

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 **21 September 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

	Page
1 Apologies for Absence	
2 Minutes	5 - 10
To approve as a correct record the minutes of the Planning Committee meeting held on 17 August 2023.	
3 Item of Urgent Business	
To receive additional items that the Chair is of the opinion should be considered as a matter of urgency, in accordance with Section 100B (4) (b) of the Local Government Act 1972.	
4 Declaration of Interests	

- 5** **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**
- 6** **Planning Appeals** **11 - 16**
- 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** **22/01672/FUL: Thurrock Football Club Ship Lane, Aveley, RM19 1YN (Deferred)** **17 - 76**
- 9** **22/01673/FUL: Belhus Park Golf And Country Park, Belhus Park Lane, Aveley, RM15 4PX (Deferred)** **77 - 98**
- 10** **22/01685/FUL: Sandown Nurseries, Sandown Road, Orsett** **99 - 120**
- 11** **22/01284/TBC: Garage Area Rear Of 33 To 53 Vigerons Way, Chadwell St Mary, Essex** **121 - 138**
- 12** **22/01706/TBC: Broxburn Drive, South Ockendon, Essex** **139 - 164**
- 13** **London Gateway Logistics Park Local Development Order (Plot 2050)** **165 - 174**

Queries regarding this Agenda or notification of apologies:

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

Agenda published on: **13 September 2023**

Information for members of the public and councillors

Access to Information and Meetings

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DECLARING INTERESTS FLOWCHART – QUESTIONS TO ASK YOURSELF

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

Helpful Reminders for Members

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

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

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



Does the business to be transacted at the meeting

- relate to; or
- likely to affect

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

Disclosable Pecuniary Interests shall include your interests or those of:

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

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

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

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

Pecuniary

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

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

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

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

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

Non-pecuniary

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



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

Our Vision and Priorities for Thurrock

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

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

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

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

Minutes of the Meeting of the Planning Committee held on 17 August 2023 at 6.00 pm

- Present:** Councillors Tom Kelly (Chair), Georgette Polley (Vice-Chair), Adam Carter (Substitute for Terry Piccolo), Steve Liddiard, Jacqui Maney, Sue Shinnick and Lee Watson
- Steve Taylor, Campaign to Protect Rural England Representative
- Apologies:** Councillors Paul Arnold and Terry Piccolo
- In attendance:** Mark Bradbury, Interim Director of Place
Matthew Gallagher, Major Applications Manager (left at 6.10pm)
Nadia Houghton, Principal Planning Officer
Lucy Mannion, Senior Planning Officer
Julian Howes, Senior Highways Engineer
Caroline Robins, Legal Representative
Kenna-Victoria Healey, Senior Democratic Services Officer
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Before the start of the Meeting, all present were advised that the meeting was to be filmed and was being recorded, with the recording to be made available on the Council's website.

22. Minutes

The minutes of the meeting held on 13 July 2023 were approved as a true and correct record, subject to the second vote on Planning Application 22/01672/FUL: Thurrock Football Club Ship Lane, Aveley, RM19 1YN be amendment on page 7:

For: (3) Tom Kelly (Chair), Georgette Polley (Vice-Chair) and Adam Carter.

Against: (3) Councillors Paul Arnold, Sue Shinnick and Lee Watson

Abstained: (0)

23. Item of Urgent Business

There were no items of urgent business, however the Chair of the Committee advised that Planning Application 22/01370/FUL: Land adjacent Watts Wood including Mardyke Farm, Ship Lane and Broomhill, Arterial Road, Purfleet-on-Thames, Essex was to be deferred following legal advice.

24. Declaration of Interests

There were no declarations of interest.

25. 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

26. Planning Appeals

The Interim Director of Place presented the report to Members.

RESOLVED:

That the report be noted.

27. 21/02190/FUL: Land Adjoining Tamarisk Road, South Ockendon, Essex

The report was presented by the Senior Planning Officer, who advised the report was being reported back to Members having been deferred from the Planning Committee in July following Member's rejection of the officer recommendation to approve the application. The update report considered the reasons put forward in July by Members and summarised the application as follows:

- This was redevelopment a previously developed site to provide new homes
- National planning policies required a presumption in favour of housing development where there was no 5 year housing supply
- The proposal met policies in terms of the design and layout
- There was no unacceptable impacts to any neighbouring properties
- With mitigation, there were no unacceptable impacts in terms of Highways

Members heard that the application had been independently assessed on its viability twice and had been found unviable with respect to providing any affordable housing or s106 contributions. Nonetheless, the applicant had agreed the following contributions: Education (Nursery and Secondary levels only) £32,895.64, Healthcare contribution of £19,600 and Transport contribution of £40,000 for car club and related matters. Which was a total contribution of £92,495.64.

During Members' discussions the following was considered:

- The Committee were mindful of the 38 proposed units which could equate for a possible 60+ vehicles on the site. Officers advised that there had been no objections from Highways relating to parking on the site with 32 places being approved and a Car Club scheme to mitigate parking concerns. Members asked further as to where in Thurrock the Car Club had been successfully introduced. Members heard that the application was in line with the latest local and national Highway policy and officers commented that, while a Car Club had not yet been implemented in Thurrock, other forms of transport had to be

encouraged, and the implementation of a Car Club needed to start somewhere in the Borough.

- Members heard that the Applicant had engaged with planning department at pre-application stage twice and had worked with the Urban Design Team, the original application had been submitted with a proposed 60 dwellings. This had been amended following advice from officers and lead to the Applicant submitting an applicant with less units. The proposal is a bespoke design for the site, designed solely for the site and location.
- Members asked further regarding s106 matters and asked for further clarification as to why there was no scope for affordable housing to be provided on the site. Officers reiterated that based upon the two independent viability appraisals undertaken demonstrated there would not be any meaningful manner in which affordable housing could be reasonably provided as part of the development. The Committee acknowledged the Health contribution had been increased by £4,000, which was due to the difference in the time periods between the previous NHS consultation response and the one carried out following the July Planning Committee.

At the debate, Members remarked they had not changed their minds on the application since the previous committee. The Chair thanked Members for their comments and commented that through the debate stage it was clear Members were still not in favour of the application.

The Interim Director for Place 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 and was seconded by Councillor Watson. The Principal Planning Officer then discussed the potential wording for the proposed reasons for refusal with the Committee, and it was agreed by Members that the reasons for refusal would be based on the following wording and reasons:

1. The proposed development would, by virtue of the siting, mass, appearance, detailed design and choice of materials, result in an incongruous development which would appear out of character with the appearance of residential development in Tamarisk Road. It would also be harmful to the character of the area and appearance of the street scene. The proposals would consequently be contrary to policies CSTP22, CSTP23 and PMD2 of the adopted Thurrock Local Development Framework Core Strategy and Policies for the Management of Development (as amended 2015) and paragraph 130 of the National Planning Policy Framework 2021.
2. The proposed level of parking provision is not considered sufficient to be acceptable for this development, in an area of high parking demand. The proposed mitigation of a car club space is not considered to offset the lack of parking provision and is inadequate to achieve sustainable

development. Therefore, the proposal is contrary to policy PMD8 of the adopted Thurrock Local Development Framework Core Strategy and Policies for the Management of Development (as amended 2015).

3. The proposal would result in a lack of affordable housing units at the site and therefore would not meet the needs of local people, due this shortfall of affordable housing having regard to policy CSTP2 of the adopted Thurrock Local Development Framework Core Strategy and Policies for the Management of Development (as amended 2015) and of the guidance within paragraph 34 of the National Planning Policy Framework 2021.

Before going to the vote, Members were again advised by the Principal Planning Officer that the proposed reasons for refusal would be difficult to defend at an appeal. While the proposed first reason for refusal relating to design and character could potentially be defended given that design is a subjective matter, concern was particularly raised with regard to the likelihood of defending proposed reasons 2 and 3. Reasons 2 and 3 are technical matters which meet relevant policies due to processes followed, or via mitigation, and in light of a recent nearby allowed appeal which was brought to Member's attention in both July's Committee and in this Committee.

Members advised they were aware of the officers' advice and the vote to Refuse the application for the above three reasons was then undertaken as follows:

For: (4) Councillors Georgette Polley (Vice-Chair), Jacqui Maney, Sue Shinnick and Lee Watson.

Against: (3) Councillors Tom Kelly (Chair), Adam Carter and Steve Liddiard.

Abstained: (0)

28. **22/01370/FUL: Land adjacent Watts Wood including Mardyke Farm, Ship Lane and Broomhill, Arterial Road, Purfleet-on-Thames, Essex**

This application was deferred following the Chair and Vice-Chair receiving legal advice.

The meeting finished at 6.52 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**

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21 September 2023	ITEM: 6
Planning Committee	
Planning Appeals	
Wards and communities affected: All	Key Decision: Not Applicable
Report of: Louise Reid, Head of Service for Development Services	
Accountable Assistant Director: Tracey Coleman, Chief Planning Officer	
Accountable Director: Mark Bradbury, Interim Director, Place	

Executive Summary

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

1.0 Recommendation(s)

1.1 To note the report.

2.0 Introduction and Background

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

3.0 Appeals Lodged:

3.1 **Application No:** 22/01431/HHA

Location: 36 Sabina Road, Chadwell St Mary, Essex, RM16 4PJ.

Proposal: New wall (retrospective) to enlarge enclosed area of rear garden and replacement of garage to outbuilding (retrospective) erection of front porch (retrospective) and proposed change of materials to rendered finish.

3.2 Application No: 23/00451/HHA

Location: 86 Southend Road, Grays, Essex, RM17 5NW

Proposal: Demolition of existing shed and construction of two storey side extension and part first floor rear extension.

4.0 Appeals Decisions:

The following appeal decisions have been received:

4.1 Application No: 22/01497/HHA

Location: 15 Norfolk Place, Chafford Hundred, Grays, Essex, RM16 6DE

Proposal: Replacement of two existing dormers for a rear dormer loft conversion.

Appeal Decision: Appeal Dismissed

4.1.1 The main issue was the effect of the proposal on the character and appearance of the host property and the surrounding area.

4.1.2 The Inspector commented that the proposed dormer would, due to its elevated and exposed position, be a wholly alien and incongruous element in the street scene and would be out of character with prevailing roof forms in the area and the appearance of the appeal property.

4.1.3 Due to its siting, size and design he considered the proposal would have an unacceptable impact on the host property and wider area contrary to Policies PMD2, CSTP22 of the Core Strategy 2015 and also conflicting with the Thurrock Design Guide: Residential Alterations and Extensions (SPD) 2017.

4.1.4 The appeal was therefore dismissed; the full appeal decision can be found online.

4.2 Application No: 22/00683/HHA

Location: Fouracres, Brentwood Road, Bulphan, Upminster, Essex

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

Appeal Decision: Appeal Dismissed

4.2.1 The main issues were:

- Whether the proposal would be inappropriate development in the Green Belt having regard to the National Planning Policy Framework (the Framework) and any relevant development plan policies;
- The effect of the proposal on the openness of the Green Belt; and
- Whether any harm by reasons of inappropriateness, and any other harm, would be clearly outweighed by other considerations, so as to amount to the very special circumstances required to justify the proposal.

Inappropriate Development?

- 4.2.2 The Inspector agreed that the Council’s “2 Reasonable Sized Room” criteria, outlined in Policy PMD6 was in accordance with paragraph 149(c) of the NPPF in terms of calculating a proportionate addition. The two reasonable sized room figure for the dwelling was 52.6m² and the proposed extension amounted to 76m². The Inspector therefore found the proposal to be inappropriate development, contrary to the Core Strategy and the NPPF.

Openness

- 4.2.3 The Inspector considered that *“the proposed extension would appear as a substantial addition to the existing dwelling. Its orientation would result in a considerable increase in the width of the dwelling, and its siting would close the gap to the adjacent outbuildings. This would inevitably erode the openness of the appeal site and the wider Green Belt.”* (para 12) thereby harming openness and being contrary to the Core Strategy and NPPF.

Other considerations

- 4.2.4 The appellant brought the Inspector’s attention to other sites which he considered to be similar, but the Inspector found the sites to be materially different and that the Council was consistent in making decisions in this area, so his findings on visual impact on visual and spatial terms were not changed.
- 4.2.5 The appeal was therefore dismissed; the full appeal decision can be found online.

4.3 Application No: 22/01462/FUL

Location: 58 Brentwood Road, Chadwell St Mary, Essex, RM16 4JP

Proposal: Detached garage to be used in association with the C3(b) Dwellinghouse where care is provided.

Appeal Decision: Appeal Dismissed

4.3.1 The main issues were:

- The effect of the proposed development on the character and appearance of the existing building and surrounding area.

- The effect of the proposed access arrangement on highway safety.

Character and Appearance

4.3.2 The Inspector found that *“the proposed siting of the garage behind an external parking space means it would be much closer to the host dwelling than the outbuildings associated with the other three houses in the group ...a substantial proportion of the garden would be lost. This would give the appearance of much greater depth to the proposal, particularly given its high visibility from the nearby footpath and public realm. Consequently, the development would appear to dominate the existing house, which would detract from its character and that of the surrounding area”* (para 4) and accordingly he found the proposal would have a harmful impact on the existing building and surrounding area, contrary to Policies PMD2 and CSTP22 of the Core Strategy 2015, the RAE 2017 and the NPPF.

Highway Safety

- 4.3.3 The Inspector found that the garage would be distant from the house and the access to it was along a badly overgrown access road which would be likely to discourage use. He also noted that pedestrian access to the garage would be unlit which would also discourage use. Accordingly, he found the proposal would not be acceptable and would be contrary to Policy PMD8 of the Core Strategy 2015.
- 4.3.4 The appeal was therefore dismissed; the full appeal decision can be found online.

5.0 APPEAL PERFORMANCE:

	APR	MAY	JUN	JUL	AUG	SEP	OCT	NOV	DEC	JAN	FEB	MAR
Total No of Appeals	1	2	0	1	6							
No Allowed	1	1	0	0	2							
% Allowed	100%	50%	0%	0%	33.3%							

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

Government Intervention & Section 114

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

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

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

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

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

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

Implications relating to this specific report

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

8.2 Legal

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

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 or equality implications to this report.

8.4 Other implications (where significant) – i.e. Staff, Health, Sustainability, Crime and Disorder)

None.

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

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

10. Appendices to the report

- None

Agenda Item 8

Planning Committee: 21 September 2023	Application Reference: 22/01672/FUL
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Reference: 22/01672/FUL	Site: Thurrock Football Club Ship Lane Aveley RM19 1YN
Ward: West Thurrock and South Stifford	Proposal: Development of a vehicle Pre-Delivery Inspection (PDI) centre with associated hardstanding for parking spaces, a PDI Building, new access to include HGV turnaround, and a 2.4m high boundary fence. The proposal also includes the change of use of existing flat (Use Class C3) to part of clubhouse, landscaping, ecological enhancements, and associated works.

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

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

<p>The application is also accompanied by:</p> <ul style="list-style-type: none"> • Arboricultural Report; • Archaeological Desk Based Assessment; • Design & Access Statement; • Flood Risk Assessment & Surface Water Drainage Strategy; • Flooding Sequential Test Assessment; • Geo-Environmental Desk Study Report; • Noise Impact Assessment; • Planning Statement; • Preliminary Ecological Appraisal; • Reptile Survey Report; and • Transport Statement • Community Benefits, Grays Athletic Community Football Club & Ship Lane 	
<p>Applicant: Group 1 Automative and Grays Athletic Football Club</p>	<p>Validated: 20 December 2022 Date of expiry: 14.07.2023 (Extension of time agreed)</p>
<p>Recommendation: 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 undertaken on 5 July 2023.
- 1.3 At the Planning Committee meeting held on 13 July 2023 Members were minded to grant planning permission, contrary to the Officer recommendation, based on the following reasons:
- i. significant weight in the Green Belt (GB) balancing exercise should be given to the benefit of the introduction of an international automotive retailer to Thurrock with associated job creation;
 - ii. the reference within the Thurrock Economic Development Needs Assessment (EDNA) (March 2023) to employment sites in the west of the Borough;
 - iii. the reference to West Thurrock and Purfleet in the adopted Development Plan as economic hubs;
 - iv. significant weight in the Green Belt (GB) balancing exercise should be given to the benefit of the provision of a HGV turnaround;
 - v. the location of the site adjacent to the strategic road network; and
 - vi. the absence of highways objections.
- 1.4 In accordance with Part 3(b) – Planning Committee Procedures, and in particular Paragraphs 7.2 and 7.3 of the Constitution, the Committee also agreed that the item should be deferred to enable a further report outlining the implications of making a decision contrary to the Planning Officer’s recommendation to be brought to Members. This report also assesses the reasons for approving the application formulated by the Committee
- 1.5 A copy of the report presented to the April and July Committee meetings are attached as appendices.

2.0 PLANNING ASSESSMENT & LEGAL IMPLICATIONS

- 2.1 As required by the Constitution, an outline of the implications of making a decision contrary to the Officer recommendation is provided below. The recommended reasons for refusal from the April and July 2023 Planning Committee reports is set out in italics below, with the implications considered subsequently.
- 2.2 REASON 1: REASON 1: PRINCIPLE OF DEVELOPMENT AND HARM TO THE GB
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).

2.3 Implications of approving the application contrary to recommendation

As noted in the previous reports, in the opinion of Officers the proposals do not accord with relevant policies in the Core Strategy and NPPF. Consequently, the application has been advertised as a departure from the development plan. If the Committee resolve to grant planning permission the provisions of the Town and Country Planning (Consultation) (England) Direction 2021 would engage. In particular, the description of the development falls within the ambit of paragraph 4 of the Direction. Therefore, prior to the local planning authority (LPA) issuing any formal decision on the application, the relevant Secretary of State (SOS) via the Planning Casework Unit would be consulted pursuant to paragraph 10 of the Direction. In consulting with the SOS the LPA is required to provide copies of the following:

- a copy of the application, drawings and supporting information;
- a copy of statutory notices;
- copies of representations received;
- a copy of the Officer's report: and
- unless included in the Officer's report, a statement of the material considerations which the LPA consider indicate the application should be determined otherwise than in accordance with s.38(6) of the Planning and Compulsory Purchase Act 2004.

2.4 As expressed in National Planning Practice Guidance (NPPG) the purpose of the Direction is to give the SOS an opportunity to consider using the power to call-in an application under section 77 of the Town and Country Planning Act 1990. If a planning application is called-in, the decision on whether or not to grant planning permission will be taken by the SOS, usually after a public inquiry, rather than the LPA. NPPG goes on to state that in considering whether to call-in a planning

application, the SOS is generally concerned with whether the application involves planning issues of more than local importance that warrant the decision being made by him rather than the LPA. However each case will be considered on its merits. The call-in policy was updated on 26 October 2012 in a written ministerial statement. This Statement, inter-alia, notes that:

“The SOS will, in general, only consider the use of his call-in powers if planning issues of more than local importance are involved. Such cases may include, for example, those which in his opinion:

- *may conflict with national policies on important matters;*
 - *may have significant long-term impact on economic growth and meeting housing needs across a wider area than a single local authority;*
 - *could have significant effects beyond their immediate locality;*
 - *give rise to substantial cross-boundary or national controversy;*
 - *raise significant architectural and urban design issues; or*
- may involve the interests of national security or of foreign Governments.*

However, each case will continue to be considered on its individual merits”.

- 2.5 Officers consider that the proposals conflict with national policies on important matters (i.e. GB). If the application were to be called-in by the SOS a public inquiry would be held where the LPA would be represented. As Officers have recommended the application for refusal, there may a practical issue in allocating staff to participate in the Inquiry. This is because some staff members are also chartered members of the Royal Town Planning Institute and the Institute’s Code of Professional Conduct (para. 12) states that:

Members must not make or subscribe to any statements or reports which are contrary to their own genuine professional opinions ...

- 2.6 A further practical implication of any resolution to grant planning permission is the potential for the local planning authority to be able to resist similar proposals involving inappropriate development in the GB. Paragraph 47 of the NPPF (2023) states that:

“Planning law requires that applications for planning permission are determined in accordance with the development plan, unless material considerations indicate otherwise.”

- 2.7 The *“planning law”* referred by in paragraph 47 comprises s70 (2) of the Town and Country Planning Act 1990 and s38 (6) of the Planning and Compulsory Purchase Act 2004, which are reproduced below for ease of reference:

s70 (2) Town and Country Planning Act 1990 -

In dealing with an application for planning permission or permission in principle the authority shall have regard

(a) the provisions of the development plan, so far as material to the application

S38 (6) Planning and Compulsory Purchase Act 2004 -

If regard is to be had to the development plan for the purpose of any determination to be made under the planning Acts the determination must be made in accordance with the plan unless material considerations indicate otherwise

2.8 Although each planning application must be judged on its individual merits, it is the firm opinion of Officers that there are no material considerations, (i.e. no considerations which would clearly outweigh the identified harm so as to amount to the very special circumstances (VSC)) which would warrant a decision being taken otherwise than in accordance with the development plan.

2.9 Assessment of the Committee's reasons for being minded to grant permission

The following list of matters were raised by Members as reasons to approve the application. These items are considered in more detail below and are assessed as whether they comprise the VSC necessary for approving inappropriate development in the GB.

2.10 **Reason i – significant weight in the Green Belt (GB) balancing exercise should be given to the benefit of the introduction of an international automotive retailer to Thurrock with associated job creation:**

As noted in the report to the April 2023, the applicant's case is that (Group 1 Automotive) is an international automotive retailer and will create up to 30 full-time equivalent (FTE) jobs during operation. Short-term construction phase jobs will also be created. The applicant is prepared to accept a s106 obligation to promote local employment.

2.11 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 also in conflict with the environmental objective of sustainable development and job creation on its own is considered unlikely to clearly outweigh GB harm to justify a departure from planning policies.

2.12 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).

2.13 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. As a further example, the current Mardyke Park planning application located immediately to the west of this site would (if approved) deliver c.700 FTE jobs on a larger c.13.2Ha site at a ratio approximately 128 FTE jobs per hectare. Compared to the Mardyke Park proposal, the proposed PDI centre would deliver a low number of FTE jobs per hectare. 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.

2.14 In relation to the size of the proposed PDI site, the development would actually deliver a low ratio of operational jobs. For this reason, Officers conclude that only limited positive weight is applied to this factor.

2.15 **ii – the reference within the Thurrock Economic Development Needs Assessment (EDNA) (March 2023) to employment sites in the west of the Borough**

For information, the Employment Land Availability Study (ELA) (February 2023) produced as part of the evidence base to support the future Local Plan includes maps of existing and potential employment areas (at Appendix 1). The application

site is not identified in this document as a 'Potential Employment Site'. The Thurrock Economic Development Needs Assessment (EDNA) (March 2023) which should be read alongside the ELA has the key objectives to:

- define the Functional Economic Market Area (FEMA) for Thurrock;
- provide an understanding of trends and the current socio-economic baseline position within the context of Thurrock and the FEMA;
- provide an assessment of the potential future requirement for floorspace and land to meet economic development needs taking into account the role of town centres as well as the impact of strategic sites and projects including the Freeport and Lower Thames crossing (LTC); and
- make recommendations for how Thurrock can support the growth of key sectors and ensure that the supply of strategic employment land is aligned with demand.

2.16 The EDNA does not seek to bring forward potential development sites and clearly the ELA does not identify the application site as a potential employment site. Officers consider that this consideration can carry no positive weight in the planning balance.

2.17 **iii – the reference to West Thurrock and Purfleet in the adopted Development Plan as economic hubs**

The current development Plan (Core Strategy and Policies for the Management of Development (as amended) 2015) identifies large areas of Purfleet-on-Thames and West Thurrock as 'Primary Industrial and Commercial Areas'. Policies CSSP2 (Sustainable Employment growth) and CSTP6 (Strategic Employment Provision) apply to these areas. However, this allocation does not extend north of the A1306 and does not include the application site, which is clearly within the GB. This factor is not relevant and cannot attract any positive weight in the planning balance.

2.18 **iv – significant weight in the GB balancing exercise should be given to the benefit of the provision of a HGV turnaround**

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.

2.19 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.

- 2.20 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.

- 2.21 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 of some positive benefit. But given the uncertainties only limited positive weight can be attached to this factor. It is also the case that a simple priority junction between the site and Ship Lane would, in highways terms, satisfy the access / egress needs of the development. Therefore the s106 'offer' from the applicant to provide the turn-around would be unlikely to meet the tests for planning obligations listed at paragraph no. 57 of the NPPF.

2.22 v. – the location of the site adjacent to the strategic road network

Although ease of access to the strategic road network would doubtless be a strong locational factor for the potential operator of the development, this factor does not supersede planning policies protecting the GB. No positive weight can be applied to this factor.

2.23 vi – the absence of highways objections

The absence of an objection from a statutory consultee should not be considered as a positive factor weighing in support of a development proposal. No weight should be applied.

3.0 CONCLUSIONS

As required by the Constitution, the implications of the Committee approving this application, which is a departure from national and local planning policies, are set out above. This report goes on to analyse the reasons for approving the application contrary to recommendation provided by the Committee. These reasons, to a degree, reflect the benefits of the scheme promoted by the applicant. It is not considered that these reasons clearly outweigh the identified harm to the GB and therefore the reasons for refusal have not been addressed sufficiently for the development to be considered acceptable. The Officer recommendation to refuse planning permission remains.

6.0 RECOMMENDATION

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

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)

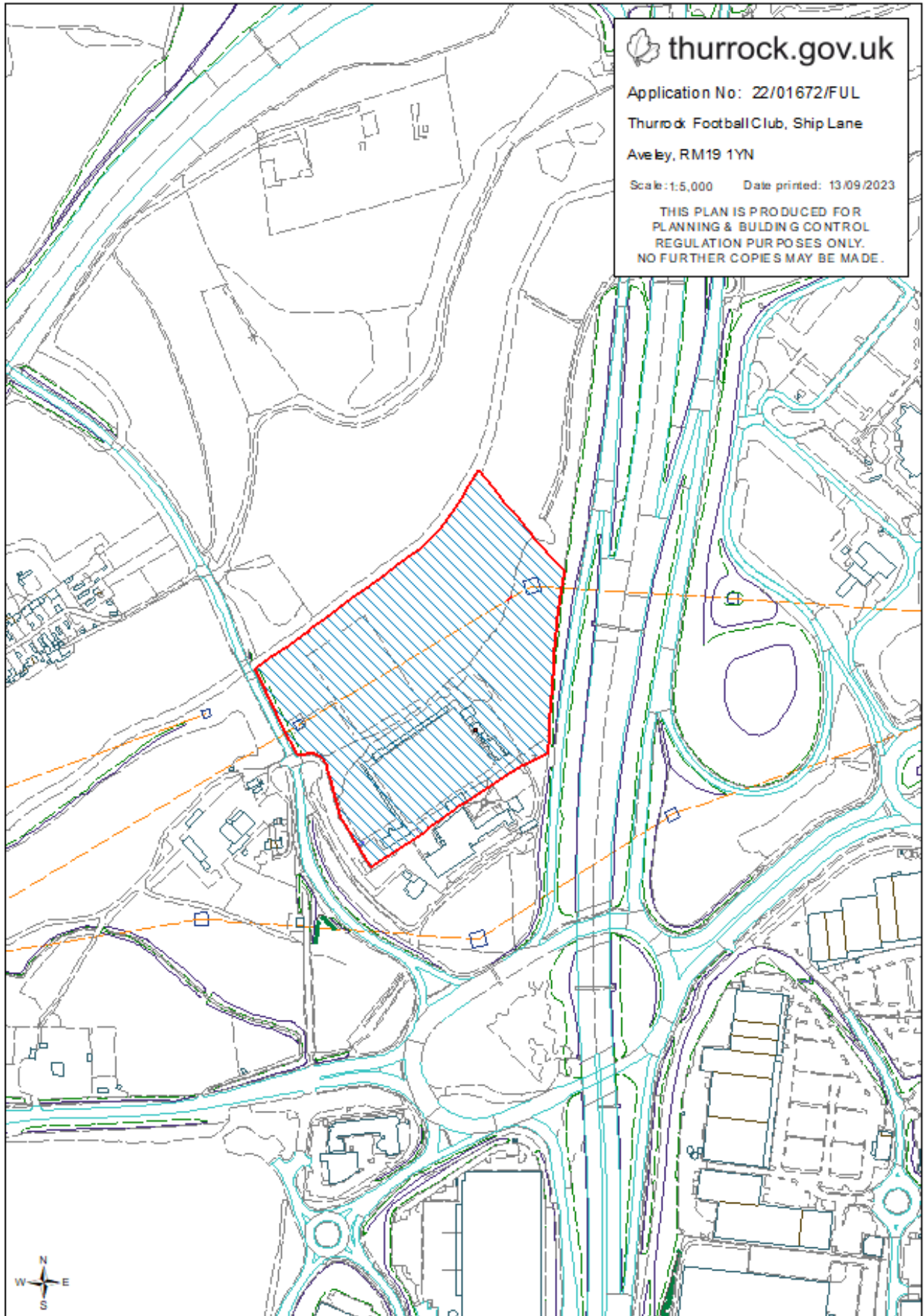
1. Town and Country Planning (Development Management Procedure) (England) Order 2015 (as amended) - Positive and Proactive Statement:

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



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

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

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

<p>The application is also accompanied by:</p> <ul style="list-style-type: none"> • Arboricultural Report; • Archaeological Desk Based Assessment; • Design & Access Statement; • Flood Risk Assessment & Surface Water Drainage Strategy; • Flooding Sequential Test Assessment; • Geo-Environmental Desk Study Report; • Noise Impact Assessment; • Planning Statement; • Preliminary Ecological Appraisal; • Reptile Survey Report; and • Transport Statement • Community Benefits, Grays Athletic Community Football Club & Ship Lane 	
<p>Applicant: Group 1 Automative and Grays Athletic Football Club</p>	<p>Validated: 20 December 2022</p> <p>Date of expiry: 14.07.2023 (Extension of time agreed)</p>
<p>Recommendation: 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)

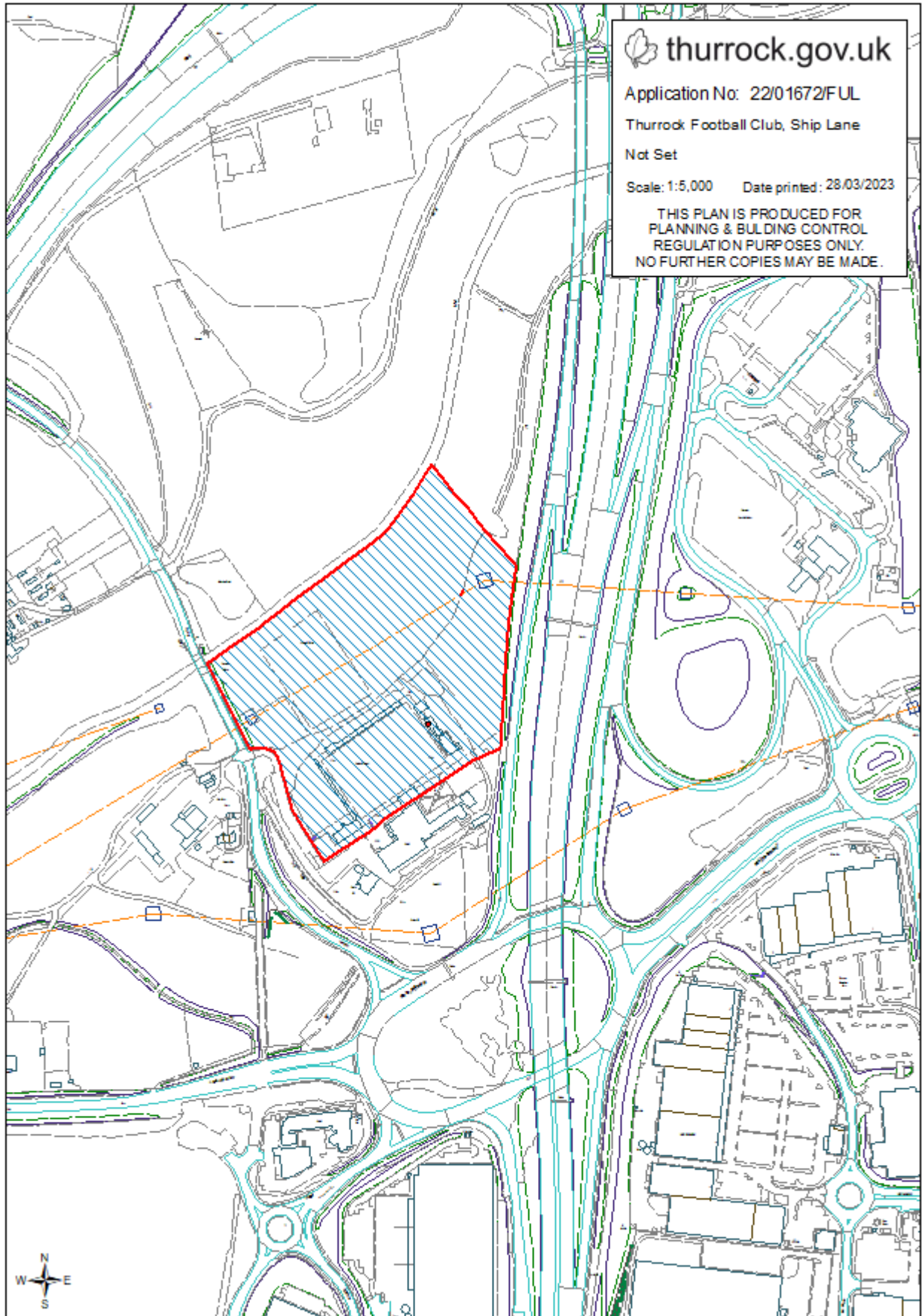
1. Town and Country Planning (Development Management Procedure) (England) Order 2015 (as amended) - Positive and Proactive Statement:

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



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

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

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

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

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

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

1.0 BRIEF SUMMARY

1.1 This application involves two elements comprising:

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

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

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

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

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

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

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

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

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

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

2.0 DESCRIPTION OF PROPOSAL

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

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

2.2 Proposed PDI Facility:

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

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

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

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

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

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

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

2.7 Football Use

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

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

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

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

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

3.0 **SITE DESCRIPTION**

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

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

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

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

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

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

4.0 RELEVANT PLANNING HISTORY

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

<u>Application Ref.</u>	<u>Description of Proposal</u>	<u>Decision</u>
-------------------------	--------------------------------	-----------------

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

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

5.0 CONSULTATIONS AND REPRESENTATIONS

PUBLICITY:

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

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

In summary, the objections received raise the following concerns:

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

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

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

5.3 CONSULTATION RESPONSES:

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

5.4 ESSEX COUNTY COUNCIL (ARCHAEOLOGY):

No objection – subject to conditions.

5.5 ANGLIAN WATER:

No objection – subject to conditions.

5.6 ESSEX POLICE:

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

5.7 CADENT GAS:

No objection, subject to informatives.

5.8 NATIONAL HIGHWAYS:

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

5.9 ENVIRONMENT AGENCY:

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

5.10 THURROCK COUNCIL – HIGHWAYS:

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

5.11 THURROCK COUNCIL – ENVIRONMENTAL HEALTH:

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

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

5.12 SPORT ENGLAND:

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

6.0 POLICY CONTEXT

6.1 National Planning Policy Framework (NPPF)

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

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

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

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

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

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

6.2 National Planning Practice Guidance (NPPG)

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

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

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

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

Overarching Sustainable Development Policy:

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

Spatial Policies:

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

Thematic Policies:

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

Policies for the Management of Development

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

6.4 Thurrock Local Plan

In February 2014 the Council embarked on the preparation of a new Local Plan for the Borough. Between February and April 2016 the Council consulted formally on an 'Issues and Options (Stage 1)' document and simultaneously undertook a 'Call for Sites' exercise. In December 2018 the Council began consultation on an Issues and Options (Stage 2 Spatial Options and Sites) document, this consultation has now closed and the responses have been considered and reported to Council. On 23 October 2019 the Council agreed the publication of the Issues and Options 2 Report of Consultation on the Council's website and agreed the approach to preparing a new Local Plan.

6.5 Thurrock Design Strategy

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

7.0 **ASSESSMENT**

7.1 Procedure:

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

7.2 The assessment below covers the following areas:

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

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

7.3 I. GREEN BELT CONSIDERATIONS:

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

In response to each of these five purposes:

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

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

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

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

7.18 c) to assist in safeguarding the countryside from encroachment

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

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

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

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

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

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

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

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

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

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

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

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

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

Applicant's case:

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

7.28 Assessment:

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

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

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

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

Applicant's case:

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

7.32 Assessment:

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

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

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

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

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

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

Applicant's case:

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

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

7.35 Assessment:

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

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

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

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

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

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

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

Applicant's case:

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

7.39 Assessment:

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

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

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

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

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

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

Applicant's case:

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

7.44 Assessment:

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

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

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

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

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

“Planning policies and decision should ensure that development:

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

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

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

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

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

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

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

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

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

7.49 *f) new EV charging facilities*

Applicant's case:

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

7.50 Assessment:

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

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

Applicant's case:

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

7.52 Assessment:

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

7.53 *Green Belt conclusions*

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

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

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

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

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

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

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

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

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

II. TRAFFIC IMPACT, ACCESS & CAR PARKING

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

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

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

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

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

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

III. DESIGN & LAYOUT

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

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

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

IV. IMPACT ON ECOLOGY & BIODIVERSITY

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

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

V. FLOOD RISK & DRAINAGE

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

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

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

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

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

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

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

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

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

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

VI. EFFECT ON NEIGHBOURING PROPERTIES

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

VII. LAND CONTAMINATION & GROUND CONDITIONS

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

VIII. ENERGY & SUSTAINABLE BUILDINGS

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

8.0 CONCLUSIONS AND REASONS FOR RECOMMENDATION

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

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

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

9.0 RECOMMENDATION:

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

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

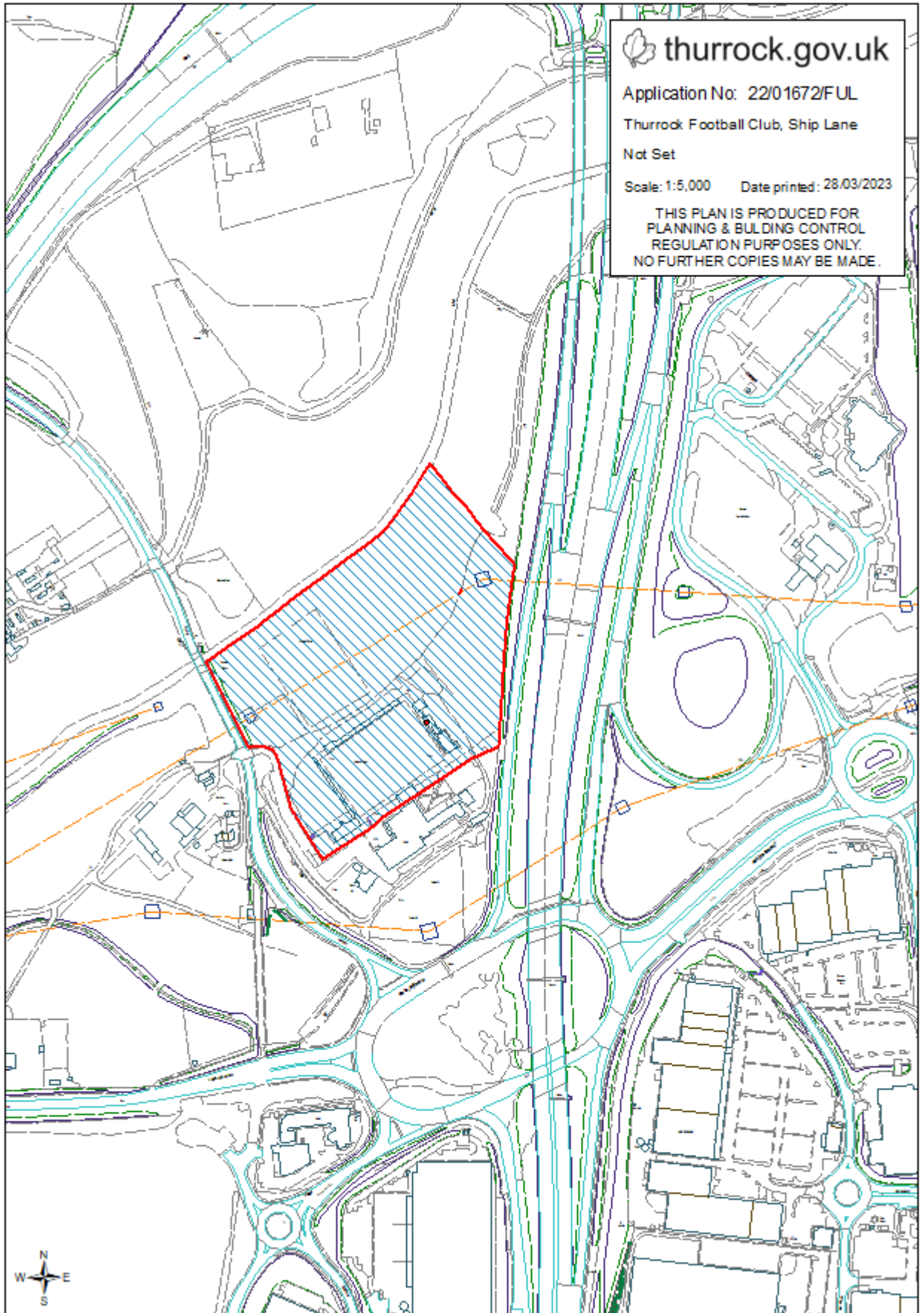
Order 2015 (as amended) - Positive and Proactive Statement:

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

Documents:

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

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Agenda Item 9

Planning Committee: 21 September 2023	Application Reference: 22/01673/FUL
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Reference: 22/01673/FUL	Site: Belhus Park Golf And Country Park Belhus Park Lane Aveley RM15 4PX
Ward: Aveley and Uplands	Proposal: Construction of new 3G football pitch, spectator area and 4.5m high fencing.

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

The application is also accompanied by:	
<ul style="list-style-type: none">• Covering letter• Heritage Statement• Velocity Sports Surfaces, 13 July 2023 (ref JB-311-2)• Proposed Heads of Terms, 13 July 2023	
Applicant: Group 1 Automotive and Grays Athletic Football Club	Validated: 27 January 2023 Date of expiry: 14 July 2023 (Extension of time agreed)
Recommendation: 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 5th July 2023.

- 1.3 A copy of the reports presented to the April and July Committee meeting are attached as appendices.
- 1.4 At the July Planning Committee 13 July 2023 this application was deferred to resolve a certificate of ownership issue which invalidated the application. The correct notice has now been served which the agent confirmed by email.

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.”

- 2.2 There have been no further consultation since the July Committee, however Officers are currently awaiting further comment from Sport England and Thurrock Council's Sports Development Policy Manager, since the applicant has presented further information regarding the costings of the proposed 3G pitch provided Velocity Sports Surfaces. This has been submitted, as the applicant disputes the indicative costing presented by Thurrock Sports Manager from the July Committee updates.
- 2.3 Below is a table of indicative costings for an artificial grass pitch;

Floodlit 3G Football Pitch	Indicative costings
Thurrock Council	£900,000 approx.
Sport England	£1,130,000 approx
Applicant	£570,000

- 2.4 Clearly there are discrepancies between the suggested figures for the costing of the playing pitch, which begs the question as to whether the applicant’s proposed contribution for the loss of the playing fields within the Thurrock Football Club application (22/01672/FUL) would be sufficient mitigation.
- 2.5 At the time of the April Committee, the applicant proposed a contribution of £500,000. Following the submission of the Velocity costing report, the applicant has now increased their contribution to the paying pitch to £570,000 (associated with 22/10672/FUL). Another pertinent question is; if the joint applicant is offering s106 contribution of £570,000 towards the provision of a 3G pitch at Belhus Park, is the current application necessary.
- 2.5 Nevertheless, Officers are currently awaiting an updated response from Sport England and Thurrock Leisure for an updated response.
- 2.6 As it currently stands, the issue of floodlighting is salient and the application does not reference to the inclusion of floodlighting. Therefore, floodlighting has not been assessed as part of the current application, hence the first reason for refusal. If the applicant intends for the 3G football pitch to be floodlight, then this cannot be considered within the current submission, as the application has not considered the implications of the lighting apparatus. A revision to the planning application and further re-consultation would be required.

3.0 CONCLUSION

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

5.0 RECOMMENDATION

5.1 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)

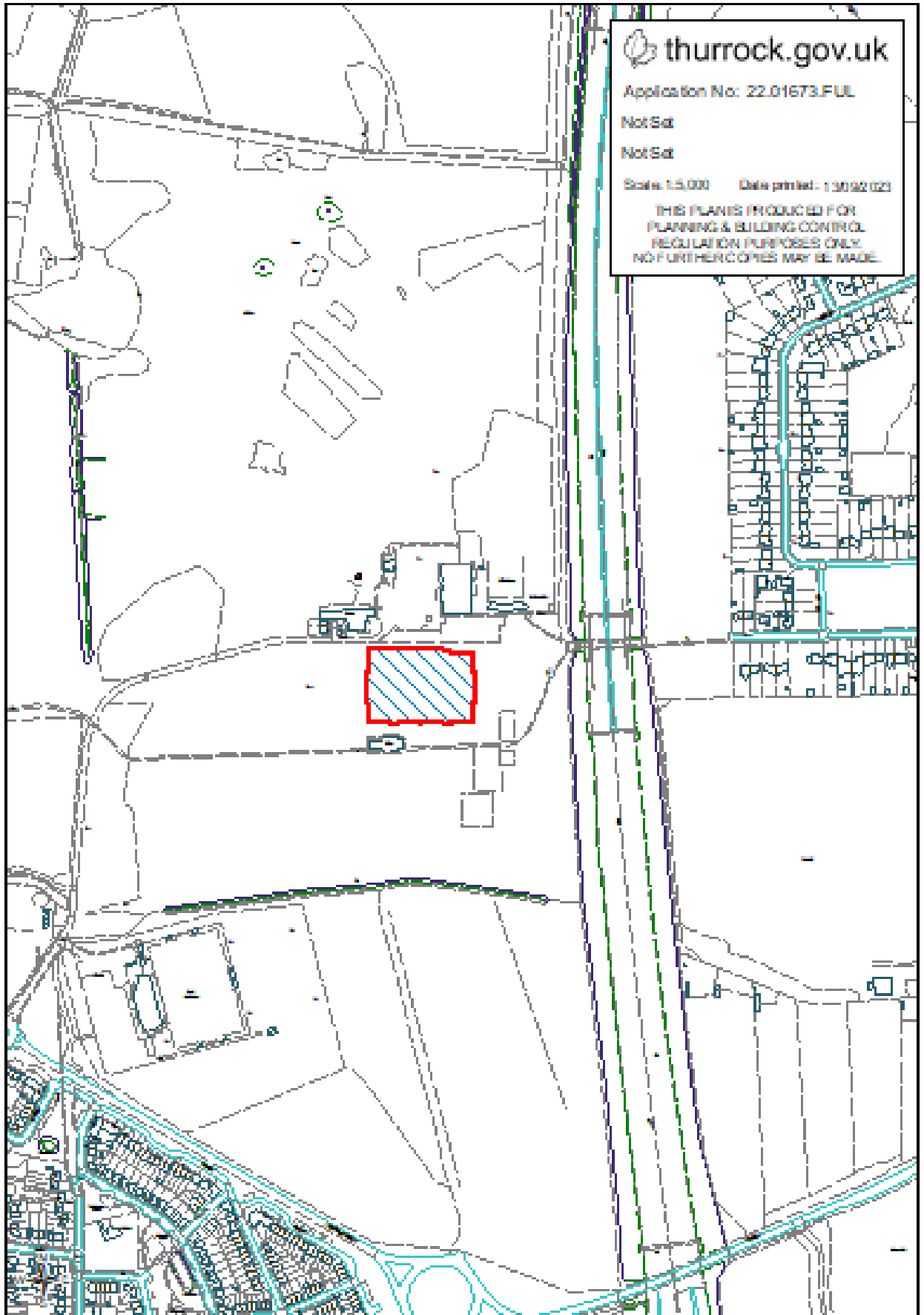
1. Town and Country Planning (Development Management Procedure) (England) Order 2015 (as amended) - Positive and Proactive Statement:

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:

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Reference: 22/01673/FUL	Site: Belhus Park Golf And Country Park Belhus Park Lane Aveley RM15 4PX
Ward: Aveley and Uplands	Proposal: Construction of new 3G football pitch, spectator area and 4.5m high fencing.

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

The application is also accompanied by:	
<ul style="list-style-type: none"> • Covering letter • Heritage Statement 	
Applicant: Group 1 Automotive and Grays Athletic Football Club	Validated: 27 January 2023 Date of expiry: 14 July 2023 (extension of time agreed)
Recommendation: 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 5th 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)

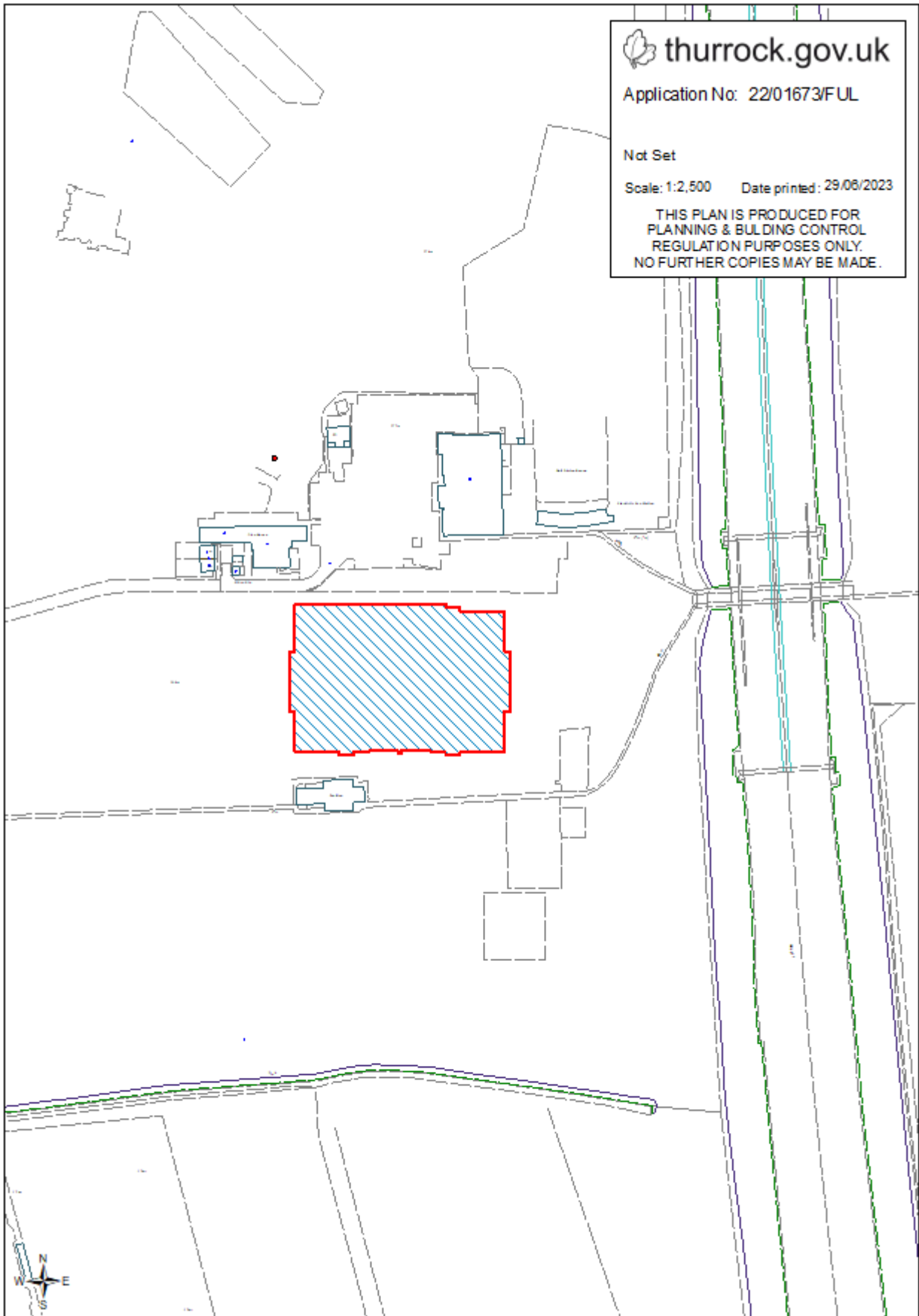
1. Town and Country Planning (Development Management Procedure) (England) Order 2015 (as amended) - Positive and Proactive Statement:

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



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

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

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

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

1.0 BRIEF SUMMARY

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

2.0 DESCRIPTION OF PROPOSAL

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

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

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

3.0 SITE DESCRIPTION

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

4.0 RELEVANT PLANNING HISTORY

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

5.0 CONSULTATIONS AND REPRESENTATIONS

PUBLICITY:

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

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

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

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

CONSULTATION RESPONSES:

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

SPORT ENGLAND:

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

HERITAGE ADVISOR:

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

HISTORIC ENGLAND:

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

HIGHWAYS:

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

ENVIRONMENTAL HEALTH OFFICER:

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

6.0 POLICY CONTEXT

6.1 National Planning Policy Framework (NPPF)

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

- c) approving development proposals that accord with an up-to-date development plan without delay; or
 - d) where there are no relevant development plan policies, or the policies which are most important for determining the application are out of date¹, granting permission unless:
 - i. the application of policies in this Framework that protect areas or assets of particular importance provides a clear reason for refusing the development proposed²; or
 - ii any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in this Framework taken as a whole.
- ¹ This includes, for applications involving the provision of housing, situations where the local planning authority cannot demonstrate a five year supply of deliverable housing sites or where the Housing Delivery Test indicates that the delivery of housing was substantially below (less than 75% of) the housing requirement over the previous three years.
- ² The policies referred to are those in this Framework relating to: habitats sites and/or SSSIs, land designated as Green Belt, Local Green Space, AONBs, National Parks, Heritage Coast, irreplaceable habitats, designated heritage assets and areas at risk of flooding or coastal change.

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

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

6.2 National Planning Practice Guidance (NPPG)

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

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

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

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

Overarching Sustainable Development Policy:

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

Thematic Policies:

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

Policies for the Management of Development

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

6.4 Thurrock Local Plan

In February 2014 the Council embarked on the preparation of a new Local Plan for the Borough. Between February and April 2016 the Council consulted formally on an 'Issues and Options (Stage 1)' document and simultaneously undertook a 'Call for Sites' exercise. In December 2018 the Council began consultation on an Issues and Options (Stage 2 Spatial Options and Sites) document, this consultation has now closed and the responses have been considered and reported to Council. On 23 October 2019 the Council agreed the publication of the Issues and Options 2 Report of Consultation on the Council's website and agreed the approach to preparing a new Local Plan.

6.5 Thurrock Design Strategy

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

7.0 **ASSESSMENT**

The principal issues to be considered in this case are:

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

I. PRINCIPLE OF DEVELOPMENT AND GREEN BELT IMPLICATIONS

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

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

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

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

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

- pedestrian and maintenance access; and
- floodlighting.

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

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

II. IMPACT ON THE REGISTERED PARK & GARDEN

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

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

III. HIGHWAY MATTERS

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

IV. OTHER MATTERS

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

8.0 CONCLUSIONS & REASONS FOR RECOMMENDATION

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

9.0 RECOMMENDATION

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

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

Informative:

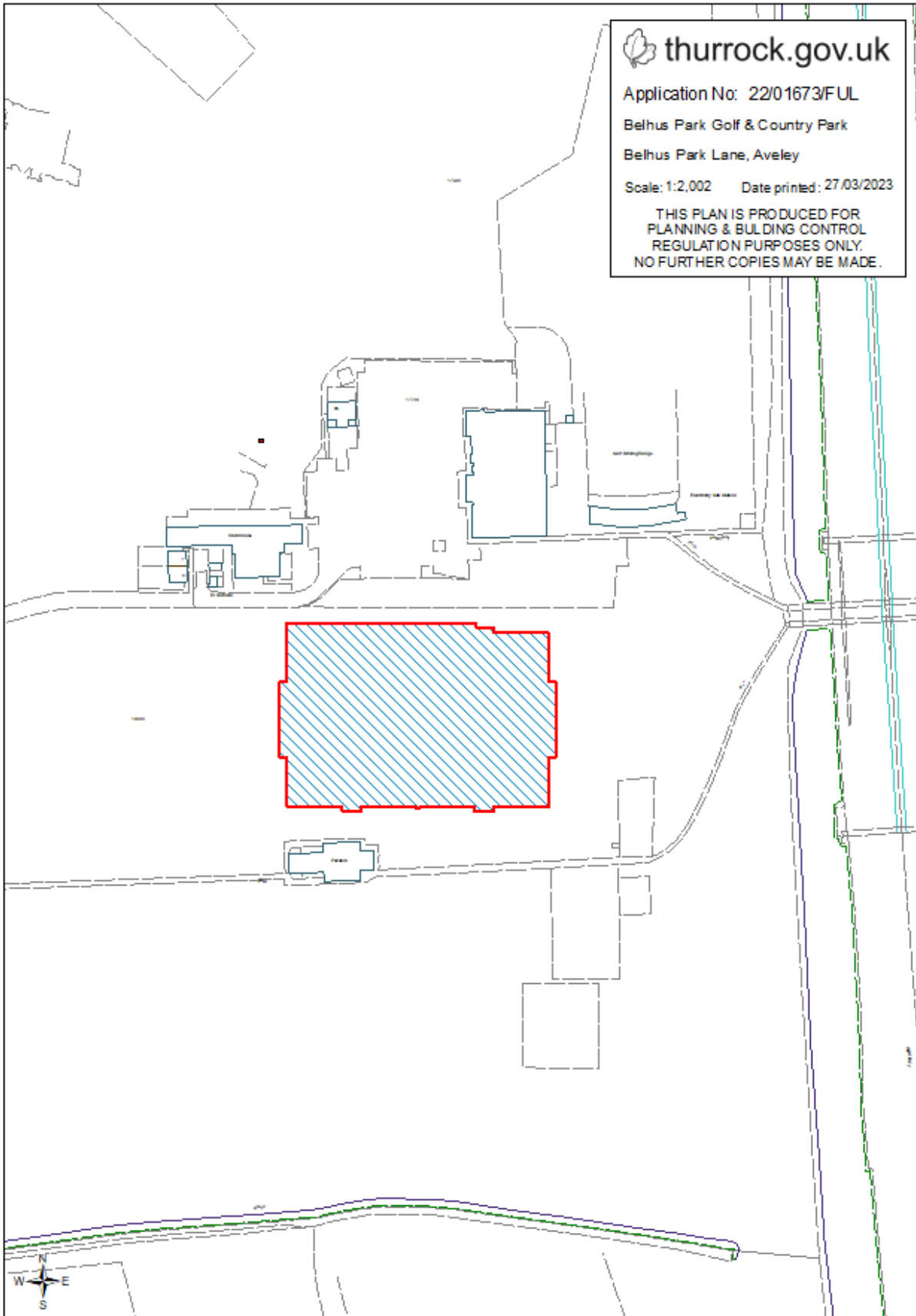
- 1 Town and Country Planning (Development Management Procedure) (England) Order 2015 (as amended) - Positive and Proactive Statement:

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

Documents:

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

www.thurrock.gov.uk/planning



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Agenda Item 10

Planning Committee 21 September 2023	Application Reference: 22/01685/FUL
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Reference: 22/01685/FUL	Site: Sandown Nurseries, Sandown Road, Orsett
Ward: Orsett	Proposal: Residential development comprised of 7 No. 2-bedroom bungalows with associated access, amenity and parking.

Plan Number(s):		
Reference	Name	Received
Existing Site Plan	21.7541/E101	16.12.2022
Location Map	21.7541/M001	16.12.2022
Location Plan	21.7541/M002	16.12.2022
Aerial Plan	21.7541/M003	16.12.2022
Proposed Floor and Roof Plans	21.7541/P202 Rev A	16.12.2022
Proposed Elevations	21.7541/P203 Rev A	16.12.2022
Proposed Site Plan	21.7541/P201 Rev D	16.12.2022
Tree Constraints and Protection Plan	DCV/SR/01 Rev A	16.12.2022
Proposed Site Plan	21.7541/P201 Rev E	19.04.2023
Dopped Kerb Provision	23024-001 Rev A	19.04.2023
Visibility Splays with Updated Road Layout	23024-002 Rev A	19.04.2023
Swept Path Analysis Private Car	23024-TK01 Rev A	19.04.2023
Swept Path Analysis Refuse Vehicle	23024-TK02 Rev A	19.04.2023
Layout Plan	2814/LP-01	19.04.2023

The application is also accompanied by:

- Cover Letter
- Planning Support Statement with Appendices (PSS1-PSS9)
- Arboricultural Report and Impact Assessment, prepared by Moore Partners Ltd, dated 12.08.2021 updated 07.02.2022
- Flood Risk Assessment, prepared by Waterco, dated 10.02.2022

Applicant:
Dosanjh Capital Ventures LTD

Validated:
16.12.2022
Date of expiry:
12.06.2023
(EOT agreed)

Recommendation: Refuse

This application is scheduled for determination by the Council's Planning Committee as the application was called in by Cllr B Maney, Cllr D Arnold, Cllr B Johnson, Cllr J

Duffin and Cllr G Snell in accordance with Part 3 (b) 2.1 (d) (i) of the Council's Constitution to consider the proposal against Green Belt policy.

1.0 DESCRIPTION OF PROPOSAL

- 1.1 This application seeks planning permission for the erection of 7 no. 2-bedroom bungalows with associated access, amenity areas and parking.
- 1.2 The proposed dwellings would be set in a linear formation, to the rear of a stretch of ribbon development fronting Sandown Road. The access to the dwellings would be taken from an existing vehicular access point located in the northeast corner of the site with an access track set adjacent to the rear gardens of the existing properties and to the front of the proposed dwellings. Parking provision would be provided to the front of each dwelling with private amenity spaces provided to the rear.
- 1.3 The bungalows would be uniform in terms of layout, scale and appearance and would measure a maximum of 8m wide, 11.9m in length and 4.92m in height. In terms of appearance, they are a typical example of a two-bedroom bungalow, with a hipped roof form.

1.1 SITE DESCRIPTION

- 1.2 The application site is located on the western side of Sandown Road, to the rear of a stretch of ribbon development, constructed along the frontage of the former Sandown Nurseries site. The site comprises 0.33 hectares of land, free from development, which is laid to grass. The site is bounded by close boarded fencing and an established row of trees.
- 1.3 The area surrounding the site is semi-rural in nature, the site is boarded by open countryside to the west, and residential properties to the north, east and south. The residential development along Sandown Road is mainly characterised by development fronting the highway, with two small cul-de-sac developments (one at the entrance of the road and at the end of the road).

1.4 RELEVANT PLANNING HISTORY

- 1.5 The following table provides the planning history of the former Sandown Nurseries site:

Reference	Description	Decision
08/01155/OUT	Erection of seven dwellings.	Approved

13/01154/OUT	Erection of 7 dwellings (Outline application with all matters reserved)	Approved
14/00290/CV	Removal of condition 12 (Junction Works) to approved application 13/01154/OUT (Erection of 7 dwellings (Outline application with all matters reserved))	Approved
14/01380/REM	Submission of reserved matters pursuant to outline planning permission 13/01154/OUT for the construction of 7 dwellings	Approved
15/01350/REM	Submission of reserved matters pursuant to outline planning permission 13/01154/OUT for the construction of 7 dwellings.	Refused
16/00833/CV	Variation of condition 12 [Number of plans] from approved application 14/01380/REM	Approved
19/00434/CV	Retrospective variation of condition 12 (approved plans) referred to in the original planning consent 14/01380/REM (Submission of reserved matters pursuant to outline planning permission 13/01154/OUT for the construction of 7 dwellings) to change of ground level to west boundary and changes to the street elevations of the dwellings.	Pending consideration

1.6 CONSULTATION AND REPRESENTATIONS

1.7 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

1.8 PUBLICITY:

This application has been advertised by way of individual neighbour notification letters, press advert and public site notice which has been displayed nearby.

Thirteen (13) objections have been received which raise the following summarised concerns:

- Out of character with the area;
- Overdevelopment of Sandown Road;
- Cramped, overlooked, backyard development;

- Additional traffic and pollution;
- Additional pressure on sewerage and drainage;
- Land has purposely been left unmaintained and scattered with materials; this should be cleared and left for natural habitats;
- Potential damage to road from construction vehicles;
- Concerns regarding construction traffic;
- Environmental pollution including noise and dust;
- 7 dwellings will add more traffic than the road can cope with;
- The gardens are smaller than the rest of the gardens along Sandown Road;
- Loss of amenity for existing residents;
- Light pollution to rear rooms of existing properties to the front of the site;
- Suggestions that the land is not fulfilling Green Belt purpose is disputed;
- Green space is important;
- The justification for the access to local amenities is flawed and the walking distance is not based on that of an older person;
- The potential bungalows have been targeted at the older generation, but the site is not safely accessible for the elderly. There are no streetlights and no pavement down the road making this hazardous;
- Highway safety concerns;
- The unadopted road has recently been upgraded and there are concerns regarding the impact of the construction traffic on the road;
- The land was required to be landscaped and returned to Green Belt as part of the approval of the existing dwellings on the former nursery site;
- The failure of the developer to do this is now being treated as a reason to allow the proposed development;
- Flood risk concerns;
- Worsen the lack of services and infrastructure;
- Will create a precedent for backland development.

Concerns were raised that the entire street had not been individually notified. However, the application was advertised in line with the Town and Country Planning (Development Management Procedure) (England) Order 2015.

1.9 HIGHWAYS:

Objection / further information required: *There remains concern with regards to the intensification of Sandown Road with the addition of further vehicles using the junction of Sandown Road/ A1013. Please can the applicant assess the impact of the development at the junction of Sandown Road/ A1013. The A1013 is a categorised route that is heavily used'.*

1.10 ENVIRONMENTAL HEALTH:

No objection subject to conditions.

1.11 FLOOD RISK MANAGER:

No objection subject to a pre-commencement condition.

1.12 LANDSCAPE AND ECOLOGY ADVISOR:

No landscape or ecology objection subject to necessary RAMS mitigation and a landscape condition.

1.13 POLICY CONTEXT

National Planning Policy Framework (NPPF)

1.14 The revised NPPF was published on 20th July 2021. 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:

4. Decision-making
5. Delivering a sufficient supply of homes
6. Building a strong, competitive economy
9. Promoting sustainable transport
11. Making effective use of land
12. Achieving well-designed places
13. Protecting Green Belt
14. Meeting the challenge of climate change, flooding and coastal change
15. Conserving and enhancing the natural environment

1.15 National Planning Practice Guidance

In March 2014 the Department for Communities and Local Government (DCLG) launched its planning practice guidance web-based resource. This was accompanied by a Written Ministerial Statement which includes a list of the previous planning policy guidance documents cancelled when the NPPF was launched. PPG contains a range of subject areas, with each area

containing several subtopics. Those of particular relevance to the determination of this planning application comprise:

- Air quality
- Climate change
- Consultation and pre-decision matters
- Design
- Determining a planning application
- Effective use of land
- Flood risk and coastal change
- Healthy and safe communities
- Housing and economic land availability assessment
- Housing and economic needs assessment
- Housing needs of different groups
- Housing supply and delivery
- Land affected by contamination
- Light pollution
- Natural environment
- Noise
- Use of planning conditions

1.16 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:

Spatial Policies:

- CSSP1: Sustainable Housing and Locations
- CSSP4: Sustainable Green Belt

Thematic Policies:

- CSTP1: Strategic Housing Provision
- 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

- PMD9: Road Network Hierarchy
- PMD15: Flood Risk Assessment

1.17 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.

1.18 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.

1.19 ASSESSMENT

1.20 The material considerations for this application are as follows:

- I. Principle of the development and impact upon the Green Belt
- II. Access, Parking and Highway Safety
- III. Design and Layout and Impact upon the Area
- IV. Ecology and Landscaping
- V. Flood Risk and Drainage
- VI. Amenity and Impact on Neighbouring Properties
- VII. Other Matters

I. PRINCIPLE OF THE DEVELOPMENT AND IMPACT UPON THE GREEN BELT

1.21 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.

- 1.22 The application seeks permission for 7 dwellings on a site which lies within designated Green Belt, it is therefore necessary to consider the following:
1. Whether the proposals constitute inappropriate development in the Green Belt;
 2. The effect of the proposals on the open nature of the Green Belt and the purposes of including land within it; and
 3. Whether the harm to the Green Belt is clearly outweighed by other considerations so as to amount to the very special circumstances necessary to justify inappropriate development.
- 1.23 Policies CSSP4 and PMD6 are applicable which seek to prevent inappropriate development and a loss of openness in the Green Belt other than where very special circumstances apply. Similarly, paragraph 137 of the NPPF states that the Government attaches great importance to the Green Belt 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 states that inappropriate development is, *“by definition, harmful to the Green Belt and should not be approved except in very special circumstances”*. Paragraph 148 maintains that *“Very special circumstances will not exist unless the potential harm to Green Belt by reason of inappropriateness, and any other harm resulting from the proposal is clearly outweighed by other considerations”*.
1. Whether the proposals constitute inappropriate development in the Green Belt
- 1.24 At paragraph 149 the NPPF sets out a limited number of exceptions where the construction of new buildings could be acceptable. The site is currently devoid of built form and consists of an area of open land. The proposal for residential development would not fall within any of the exceptions to the presumption against inappropriate development in the Green Belt. Consequently, it is the proposal would comprise inappropriate development with reference to the NPPF and Core Strategy Policy.
2. The effect of the proposals on the open nature of the Green Belt and the purposes of including land within it
- 1.25 Having established that the proposal constitutes inappropriate development, it is necessary to consider the matter of harm. Inappropriate development is, by definition, harmful to the Green Belt, but it is also necessary to consider whether there is any other harm to the Green Belt and the purposes of including land therein.
- 1.26 The proposal would introduce seven bungalows with associated development, which would clearly have a significantly greater impact on the openness of the Green Belt, than the existing undeveloped nature of the site. Consequently, the proposals comprise inappropriate development with reference to the

NPPF and Policy PMD6. 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.

1.27 In response to each of these five purposes:

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

6.9 The site is located within a semi-rural area outside the main village of Orsett. For the purposes policy, the site is considered to be outside of a large built-up area. Whilst the proposed development would represent the significant urbanisation of a site within the Green Belt, given the location of the site, somewhat removed from the larger built-up areas, it's not considered that the proposal would significantly harm the purpose of the Green Belt in checking the unrestricted sprawl of large built-up areas.

b. to prevent neighbouring towns from merging into one another

6.10 Similarly, to the above, given the location of the site in relation to the neighbouring towns, it is not considered that the development would conflict with this Green Belt purpose.

c. to assist in safeguarding the countryside from encroachment

6.11 The proposal would involve built development on a currently an open and undeveloped site. The term "countryside" can conceivably include different landscape characteristics (e.g. farmland, woodland, marshland etc.) and there can be no dispute that the site comprises "countryside" for the purposes of applying the NPPF policy test. It is therefore considered that the proposal would constitute an encroachment of built development into the countryside in this location. The development would consequently conflict with this Green Belt purpose.

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

6.12 The application site does not fall within an area considered to have a special character. Therefore, the proposal would not conflict with this defined purpose of the Green Belt.

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

- 6.13 There are no factors presented in this case as to why the development, could not occur in the urban area. The proposed development is inconsistent with the fifth purpose of the Green Belt. Therefore, the development of this Green Belt site as proposed might discourage, rather than encourage urban renewal.
- 6.14 Given the latter, it is considered that the proposals would be harmful to openness of the Green Belt and would be contrary to purposes (c) and (e) of the above listed purposes of including land in the Green Belt. Substantial weight should be afforded to these factors.

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

- 6.15 The NPPF nor the Adopted Core Strategy provide guidance as to what can comprise 'very special circumstances', either singly or in combination. However, some interpretation of very special circumstances (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 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'. In considering whether 'very special circumstances' exist, factors put forward by an applicant which are generic or capable of being easily replicated on other sites, could be used on different sites leading to a decrease in the openness of the Green Belt. The provisions of very special circumstances 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 'very special circumstances'. Ultimately, whether any particular combination of factors amounts to very special circumstances will be a matter of planning judgment for the decision-maker.

- 6.16 The following very special circumstances have been set out within the submitted Planning Statement:

1. Lack of a 5-year housing land supply
2. Small sites benefit
3. The pre-existing built development that occupied the entire site
4. The site's logical inclusion within an existing cluster of residential development
5. The provision of 2 bed bungalows suitable for older residents

1. Lack of a 5-year housing supply

- 6.17 In 2013 a written ministerial statement confirmed that the single issue of unmet housing demand was unlikely to outweigh Green Belt harm to constitute the very special circumstances justifying inappropriate

development. This position was confirmed in a further ministerial statement in 2015 and was referred to in previous iterations of NPPG. However, the latest revision of the NPPF (2021) does not include this provision and the corresponding guidance in NPPG has also been removed. Nevertheless, it is considered that the very significant benefit of the contribution towards housing land supply would need to combine with other demonstrable benefits to comprise the very special circumstances necessary to justify inappropriate development.

- 6.18 The current proposal would provide 7 dwellings which would provide a limited contribution and benefit towards addressing the shortfall in the supply of new housing as set out in Core Strategy policy delivery targets and as required by the NPPF. The matter of housing delivery contributes towards very special circumstances and should be accorded significant weight in the consideration of this application. However, as noted above, this single issue on its own cannot comprise the very special circumstances to justify inappropriate development, and as such, for these circumstances to exist this factor must combine with other considerations.

2. *Small sites benefit*

- 6.19 The applicant refers to paragraph 69 of the NPPF. It should be noted that paragraph 69 relates to 'Plan Making' rather than 'Decision Making'. Whilst it is accepted that the provision of small sites is a key component to the delivery of housing and the economic benefits that flows from allowing for SME builders to deliver housing as well as the volume house builders, this is not something that this site alone, when compared to many others across the Borough, provides. It is considered that the weight in favour of the development from this argument is minimal and it is not considered that this argument falls within very special circumstances and therefore, does not justify inappropriate development in the Green Belt.

3. *The pre-existing built development that occupied the entire site*

- 6.20 The Applicant has put forward a position that the provision of pre-existing built form would result in very special circumstances. It is considered that this approach is flawed for a number of reasons. Firstly, there is no built form present on site and there is no 'fallback position' for development to be brought forward. Therefore, this is not considered to be very special circumstances. Furthermore, the application site historically sits within a larger parcel of land that had been used for a nursery. To the front of this site planning permission has been granted for housing. However, it must be noted that part of the reasoning for allowing the construction of this development was the removal of the structures on the application site.
- 6.21 The Minutes from the Planning Committee on 17 September 2009 state: "*the Chair advised the Committee that he felt that there were special circumstances, in that a large proportion of this dilapidated site would be retained as green open space [the area subject to the current application].*"

Councillor Lawrence informed the Committee that he felt the points made by the Chair ought to be commended. It was felt that on this occasion, if the application was to be approved, a lot of land would be returned to green belt and a number of dilapidated buildings would be removed...

6.22 The benefits of the loss of the buildings were a material consideration in favour of the previous application and therefore, it is not considered that this matter put forward weighs in favour of the current application.

4. *The site's logical inclusion within an existing cluster of residential development*

6.23 As discussed in further detail within this report it is considered that the proposed development does not represent the urban grain of the area and the provision of development on the site, irrespective of the site being located within Green Belt, would detract from the character and appearance of the area. Furthermore, the site is considered to be in a location with low accessibility credentials. It is not considered that the site forms a sustainable or logical expansion to the existing area.

5. *The provision of 2 bed bungalows suitable for older residents*

6.24 It is acknowledged that Government Guidance, in relation to older person housing, encourages people to remain in their homes, with support, rather than moving to care homes or similar accommodation. Notwithstanding this, there is no evidence that there is a specific need for this type of housing in this area and therefore, no substantive evidence that the dwellings would meet local community needs.

6.25 The location is not easily accessible or near to local facilities which are considered as an integral factor for older people's housing and therefore, this would weigh against the development.

6.26 Members are advised that there is nothing within the application that would indicate that these properties are anything other than traditional market housing. Specialist older person's accommodation would usually have shared facilities for residents use, alarm systems or a warden service or manager service to assist residents – the proposal does not make any such provisions. It should also be noted that the site is considered too small to feasibly accommodate such measures and therefore a condition or S,106 regarding these matters would not pass the appropriate 'test'.

6.27 The contribution the development would make towards housing supply should be given very significant weight (as described above). The applicant's suggestion that additional weight should be given to the proposal because the properties *could* be suitable for older residents is not accepted and this factor should not be given any additional weight.

Summary of Green Belt assessment

- 6.28 When undertaking a balancing exercise on Green Belt issues, a judgement must be made between the harm of the development and whether the harm is clearly outweighed by the cumulative benefits and/or very special circumstances. It must be noted that case law has accepted that a number of special circumstances can together be considered to be very special circumstances, and this must be a consideration in the determination of the application. A summary of the weight which has been attributed to the various Green Belt considerations is provided below:

Summary of Green Belt Harm and Very Special Circumstances			
Harm	Weight	Factors Promoted as Very Special Circumstances	Weight
Inappropriate development	Substantial	Housing Need	Very significant weight
Reduction in the openness of the Green Belt		Small sites benefit	Limited weight
Conflict (to varying degrees) with a number of the purposes of including land in the Green Belt – purposes c and e.		Pre-existing built development that occupied the entire site	No weight
		Inclusion within an existing cluster of residential development	No weight
		2 bed bungalows could be suitable for older residents	No

- 6.29 The proposed development would result in harm to the Green Belt with reference to both inappropriate development and loss of openness. As discussed above several factors have been promoted by the applicant as 'Very Special Circumstances', the matter for judgement is:
- 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 combines at this location to comprise 'very special circumstances'.
- 6.30 The various aspects put forward are discussed in detail above and do not 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. Furthermore, as discussed above the weight in favour of the development from each one of the arguments put forward is very limited.

Collectively, the weight of these benefits is still considered to be minimal and therefore, it cannot be considered that they collectively form 'Very Special Circumstances'. There are no planning conditions which could be used to make the proposal acceptable in this respect, in planning terms. Therefore, it is considered that the proposal is contrary to Policies CSSP4 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.

II. ACCESS, PARKING AND HIGHWAY SAFETY

- 6.31 Sandown Road is a narrow unadopted highway accessed off Stanford Road (A1013). The development would provide seven 2-bed bungalows each served by two car parking spaces.
- 6.32 The proposed development would be accessed via the existing access point to the north-east of the site, the access track would run north-west along the side boundary of neighbouring property 'Dosanjh House' curving to the south running the length of the application site and along the rear boundary of the existing dwellings fronting Sandown Road, to provide access to the parking area to the front of each dwelling.
- 6.33 The Council's Highway Officers originally requested further information in relation to the pedestrian/cycle access to the site, the intensification of the use of the private access and roadway, the shortfall of the required parking provision, swept path analysis, visibility splays and vehicular crossover detail. A suite of documents were submitted during the course of the application, which satisfied a number of the concerns initially raised. However, concerns remained regarding the pedestrian and cycle access to the site, the intensification of the use of the private access and roadway and the shortfall in the required parking provision. Following the submission of a Technical Transport Note, concerns regarding the intensification of the traffic generated by the proposal on the wider road network are alleviated.
- 6.34 However, one of the key concerns raised by the Highway Authority related to on site car parking provision. This is based on an understanding that the site is in a 'Low Accessibility' area as set out within the adopted Parking Design and Development Standards document. As part of the original submission and then in response to this the applicant has argued that the site is within an area with 'medium accessibility' credentials as the development is within 300m of a well-served bus stop. However, this stance appears to solely relate to the access to the site rather than the site as a whole. The dwellings towards the southern end of the site fall outside of the 300m walking distance. Therefore, the development as a whole does not fall within an 'medium accessibility' area and therefore, two car parking spaces per dwelling would be required and four visitor car parking would be required, only two visitor spaces have been indicated on the site plan. Therefore, there is a shortfall of two car parking spaces, which could potentially lead to an impact on the free flow of traffic along the narrow highway, Sandown Road, contrary to Policy PMD8.

6.35 Sandown Road is an unmade narrow roadway with no footpath or streetlighting. The poor connectivity of the site is likely to discourage people from visiting the site by sustainable methods particularly at night, winter and inclement weather. Therefore, the distance to the bus stop becomes a relatively moot point as both visitors and future occupiers would be unlikely to use public transport due to the poor accessibility of the site and therefore, the development would encourage the use of private vehicles. Furthermore, the vehicular access would be the only pedestrian and cycle route into the site, the potential for conflict between the competing users of the access is likely to further encourage the use of private vehicles exacerbating the harm. It should also be noted that due to the nature of Sandown Road on-street parking is likely to have a demonstrable impact on the free flow of traffic through the creation of additional conflict on the highway.

6.36 Therefore, given the unjustified shortfall of visitor parking spaces the use of conditions to overcome the concerns has been considered however, in this instance it is not considered that they would mitigate the potential harm.

III. DESIGN AND LAYOUT AND IMPACT UPON THE AREA

6.37 The planning system promotes high quality development through good inclusive design and layout, and the creation of safe, sustainable, livable and mixed communities. Good design should be indivisible from good planning. Recognised principles of good design should be sought to create a high-quality built environment for all types of development.

6.38 It should be noted that good design is fundamental to high quality new development and its importance is reflected in the NPPF. In order to comply with the NPPF and Policy PMD1, the proposal must be compatible with, or improve the surrounding location through its scale, height and choice of external materials and ensures that development will not have a detrimental impact on its surrounding area and local context and will actively seek opportunities for enhancement in the built environment.

6.39 In determining an appropriate contextual relationship with surrounding development, factors such as height, scale, massing and siting are material considerations. Details such as architectural style, along with colour texture of materials, are also fundamental in ensuring the appearance of any new development is sympathetic to its surrounding and therefore wholly appropriate in its context.

6.40 The siting of the proposed dwellings, behind the properties to the east, is considered to be wholly out of keeping with the prevailing character and appearance of Sandown Road, which is made up of dwellings which front the highway, with the exception of two small cul-de-sacs. The proposed row of dwellings would be sited directly the rear of a row of existing dwellings, parallel to the garden space of the dwellings to the east, which is in stark contrast to the more spacious grain found in the wider area. The pattern of

development fails to maintain or enhance the prevailing character and appearance of the area.

- 6.41 This concern about design and character is exacerbated by the proposed car parking provision, which would dominate the front of the properties, along with the hardstanding provided for access and turning.
- 6.42 Whilst there is no specific objection to the design approach for the bungalows it is considered that the use of the same design for every dwelling results in a bland and repetitive enclave of residential development. The acceptability of the design approach, for one bungalow, does not overcome the harm highlighted above. The use of the same property design further erodes the limited architectural merit of the entire scheme as this does not represent the character of the area which is made up of properties of different styles and designs. Therefore, it is considered that the proposal conflicts with Policies CSTP22 and PMD2 of the adopted Thurrock Local Development Framework Core Strategy and Policies for the Management of Development (as amended 2015) and the guidance contained within the National Planning Policy Framework 2021.

IV. LANDSCAPE AND ECOLOGY

- 6.43 Policy PMD7 of the Thurrock Local Development Framework Core Strategy and Policies for Management of Development 2015 and the NPPF both requires that developments secure a net gain in terms of biodiversity and ensure that suitable regard is has to the presence of protected species and habitats. Therefore, no concerns or conditions are recommended in this respect.
- 6.44 The Council's Landscape and Ecology Advisor has confirmed that the site is considered to have limited ecological value and that no trees would be directly impacted by the proposal. Therefore, subject to imposition of a landscaping condition, if the application were to be approved, no concerns in relation to ecology or landscape are raised.
- 6.45 In terms of an off-site impact, the application site is located within a Zone of Influence for one or more of the European designated sites scoped into the emerging Essex Coast Recreational Disturbance Avoidance and Mitigation Strategy (RAMS). It is anticipated that, without mitigation, new residential development in this area is likely to have a significant effect on the sensitive interest features of these coastal European designated sites, through increased recreational pressure. Natural England advise that Local Authorities must undertake a Habitat Regulations Assessment (HRA) to secure any necessary mitigation and record this decision within the planning documentation.
- 6.46 A HRA has been undertaken which concludes that the project will have a likely significant effect on the sensitive interest features of the European

designated sites without mitigation and that, therefore, a financial contribution at a tariff of £156.76 is necessary per dwelling (total £1,097).

- 6.47 The necessary financial mitigation has not been paid or secured via a S106 agreement; in the absence of securing the contribution, the impact of the development would not be able to be mitigated and thus, this would constitute a reason for refusal of the application.

V. FLOOD RISK AND DRAINAGE

- 6.48 The Application has been supported by a Flood Risk Assessment (FRA). The site is located within flood zone 1 which has a low risk of flooding however, it is at higher risk of surface water flooding. The assessment concludes that the increased surface water runoff could be mitigated by a suitable drainage scheme. The FRA provides five recommendations, all of which would be considered necessary and secured by an appropriately worded condition/s, should the application be approved.
- 6.49 The Council's Flood Risk manager has reviewed the submitted FRA and raise no objection subject to a pre-commencement condition to secure a surface water drainage scheme and strategy, to ensure the proposed development, for its lifetime, is safe from flooding and does not cause flooding elsewhere. The imposition of this condition is considered necessary, should the application be approved.

VI. AMENITY AND IMPACT ON NEIGHBOURING PROPERTIES

- 6.50 As set out above, the proposed development is located directly to the rear of a row of seven, two-storey dwellings fronting Sandown Road.
- 6.51 The front elevations of the proposed bungalows would be located at a minimum distance of 25m from the rear elevations of the existing dwellings and around 14m from the rear boundary and amenity space associated with the existing dwellings. The proposed bungalows are single storey in nature, thereby lacking first floor windows, this combined with the separation distance is considered to mitigate any demonstrable harm to the existing properties, in terms of overlooking, overshadowing or an overbearing impact. The existing first floor windows serving the existing dwellings would have a view of the front of the proposed dwellings. However, the distance would mitigate any harmful overlooking into the windows of habitable rooms within the frontage of the proposed dwellings.
- 6.52 As described above, the access track would run north-west along the boundary of neighbouring property 'Dosanjh House' and along the rear boundary of all seven of the existing dwellings. Limited information in respect of the impact of the proximity of the access track to 'Dosanjh House' and to the rear gardens of all seven adjoining neighbours has been submitted. Concerns are raised in respect to the potential noise and disturbance arising from the traffic generated by 7 residential units which could have a significant

impact on the amenity and ability of the existing residents to enjoy their relatively small rear gardens.

- 6.53 There is a reasonable expectation that residents are able to enjoy their properties without undue impacts in relation to pollution, including noise. Often noise can be hidden by ambient background noise however, this is unlikely to happen in either places where the ambient background noise is low, such as this semi-rural area, or at specific times such as evenings and weekends when the ambient background noise will be lower.
- 6.54 The proposed development, given the number of units and proximity to the neighbouring properties and private rear gardens, has the potential to create a demonstrable level of noise and disturbance due to the close relationship between the access way and the existing dwellings. This is considered to be exacerbated by the relatively remote location of the site, where occupiers are likely to be heavily reliant on private motor vehicles. No detail has been provided as to the background noise to allow meaningful consideration of this matter. The Council is therefore, unable to make an informed decision regarding the impact of the development on the amenity of the adjoining residents and the potential for noise and disturbance to have an unacceptable impact on the reasonable amenity levels of the existing residents.
- 6.55 The Applicant has provided comments in relation to the concerns highlighted above in respect to noise and disturbance, stating the number of vehicular movements would be minimal. No technical information has been provided in order to allay the concerns highlighted above.

Therefore, it is considered that insufficient information has been submitted in order to assess the harm from the development or the potential to impose a condition to mitigate any detrimental impacts that may arise from the proposal, contrary to policy PMD1 of the Thurrock Local Development Framework Core Strategy and Policies for Management of Development 2015 and the guidance contained within the NPPF.

VIII. OTHER MATTERS

- 6.56 The submitted planning statement refers to approved developments within the area that the Applicant believes are comparable to the proposal. It is an accepted point of planning law that planning applications should be determined on their own merits and as highlighted above, there is considered to be significant harm arising from the proposed development. The weight attributed to the planning history of the area is not considered to justify or outweigh the harm highlighted above.

1.28 CONCLUSIONS

- 1.29 The proposed development represents an inappropriate form of development within the Green Belt which is harmful by definition and would result in further

harm by introducing built form onto a site free from development. The area on which the dwellings are proposed was specifically meant to be returned to open land as part of the original 2008 and other previous permissions as part of a very special circumstances case. The provision of seven dwellings and hard surfacing would represent urbanising features which would be visually damaging to the openness of the Green Belt. The proposals would also conflict Green Belt purposes (c) and (e). The factors promoted by the applicant would not clearly outweigh the identified harm to the Green Belt.

- 1.30 Further, the proposed backland development is considered to have a detrimental visual impact on the character and appearance of the site and surrounding area. Concerns are raised in relation to the potential highway safety and free flow of traffic given the lack of required visitor spaces and the impact of the access, access track and parking provision on the amenity of the adjoining neighbouring properties. Lastly the necessary financial mitigation has not been secured in respect of the RAMS as discussed above. The proposed development is considered to be contrary to Policies CSTP22, PMD1, PMD2, PMD7 and PMD9 of the Thurrock Local Development Framework Core Strategy and Policies for Management of Development 2015 and the guidance contained within the NPPF.

1.31 RECOMMENDATION

- 1.32 **REFUSE** for the following reasons:

1. The proposed development would represent inappropriate development in the Green Belt and have an unacceptable effect on the openness of the Green Belt and the purposes of including land within the Green Belt. No material considerations have been advanced of sufficient weight to represent the very special circumstances necessary to justify inappropriate development in the Green Belt. The development is, therefore, unacceptable and contrary to Policies CSSP4 and PMD6 of the Thurrock Local Development Framework Core Strategy and Policies for Management of Development 2015 and the National Planning Policy Framework.
2. The proposed development would form backland development, which would not respect the existing urban grain of Sandown Road. The layout, uniform appearance and form of the proposal would be out of keeping with the prevailing character and appearance of the area and would represent an urban intrusion into the countryside. development that would have a detrimental impact on the character and appearance of the site and the surrounding area. The proposal is therefore considered to conflict with Policies CSTP22 and PMD2 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.
3. The proposed development provides insufficient visitor parking provision as set out by the adopted Parking Design and Development Standards, it has not

been demonstrated undue harm through the provision of on street car parking would not occur, potentially impacting the free flow of traffic through the creation of additional conflict on the highway contrary to Policy PMD8 and PDM9 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.

4. Insufficient information has been submitted to determine if the proposed development would result in a demonstrable level of noise pollution to the detriment of the amenity of adjoining residents. Furthermore, the lack of information has resulted in the Council being unable to ensure that detrimental impacts in relation to noise, disturbance and pollution could be adequately mitigated through the imposition of conditions. Given the potential significant adverse impacts to the amenity of the neighbouring residents the development fails to comply with Policies PMD2 of the Thurrock Local Development Framework Core Strategy and Policies for Management of Development 2015 and the National Planning Policy Framework 2021.
5. In the absence of payment, of a completed legal agreement pursuant to Section 106 of the Town and Country Planning Act 1990, the necessary financial contribution towards Essex Coast Recreational Disturbance Avoidance and Mitigation Strategy has not been secured. As a result, the development of the dwellings would have an adverse impact on the European designated nature conservation sites, contrary to Policy PMD7 of the Thurrock Local Development Framework Core Strategy and Policies for Management of Development 2015 and the National Planning Policy Framework 2021.

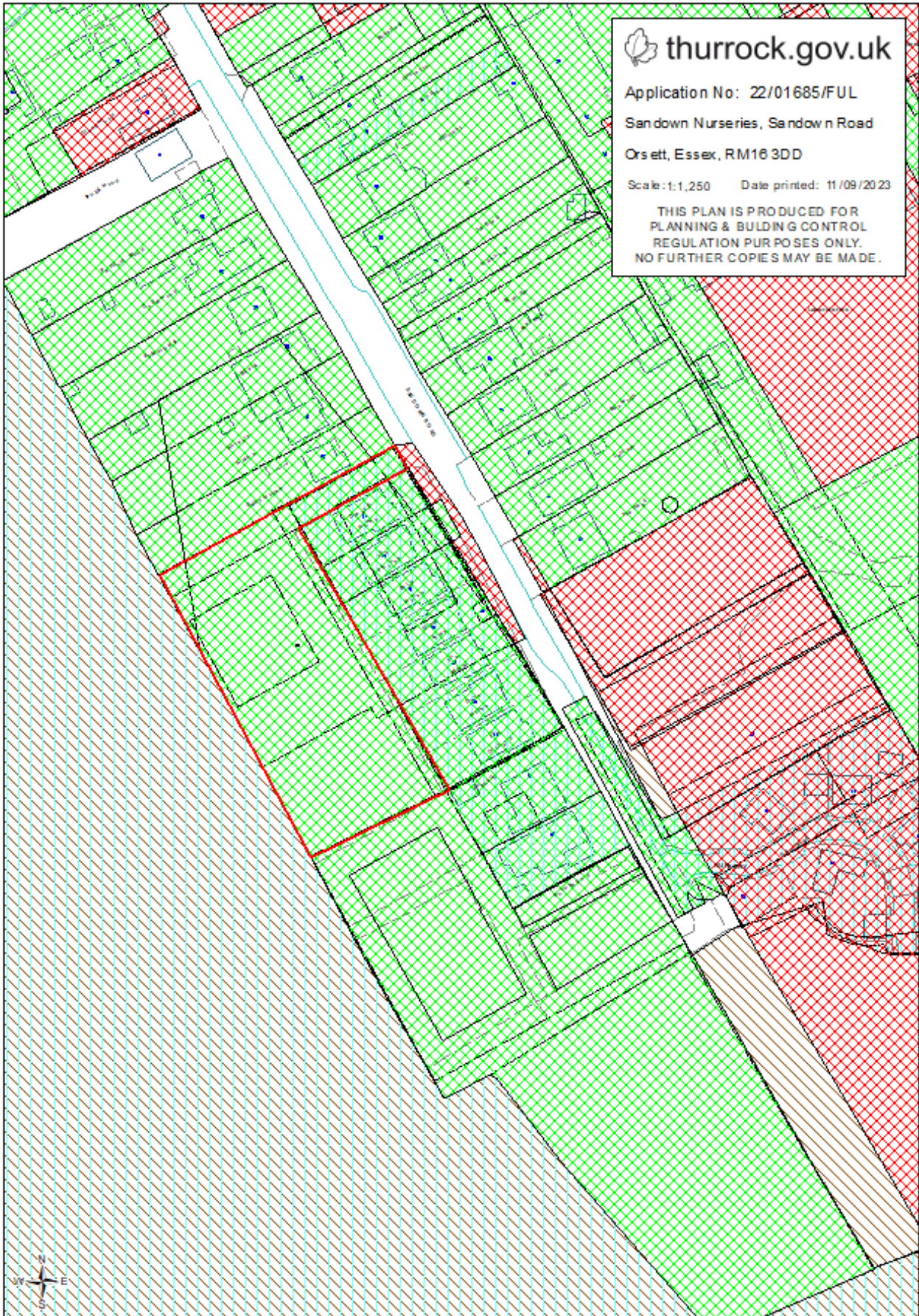
Positive and Proactive Statement

The Local Planning Authority has acted positively and proactively in determining this application by identifying matters of concern with the proposal. 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:

<http://regs.thurrock.gov.uk/online-applications>



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Agenda Item 11

Planning Committee - 21 September 2023	Application Reference: 22/01284/TBC
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Reference: 22/01284/TBC	Site: Garage Area Rear Of 33 To 53 Vigerons Way Chadwell St Mary Essex
Ward: Chadwell St Mary	Proposal: Erection 7 x 2 bedrooms dwelling with associated hard and soft landscaping with parking and private amenity space.

Plan Number(s):		
Reference	Name	Received
221462-MNP-XX-XX-DR-C-1800	Other	4th July 2023
AFA-326-PP-001-PL3	Other	4th July 2023
SK06 REV B	Other	4th July 2023
AFA-326-PP-001-PL3	Other	4th July 2023
AFA-326-PP-002-PL3	Other	4th July 2023
SK01 REV D	Other	4th July 2023
SK07 REV D	Other	4th July 2023
19-619 - 029 REV C	Roof Plans	17th May 2023
19-619 - 027 - REV. E	Proposed Elevations	17th May 2023
19-619 - 021 - REV. D	Proposed Floor Plans	17th May 2023
19-619 - 001 - REV. D	Location Plan	17th May 2023
19-619 - 028 - REV. E	Other	17th May 2023
19-619 - 025 - REV. F	Sections	17th May 2023
19-619 - 015 - REV. L	Proposed Site Layout	17th May 2023

The application is also accompanied by: <ul style="list-style-type: none"> - Daylight and Sunlight Report - Design and Access Statement 	
Applicant: Draper	Validated: 21 September 2022 Date of expiry: 25 th September 2023 (Agreed extension of time)
Recommendation: Deemed to be granted, subject to conditions.	

1.0 DESCRIPTION OF PROPOSAL

- 1.1 The application seeks planning permission for the demolition of the existing garage blocks and removal of the hard surfacing and the erection of 7 properties.
- 1.2 The properties would be in terrace form, 4 dwellings on the northern part of the site and 3 properties on the southern part of the site. The dwellings would be of a modern design, approximately L-shaped with mono-pitched roofs.
- 1.3 Outdoor amenity space would be provided in the form of enclosed courtyard style gardens. Fifteen parking spaces would be provided across the site.
- 1.4 The existing footpath behind the rear gardens of the properties on Vigerons Way would be retained and widened.
- 1.5 Landscaped areas would be provided within the site.

2.0 SITE DESCRIPTION

- 2.1 The application site is an irregular shaped piece of land located to the rear of the residential dwellinghouses located upon Vigerons Way and St Augustine Road.
- 2.2 The site is currently accessed via a access way from Vigerons way. Currently the site is mostly vacant with two separate garage blocks which are now mostly empty.
- 2.3 The properties on Vigerons Way to the south and west are two-storey flat roofed with some mono-pitched roof features characteristic of some similar designs of the 1960s. The properties to the north and east on St Peters and St Augustine Road (respectively) are more traditional pitched roof two storey properties.

3.0 RELEVANT HISTORY

Pre-application Reference	Description of Proposal	Decision
21/30213/PMIN	Removal of remaining garages and construction of 8no 2bed houses with parking and landscaping	Advice given

4.0 CONSULTATIONS AND REPRESENTATIONS

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

ENVIRONMENTAL HEALTH:

No objections, condition required for the provision of a Construction Management Plan and a restriction on bonfires on site during construction.

HIGHWAYS:

No formal objection made, suggested conditions proposed. Comments are made about the site being tight for access. Numerical provision of spaces considered to be acceptable.

HOUSING:

The scheme is 100% affordable units.

LANDSCAPE AND ECOLOGY:

The layout and landscaping is considered to be acceptable and appropriate for the location. A contribution towards the Essex Coast RAMS would be required.

WASTE:

No objection, subject to waste collection strategy being agreed.

PUBLICITY:

This application has been advertised by way of individual neighbour notification letters, and public site notice which has been displayed nearby.

Four responses were received in relation to the original plans making the following comments:

Objecting (3)

- Parking is already an issue and will be likely to be made worse
- Anti-social behaviour is already an issue, narrower alleys will make it worse
- Added noise pollution
- Overlooking and loss of privacy
- Loss of light
- Loss of rear access
- Impact of building works and loss of property value

Not objecting (2)

- Query about windows in the rear deviation of the properties
- Query as to whether the rear access would be retained
- Comment that most deliveries to Vigerons Way properties take place to the rear for larger vehicles
- Suggestion that the development would make the area tidier

A comment has also been received from a local resident via the local Ward Councillor relating to issues to the rear gardens of properties on St Peters Road and St Augustine Road.

5.0 POLICY CONTEXT

National Planning Policy Framework

The updated NPPF was published in September 2023. Paragraph 11 of the Framework sets out a presumption in favour of sustainable development. Paragraph 121 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 49 states that in assessing and determining development proposals, local planning authorities should apply the presumption in favour of sustainable development. I consider that the following chapter heading from the NPPF will be relevant in the determination of any future planning application:

- 2. Achieving sustainable development
- 5. Delivering a sufficient supply of homes
- 11. Making effective use of land
- 12. Achieving well-designed places

Planning Policy Guidance

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
Before submitting an application
Consultation and pre-decision matters
Design: process and tools
Determining a planning application
Effective use of land
Fees for planning applications
Healthy and safe communities
Housing needs of different groups
Housing: optional technical standards
Making an application
Noise
Use of Planning Conditions

Local Planning Policy Thurrock Local Development Framework (2015)

The statutory development plan for Thurrock is the 'Core Strategy and Policies for Management of Development (as amended)' which was adopted in 2015. The Policies Map accompanying the Core Strategy allocates this site as a Shopping Area (this is not within a designated centre or parade. The following adopted Core Strategy policies would apply to any future planning application:

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
- CSTP10: Community Facilities
- 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
- PMD8: Parking Standards

- PMD10: Transport Assessments and Travel Plans
- PMD12: Sustainable Buildings
- PMD13: Decentralised, Renewable and Low Carbon Energy Generation
- PMD14: Carbon Neutral Development

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.

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

The assessment below covers the following areas:

- I. Principle of the development
- II. Design and layout and impact upon the area
- III. Amenity and impact of the development
- IV. Traffic impact, access and car parking
- V. Landscape and Ecology
- VI. Other matters

I. PRINCIPLE OF THE DEVELOPMENT

- 6.1 The application site is located within a residential area and in a locality predominantly characterised by residential development.
- 6.2 Although this is now long superseded in terms of being an up-to-date document (by way of background) the site was identified in the LDF suite of documents within the now-suspended Thurrock Site Allocation DPD as a Housing Site Without Permission and potentially suitable for up to 7 dwellings (ref. CSM05 – r/o 33-53)

Vigerons Way, Chadwell St Mary). Work on this Sites Allocation DPD ceased so that work could commence on a new Local Plan for Thurrock. Whilst this previous listing carries no formal policy land use weighting it sets some of the background for the consideration of the site.

- 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. The application site is within the urban area and comprises a 'brownfield' site. There are no objections to the introduction of residential units at the site, as Policy CSTP1 seeks a density of at least 60 dwellings per hectare in regeneration areas such as this.
- 6.4 Paragraph 12 of the NPPF sets out a presumption in favour of sustainable development and, given that the Local Planning Authority is not able to demonstrate that a five year house land supply exists, this indicate that planning permission for residential development should be granted unless the adverse impacts of doing so would significantly and demonstrably outweigh the benefits when assessed against the NPPF as a whole. As such, the provision of additional residential units would weigh in favour of the purpose. The proposed development of the site for residential use is acceptable subject to compliance with all development management policies.

II. DESIGN AND LAYOUT AND IMPACT UPON THE AREA

- 6.5 The NPPF attaches great importance to the design of the built environment as a key part of sustainable development. Although planning policies and decisions should not attempt to impose architectural styles or particular tastes, they should seek to promote or reinforce local distinctiveness. Policies CSTP22, CSTP23 and PMD2 of the Core Strategy 2015 accord with the NPPF in requiring development to have high quality design and to be well related to its surroundings.
- 6.6 The site currently is an irregularly shaped hard surfaced area of land, with two garage blocks and rear access to some gardens for surrounding properties.
- 6.7 At present whilst the site is surrounded by properties the use of the land is secondary, being used for garages and parking. The proposal would introduce a primary use in this area for the new dwellings and garden areas. There are no specific concerns about the introduction of properties in this area, as whilst it is behind the established properties, there is a sense of space which would allow properties to sit comfortably in this area.

- 6.8 Turning to the actual design of the properties themselves, as detailed in the introduction, the dwellings to the north and east are of a fairly regular design and form, with pitched roofs and regular garden layouts. The properties to the south and west are less common in design, having flat roofs and cladding on many exposed walls.
- 6.9 The proposed dwellings would be modern in design, effectively L shape, with mono pitched roofs on each 'arm' of the L-shape. Feature brick panels would be provided on the 'front' of the properties which face in towards the centre of the site. The 'rear' of the properties which back onto Vigerons Way would include feature brick panels where windows would normally be at first floor level (to avoid overlooking) and an obscure glazed window the to the stairwell.
- 6.10 The design proposed uses features of both types of nearby properties – the pitch of the roof to the properties to the north and east and the panel features mimic aspects of the properties to the south and west. The overall design is a modern take on a terraced property and whilst not the same as any of the surrounding properties has been clearly designed to sit within the site.
- 6.11 Small courtyard gardens are proposed for each unit, these gardens include provision for cycle parking and would provide a clearly defined outside space for each unit. Whilst these gardens are different from the traditional layout of the properties nearby, they sit well with the more modern house design and the location of the site.
- 6.12 Space is left for communal planting and this is discussed elsewhere in this report.
- 6.13 A pathway would be retained and maintained to the rear of the properties on Vigerons Way.
- 6.14 Overall, despite being a little different from the existing pattern of development the proposed layout and visual appearance of the development is considered to be acceptable and in accordance with Policies PMD2, CSTP22 and CSTP23 of the Core Strategy and guidance in the NPPF.

III. AMENITY AND IMPACT OF DEVELOPMENT

- 6.15 Policy PMD1 (Minimising Pollution and Impacts on Amenity) states that development will not be permitted where it would cause unacceptable effects on:
- i. the amenities of the area;
 - ii. the amenity of neighbouring occupants; or
 - iii. the amenity of future occupiers of the site.

- 6.16 Given the location of the site the proposals have been designed creatively to ensure that the scheme provides a suitable living environment for existing occupiers nearby and proposed occupiers of the units.

Existing occupiers

- 6.17 The proposed dwellings would sit closer to the rear of properties between No 33-53 Vigerons Way (than those on other roads). To limit the impact on these occupiers the rear of the new dwellings have no primary windows (the stairwell would be served by an obscure glazed window) and the pitch of the roof slopes away from the rear boundary to ensure that the two storey element is at its lowest point where it is closest to Vigerons Way.
- 6.18 To prevent the occupiers of Vigerons Way looking out onto a blank dull facade, feature brickwork is proposed on the rear elevation where windows would normally be located. Accordingly, is it not considered the proposal would be harmful to the privacy or amenities of the occupiers of Vigerons Way.
- 6.19 To the front of the dwellings, which face toward the rear of properties on St Augustine Road, the bedroom windows are high level horizontally with a thin strip running vertically. This would reduce the perception of overlooking to those occupiers. The front of the dwellings also have feature panels to improve the design and also ensure that they do not appear as unattractive features when viewed from outside the site.
- 6.20 To the ground floor level, windows would be of a more traditional design and would be shielded from neighbours by intervening boundary treatment and distance which would prevent overlooking and loss of privacy.
- 6.21 Whilst it is accepted that the provision of 7 dwellings would be different from the existing use of garages, the surrounding pattern of development is of multiple terraced properties and it is not considered the use of this area for dwellings would be harmful in terms of noise or outlook for the nearby occupiers. It is also noted that some of the comments received from neighbours indicated that there was a perception of antisocial behaviour at present, the provision of new dwellings would remove this vacant site and provide natural surveillance.
- 6.22 In respect of the existing occupiers therefore, it is not considered that the proposals would be harmful to their privacy or amenity. The proposals are therefore considered to comply with Policy PMD1 in this regard.

Proposed occupiers

- 6.23 The proposed layout is a modern interpretation of a terrace property and is a form of development that is becoming more common.

- 6.23 The internal layout would provide well lit and regular shaped rooms; the ground floor is largely open plan allowing light to all areas. A specific study space is shown to enable people to have a dedicated working area.
- 6.24 As described earlier, each property would have a small, enclosed courtyard to provide amenity space (these dwellings are 2-bedroom houses). This area would be located to the front of the property and would be accessed by large sliding doors from the main living area in the dwelling. The area is envisaged to be used as an outdoor room and would provide sufficient space for occupiers to sit outside in a safe contained environment.
- 6.25 The site is about 10 minutes walking time from the recreation ground and open space and a similar walking time to shops on Riverview.
- 6.26 Taking the above into account it is considered that the proposals would also provide suitable living conditions for potential future occupiers.

IV. TRAFFIC IMPACT, ACCESS AND CAR PARKING

- 6.27 The existing site has 18 garages, which are not all used, but if there were there could be a significant number of vehicle movements. It is also noted that anecdotally the site could be used for vehicle parking.
- 6.28 All but one of the seven units has effectively 1 on-plot parking space. The seventh unit has 2 spaces adjacent. Further spaces are located within the centre of the development and on the access to the site. These spaces would numerically ensure that adequate provision exists for residents and visitors to the site to comply with current standards.
- 6.29 The highways officer has commented that the site is quite narrow in places, the applicant has submitted tracking plans to show that cars can suitably access all the spaces and that a fire tender could access the site and turn around in the central area. Given the relatively small number of units, speeds into and around the site would be low and it is noted that the highways officer considers the application could be approved subject to conditions. Accordingly, it is not considered there is any conflict with Policies PMD8 and PMD9 of the Core Strategy.
- 6.30 The Waste & Recycling team have indicated that they have no objection to the scheme subject to a waste collection scheme being agreed prior to first occupation of the dwelling – this could be covered by condition.

V. LANDSCAPE AND ECOLOGY

- 6.31 The Landscape and Ecology Advisor indicates that the site, due to its shape is relatively constrained but has the opportunity to provide some landscape features. He agrees that the submitted landscaping scheme would be appropriate for the

site. (the site proposes planting to the south eastern corner and around the central parking area).

- 6.32 The site is within the Essex Coast RAMS Zone of Influence and the proposed development falls within the scope of the RAMS as relevant development. Without mitigation the proposed development is likely to have a significant effect on the Thames Estuary and Marshes Special Protection Area. To the needing to undertake their own individual Habitat Regulations Assessment the Essex Local Planning Authorities within the Zones of Influence have developed a mitigation strategy to deliver the necessary mitigation to address mitigation impacts to be funded through a tariff applicable to all new additional dwellings.
- 6.33 The current tariff is £156.76 per additional dwelling. This scheme would result in 7 new units and therefore a contribution of £1097.32 would be required to fund works to mitigate the in-combination effects of recreational disturbance on SPA.

VI. OTHER MATTERS

- 6.34 A noise assessment has been submitted, the Environmental Health Officer has agreed with the findings of this survey and recommended a condition in relation to the installation of windows as identified in the survey.
- 6.35 Given the location of the site, in close proximity to residential properties it is considered a Construction Environmental Management Plan (CEMP) be submitted to the LPA for approval prior to works commencing. This matter could be covered by condition.

7.0 CONCLUSIONS AND REASON(S) FOR APPROVAL

- 7.1 The proposal is acceptable in principle and matters of detail are also acceptable, subject to appropriate conditions.

8.0 RECOMMENDATION

It is recommended expressly for the purpose of Regulation 3(4) of the Town and Country Planning General Regulations 1992, permission be deemed to be granted for the above development, subject to compliance with the following conditions:

Standard Time Limit

- 1 The development hereby permitted must be begun not later than the expiration of 3 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:

Plan Number(s):		
Reference	Name	Received
221462-MNP-XX-XX-DR-C-1800	Other	4th July 2023
AFA-326-PP-001-PL3	Other	4th July 2023
SK06 REV B	Other	4th July 2023
AFA-326-PP-001-PL3	Other	4th July 2023
AFA-326-PP-002-PL3	Other	4th July 2023
SK01 REV D	Other	4th July 2023
SK07 REV D	Other	4th July 2023
19-619 - 029 REV C	Roof Plans	17th May 2023
19-619 - 027 - REV. E	Proposed Elevations	17th May 2023
19-619 - 021 - REV. D	Proposed Floor Plans	17th May 2023
19-619 - 001 - REV. D	Location Plan	17th May 2023
19-619 - 028 - REV. E	Other	17th May 2023
19-619 - 025 - REV. F	Sections	17th May 2023
19-619 - 015 - REV. L	Proposed Site Layout	17th May 2023

Reason: For the avoidance of doubt and to ensure the development accords with the approved plans with regard to policies PMD1 and PMD2 of the adopted Thurrock LDF Core Strategy and Policies for the Management of Development [2015].

Samples of Materials

- 3 Samples of all materials to be used in the construction of the external surfaces of the building(s) hereby permitted, shall be submitted to and approved in writing by, the Local Planning Authority, before any part of the development is commenced.

Reason: To ensure that the proposed development does not prejudice the appearance of the locality in accordance with Policy PMD2 of the Thurrock LDF Core Strategy and Policies for Management of Development 2015.

Proposed Parking Areas

- 4 Prior to the occupation of the dwellings hereby approved, the proposed parking area, as indicated on Drawing No 19-619 - 015 - REV. L, shall be suitably surfaced,

laid out and drained in accordance with details to be previously submitted to and approved in writing by the Local Planning Authority and constructed concurrently with the remainder of the development hereby approved.

Reason: To ensure that satisfactory off-street car parking provision is made in accordance with the Local Planning Authority's standards and in the interests of highway safety.

Construction Environment Management Plan

- 5 A Construction Environment Management Plan (CEMP) shall be submitted and approved by the Local Planning Authority prior to commencement of the development hereby approved, details to include:

- (a) Hours and duration of works on site
- (b) Wheel washing and sheeting of vehicles transporting aggregates on to or off of the site;
- (c) Details of method to control wind-blown dust;
- (d) Noise mitigation measures having regard to BS 5228-1:2009+A1:2014 Code of practice for noise and vibration control on construction and open sites;
- (e) Details of construction access
- (f) Details of temporary hard standing
- (g) Details of temporary hoarding
- (h) Water management including wastewater and surface water drainage

No bonfires should be permitted during demolition and construction activities.

All works and development shall be carried out in accordance with the approved CEMP and the measures contained therein.

Reason: To ensure construction phase does not materially affect the free-flow and safe movement of traffic on the highway; in the interest of highway efficiency, safety and amenity.

Hours of Work

- 6 No demolition, building work or deliveries shall be carried out before 8am or after 6pm on Mondays to Fridays or before 9am or after 1pm on Saturdays and not at all on Sundays or Bank Holidays.

Reason: In the interests of the amenity of surrounding occupiers.

Roadways prior to occupation

- 7 The carriageway[s] within the development hereby permitted [apart from the wearing surface] and footways shall be constructed prior to the commencement of any residential units detailed to have access from such road[s] or footways and the proposed road[s] and turning space[s] shall be constructed in such a manner as to ensure that each dwelling, before it is residentially occupied, is served by a properly consolidated and surfaced carriageway and footway between the dwellings and existing highway. The wearing surface shall be completed prior to the residential occupation of any residential unit.

Reason: In the interests of highway safety and amenity in accordance with policies PMD2 and PMD9 of the adopted Thurrock LDF Core Strategy and Policies for the Management of Development

Reason: In the interests of highway safety.

Landscaping Plan

- 8 No construction works in association with the erection of the dwellings hereby permitted shall commence on site until a scheme of hard and soft landscaping has been submitted to and approved in writing by the Local Planning Authority, the details of which shall include:

- (a) All species, planting sizes and planting densities, spread of all trees and hedgerows within or overhanging the site, in relation to the proposed buildings, roads, and other works;
- (b) Finished levels and contours;
- (c) Means of enclosure;
- (d) Minor artefacts and structures (e.g. furniture, play equipment, refuse and other storage units including any private cycle store, signs and lighting);
- (e) External surface material for parking spaces, pedestrian accesses.
- (f) Tree protection measures and details of the proposed management of the retained trees and hedges
- (g) Specific tree protection measures and details of the Category A Oak tree at the site
- (h) Any preserved trees which it is proposed to remove and their suitable replacement elsewhere within the site

All soft landscaping comprised in the approved details of landscaping shall be carried out in the first planting and seeding season following the first occupation of the building(s) or the completion of the development whichever is the sooner. All shrubs, trees and hedge planting shall be maintained free from weeds and shall be protected from damage by vermin and stock. Any trees or plants which, within a period of five years, die, are removed, or become seriously damaged or diseased

shall be replaced in the next planting season with others of a similar size and species, unless otherwise agreed in writing by the Local Planning Authority. All hard landscaping shall also be carried out in accordance with the approved details prior to the occupation of any part of the development or in accordance with a programme to be agreed in writing with the Local Planning Authority.

Reason: In the interests of the character and visual amenities of the area in accordance with Policy PMD2 of the Core Strategy 2015.

Nosie

Window specification

- 9 Development on site shall only take place in accordance with the Noise Assessment Report, ref: PC-22-0070-RP1 by paceconsult dated 20 May 2022. The window specification detailed in the approved report shall be implemented within the residential units prior to first occupation of the development and shall be permanently retained as approved thereafter. Following installation the developer shall notify the LPA in writing to confirm that the minimum standard, or better, of windows has been installed.

Reason: To protect the amenities of future residential occupiers in accordance with Policy PMD1 of the adopted Thurrock LDF Core Strategy and Policies for the Management of Development [2015].

Refuse and Recycling Storage and collection

- 10 Prior to the first occupation of the dwellings, detailed plans detailing the number, size, location, design and materials of bin and recycling stores to serve the development together with details of the means of access to bin and recycling stores and a Refuse and Recycling Management Plan shall be submitted to and agreed in writing with the local planning authority. The approved bin and recycling stores shall be provided prior to the first occupation of any of the dwelling[s] and permanently retained in the form agreed.

Reason: In the interests of residential amenity 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].

Informatives:

Positive and Proactive Statement

The Local Planning Authority has acted positively and proactively in determining this application by assessing the proposal against all material considerations,

including planning policies and any representations that may have been received and subsequently determining to grant planning permission in accordance with the presumption in favour of sustainable development, as set out within the National Planning Policy Framework.

Highway Authority Consent

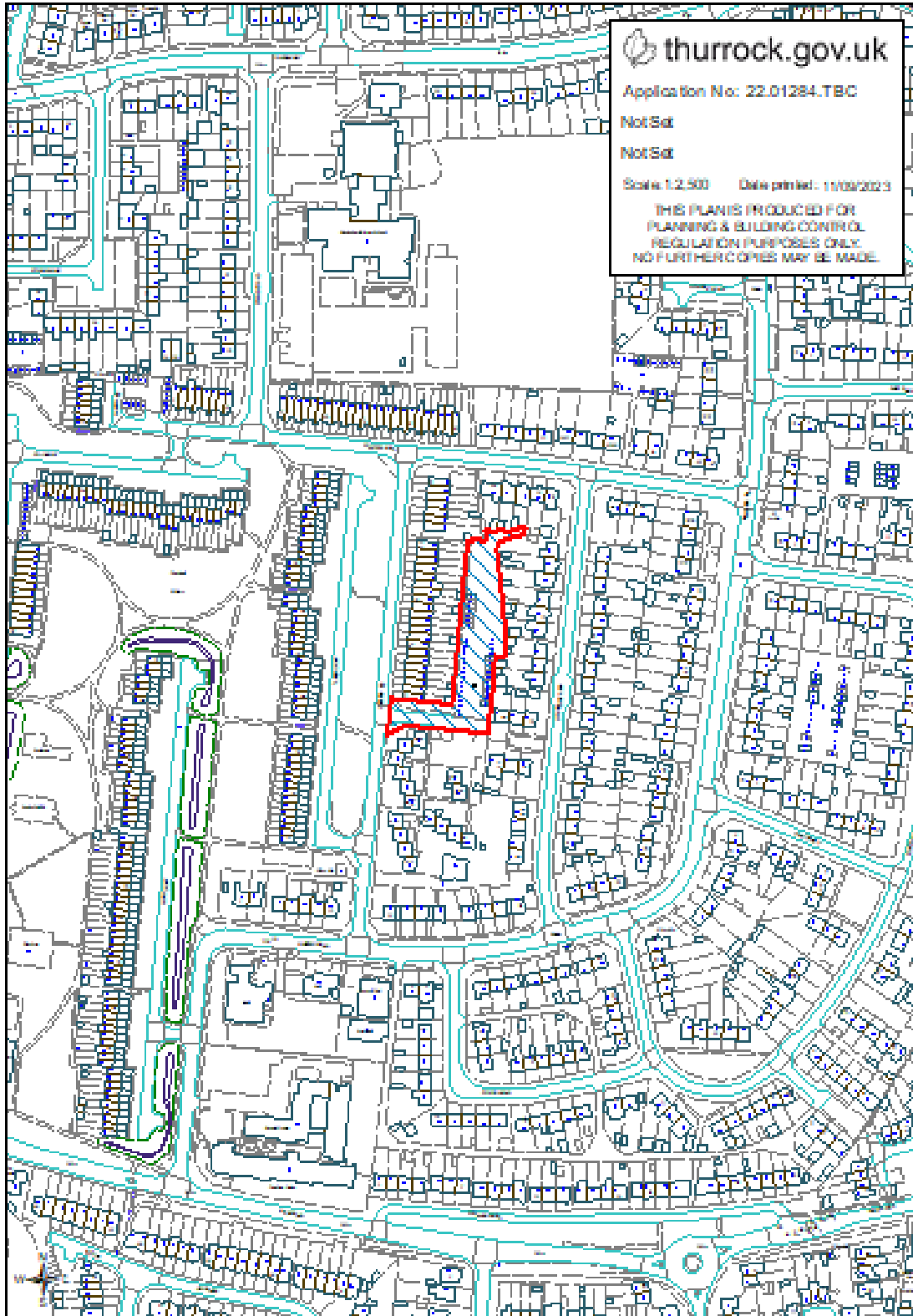
Any works, which are required within the limits of the highway reserve, require the permission of the Highway Authority and must be carried out under the supervision of that Authority's staff. The Applicant is therefore advised to contact the Authority at the address shown below before undertaking such works.

Highways Department,
Thurrock Council,
Civic Offices,
New Road,
Grays Thurrock,
Essex. RM17 6SL

Documents:

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

www.thurrock.gov.uk/planning



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Reference: 22/01706/TBC	Site: 1 To 431 Odds Broxburn Drive South Ockendon Essex
Ward: Belhus	Proposal: Full planning application for redevelopment and improvement works to construct 33 affordable homes with associated landscaping and vehicle/cycle parking provision.

Plan Number(s):		
Reference	Name	Received
13737-DB3-B01-XX-DR-A-20114F B01	Sections	16th December 2022
13737-DB3-B01-ZZ-DR-A-20111I B01	Proposed Floor Plans	16th December 2022
13737-DB3-B01-ZZ-DR-A-20112H B01	Proposed Floor Plans	16th December 2022
13737-DB3-B01-ZZ-DR-A-20113H B01	Proposed Plans	16th December 2022
13737-DB3-B01-ZZ-DR-A-20115G B01	Proposed Elevations	16th December 2022
13737-DB3-B01-ZZ-DR-A-20116F B01	Proposed Elevations	16th December 2022
13737-DB3-B02-ZZ-DR-A-20103G B02	Proposed Floor Plans	16th December 2022
13737-DB3-B02-ZZ-DR-A-20104E B02	Proposed Elevations	16th December 2022
13737-DB3-B02-ZZ-DR-A-20105D B02	Sections	16th December 2022
13737-DB3-B02-ZZ-DR-A-20106F B02	Roof Plans	16th December 2022
13737-DB3-B03-ZZ-DR-A-20107F B03	Proposed Floor Plans	16th December 2022
13737-DB3-B03-ZZ-DR-A-20108E B03	Proposed Elevations	16th December 2022
13737-DB3-B03-ZZ-DR-A-20109D B03	Sections	16th December 2022
13737-DB3-B03-ZZ-DR-A-20110F B03	Roof Plans	16th December 2022

13737-DB3-B04-ZZ-DR-A-20105G B04	Proposed Floor Plans	16th December 2022
13737-DB3-B04-ZZ-DR-A-20106E B04	Proposed Elevations	16th December 2022
13737-DB3-B04-ZZ-DR-A-20107D B04	Sections	16th December 2022
13737-DB3-B04-ZZ-DR-A-20108F B04	Roof Plans	16th December 2022
13737-DB3-B05-00-DR-A-20501H B05	Proposed Floor Plans	16th December 2022
13737-DB3-B05-01-DR-A-20502G B05	Proposed Floor Plans	16th December 2022
13737-DB3-B05-02-DR-A-20503H B05	Proposed Floor Plans	16th December 2022
13737-DB3-B05-03-DR-A-20504G B05	Roof Plans	16th December 2022
13737-DB3-B05-ZZ-DR-A-20505E B05A	Proposed Elevations	16th December 2022
13737-DB3-B05-ZZ-DR-A-20506E B05B	Proposed Elevations	16th December 2022
13737-DB3-B05-ZZ-DR-A-20507D B05A	Sections	16th December 2022
13737-DB3-B05-ZZ-DR-A-20508D B05B	Sections	16th December 2022
13737-DB3-S01-ZZ-DR-A-20000A	Location Plan	16th December 2022
13737-DB3-S01-ZZ-DR-A-20890C	Existing Site Layout	16th December 2022
13737-DB3-S01-ZZ-DR-A-20900D	Sections	16th December 2022
13737-DB3-S01-ZZ-DR-A-20901D	Sections	16th December 2022
AL9929_1000P	Existing Site Layout	16th December 2022
AL9929_1001P	Landscaping	16th December 2022
AL9929_1002P	Landscaping	16th December 2022

The application is also accompanied by:

- Application form
- Planning Statement, Nov 2022
- Design & Access Statement, Nov 2022

- Proposed Design Overview
- Transport Statement, Nov 2022
- D2 Parking Provision Note
- Sustainability Statement Rev P03 22 Nov 2022
- Statement of Community Involvement, Nov 2022
- Preliminary Ecological Appraisal incorporating Bat Survey Inspection, Sept 2022
- Phase I Environmental Assessment, Nov 2022
- Flood Risk Assessment, 30 Sept 2022
- Drainage Strategy and SuDS Assessment, Nov 2022
- Noise Impact Assessment, Nov 2022
- Air Quality Assessment, Nov 2022
- Landscape Statement, Nov 2022
- Arboricultural Impact Assessment and Method Statement, Oct 2022

Applicant: Thurrock Council

Validated:

19 December 2022

Date of expiry:

31 October 2023

(Extension of Time as Agreed)

Recommendation: Resolved to be Granted, subject to conditions

This application is scheduled for determination by the Council’s Planning Committee because the application has been submitted by Thurrock Council’s Housing team (in accordance with Part 3 (b) Section 2 2.1 (b) of the Council’s constitution).

1.0 DESCRIPTION OF PROPOSAL

1.1 The proposals involve the creation of six new residential blocks across the estate, new and improved landscaping works and amenity space. The proposals include the creation a new building in the northeast corner of the site, two new smaller buildings along the railway boundary (eastern edge of the site) and three ‘infill’ buildings on the corners of the existing buildings to the west of site. This development will replace under-utilised amenity space and garages to the rear of the site.

- 1.2 The parking at the rear of the site, where new blocks are proposed, is under-utilised by residents due to a lack of natural surveillance and overlooking. The new block layouts and improvement works will improve permeability in terms of opening up the estate and improving the relationship of the site with the street and wider area. The creation of new amenity spaces and enhanced landscaping will benefit the existing and future residents.
- 1.3 The table below summarises some of the main points of detail contained within the development proposal:

Site Area (Gross)	4.19 Ha						
Height	Mix of 2, 3 and 4 storey blocks						
Units (All)	Type (ALL)	1-bed	2-bed	3-bed	4-bed	5-bed	TOTAL
	Houses	-	-	-	-	-	-
	Flats	11	20	2	-	-	33
	TOTAL	11	20	2			33
Affordable Units	Type (ALL)	1-bed	2-bed	3-bed	TOTAL		
	Houses	-	-	-	-		
	Flats	11	20	2	33		
	TOTAL	11	20	2	33		
Car parking	Flats: Houses: - Total allocated: 54 spaces for the 33 flats (Average of 1 space per unit) Total Visitor: 17 spaces (Average of 0.5 spaces per unit) Total: 54 for the 33 flats proposed						
Amenity Space	Each flat would have its own private amenity space, ranging from a minimum of 8 sqm balcony space for flats above ground level, to private garden spaces ranging between approximately 10 sqm to 30 sqm. Approximately 700 sqm new communal amenity area would also be created, and natural play elements installed on the site.						

Density	Proposal: 12-13 dwellings per Ha Proposal including the existing and proposed flats: 40.8 dwellings per Ha, which is Medium density
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2.0 SITE DESCRIPTION

- 2.1 The estate mainly consists of a large group of flatted buildings fronting Broxburn Drive, arranged to form a series of courtyard-type spaces to their rear. To the east of the site are a number of garages associated with the properties, which line the rear eastern boundary of the site.
- 2.2 The application site is bordered by the C2C London, Tilbury and Southend railway line, and by residential development to the north south and west. The open green space at Culver Field is located beyond the residential properties to the west.
- 2.3 Whilst the site currently comprises properties which are 3 storeys in height, the prevailing building heights are largely characterised by terraced residential properties that are two storeys in height.
- 2.4 The site is entirely located in Flood Zone 1.

3.0 RELEVANT PLANNING HISTORY

Application Reference	Description of Proposal	Decision
22/30070/PMAJ	Redevelopment and improvement works at Broxburn Estate – comprising infilling of several corners and spaces across the existing estate for up to 33 dwellings and changes to parking and landscaping across the site.	Advice Given
59/00116C/FUL	Erection of 58 garages and 8 motorcycle sheds	Approved
59/00116B/FUL	Erection of 62 garages and 4 motorcycle sheds	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

4.2 PUBLICITY:

This application has been advertised by way of individual neighbour notification letters, press advert and public site notice which has been displayed nearby.

One letter of objection has been received raising the following concerns:

- Access to the site - unsafe
- Additional traffic
- Loss of Amenity
- Parking provision – parking is already a problem locally; would there be 1 parking space per dwelling? Will electric vehicle charging parking spaces be provided?

4.3 ENVIRONMENTAL HEALTH:

No objections, subject to conditions.

4.4 HIGHWAYS:

No objection, subject to conditions.

4.5 LANDSCAPE & ECOLOGY ADVISOR:

No objections, subject to conditions.

4.6 FLOOD RISK MANAGER:

No objections, subject to conditions.

4.7 HOUSING:

The proposal would provide 100% affordable housing. This affordable housing would be required to conform to lifetime homes standards with 3% of the units to be wheelchair accessible.

4.8 URBAN DESIGN:

Detailed design comments provided. Overall the proposal should bring benefits to the existing residents in improving the quality of the shared public realm, making the neighbourhood feel safer with more residents overlooking the streets, and by providing more affordable housing which is a local need.

4.9 EDUCATION:

No objections. While the calculated pupil yield figures resulting from this development are relatively low, there is known to be already a shortage of Nursery places within this area. Similarly, at Secondary level the Harris Ockendon Academy is already at or over capacity. However, with regard to Primary, at Shaw Primary there does appear to be sufficient existing school places to accommodate the additional pupil numbers resulting from the proposal. On that basis, the proposal would generate a requirement for a financial contribution towards Secondary and Nursery education levels only.

4.10 NHS MID AND SOUTH ESSEX:

The proposal would generate a requirement for a contribution towards local healthcare provision.

4.11 ESSEX POLICE:

No objections.

4.12 ANGLIAN WATER:

No objections, subject to conditions relating to used water sewerage network, and surface water drainage.

4.13 CADENT:

No objections, subject to Informative.

5.0 POLICY CONTEXT

National Planning Policy Framework (NPPF)

- 5.1 The revised NPPF was published on 20th July 2021. 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.

Paragraph 11 sets out a presumption in favour of sustainable development, and states that for decision taking this means:

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

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

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

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

- 5. Delivering a sufficient supply of homes;
- 8. Promoting healthy and safe communities;
- 9. Promoting sustainable communities;
- 11. Making effective use of land;
- 12. Achieving well-designed places;

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
- Before submitting an application
- Brownfield land registers
- Build to rent
- Consultation and pre-decision matters
- Design
- Determining a planning application
- Effective use of land
- Fees for planning applications
- Healthy and safe communities
- Housing and economic land availability assessment
- Housing and economic needs assessment
- Housing needs of different groups
- Housing for older and disabled people
- Housing: optional technical standards
- Housing supply and delivery
- Making an application
- Neighbourhood planning
- Noise
- Plan-making
- Planning obligations
- Renewable and low carbon energy
- Starter Homes
- Transport evidence bases in plan making and decision taking
- Travel Plans, Transport Assessments and Statements
- Use of planning conditions
- Viability
- Waste

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

The “Core Strategy and Policies for Management of Development” was adopted by Council on the 28th February 2015. The following policies apply to the proposals:

OVERARCHING SUSTAINABLE DEVELOPMENT POLICY

- OSDP1 (Promotion of Sustainable Growth and Regeneration in Thurrock)¹

SPATIAL POLICIES

- CSSP1 (Sustainable Housing and Locations)
- CSSP3 (Infrastructure)

THEMATIC POLICIES

- CSTP1 (Strategic Housing Provision)
- CSTP2 (The Provision Of Affordable Housing)
- CSTP22 (Thurrock Design)
- CSTP23 (Thurrock Character and Distinctiveness)
- CSTP26 (Renewable or Low-Carbon Energy Generation)

POLICIES FOR MANAGEMENT OF DEVELOPMENT

- PMD1 (Minimising Pollution and Impacts on Amenity)
- PMD2 (Design and Layout)
- PMD8 (Parking Standards)
- PMD9 (Road Network Hierarchy)
- PMD10 (Transport Assessments and Travel Plans)
- PMD12 (Sustainable Buildings)
- PMD13 (Decentralised, Renewable and Low Carbon Energy Generation)
- PMD16 (Developer Contributions)

5.4 Thurrock Local Plan

In February 2014 the Council embarked on the preparation of a new Local Plan for the Borough. Between February and April 2016 the Council consulted formally on an ‘Issues and Options (Stage 1)’ document and simultaneously undertook a ‘Call for Sites’ exercise. In December 2018 the Council began consultation on an Issues and Options [Stage 2 Spatial Options and Sites] document, this consultation has now closed and the responses have been considered and reported to Council. On 23 October 2019 the Council agreed the publication of the Issues and Options 2

Report of Consultation on the Council's website and agreed the approach to preparing a new Local Plan.

5.5 Thurrock Design Strategy

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

6.0 **ASSESSMENT**

6.1 The assessment below covers the following areas:

- I. Principle of the development
- II. Design and Layout and Impact upon the Area
- III. Landscaping Impacts
- IV. Provision of Suitable Residential Environment
- V. Access, Traffic Impact and Car Parking
- VI. Effect on Neighbouring Properties
- VII. Noise
- VIII. Education Provision
- IX. Health Provision
- X. Viability and Planning Obligations
- XI. Other Matters

I. PRINCIPLE OF THE DEVELOPMENT

6.2 The site is in a residential area and is relatively well connected. The Council continues to support redevelopment of existing urban land of this nature. The principle of the development is acceptable subject to other development management criteria being met.

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. Policy CSTP1 seeks a density of at least 60 dwellings per hectare on

regenerated sites such as this, which is not quite met, as the proposal would result in an on-site density of 40.8 which would be considered Medium density and acceptable. 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.

II. DESIGN AND LAYOUT AND IMPACT UPON THE AREA

- 6.4 The proposals involve the erection of six new residential buildings on the northern half of the site. The largest of these buildings proposed is B01, which includes the creation a new building alongside the railway in the northeast corner of the site to form a new courtyard with the existing buildings. Two smaller buildings, B05(A) and B05 (B), are also proposed along the railway boundary to create new courtyard and amenity space for all residents. Additionally, the proposed site plan has incorporated three 'infill' buildings, B02, B03 and B04 in several corners of the site along Broxburn Drive to repair the street frontage and remove the blank high walls and flank walls from view.
- 6.5 The NPPF and Policy CSTP22 (Thurrock Design) seeks proposals to demonstrate high quality design in new developments. The applicant has engaged with pre-application advice and a design led approach to the development proposals has been taken. The proposals seek to deliver a high-quality scheme. A key focus throughout the design evolution was ensuring that the proposed new build elements of the scheme were designed to complement and sensitively enhance the existing estate and surroundings, respecting the residential context of the area.
- 6.6 The prevailing height of the neighbouring buildings are predominately 2.5 storeys in height however, the existing development on the estate comprises buildings which are 3 storeys in height. The proposed building heights range from 2-4 storeys. The tallest block is B01, in the north east corner, which measures 4 storeys. Blocks B05A and 05B are 3 storeys in height and Blocks B02-4 are 2 storeys in height.
- 6.7 Given that the building heights of the existing development on site are 3 storeys, building heights of 2 – 4 storeys (including mansard roof) are not considered to be out of character with the immediate context, and to complement the existing design context and will, therefore, be considered acceptable. These proposed building heights will have little impact on the design character of the neighbouring properties and are considered to be most appropriate for the site in order to respect the local character and context. Overall the proposed siting, height and massing of the

proposed development would be acceptable.

- 6.8 The proposals have been produced alongside a Daylight Sunlight Assessment submitted with the application. The stepping down in height and massing of the proposed block B01 has evolved as a result of these daylight assessments to ensure that the development would not have a detrimental impact on Bingham Close and the houses to the north of the site.
- 6.9 With respect to the density, the overall density of the site would be 12-13 dwellings per Hectare and has been determined using a design-led approach which optimises the site's capacity by positioning the development plots in underutilised area of the site, whilst also sensitively infilling the existing development. The proposals, in combination with the existing units on the estate, would result in an overall density of 40.8 dwellings per hectare which would be acceptable as a Medium density development.
- 6.10 Turning to the design, The Echoes at Seabrook Rise, and Bruyns Court at Derry Avenue, show that part-redevelopment of this type of post-war estate can successfully take place. While it is noted that in both the above examples the new development was on more distinct and separate land parcels within the wider site areas, so these sites were perhaps more straightforward to develop. However, as shown on these 2 sites, the mix of post-war and more modern architecture can successfully exist in proximity to one another.
- 6.11 As shown on the existing plans for the site, the existing layout of the site is currently restrictive and impractical. Access and movement across the site is currently restricted as a result of the high walls and blank flank elevations along Broxburn Drive and around the site as well as from the bin stores which are linked to the high walls. The high walls create a closed off relationship with the street. Additionally, several of the existing blocks are only accessible from the courtyard meaning that existing residents have to walk all the way round the walls in order to access their homes. Additionally, during the community engagement residents have fed back that they do not use the parking and garages at the rear of the site due to a lack of natural surveillance and overlooking.
- 6.12 The proposed scheme seeks to address these concerns raised by residents. The new block layouts and landscape improvement works will therefore open up the site and existing courtyards to Broxburn Drive, improving the relation of the site with the street. The high walls will be removed and infill corners created to enable the continuity of building lines and the creation of active frontages.
- 6.13 A new amenity courtyard and play space on the eastern boundary would be provided and will provide amenity benefits to future and existing residents.

Furthermore, the existing bin and other stores which form part of the high walls will be replaced or renovated, providing improved facilities for existing residents.

- 6.14 Much of the success of this scheme and its integration with the existing built form of the estate would come down to the careful use of design and choice of materials. The approach to window design and detailing, and the materials pallet have helped ensure the flats would not appear incongruous. A detailed design condition and materials samples condition have been included in the recommendation.
- 6.15 The proposed layout, density, massing and appearance of the proposals would be considered acceptable and in accordance with both local and national planning policies.

III. LANDSCAPING IMPACTS

- 6.16 Whilst the site has areas of open space, which comprise of amenity grassed areas with the occasional tree, it is clear that much of this space is not used effectively and its benefit is therefore somewhat limited for residents. The Council's Landscape and Ecology Officer welcomes new planting, the communal open space, natural play space and community gardens and comments that the submitted Landscape Strategy details how the grounds of the whole site will be enhanced with new planting and improved hard landscape materials and street furniture.
- 6.17 The Landscape and Ecology Officer also raises no objection to the loss of some of the smaller trees on the estate which are of (relatively) little value. The Landscape and Ecology Officer highlights the importance of retaining and protecting a Category A Oak tree, in the north eastern part of the site, which will require pruning to facilitate development. This will need to be undertaken with care to avoid significantly impacting the amenity of the tree. Subject to landscape conditions supports the proposals.

V. PROVISION OF SUITABLE RESIDENTIAL ENVIRONMENT

- 6.18 The proposals would provide an adequate level of internal floorspace for the units complying with the Technical housing standards - nationally described space standard. The external space around the existing and proposed units would be enhanced via the proposed detailed landscaping scheme. The provision of both internal and external amenity space would therefore be considered acceptable.

VI. ACCESS, TRAFFIC IMPACT AND CAR PARKING

- 6.19 A Transport Statement (TS) has been submitted with the application. The TS has assessed the capacity of the local highways network and the wider transport impacts of the proposal. This has concluded that the network has sufficient capacity to accommodate the impact of development without the need to deliver mitigation.
- 6.20 The site is located within close proximity of several bus stops with 5 different bus routes available and is also well served by railway links from Ockendon railway station which is located approximately 1.5km north of the site; taking approximately 25 minutes to walk. Additionally, there are pedestrianised routes from the site to a wide range of local services and facilities within 500m from the site in South Ockendon which encourage pedestrian movements. The site will also encourage pedestrian movement and access through its layout as the proposals include the provision of safe and direct footpath routes across the site.
- 6.21 The Council's Highway Officer sought further information regarding the quota of parking provision proposed and has commented that although some parking will be removed and replaced with the dwellings, the proposal shows there will be a sufficient number of parking spaces provide for the estate. Some alterations to the existing parking, and additional areas of parking, have been added and the applicant has carried out a parking survey which the Highways Officer agrees with.
- 6.22 Overall, the additional number of vehicles that will be using the site as a result of the development is not considered to be detrimental to the highway and, therefore, the Highways Officer raises no objection to the scheme subject to detailed conditions.

VII. EFFECT ON NEIGHBOURING PROPERTIES

- 6.23 The development proposals maximise the potential accommodation on site without harming the existing amenity of existing residents and those in neighbouring properties. Through the pre-application stage, and via the evolution of the detailed design of the scheme, careful consideration has been given to the positioning of development across the site in terms of the impact of the proposals on the amenity of neighbouring properties, particularly in respect of overlooking. This consideration is evident within the design proposals such as the proposals for the block at plot B01 as the stepped down massing of this block will limit the impact on Bingham Close and homes to the north of the site.
- 6.24 Overall the proposals would not result in any detrimental or adverse amenity impact to neighbouring property's light, privacy or amenity and would comply with Policy PMD1.

VIII. NOISE

- 6.24 Policy PMD1 outlines that development will not be permitted where it would cause or is likely to cause unacceptable effects on the amenity, health or safety of others or future residents. Given the proximity of parts of the development to the railway a Noise Impact Assessment was required to be submitted to clearly demonstrate what mitigation may need to be provided to overcome any harm identified from the railway resulting from that Assessment.
- 6.25 The Noise Impact Assessment has been submitted with the application and reviewed by the Council's Environmental Health Officer. The Environmental Health Officer has commented that noise levels were calculated to be 53 dB during the day and 47 dB during the night. Recommendations were provided in section 3.3 of the Assessment report setting out a minimum requirement of standard double glazing and trickle vents would be expected to provide approximately 25 dB reduction in noise, and therefore, internal noise level would be expected to comply with the BS8233 guidelines set out. However, an MVHR system is proposed, which would be suitable as well and provide further enhanced mitigation. As a consequence, the Environmental Health Officer is satisfied that the proposed mitigation measures will ensure the internal noise environment is acceptable and not adversely affected by the external noise sources. The applicant should be required to confirm that this minimum standard of acoustic mitigation or better has been installed in the proposed housing, which can be controlled via suitable planning condition.
- 6.26 In addition to the above acoustic mitigation condition, the Environmental Health Officer has recommended that due to the close proximity of existing residents a Construction Environmental Management Plan (CEMP) should be submitted and secured via appropriate planning condition, along with an hours of construction condition, both of which have been included. Subject to conditions, matters relating to noise and construction management would be considered acceptable.

IX. EDUCATION PROVISION

- 6.27 Given the scale of the development the proposal would generate a requirement for a contribution towards education provision. As a consequence, and following consultation with the Education team, the proposal would generate a requirement for a financial contribution towards Secondary and Nursery education levels only. The applicant has agreed to provide a contribution towards Secondary education amounting to £54,223.24, and £10,156.25 towards Nursery provision, which have a combined total contribution of £64,379.49. The applicant has agreed to provide this contribution.

X. HEALTH PROVISION

- 6.28 NHS Mid and South Essex has advised that the proposals would result in an existing square metre floor area deficit of 421.76 sq.m as a result of the development, and therefore seeks £16,900 in contributions towards primary care network locally. The applicant has agreed to provide this contribution.

XI. VIABILITY AND PLANNING OBLIGATIONS

- 6.29 The Core Strategy requires residential development schemes in excess of 10 units to provide 35% affordable housing. The scheme is a 100% affordable rented housing scheme. The proposed development is seeking to provide accommodation for an identified need within the Borough. Policy CSTP2 notes that in determining the amount and mix of Affordable Housing to be delivered, specific site conditions and other material considerations including viability, redevelopment of previously developed land or mitigation of contamination will be taken into account.
- 6.30 The Council's Housing team has been consulted and has commented that due to the location and flatted style of development the proposals fit with the housing need of the Council and supports the affordable housing provision proposed. The proposals would therefore comply with Policy CSTP2.

XII. OTHER MATTERS

- 6.31 Regarding flood risk and drainage, the site lies in Flood Zone 1, although it is also a Critical Drainage Area. The LLFA has been consulted and has recommended that permission be granted subject to a pre-commencement condition relating to a surface water drainage scheme for the development, which the applicant has agreed to. The proposals would therefore comply with Policies CSTP27 and PMD15 with regards to flood risk and drainage matters.
- 6.32 Following engagement with Essex Police, the application is aiming to be completed to a Silver certification Secured By Design standard, which is welcomed by Essex Police.

7.0 CONCLUSIONS AND REASON(S) FOR APPROVAL

- 7.1 The Council is supportive of making best use of land of this type in built up residential areas and the scheme is acceptable in principle. The proposal would

result in the creation of much needed affordable housing to a high standard of design as well as deliver landscape improvement and enhancements works across the existing estate.

7.2 In conclusion, the proposed scheme broadly accords with all the relevant policies in the Core Strategy and the impacts relating to highways, amenity and landscape matters would all be considered acceptable.

7.3 The proposal would provide 100% affordable housing by the Council, along with the required level of financial contributions towards education and healthcare provision and is recommended to members for approval.

8.0 RECOMMENDATION

8.1 Approve, subject to the following:

- i) the completion and signing of a Cabinet report securing the agreement and provision of, and securing the payment for, the following heads of terms:
 - 100 % Affordable Housing
 - Education contributions towards Secondary education amounting to £54,223.24, and £10,156.25 towards Nursery provision, with a combined total contribution of £64,379.49
 - NHS Mid and South Essex – healthcare contribution of £16,900 in contributions towards primary care network locally
- ii) the following planning conditions:

Standard Time Limit

1. The development hereby permitted must be begun not later than the expiration of 3 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:

Plan Number(s):		
Reference	Name	Received
13737-DB3-B01-XX-DR-A-20114F B01	Sections	16th December 2022
13737-DB3-B01-ZZ-DR-A-20111I B01	Proposed Floor Plans	16th December 2022
13737-DB3-B01-ZZ-DR-A-20112H B01	Proposed Floor Plans	16th December 2022
13737-DB3-B01-ZZ-DR-A-20113H B01	Proposed Plans	16th December 2022
13737-DB3-B01-ZZ-DR-A-20115G B01	Proposed Elevations	16th December 2022
13737-DB3-B01-ZZ-DR-A-20116F B01	Proposed Elevations	16th December 2022
13737-DB3-B02-ZZ-DR-A-20103G B02	Proposed Floor Plans	16th December 2022
13737-DB3-B02-ZZ-DR-A-20104E B02	Proposed Elevations	16th December 2022
13737-DB3-B02-ZZ-DR-A-20105D B02	Sections	16th December 2022
13737-DB3-B02-ZZ-DR-A-20106F B02	Roof Plans	16th December 2022
13737-DB3-B03-ZZ-DR-A-20107F B03	Proposed Floor Plans	16th December 2022
13737-DB3-B03-ZZ-DR-A-20108E B03	Proposed Elevations	16th December 2022
13737-DB3-B03-ZZ-DR-A-20109D B03	Sections	16th December 2022
13737-DB3-B03-ZZ-DR-A-20110F B03	Roof Plans	16th December 2022
13737-DB3-B04-ZZ-DR-A-20105G B04	Proposed Floor Plans	16th December 2022
13737-DB3-B04-ZZ-DR-A-20106E B04	Proposed Elevations	16th December 2022
13737-DB3-B04-ZZ-DR-A-20107D B04	Sections	16th December 2022
13737-DB3-B04-ZZ-DR-A-20108F B04	Roof Plans	16th December 2022

13737-DB3-B05-00-DR-A-20501H B05	Proposed Floor Plans	16th December 2022
13737-DB3-B05-01-DR-A-20502G B05	Proposed Floor Plans	16th December 2022
13737-DB3-B05-02-DR-A-20503H B05	Proposed Floor Plans	16th December 2022
13737-DB3-B05-03-DR-A-20504G B05	Roof Plans	16th December 2022
13737-DB3-B05-ZZ-DR-A-20505E B05A	Proposed Elevations	16th December 2022
13737-DB3-B05-ZZ-DR-A-20506E B05B	Proposed Elevations	16th December 2022
13737-DB3-B05-ZZ-DR-A-20507D B05A	Sections	16th December 2022
13737-DB3-B05-ZZ-DR-A-20508D B05B	Sections	16th December 2022
13737-DB3-S01-ZZ-DR-A-20000A	Location Plan	16th December 2022
13737-DB3-S01-ZZ-DR-A-20890C	Existing Site Layout	16th December 2022
13737-DB3-S01-ZZ-DR-A-20900D	Sections	16th December 2022
13737-DB3-S01-ZZ-DR-A-20901D	Sections	16th December 2022
AL9929_1000P	Existing Site Layout	16th December 2022
AL9929_1001P	Landscaping	16th December 2022
AL9929_1002P	Landscaping	16th December 2022

Reason: For the avoidance of doubt and to ensure the development accords with the approved plans with regard to policies PMD1 and PMD2 of the adopted Thurrock LDF Core Strategy and Policies for the Management of Development [2015].

Samples of Materials

- 3 Samples of all materials to be used in the construction of the external surfaces of the building(s) hereby permitted, shall be submitted to and approved in writing by, the Local Planning Authority, before any part of the development is commenced.

Reason: To ensure that the proposed development does not prejudice the appearance of the locality in accordance with Policy PMD2 of the Thurrock LDF Core Strategy and Policies for Management of Development 2015.

Proposed Parking Areas

- 4 Prior to the occupation of the buildings hereby approved, the proposed parking area, as indicated on Drawing No AL9929_1001P , shall be suitably surfaced, laid out and drained in accordance with details to be previously submitted to and approved in writing by the Local Planning Authority and constructed concurrently with the remainder of the development hereby approved.

Reason : To ensure that satisfactory off-street car parking provision is made in accordance with the Local Planning Authority's standards and in the interests of highway safety.

Construction Environment Management Plan

- 5 A Construction Environment Management Plan (CEMP) shall be submitted and approved by the Local Planning Authority prior to commencement of the development hereby approved, details to include:

- (a) Hours and duration of works on site - Restricting demolition and construction activities to the following hours: 08:00 to 18:00 Monday to Friday, 08:00 to 13:00 Saturdays with none on Sundays and Public Holidays;
- (b) Wheel washing and sheeting of vehicles transporting aggregates on to or off of the site;
- (c) Details of method to control wind-blown dust;
- (d) Noise mitigation measures having regard to BS 5228-1:2009+A1:2014 Code of practice for noise and vibration control on construction and open sites;
- (e) Details of construction access
- (f) Details of temporary hard standing
- (g) Details of temporary hoarding
- (h) Water management including wastewater and surface water drainage
- (i) Road condition surveys before demolition and after construction is completed.

with assurances that any degradation of existing surfaces will be remediated as part of the development proposals. Extents of road condition surveys to be agreed as part of this CEMP.

No bonfires should be permitted during demolition and construction activities.

All works and development shall be carried out in accordance with the approved CEMP and the measures contained therein.

Reason: To ensure construction phase does not materially affect the free-flow and

safe movement of traffic on the highway; in the interest of highway efficiency, safety and amenity.

Hours of Work

- 6 No demolition, building work or deliveries shall be carried out before 8am or after 6pm on Mondays to Fridays or before 9am or after 1pm on Saturdays and not at all on Sundays or Bank Holidays.

Reason: In the interests of the amenity of surrounding occupiers.

Parking / Turning Areas to Be Approved

- 7 Adequate loading, unloading, turning space and parking accommodation, all in accordance with the standards adopted by the Local Planning Authority, shall be constructed within the curtilage of the site to the satisfaction of and in accordance with details to be previously submitted to and approved in writing by the Local Planning Authority and shall be implemented before the development hereby approved is brought into use and thereafter permanently retained for such purposes to the satisfaction of the Local Planning Authority.

Reason: In the interests of highway safety.

Cycle Stores

- 8 Prior to the occupation of the development hereby approved details of the number, size, location, design and materials of secure and weather protected cycle parking/powered two wheelers facilities to serve the dwellings shall be submitted to and agreed in writing with the local planning authority. The agreed facilities shall be installed on site prior to the first occupation of the dwellings and shall thereafter be permanently retained for sole use as cycle parking/powered two wheelers facilities for the users and visitors of the development.

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].

Soundproofing/Noise Insulation

- 9 Prior to the commencement of development above ground level, the developer shall submit a scheme for noise insulation of the proposed dwellings, which will need to be agreed in writing with the local planning authority. The scheme shall

reflect the detail within the Noise Assessment ref. NDT6724/213580/0 dated November 2022 prepared by Spectrum Acoustic Consultants, and assess the noise impact from railway noise upon the proposed dwellings, and shall propose appropriate measures so that all habitable rooms will achieve a minimum of 'good' internal levels as specified by BS8233:2014, BS6472-1 and BS4142:2014 + A1:2019. The scheme shall identify and state the glazing specifications for all the affected windows, including acoustic ventilation, where appropriate. 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 Urban Drainage System

- 10 Prior to commencement (excluding demolition) a surface water drainage scheme for the development, based on the submitted sustainable drainage strategy, shall be submitted to and approved in writing by the Local Planning Authority. Details shall include:

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 2l/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.

Reason: To ensure compliance with the National Planning Policy Framework and the Non-Statutory Technical Standards for Sustainable Drainage Systems, and to ensure the proposed development is safe from flooding and does not cause flooding elsewhere.

Landscaping Plan

- 11 No construction works in association with the erection of the dwellings hereby permitted shall commence on site until a scheme of hard and soft landscaping has been submitted to and approved in writing by the Local Planning Authority, the details of which shall include:
- (a) All species, planting sizes and planting densities, spread of all trees and hedgerows within or overhanging the site, in relation to the proposed buildings, roads, and other works;
 - (b) Finished levels and contours;
 - (c) Means of enclosure;
 - (d) Minor artefacts and structures (e.g. furniture, play equipment, refuse and other storage units including any private cycle store, signs and lighting);
 - (e) External surface material for parking spaces, pedestrian accesses.
 - (f) Tree protection measures and details of the proposed management of the retained trees and hedges
 - (g) Specific tree protection measures and details of the Category A Oak tree at the site
 - (h) Any preserved trees which it is proposed to remove and their suitable replacement elsewhere within the site

All soft landscaping comprised in the approved details of landscaping shall be carried out in the first planting and seeding season following the first occupation of the building(s) or the completion of the development whichever is the sooner. All shrubs, trees and hedge planting shall be maintained free from weeds and shall be protected from damage by vermin and stock. Any trees or plants which, within a period of five years, die, are removed, or become seriously damaged or diseased shall be replaced in the next planting season with others of a similar size and species, unless otherwise agreed in writing by the Local Planning Authority. All hard landscaping shall also be carried out in accordance with the approved details prior to the occupation of any part of the development or in accordance with a programme to be agreed in writing with the Local Planning Authority.

Reason: In the interests of the character and visual amenities of the area in accordance with Policy PMD2 of the Core Strategy 2015.

Design Details

- 12 Notwithstanding the submitted plans, prior to the commencement of development details shall be submitted to the Local Planning Authority showing the following:
- Window design, including recesses and cills

- Door design, including any recesses
- Gutters, fascia and soffits

Thereafter, development shall be carried out strictly in accordance with the details approved.

Reason: In the interests of the character and visual amenities of the area, in accordance with Policies PMD2 and CSTP22 of the Core Strategy 2015.

Informatives:

Positive and Proactive Statement

The Local Planning Authority has acted positively and proactively in determining this application by assessing the proposal against all material considerations, including planning policies and any representations that may have been received and subsequently determining to grant planning permission in accordance with the presumption in favour of sustainable development, as set out within the National Planning Policy Framework.

Highway Authority Consent

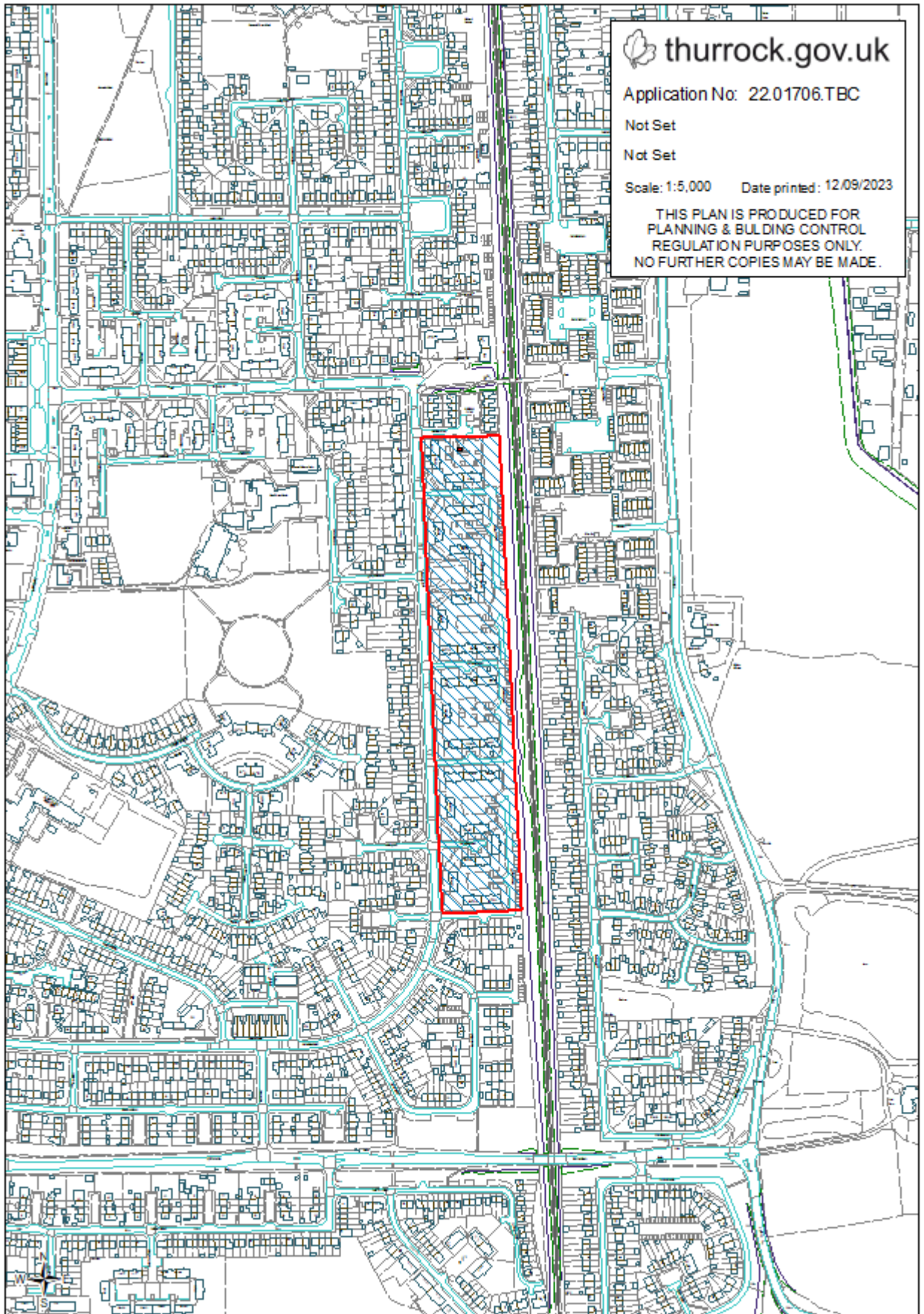
Any works, which are required within the limits of the highway reserve, require the permission of the Highway Authority and must be carried out under the supervision of that Authority's staff. The Applicant is therefore advised to contact the Authority at the address shown below before undertaking such works.

Highways Department,
Thurrock Council,
Civic Offices,
New Road,
Grays Thurrock,
Essex. RM17 6SL

Documents:

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

www.thurrock.gov.uk/planning



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21 September 2023	ITEM: 10
Planning Committee	
London Gateway Logistics Park Local Development Order (Plot 2050)	
Wards and communities affected: Corringham and Fobbing Stanford-le-Hope West Stanford East and Corringham Town The Homesteads	
Report of: Matthew Gallagher, Major Applications Manager	
Accountable Strategic Lead: Louise Reid, Strategic Lead Development Services	
Accountable Director: Mark Bradbury, Interim Director of Place	

Executive Summary

Previous reports presented to the Planning Committee meetings in July 2021 and February 2023 referred to the planning consenting regime for securing the delivery of strategic employment development at London Gateway logistics park, to ensure that the economic growth, jobs and investment at the park continue to be delivered in an efficient and sustainable manner.

The previous reports explained that development on the logistics park site has been subject to the provisions of a Local Development Order (LDO1) since 2013. As this Order is time-limited, the reports explained that the preparation and making (adoption) of a new Order (referred to as 'LDO2') is required because the existing Order will expire in November 2023. The reports also provided updates on preparation of LDO2 and granted Officers delegated authority to progress LDO2 up to and including the stage of statutory consultation.

DP World London Gateway (DPWLG) have recently approached Officers regarding their ongoing commercial discussions with potential plot occupiers and the planning mechanism for securing planning consent to enable prompt development up to 85,000 sq.m. of floorspace. In section 6 below, the report below considers this floorspace in the context and timeframes of the existing LDO1, the emerging LDO2 and considers other planning mechanisms for delivery. The mechanism recommended is a limited LDO (referred to as LDO1.5) to enable the delivery of up to 85,000 sq.m of floorspace which is intended to be adopted after the expiry of LDO1 and before LDO 2.

1. Recommendation

- 1.1 To note this report and delegate authority to the Strategic Lead Development Services and Major Applications Manager to progress preparation of LDO1.5 in respect of up to 85,000 sq.m. of commercial floorspace, including the stages of Environmental Impact Assessment (EIA) screening and also including delegated authority to undertake statutory consultation and publicity as soon as draft LDO1.5 and supporting documentation is complete.**

2. Planning Background

- 2.1 A planning application for the redevelopment of the former Shell Haven oil refinery site was submitted to the Council in January 2002 (application reference 02/00084/OUT). The application was subsequently “called-in” by the Secretary of State in June 2002 and a public inquiry was held during 2003. This inquiry also considered an application for a Transport and Works Act Order for works to various railways adjoining the site and a proposed Harbour Empowerment Order, for a new port adjacent to the River Thames. Outline planning permission was granted by the Secretary of State on 30th May 2007.
- 2.2 The London Gateway Logistics and Commercial Centre Order 2007, issued pursuant to the Transport and Works Act, came into force on 28th September 2007. The London Gateway Port Harbour Empowerment Order 2008 (HEO) came into force on 16th May 2008 and the dredging operations necessary to create the new port commenced in March 2010. The first berth at London Gateway Port came into operational use in November 2013. Currently three berths are in use at the Port, with a fourth berth currently under construction and due for completion in 2024.
- 2.3 The development consented by the outline planning permission from May 2007 comprised the construction of a road and rail linked logistics and commercial centre, comprising up to approximately 938,600sq.m of employment-generating floorspace. The planning permission was subject to a s106 legal agreement and a large number of planning conditions. Following the grant of outline planning permission, the former Thurrock Thames Gateway Development Corporation (TTGDC) determined a number of applications from the owners of the site DP World London Gateway (DPWLG) for the discharge of planning conditions, variation or non-compliance with planning conditions (under s73 of the Town and Country Planning Act 1990) and a reserved matters application. Commencement of the development approved under the 2007 permission was undertaken by DPWLG in the form of the construction of a section of internal estate road.
- 2.4 However, between 2008 and 2010 it became clear to DPWLG, the former TTGDC and the Council that development pursuant to the outline planning permission would be complex. This conclusion was reached principally because the legal effect of the s73 planning consents was to create a number

of new, stand-alone planning consents, in addition to the original outline planning permission (ref. 02/00084/OUT). This had the potential to create uncertainty with regard to what had been permitted on the site and which consent had been implemented. The original planning permission was also subject to a large number of planning conditions (96 in total). This factor, alongside the multiple consents, resulted in a complex layers of conditions which could have led to confusion concerning the status and monitoring of conditions.

- 2.5 In light of these complexities in the planning consents process, in 2011 DPWLG liaised with both the former TTGDC and the Council to assess the options for achieving greater certainty in the planning process, whilst still maintaining the nature of the consented development and its associated safeguards. After consideration of the various options available, it was concluded that a Local Development Order (LDO1) was the best method of delivering the development consented by the outline planning permission.

3 Nature and Status of LDOs

- 3.1 The provisions covering LDO's are contained within the Town and Country Planning Act 1990 as amended. Primary legislative provisions relating to LDO's were introduced by the Planning and Compulsory Purchase Act 2004, which commenced in 2006. These powers were amended by commencement of Sections 188 and 189 of the Planning Act 2008 in June 2009.
- 3.2 A LDO grants planning permission for the type of development specified in the Order, and by doing so, removes the need for a planning application to be made by a developer / landowner. The power to make an LDO rests with the local planning authority (LPA). LDO's are flexible in that they can apply to a specific site, or to a wider geographical area and can grant planning permission for a specified type or types of development. Conditions may be attached to a LDO or a LDO may grant planning permission unconditionally. The adoption of an LDO can offer benefits to developers in exempting specified developments from the need to apply for a specific planning permission. Thereby, developers will save the time and cost of submitting a planning application. LDO's can also provide certainty to developers and investors by defining what development is acceptable on a site and thereby the development which can be undertaken without the need for express planning permission.
- 3.3 An LDO does not remove the need to comply with any environmental legislation. Therefore, the LPA is responsible for ensuring that any requirements under the Environmental Impact Assessment (EIA) Regulations or Habitats Regulations are met.
- 3.4 As noted above, legislation enables a LDO to be granted unconditionally, or subject to conditions as a means of ensuring that a development will be acceptable in planning terms. Potential conditions on a LDO could, for example, limit the types and scale of development permitted, require

development to comply with design criteria (such as a design code or masterplan) and could require actions to be undertaken prior to, or during development (such as highway improvements). Any conditions attached to a LDO have to pass the same tests as conditions attached to a normal grant of planning permission i.e. necessary, relevant to planning and the development, enforceable, precision and reasonable in all other respects.

- 3.5 Provisions allow for the monitoring and enforcement of LDOs and it is possible to use a planning condition to require a developer to notify the LPA when development under an LDO is undertaken. A LDO does not influence existing permissions or permitted development rights within the area covered by the Order.
- 3.6 A s106 obligation cannot be required under a LDO, as the LDO constitutes a grant of planning permission. However, this does not prevent a s106 obligation being offered by the developer and negotiated with the LPA.
- 3.7 Where any proposed development within the site of the LDO falls outside the scope of the Order, or the accompanying conditions, a planning application would need to be submitted for consideration and determination in the normal manner. LDOs are normally time limited.
- 3.8 In summary, the key stages in the LDO comprise: (i) preparation of documentation; (ii) consultation; (iii) consideration of representations; and (iv) adoption.

4. The Existing LDO

- 4.1 As noted above, both the Council and the former TTGDC resolved to progress an LDO for the commercial and logistics park site at the end of 2011 / early 2012. This decision was taken following resolutions of the Full Council and Planning Committee of the former TTGDC. Unlike a conventional planning application where some details can be submitted after the grant of permission via planning conditions or the submission of applications for the approval of reserved matters, the full details, justification and evidence for the development to be permitted by an LDO must be provided 'upfront'. Work on the preparation of documentation for the current LDO1 commenced in 2012. In June 2013 the draft LDO1 was completed and Full Council resolved to proceed with formal consultation and publicity.
- 4.2 Following a 6-week consultation period, followed by a limited re-consultation (to address changes to the Travel Plan and LDO1 drafting), Full Council resolved to make the LDO1 in November 2013. The matter was referred to the Secretary of State, who did not intervene, and the LDO1 was made on 7 November 2013.
- 4.3 In summary, the LDO1 grants permission for:
 - 829,700sq.m of commercial floorspace within Use Classes B1(b), B1(c), B2 and B8,

- changes of use between the Use Classes listed above;
 - associated infrastructure; and
 - site preparation works.
- 4.4 LDO1 is subject to a number of planning conditions which apply both to the four components of development described above and generally across the LDO1 site. Development permitted by the LDO1 is also subject to adherence with 'compliance' documents, comprising a Design Code, Code of Construction Practice and an Ecological Mitigation and Management Plan. A s106 agreement accompanied the LDO1 which principally addresses reducing the impacts of the development on transport networks. LDO1 is time-limited and will expire in November 2023.
- 4.5 One of the general planning conditions applying to the LDO1 site requires that, prior to commencement of development, details and plans of development are submitted to the LPA using a prior notification form (LDOPND). Since the making of the LDO in November 2013 a number of LDOPND submissions have been made for elements of infrastructure and buildings on development plots. At the time of writing 15no. buildings have been subject to the LDOPND process totalling c.315,000sq.m of commercial floorspace, comprising primarily Class B8 warehouse development with ancillary office floorspace. This floorspace is either built and occupied / vacant, under construction or awaiting commencement. A further c.11,000 sq.m. of warehouse floorspace on Plot 4040 was confirmed as being permitted by the LDO last year, although it was subsequently determined that a separate, stand-alone permission would be required for this Plot. A planning application has now been submitted for Plot 4040. Existing occupiers on the LDO site include Currys, UPS, Lidl and DHL.

5 LDO2

- 5.1 As noted above, LDO1 will expire in November 2023. LDO1 has been successful in simplifying the planning consenting regime for development at the logistics park and offers clear commercial benefits to DPWLG as potential occupiers can proceed with development on-site in a relatively short space of time. Members of the Committee may be aware of the emerging proposals for the 'Thames Freeport' which includes the London Gateway site. It is considered that the benefits of a simplified planning regime conferred by an LDO1 have synergies with Freeport status. Therefore, both Officers and DPWLG recognise the benefits of preparing and making LDO2.
- 5.2 The reports presented to both the July 2021 and February 2023 meetings of the Committee provided updates on progress with LDO2. In summary, Officers have completed a Planning Performance Agreement (PPA) with DPWLG which includes provisions ensuring that the Council's costs associated with the appointment of consultants are covered by DPWLG – as it is DPWLG as landowner and developer who shares in the benefits conferred by the Order. The PPA also secures funds to ensure that there is sufficient Officer resource to progress and complete LDO2.

- 5.3 Environmental consultants are currently finalising the ES and a firm of planning consultants, who were involved with the original LDO, have been instructed to assist Officers with management of the project and preparation of the Order itself, Statement of Reasons etc. Finally, an external legal advisor has also been procured to ensure that the steps taken by the local planning authority in the making of LDO2 are legally robust. A legal firm will be appointed to negotiate and complete a s106 agreement on behalf of the Council.
- 5.4 A draft of LDO2 (i.e. the development to be permitted with accompanying restrictions and conditions) has been prepared. In broad terms draft LDO2 is similar to LDO1 in that Schedule 1 of draft permits new industrial and warehousing development, changes of use, associated infrastructure and site preparation works. However, unlike the existing Order, draft LDO2 seeks to reflect the updated Use Classes Order and introduce a greater range of ancillary floorspace in addition to ancillary offices. The draft includes provision for limited food and drink, gym, creche and shop floorspace to serve the needs of employees on the site. A wider range of ancillary uses, though subject to limitations on floorspace, is considered reasonable in planning terms given the size of the development and number of employees on-site.
- 5.5 The total amount of floorspace to be permitted by draft LDO2 is c.738,000 sq.m which is a reduction from the c.829,000 sq.m permitted by the existing Order. This reduced figure is largely due to the market demand for a larger number of smaller plots and buildings, whereas LDO1 envisaged larger buildings of up to 150,000 sq.m floorspace. Draft LDO2 also proposes a smaller proportion of Class B2 general industrial floorspace compared with LDO1, again reflecting strong market demand for Class B8 warehouse use.
- 5.6 Although progress is being made with the preparation of LDO2, the current project timeframe suggests that LDO2 will not be adopted until Spring 2024.

6 Proposed LDO1.5

- 6.1 DPWLG have recently approached Officers regarding potential development of up to 85,000 sq.m of commercial floorspace on land within the logistics park site which presently benefits from LDO1. It is understood that commercial negotiations are ongoing involving buildings totalling up to 85,000 sq.m. floorspace which would represent a significant investment, with associated economic benefits. However, detailed design for building work and other development has not progressed to a point where a 'prior notification' can be submitted to the Council under LDO1. It would not be possible to commence development before LDO1 time-expires this November.
- 6.2 In terms of options for securing planning consent to enable development of this floorspace , it would not be possible to build-out via any approval of reserved matters pursuant to the original outline planning permission (ref. 02/00084/OUT). This is because the ES which was prepared to accompany

the original application for outline planning permission (submitted in 2002) is now largely out-of-date and its conclusions could not be safely relied upon.

- 6.3 Another option considered by Officers and DPWLG would be a stand-alone planning application seeking full planning permission for the development. However, preparation of such an application with accompanying documentation and the subsequent determination by the Council of the application would take many months. Such a delay, with resultant uncertainty, could jeopardise the delivery of this development and so this is not a practicable option.
- 6.4 Although LDO2 is being progressed now, the time delay between the ongoing commercial discussions (between DPWLG and the potential occupier(s)) and the intended adoption of LDO2, with a subsequent prior notification submission to the Council also add unacceptable uncertainty and are not a viable option.
- 6.5 As noted above, the proposals for the floorspace will not be ready in time to benefit from being part of LDO1 (which time-expires in November) but are expected to be ready before adoption of LDO2 in c.Spring / Summer 2024. The proposed floorspace in question (up to 85,000 sq.m) would fall within that gap of time. The most realistic option to enable a planning submission seeking confirmation that development can proceed to deliver the floorspace and resultant economic benefits is through a revision to the current LDO, (LDO 1.5) which would allow up to 85,000 sq.m. of B2/B8 floorspace in advance of LDO2 coming 'on-line'. There is currently a 400,000 sq.m. restriction on the amount of floorspace that can be occupied prior to the practical completion and commissioning of the single common user siding permitted under LDO1. The need for the common user siding is being considered as part of proposals for LDO2 given the ability of the Park operators to provide a shunting facility which will enable freight from across the Park to make use of the railway connection. Consideration also needs to be given as part of LDO2 to the feasibility of providing a public transport link to the Thames Enterprise Park site if the common user siding were in place. It is therefore proposed to increase the 400,000sq.m. threshold to 415,000 sq,m in LDO1.5 as the addition of 85,000sq.m. would exceed the original threshold and would therefore limit the amount of development that could come forward.
- 6.6 In summary, LDO1.5 would allow for up to 85,000 sq.m of B2/B8 floorspace and would enable a decision on the common user siding to be considered as part of LDO2 whilst allowing for development for which there is currently commercial interest as expediently as possible. It would have the effect of allowing a prior notification submission to the Council after LDO1 expires, but in advance of LDO2. LDO1.5 would need to be screened pursuant to the EIA Regulations, would require supporting documentation (i.e. Statement of Reasons etc.) and would be subject to statutory consultation.
- 6.7 Officers are intending to present a report to Cabinet in November which asks that Cabinet recommend to a subsequent Full Council meeting (also in

November) that authority is delegated to a future meeting of the Planning Committee to adopt LDO2. Revisions to these Cabinet and Full Council reports are required to also include reference to the adoption of LDO1.5 by the Planning Committee. However, the recommendation above now asks that Planning Committee delegate authority to Officers to progress the preparation of LDO1.5 up to including the consultation stage. As per the reports to Cabinet and Full Council in November, authority on whether or not to adopt LDO1.5 would be a matter for Planning Committee.

Conclusion

- 7.1 Commercial discussions are ongoing between DPWLG and potential occupier(s) the delivery of up to 85,000 sq.m of commercial floorspace on the logistics park site. The proposals would also involve a significant investment into the logistics park site and would offer potential benefits for job creation and expenditure in the local economy.
- 7.2 With the imminent expiration of LDO1, Officers and DPWLG have reviewed options for securing the planning consent necessary for development on the plot to proceed. The most realistic option is for the Council to progress and adopt a limited Order, referred to as LDO1.5. The Planning Authority is asked to delegate authority to Officers so that LDO1.5 can be progressed up to and including statutory consultation.

8 Consultation (including overview and scrutiny, if applicable)

N/A

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

- 9.1 The London Gateway site, comprising both London Gateway port and London Gateway logistics park, is one of the Council's regeneration and growth hubs. Indeed due to the scale of the site, the port and logistics park have a wider sub-regional importance. The ongoing development of the logistics park site, via LDO2 and the plot-specific LDO1.5, will make a significant contribution to the delivery of the Council's growth and regeneration ambitions.

10 Implications

10.1 Financial

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

A Planning Performance Agreement (PPA) has already been agreed which will meet the Council's costs in respect of the progression and adoption of LDO2. Either a revision to the existing PPA or a separate PPA specific to LDO1.5 will be negotiated and completed to ensure that the Council's cost are covered. There are no expected additional costs for the Council.

10.2 Legal

Implications verified by: **Caroline Robins**
Locum Principal Planning Solicitor

Given the nature of this report and the recommendation there are not considered to be any legal implications directly arising from it. The following is by way of background information on the relevant legal context. Sections 40 and 41 of the Planning and Compulsory Purchase Act 2004 inserted sections 61A and D into the Town and Country Planning Act 1990. It is at the discretion of the local planning authority as to whether to make an LDO and a local planning authority can choose to restrict the scope of an LDO. Schedule 4A of the Town and Country Planning Act 1990 and articles 38 and 41 of the Town and Country Planning (Development Management Procedure) (England) Order 2015 will be relevant to the progression of LDO2.

The procedures for the preparation, consultation / publicity and making on an LDO are set out in primary and secondary legislation. The provisions of both the Environmental Impact Assessment and Habitats Regulations will apply to LDO2 and LDO1.5.

The existing LDO1 is accompanied by a s106 legal agreement and it is likely that a new s106 will be negotiated in parallel with LDO2 and LDO1.5.

The proposed delegations will enable the timely undertaking of the EIA screening and if necessary scoping, HRA screening and subsequent consultation.

10.3 Diversity and Equality

Implications verified by: **Natalie Smith**
Strategic Lead Community Development and Equalities

The Environmental Statement supporting LDO2 will include an assessment of the socio-economic effects of the development. Any ES accompanying LDO1.5 may include a similar assessment. Prior to any Planning Committee decision to make LDO2 and LDO1.5, a formal consultation and engagement process, will be undertaken.

10.4 Other implications (where significant – i.e. Staff, Health Sustainability, Crime and Disorder)

None.

11 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 planning documents including the existing LDO and other supporting documentation can be viewed online:

www.thurrock.gov.uk/growth.

12 Appendices to the report

- None

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Major Applications Manager

