following element of that document:

- A configuration of 10/12/4 double glazing for rooms overlooking the railway line including the north and south facades of the development adjacent to the railway.

The noise insulation measures and specification shall be implemented within the residential units prior to first occupation of the development and shall be permanently retained as approved thereafter.

Reason: To protect the amenities of future residential occupiers and to ensure that the development can be integrated within its immediate surroundings in accordance with Policy PMD1 of the adopted Thurrock LDF Core Strategy and Policies for the Management of Development [2015].

## **SUSTAINABLE DESIGN AND CONSTRUCTION STATEMENT**

- 13 Development on site shall only take place in accordance with the Sustainable Design and Construction Statement, ref: C210090/A1/0003 YP/II/G81 Rev: 1, Calford Seadon, December 2021

The sustainability measures and specifications shall be implemented within the residential units prior to first occupation of the development and shall be permanently retained as approved thereafter.

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

## **SOFT AND HARD LANDSCAPING SCHEME**

- 14 No development shall take place above ground level until full details of both hard and soft landscape works to be carried out have been submitted to and approved in writing by the local planning authority. These details shall include the layout of the hard landscaped areas with the materials and finishes to be used and details of the soft landscape works including schedules of shrubs and trees to be planted, noting the species, stock size, proposed numbers/densities and details of the planting scheme's implementation, aftercare and maintenance programme. The hard

landscape works shall be carried out as approved prior to first occupation of the development hereby approved unless otherwise first agreed in writing by the local planning authority. The soft landscape works shall be carried out as approved within the first available planting season (October to March inclusive) following the commencement of the development, unless otherwise first agreed in writing by the local planning authority. If within a period of five years from the date of the planting of any tree or plant, or any tree or plant planted in its replacement, is removed, uprooted, destroyed, dies, or becomes, in the opinion of the local planning authority, seriously damaged or defective, another tree or plant of the same species and size as that originally planted shall be planted in the same place, unless the local planning authority gives its written consent to any variation.

Reason: To secure appropriate landscaping of the site in the interests of visual amenity and the character of the in accordance with policies CSTP18 and PMD2 of the adopted Thurrock LDF Core Strategy and Policies for the Management of Development [2015].

## **ECOLOGY**

- 15 The ecological mitigation measures within the Ecological Impact Assessment, ref: bpthur/2005007, ACD Environmental, 22 December 2021 shall be implemented in accordance with the details provided.

The measures shall be implemented prior to first occupation of the development and shall be permanently retained as approved thereafter.

Reason: In order to ensure that the interests of ecology and biodiversity are addressed in accordance with policy PMD7 of the adopted Thurrock LDF Core Strategy and Policies for the Management of Development [2015].

## **BOUNDARY TREATMENTS**

- 16 Prior to the first occupation of the development hereby approved, details of the design, materials and colour of the fences and other boundary treatments shall be submitted to and approved in writing by the local planning authority. The fences and other boundary treatments as approved shall be completed prior to the first use or operation of the development and shall be retained and maintained as such thereafter.

Reason: In order to safeguard the amenities of neighbouring occupiers and in the interests of the visual amenity of the area in accordance with policies PMD1 and PMD2 of the adopted Thurrock LDF Core Strategy and Policies for the Management of Development [2015].



## **LIGHTING**

- 17 Prior to the first occupation of the development hereby approved, details of the siting, design, materials and illumination of the proposed lighting for the development shall be submitted to and approved in writing by the local planning authority. The lighting as approved shall be completed prior to the first use or operation of the development and shall be retained and maintained as such thereafter.

Reason: In the interests of visual amenity and in order to safeguard the amenities of neighbouring occupiers in accordance with policies PMD1 and PMD2 of the adopted Thurrock LDF Core Strategy and Policies for the Management of Development [2015].

## **SECURED BY DESIGN**

- 18 Prior to the first occupation of the development hereby approved, information shall be submitted to and approved in writing by the local planning authority detailing how the development would adhere to the principles of Secured by Design. The development shall be carried out and retained in accordance with the agreed details.

Reason: To ensure that the development meets Secure by Design principles as required by policy PMD2 of the adopted Thurrock LDF Core Strategy and Policies for the Management of Development [2015].

## **IMPLEMENTATION OF THE COMMUNAL AMENITY SPACE**

- 19 Prior to first occupation of the development hereby permitted the communal amenity space shall be laid out and surfaced in accordance with the details as agreed under condition 14 (soft and hard landscaping). The communal amenity space shall be retained for such purposes at all times thereafter.

Reason: In the interests of providing amenity space for the future occupiers of the dwellings in accordance with policy PMD2 of the adopted Thurrock LDF Core Strategy and Policies for the Management of Development DPD [2015].

## **Informative(s)**

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

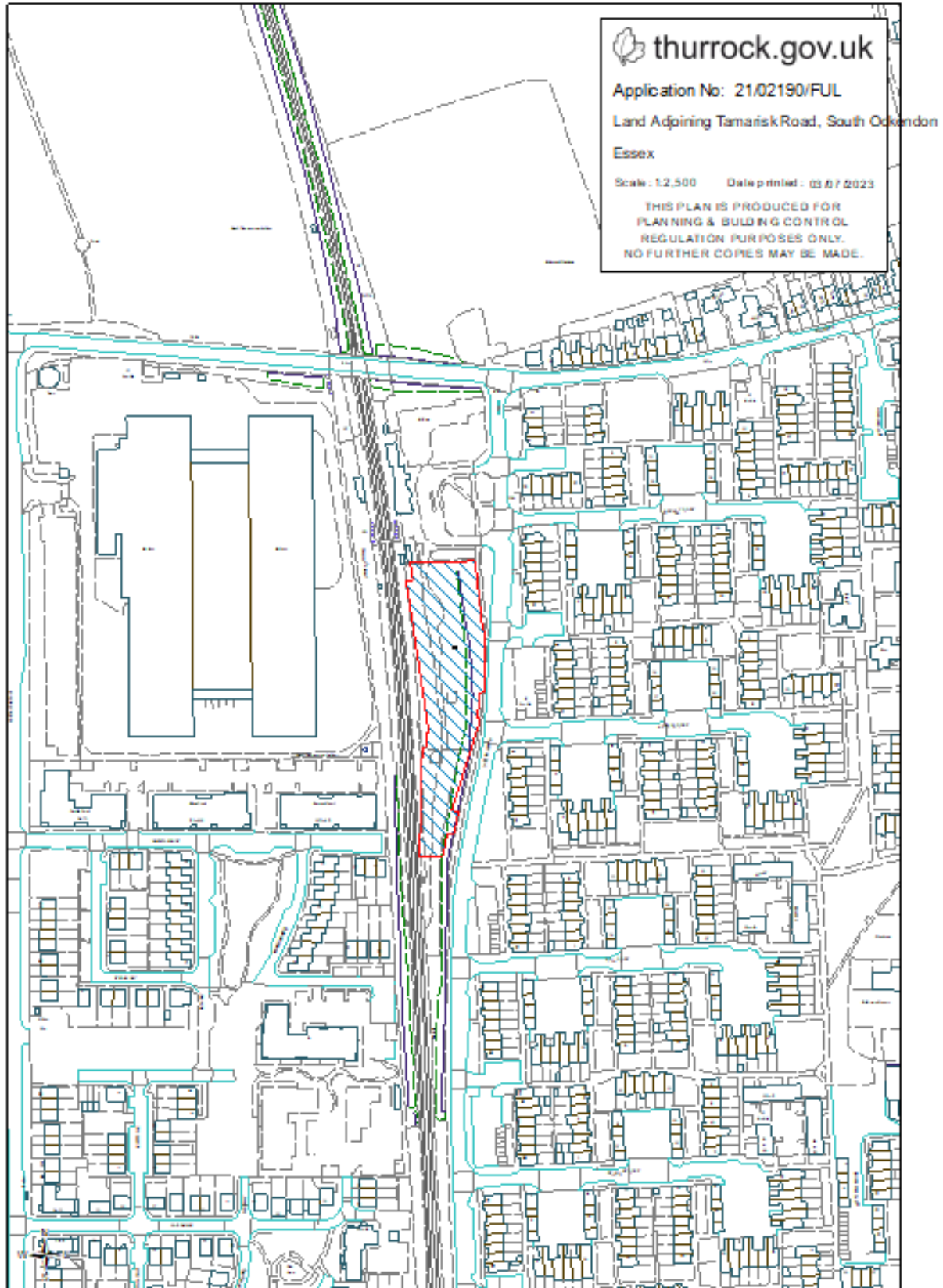
The Local Planning Authority has acted positively and proactively in determining this application by identifying matters of concern within the application (as originally submitted) and negotiating, with the Applicant/Agent, acceptable amendments to the proposal to address those concerns. As a result, the Local Planning Authority has been able to grant planning permission for an acceptable proposal, in accordance with the presumption in favour of sustainable development, as set out within the National Planning Policy Framework.

- 2 Network Rail - The developer should contact the Asset Protection Team [AngliaASPROLandClearances@networkrail.co.uk](mailto:AngliaASPROLandClearances@networkrail.co.uk) prior to any works commencing on site, and also to agree an Asset Protection Agreement with us to enable approval of detailed works.
- 3 Cadent Gas Ltd own and operate the gas infrastructure within the area of your development. There may be a legal interest (easements and other rights) in the land that restrict activity in proximity to Cadent assets in private land. The applicant must ensure that the proposed works do not infringe on legal rights of access and or restrictive covenants that exist. If buildings or structures are proposed directly above the apparatus the development may only take place following diversion of the apparatus. The applicant should apply online to have apparatus diverted in advance of any works, by visiting [cadentgas.com/diversions](http://cadentgas.com/diversions) Prior to carrying out works, including the construction of access points, please register on [www.linesearchbeforeudig.co.uk](http://www.linesearchbeforeudig.co.uk) to submit details of the planned works for review, ensuring requirements are adhered to.

**Documents:**

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

[www.thurrock.gov.uk/planning](http://www.thurrock.gov.uk/planning)



© Crown copyright and database rights 2023 Ordnance Survey 100029457

This page is intentionally left blank