

<p>Reference: 17/00727/FUL</p>	<p>Site: Iron Latch The Manorway Coryton Essex SS17 9LE</p>
<p>Ward: Corringham And Fobbing</p>	<p>Proposal: The construction and operation of a HGV service centre comprising a 390sq.m. two-storey office building (Use Class B1(a)), a 634sq.m. workshop building (Use Class B2) and ancillary development including revised site access arrangements, footways, cycleways, parking areas, re-surfacing, landscaping, drainage, lighting, utility connections , street furniture and boundary treatments.</p>

Plan Number(s):		
Reference	Name	Received
P-001 A	Location Plan	1st June 2017
P-002 B	Site Layout	1st June 2017
P-310 C	Elevations	1st June 2017
P-300 C	Elevations	1st June 2017
P-320 C	Elevations	1st June 2017
P-120 C	Roof Plans	1st June 2017
P-100 C	Floor Layout	1st June 2017
P-110 C	Floor Layout	1st June 2017
P-170 A	Proposed Plans	1st June 2017
P-330 C	Elevations	1st June 2017
P-340 C	Elevations	1st June 2017
P-140 D	Roof Plans	1st June 2017
P-130 C	Floor Layout	1st June 2017
P-150 C	Other	1st June 2017
P-160 B	Other	1st June 2017
P-011 B	Proposed Site Layout	1st June 2017
P-190 A	Other	1st June 2017
P-180 B	Other	1st June 2017
FIT-001 P01	Other	1st June 2017
10-001	Other	1st June 2017

10-005	Other	1st June 2017
10-006	Other	1st June 2017
P-200 D	Sections	1st June 2017
P-010-E	Proposed Site Layout	9th August 2017

The application is also accompanied by:

- Planning Statement
- Planning Statement Supplemental Note: August 2017
- Flood Risk Assessment
- Preliminary Ecological Appraisal
- Transport Statement
- Phase I Environmental Assessment
- A Short Form Archaeological Project Design

Applicant:

LG Park Leasehold Ltd

Validated:

1 June 2017

Date of expiry:

29th September 2017 (Extension of time agreed with applicant)

Recommendation: Approve, subject to referral to the Planning Casework Unit and conditions.

1.0 DESCRIPTION OF PROPOSAL

1.1 This application seeks planning permission for the construction of a 390 sqm two storey office building, which would be 9.67m high and sited towards the south western part of the site; a 634sqm workshop building, which would be 8.1m high and would be centred within the main part of the site with HGV parking areas to the north and south of the building; and a wash bay building 8.45m high, sited to the south east corner of the site.

1.2 In addition to the above development the following is also proposed:

- The installation of a new vehicle access into the site to the west of the existing access points (the existing access point would be closed up and this part of the site would be used for trailer parking);
- New 2.3m high welded steel gates and fencing around the boundary of the site to replace the existing galvanised palisade fencing;
- A refuse storage area adjacent to the new access;
- A cycle store located in the south western corner of the site near the office building;

- 41 HGV parking space;
- 18 car parking spaces; and
- Lighting facilities including 7 flood lights columns and lighting attached to the office and workshop building.

2.0 SITE DESCRIPTION

2.1 This L-shaped site covers an area of 1.66 hectares and is located to the east of Stanford-le-Hope and to the southeast of Corringham and Fobbing. The site is located to the north of the Manorway (A1014) with an electricity substation to the east. To the south is the London Gateway port and logistics park development. To the north is the Fobbing marshes including a Local Wildlife Site [LWS] and a Site of Special Scientific Interest [SSSI] beyond.

2.2 The site has a long history of commercial development and the site was occupied by buildings until 2014 when they were demolished to allow the site to be used for the parking of HGV’s associated with the adjacent London Gateway Port. The site has an extensive planning history for industrial and commercial uses, with associated building and structures approved under subsequent planning applications.

2.3 The site is located within the Metropolitan Green Belt and is located within a high risk flood zone [Flood Zone 3].

3.0 RELEVANT HISTORY

The site has a long history of commercial development which is set out in the table below:

Application Reference	Description of Proposal	Decision
08/00992/FUL	A pre-fabricated re-locatable building with 3 roller shutters doors to front.	Approved
08/00392/FUL	Proposed demountable, re-locatable workshop building to be located on yard area.	Refused
08/00053/FUL	Proposed demountable, re-locatable workshop building to be located on yard area.	Refused
92/00625/FUL	Installation of 3 No, 10 metre high lighting columns in trailer parking area	Approved
91/00756/FUL	Installation of 2 No 16 metre high lighting columns in trailer parking yard	Refused
88/00938/FUL	The demolition of existing workshop building and construction of new 4 bay workshop building and canopy to existing workshop building.	Approved
87/00597/FUL	New chain link fencing and form new car and lorry parking areas.	Approved

79/00996/FUL	Extension to existing tanker bay.	Approved
74/01188/FUL	Tanker bay maintenance of road tankers.	Approved
73/00575/FUL	Tanker bay for maintenance of road tankers	Approved
69/00315/FUL	Proposed new bypass roads alongside A13.	Approved
69/00508/FUL	Additional workshop facilities.	Approved
67/00789/FUL	Modification to entrance and patrol hut.	Approved
67/00404/FUL	Office and toilet extension.	Approved
56/00399B/FUL	Repair Depot and offices (amended plan)	Approved
56/00399A/REM	Erection of a garage and repair shop with a floor area of 5,820 sq. ft., together with the provision of parking facilities for cars and oil transport vehicles at Manor Way Road, Stanford-le-Hope, in accordance with the attached plans.	Approved
56/00399/OUT	Erection of a garage and repair shop, a fuelling island, and provision of parking space for cars and oil transport vehicles, at Manor Way Road, Stanford-le-Hope, as shown on the attached plan.	Approved

4.0 CONSULTATIONS AND REPRESENTATIONS

PUBLICITY:

4.1 This application has been advertised by way of individual neighbour notification letters, press notice and public site notice which has been displayed nearby. The proposals have been advertised as a major development and as a departure from the development plan. No written responses have been received.

4.2 ENVIRONMENTAL HEALTH OFFICER:

No objection, subject to conditions.

4.3 FLOOD RISK MANAGER:

No objection, subject to conditions.

4.4 ENVIRONMENT AGENCY:

No objection.

4.5 HIGHWAYS

No objection, subject to conditions.

4.6 ESSEX & SUFFOLK WATER:

No objection.

4.7 BRITISH PETROLEUM AGENCY:

No objection, subject to conditions.

4.8 LANDSCAPE AND ECOLOGY ADVISOR:

No objection, subject to conditions.

4.9 ECC ARCHAEOLOGICAL ADVICE:

No objection. The application site lies within an area where there are potential archaeological deposits surviving. The advisor commented the applicants have archaeological consultants on board and they have provided an agreed programme of work which would be undertaken if deep ground works are required.

4.10 HEALTH AND SAEFTY EXECUTIVE:

No objection.

5.0 POLICY CONTEXT

National Planning Guidance

National Planning Policy Framework (NPPF)

5.1 The NPPF was published on 27th March 2012. Paragraph 13 of the Framework sets out a presumption in favour of sustainable development. Paragraph 196 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 197 states that in assessing and determining development proposals, local planning authorities should apply the presumption in favour of sustainable development.

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

1. Building a strong, competitive economy;
4. Promoting Sustainable Transport;
7. Requiring good design;
9. Protecting Green Belt;
10. Meeting the challenge of climate change, flooding and coastal change;
11. Conserving and enhancing the natural environment.
12. Conserving and enhancing the historic environment

Planning Practice Guidance

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

- Climate Change;
- Conserving and enhancing the historic environment;
- Design;
- Determining a planning application;
- Flood risk and coastal change;
- Health and Wellbeing;
- Land affected by contamination
- Natural Environment;
- Noise
- Planning obligations
- Transport evidence bases in plan making and decision taking
- Travel Plans, Transport Assessments and Statements;
- Use of Planning Conditions
- Waste
- Water supply, wastewater and water quality.

Local Planning Policy

Thurrock Local Development Framework (2011)

5.4 The Council adopted the “Core Strategy and Policies for the Management of Development Plan Document” in December 2011. The following Core Strategy policies apply to the proposals:

Overarching sustainable development policy

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

Spatial Policies:

- CSSP4: (Sustainable Green Belt)
- CSSP5: (Sustainable Greengrid)

Thematic Policies:

- CSTP6: (Strategic Employment Provision)
- CSTP12:(Education and Learning)
- CSTP15: (Transport in Greater Thurrock)
- CSTP16: (National and Regional Transport Networks)
- CSTP17: (Strategic Freight Movement and Access to Ports)
- CSTP18: (Green Infrastructure)
- CSTP19: (Biodiversity)
- CSTP22: (Thurrock Design)
- CSTP23: (Thurrock Character and Distinctiveness)²
- CSTP25: (Addressing Climate Change)²
- CSTP27: (Management and Reduction of Flood Risk)²

Policies for the Management of Development:

- PMD1: (Minimising Pollution and Impacts on Amenity)²
- PMD2: (Design and Layout)²
- PMD4: (Historic Environment)²
- PMD6: (Development in the Green Belt)
- PMD7: (Biodiversity, Geological Conservation and Development)²
- PMD8: (Parking Standards)³
- PMD9: (Road Network Hierarchy)
- PMD10: (Transport Assessments and Travel Plans)²; and
- PMD15: (Flood Risk Assessment)²
- PMD16: (Developer Contributions)²

[Footnote: ¹New Policy inserted by the Focused Review of the LDF Core Strategy. ²Wording of LDF-CS Policy and forward amended either in part or in full by the Focused Review of the LDF Core Strategy. ³Wording of forward to LDF-CS Policy amended either in part or in full by the Focused Review of the LDF Core Strategy].

Focused Review of the LDF Core Strategy (2014)

- 5.5 This Review was commenced in late 2012 with the purpose to ensure that the Core Strategy and the process by which it was arrived at are not fundamentally at odds with the NPPF. There are instances where policies and supporting text are recommended for revision to ensure consistency with the NPPF. The Review was submitted to the Planning Inspectorate for independent examination in August 2013. An Examination in Public took place in April 2014. The Inspector concluded that the amendments were sound subject to recommended changes. The Core Strategy and Policies for Management of Development Focused Review: Consistency with National Planning Policy Framework Focused Review was adopted by Council on the 28th February 2015.

Draft Site Specific Allocations and Policies DPD

- 5.6 This Consultation Draft “Issues and Options” DPD was subject to consultation commencing during 2012. The Draft Site Specific Allocations DPD ‘Further Issues and Options’ was the subject of a further round of consultation during 2013. The Planning Inspectorate is advising local authorities not to continue to progress their Site Allocation Plans towards examination whether their previously adopted Core Strategy is no longer in compliance with the NPPF. This is the situation for the Borough.

Thurrock Core Strategy Position Statement and Approval for the Preparation of a New Local Plan for Thurrock

- 5.7 The above report was considered at the February meeting 2014 of the Cabinet. The report highlighted issues arising from growth targets, contextual changes, impacts of recent economic change on the delivery of new housing to meet the Borough’s Housing Needs and ensuring consistency with Government Policy. The report questioned the ability of the Core Strategy Focused Review and the Core Strategy ‘Broad Locations & Strategic Sites’ to ensure that the Core Strategy is up-to-date and consistent with Government Policy and recommended the ‘parking’ of these processes in favour of a more wholesale review. Members resolved that the Council undertake a full review of Core Strategy and prepare a new Local Plan

Thurrock Local Plan

- 5.8 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. It is currently anticipated that consultation on an Issues and Options (Stage 2 Spatial Options and Sites) document will be undertaken later this

year.

6.0 ASSESSMENT

6.1 With reference to procedure, this application has been advertised as a departure from the Development Plan and as a major development. Any resolution to grant planning permission would need to be referred to the Secretary of State under the terms of the Town and Country Planning (Consultation) (England) Direction 2009 with reference to the 'provision of a building or buildings where the floorspace to be created by the development is 1,000 square metres or more'. The Direction allows the Secretary of State a period of 21 days (unless extended by direction) 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. The Secretary of State 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.

6.2 The main issue for consideration in this case is the consideration of Green Belt matters, in particular:

- whether the proposals constitute inappropriate development with reference to the NPPF and development plan policy;
- impact on the open nature and character of the Green Belt;
- if the development is inappropriate, 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 the development.

6.3 The assessment below covers the following material considerations:

- I. Principle of development and impact upon the Green Belt
- II. Design and Layout

- III. Access, Traffic Impact and Car Parking
- IV. Impact Upon Ecology, Biodiversity and Landscape
- V. Flood Risk and Site Drainage

I. PRINCIPLE OF DEVELOPMENT AND IMPACT UPON THE GREEN BELT

6.4 Under this heading, it is necessary to refer to the following key questions:

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. Whether the proposals constitute inappropriate development in the Green Belt

6.5 The site is identified on the LDF Core Strategy Proposal's Map within the Green Belt where policies CSSP4 and PMD6 apply. Policy CSSP4 identifies that the Council will 'maintain the purpose function and open character of the Green Belt in Thurrock', and policy PMD6 states that the Council will 'maintain, protect and enhance the open character of the Green Belt in Thurrock'. These policies aim to prevent urban sprawl and maintain the essential characteristics of the openness and permanence of the Green Belt to accord with the requirements of the NPPF.

6.6 Paragraph 79 within Chapter 9 of the NPPF states that the Government attaches great importance to Green Belts and that the *"fundamental aim of Green Belt policy is to prevent urban sprawl by keeping land permanently open; the essential characteristics of Green Belt are their openness and their permanence."* Paragraph 89 states that a local planning authority should regard the construction of new buildings as inappropriate in Green Belt. The NPPF sets out a limited number of exceptions to this, namely:

- buildings for agriculture and forestry;
- appropriate facilities for outdoor sport, recreation and cemeteries;
- proportionate extensions or alterations to a building;
- the replacement of a building;
- limited infilling in villages; and
- the partial or complete redevelopment of previously developed sites whether redundant or in continuing use (excluding temporary buildings), which would not have a greater impact on the openness of the Green Belt and the purpose of including land within it than the existing development.

6.7 The site is covered in hardstandings, apart from two small landscaped areas, and is enclosed by palisade fencing and contains floodlighting for security reasons. Until relatively recently the site was occupied by an office (constructed 1962), workshops (constructed 1957 and 2008), vehicle wash (constructed 1974) and garage (undefined construction date). One of the workshop buildings was demolished in 2013, the remaining buildings were demolished in September 2014 by the current applicant.

6.8 The site therefore comfortably falls within the NPPF's definition of Previously Developed Land however the proposal would introduce new buildings onto the site which would clearly have a greater impact on the openness of the Green Belt and the purpose of including land within it than the existing development. Consequently, the proposals comprise inappropriate development with reference to the NPPF.

2. The effect of the proposals on the open nature of the Green Belt and the purposes of including land within it

6.9 Having established that the proposals are 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.

6.10 Paragraph 80 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.

6.11 In response to each of these five purposes:

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

6.12 In this case, it is considered that the development proposed would not spread the existing extent of built development further into this part of the Green Belt so as to amount to unrestricted sprawl on the edge of a settlement. The development would be contained within the boundaries of the site which can be lawfully used for commercial purposes. On balance, it is considered that the proposals would not have any impact upon 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

6.13 The development would not conflict with this Green Belt purpose.

c. to assist in safeguarding the countryside from encroachment

6.14 With regard to the third Green Belt purpose, the proposal would involve built development on what is currently open land. However, there can be no dispute that the site has a commercial function and it clearly represents Previously Developed Land. It is difficult therefore to apply the term "countryside" to this site for the purposes of applying the NPPF policy test. As such, it is not considered that the proposals would constitute an encroachment of built development into the countryside at this location.

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

6.15 As there are no historic town in the immediate vicinity of the site, the proposals do 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

6.16 In general terms, the development could occur in the urban area and, in principle; there is no spatial imperative why Green Belt land is required to accommodate the proposals. Therefore, on first impression, the development of this Green Belt site as proposed might discourage, rather than encourage urban renewal. However as set out elsewhere in this report, the site benefits from a lawful use for commercial purposes including the parking of HGV's. It follows therefore that the commercial use would likely continue even in the event that this application was refused. On this basis it is not considered that the development conflicts with this defined purpose of the Green Belt.

6.17 In light of the above analysis, it is considered that the proposals would not be contrary to the purposes of including land in the Green Belt. However, as noted above, there would be in-principle harm by reason of inappropriate development and harm by reason of loss of openness. 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

6.18 Neither 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 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-taker.

- 6.19 With regard to the NPPF, paragraph 87 states that *'inappropriate development is, by definition, harmful to the Green Belt and should not be approved except in very special circumstances'*. Paragraph 88 goes on to state that, when considering any planning application, local planning authorities *"should ensure that substantial weight is given to any harm to the Green Belt. Very special circumstances will not exist unless the potential harm to the Green Belt by reason of inappropriateness, and any other harm, is clearly outweighed by other considerations"*.
- 6.20 The Planning Statement sets out the applicant's Very Special Circumstance which are assessed below:
- a. The modern and sensitively designed buildings will significantly improve visual amenity
- 6.21 The applicant suggests that the development would improve the visual amenity of the location.
- 6.22 In this case, the buildings proposed would be of a commercial aesthetic which would be typical of the function of the use of the building. Glazed elements and the use of high quality materials would help the development achieve a quality of design but fundamentally this factor should not be given any weight in the determination of the application as a very special circumstance.
- b. Decontamination work of the proposal will improve ground conditions
- 6.23 Decontamination and remediation would take place where the existing hardstanding areas would be replaced by the proposed new buildings. However, this only represents a small percentage of the site and is not a site wide decontamination process, which would require removal of all the existing hardstandings.
- 6.24 The application includes a Phase 1 Environment Assessment (PEA) and this has

identified that the current and former uses of the site have resulted in elevated concentrations of contaminants and it is recommended that a remediation strategy is required and such requirements will be subject to a planning conditions before any development commences on site to allow for environmental improvement. The imposition of planning conditions to control contamination is normal practice and is not considered to represent a very special circumstance.

c. The upgrading of lighting and drainage systems will reduce environmental impact to surrounding grazing marsh

6.25 The upgrading of lighting would at night result in the same visual impact upon the area as the current floodlighting arrangements, although it is noted that modern floodlighting can reduce light spillage. At night the floodlighting is an urban feature and changes the natural environment and therefore impacts upon the Green Belt. The proposed replacement floodlighting is not considered to be a very special circumstance.

6.26 The installation of new drainage systems would help in reducing contaminants into the groundwater, the nearby ditch and wider marshland but this is not considered a very special circumstance.

d. Significant sustainability benefits associated with locating a HGV testing and servicing area in close proximity to a major destination of significant numbers of HGV movements;

6.27 The applicant advises that London Gateway (when completed and operational) is predicted to attract in excess of 3,000 HGV visits per day. The applicant considers the development to represent a sustainable complimentary service to London Gateway. Specifically, the applicant argues:

- *The proposed development represents a diversion of only 3 kilometres (1.8 miles) for vehicles using the associated London Gateway facilities;*
- *The above diversions would take place via a dual carriageway Level 1 strategic non-trunk road. This road has significant spare capacity to accommodate such movements which is remote from residential areas;*

6.28 The applicant cites the National Policy Statement (February 2012), which recognises that port developments bring with them a need for ancillary supporting development, such as transport links and facilities. The Planning Statement Supplemental Notes states; *'By bringing together groups of related businesses within and around the estate, ports also create a cluster effect, which supports economic growth by encouraging innovation and the creation and development of new business opportunities. And new investment, embodying latest technology and meeting current needs, will tend to increase the overall sector productivity.'*

6.29 Given the known future demands arising from London Gateway, it is clearly beneficial to have a HGV servicing facility within close proximity of the Logistics Park and the re-use of this site is clearly preferable to a new facility being located nearer residential areas of Corringham and Stanford Le Hope. Logistically, there is merit in providing servicing facilities in close proximity to London Gateway. Members should accord limited weight to this factor in the balance of judgement.

e. Long standing commercial use of site and scale of proposal against long standing buildings which previously existed on site.

6.30 The applicant has provided evidence to show that the site has been used for various commercial and industrial uses and has been occupied by a number of commercial buildings since the 1950's. As set out above, these buildings were present on site until relatively recently and were only demolished in 2013/14.

6.31 The table below provides a comparison of the previous buildings and the proposed buildings in terms of volume, height and footprint:

	Footprint (sqm)	Volume (m3)	Height (m)
Previous Office	250	825	3.3
Previous Workshop 1	645	3534	8
Previous Workshop 2	375	2568.75	7.5
Previous Vehicle Wash	126	737.1	6.7
Previous Garage	18	62.1	3.9
Previous Building Total	1414	7726.95	Average: 5.88
Proposed Office	390	2099.26	10.2
Proposed Workshop	634	5234.35	8
Proposed Bin Store	21	44.1	2.1
Proposed Wash Bay	66.8	346.8	6

Cycle Store	11.59	-	2.1
Proposed Total	1123.39	7724.54	Average: 5.68
Difference between existing and proposed	290.61 sqm decrease	2.41 m3 decrease	0.2m decrease

- 6.32 As can be seen from the above table, the proposal represents a 290.6 sqm reduction in built footprint and a 2.4 cubic metre reduction in volume compared to the buildings previously found on site. The heights of the buildings would also be reduced slightly from that previously found on site.
- 6.33 On balance, Members are advised that this factor should be given significant weight in the assessment of the case. Were it the case that the applicant made this application prior to demolishing the buildings the development would constitute appropriate development (as it would constitute redevelopment of Previously Developed Land and the impact would be no greater than the existing development).
- 6.34 With reference to the applicant's case for very special circumstances, an assessment of the factors promoted is provided in the analysis above. However, for convenience, a summary of the weight which should be placed on the various Green Belt considerations is provided in the table below:

Summary of Green Belt Harm and Very Special Circumstances			
Harm	Weight	Factors Promoted as Very Special Circumstances	Weight
Inappropriate development	Substantial	The modern and sensitively designed buildings will significantly improve visual amenity	No weight
Reduction in the openness of the Green Belt		Decontamination work of the proposal will improve ground conditions	No weight
		The upgrading of lighting and drainage systems will reduce environmental impact to surrounding grazing marsh	No weight
		Significant sustainability benefits associated with locating a HGV testing and	Some weight

		servicing area in close proximity to a major destination of significant numbers of HGV movements;	
		Long standing commercial use of site and scale of proposal against long standing buildings which previously existed on site.	Significant weight

6.35 As ever, in reaching a conclusion on Green Belt issues, a judgement as to the balance between harm and whether the harm is clearly outweighed must be reached. In this case there is harm to the Green Belt with reference to inappropriate development and loss of openness. However, this is considered to be the full extent of the harm and given the assessment elsewhere in this report there is no significant harm, to landscape and visual receptors, ecology etc. Several factors have been promoted by the applicant as ‘very special circumstances’ and 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 ‘very special circumstances’.

6.36 Taking into account all Green Belt considerations, Officers are of the opinion that the identified harm to the Green Belt is clearly outweighed by the accumulation of factors described above, so as to amount to the very special circumstances justifying inappropriate development.

II. DESIGN AND LAYOUT

6.37 The proposed site plan shows that the new workshop, the largest building on the site, would be centrally placed within the site and therefore set back from the Manorway to the south, which would help lessen its impact. The office building proposed would be in the south-western of the site and therefore closer to the Manorway. This office building would be of a high quality modern and contemporary design. The associated HGV parking areas would dominate the frontage of the site however the site is already used for this purpose so there would be no significant visual change. The existing galvanised metal boundary treatment is poor and it is proposed to replace this welded mesh fencing, which visually would represent an improvement. An existing utilitarian electricity sub-station is located to the east to help lessen the impact when viewed from the east.

- 6.38 The design and layout of the development is considered acceptable and would provide beneficial improvements to the existing site conditions. Planning conditions are necessary with regard to the approval of materials and boundary treatment.
- 6.39 Furthermore, the Council's Landscape and Ecology advisor suggested that some trees and planting are required to help screen the HGV vehicles and help improve the appearance of the site.

III. ACCESS, TRAFFIC IMPACT AND PARKING

- 6.40 Vehicle access to the site is currently achieved via the Manorway. A new vehicle access is proposed and the existing access would be closed up. There are no highway objections to this change which is acceptable with regard to policy PMD9 of the Adopted Core Strategy.
- 6.41 With regard to traffic movement, the Transport Statement [TS] accompanying the application states the traffic movements resulting from the proposal would be less, compared with the existing use and the previous uses of the site. It states that the development would generate 74 two-way HGV movement per day which when added to predicted staff and parts delivery movements would total 100 vehicle movements per day. The TS concludes the impact of the proposed development would not have a severe impact on the existing highway and as such the Council's Highway Officer has raised no objections to vehicle movements on site. Similarly, the parking standards are considered acceptable with regard to the draft parking standards and policy PMD8 of the Adopted Core Strategy.

IV. IMPACT UPON ECOLOGY, BIODIVERSITY AND LANDSCAPE

- 6.42 The application site is within 2.1km of the Thames Estuary and Marshes Special Protected Areas (SPA). To the north is the Fobbing marshes including a Local Wildlife Site [LWS] directly to the north and a Site of Special Scientific Interest [SSSI] beyond which, potentially, could be used by qualifying bird species. However, the Council's Landscape and Ecology Advisor has commented that the numbers of qualifying birds that may use these surrounding areas are low and, it is considered that the development will not have significant effects on these designations. In addition, the Landscape and Ecology Advisor has confirmed that no Habitat Regulations Assessment needs to be carried out.
- 6.43 Around the site boundary however are a number of features and habitat areas that could support protected species. The Landscape and Ecology Advisor recommends an Ecological Management Plan (EMP) is needed through a planning condition to incorporate the proposed measures to minimise the impact on protected species. A Construction Environment Management Plan (CEMP) is also required to avoid pollution incidents that could impact the neighbouring Local Wildlife Site, SSSI Local Wildlife Site and the adjacent watercourses used by protected species.

- 6.44 The existing mature hedgerow within the northern and western site boundaries are to be retained at the site with other soft landscaping proposed along the north western side only. The Landscape and Ecology Advisor recommends that new hedges and trees are required to screen vehicles and therefore a planning condition requiring a scheme of landscaping is required.

V FLOOD RISK AND SITE DRAINAGE

- 6.45 The site is located within the highest risk flood zone (flood zone 3a) as identified on the Environment Agency flood maps and as set out in the PPG's 'Table 1 - Flood Zones'. This means that the site is subject to a high probability of flooding and the PPG provides guidance on flood risk and vulnerability.
- 6.46 It is considered that the proposal is likely to fall within the 'less vulnerable' use on the PPG's 'Table 2 - Flood Risk Vulnerability Classification' where development is 'appropriate' for this flood zone as identified in the PPG's 'Table 3 – Flood Risk Vulnerability and Flood Zone Compatibility' table.
- 6.47 The Sequential Test aims to steer new development to locations away from high risk flood zones. As the site falls within a high risk flood zone the Sequential Test needs to be assessed. The catchment area for applying the Sequential Test, in this instance, is considered to be locations near the port and along the local highway infrastructure from A13 Stanford Le Hope junction to the port. Whilst there are nearby employment allocations all of these are subject to existing uses and planning permissions for other forms of development. There are no allocated sites in the LDF Core Strategy for this specific use. However, as set out elsewhere in this report, this site constitutes Previously Developed Land and the site has a lawful commercial use. The fall-back position is that the site could still be used for HGV parking which could attract similar number of people to the site as the proposed use. Other nearby areas of lower flood risk represents either greenfield sites or locations closer to residential properties. For these reasons the Sequential Test is considered to be passed for this particular use.
- 6.48 The application is accompanied by a detailed Flood Risk Assessment [FRA] which identifies the site is at low risk of flooding from all sources. The existing sea defences are maintained and provide a level of protection to parts of this area. The FRA states the site would not lead to flooding elsewhere and the level of hardstandings for the site would remain the similar. The Flood Risk Manager and the Environment Agency raise no objection to the application.
- 6.49 The Emergency Planning Officer requires a Site Specific Flood Warning and Evacuation Plan (FWEP) and this can be dealt with by condition.
- 6.50 The proposal refers to surface water drainage improvements but no details have been provided so the Flood Risk Manager has advised that planning conditions are required. A condition requiring details of how chemicals will be stored on site is also necessary to prevent spillage and environmental impacts. The Environment Agency

have concerns over the use of a package treatment plan for foul drainage as the site should be connected to the main sewer so a planning condition is necessary for such details to be approved.

VI OTHER MATTERS

- 6.51 The Council's Specialist Archaeological Advisor states that the site lies within an area where surviving archaeological deposits could remain however a programme of works has already been agreed with the Council's Specialist Archaeological Advisor as part of the London Gateway development.
- 6.52 The site is within close proximity to a high-pressure petroleum pipeline system, located to the southern side of The Manorway, however, the proposed siting of the buildings are more than the minimum 6m distance from pipelines required by the British Petroleum Agency. The HSE have no objections to this and the site is not within any of the COMAH sites with the nearest being the Shell Haven site to the south east which is more than 1km away.

7.0 CONCLUSIONS AND REASON(S) FOR APPROVAL

The principle issue for consideration in this case is the assessment of the proposals against planning policies for the Green Belt and whether there are very special circumstances which clearly outweigh harm such that a departure from normal policy can be justified. The proposals are 'inappropriate development' in the Green Belt and would lead to the loss of openness. Substantial weight should be attached to this harm in the balance of considerations. Nevertheless, it is considered that no harm should be attached to the impact that the proposals would have on the role of the site in fulfilling the defined purposes for including land in the Green Belt.

- 7.1 The applicant has cited factors which are promoted as comprising very special circumstances which could outweigh the harm to the Green Belt. The weight which can be attached to these factors is considered in detail in the paragraphs above.
- 7.2 On balance, and as a matter of judgement, it is concluded on this point that the case for very special circumstances clearly outweighs the identified harm to the Green Belt described above.
- 7.3 Subject to conditions there are no objections to the proposals with regard to the design of development, the impact on the highway network or impact on ecology. Similarly, subject to conditions there are no objections on flood risk grounds.
- 7.4 This planning application requires close scrutiny with particular regard to Green Belt considerations and the Committee should take a balanced view, taking into account all of the relevant material considerations described above. As a matter of

judgement, it is considered that the proposals should be supported.

- 7.5 All other material considerations have been assessed and are considered acceptable and where necessary mitigation is required planning conditions are recommended as stated below.

8.0 RECOMMENDATION

Grant planning permission subject to:

A: Referral to the Secretary of State (Planning Casework Unit) under the terms of the Town and Country Planning (Consultation) (England) Direction 2009, and subject to the application not being 'called-in' for determination;

B: The following conditions:

Standard Time

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

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

2. Approved Plans

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

Plan Number(s):		
Reference	Name	Received
P-001 A	Location Plan	1st June 2017
P-002 B	Site Layout	1st June 2017
P-310 C	Elevations	1st June 2017
P-300 C	Elevations	1st June 2017
P-320 C	Elevations	1st June 2017
P-120 C	Roof Plans	1st June 2017
P-100 C	Floor Layout	1st June 2017
P-110 C	Floor Layout	1st June 2017
P-170 A	Proposed Plans	1st June 2017
P-330 C	Elevations	1st June 2017
P-340 C	Elevations	1st June 2017

P-140 D	Roof Plans	1st June 2017
P-130 C	Floor Layout	1st June 2017
P-150 C	Other	1st June 2017
P-160 B	Other	1st June 2017
P-011 B	Proposed Site Layout	1st June 2017
P-190 A	Other	1st June 2017
P-180 B	Other	1st June 2017
FIT-001 P01	Other	1st June 2017
10-001	Other	1st June 2017
10-005	Other	1st June 2017
10-006	Other	1st June 2017
P-200 D	Sections	1st June 2017
P-010-E	Proposed Site Layout	9th August 2017

Reason: For the avoidance of doubt and in the interest of proper planning.

3. Construction Environmental Management Plan (CEMP)

No site clearance works or construction works shall commence until a Construction Environmental Management Plan [CEMP] has been submitted to and approved in writing by the local planning authority in writing. The CEMP shall including the following details:

- (a) Wheel washing facilities and arrangements for the sheeting of vehicles transporting loose aggregates or similar materials on or off site,
- (b) Location and size of on-site compounds [including the design layout of any proposed temporary artificial lighting systems]
- (c) Details of any temporary hoarding;
- (d) Water management including waste water and surface water discharge,
- (e) Method statement for the prevention of contamination of soil and groundwater and air pollution, including the storage of fuel and chemicals,
- (f) Ecology site survey, with mitigation measures as necessary,
- (g) Timing of vegetation removal
- (h) a procedure to deal with any unforeseen contamination, should it be encountered during development;
- (i) details of hours of construction (it is recommended that general construction activities should only occur between the hours of 08.00-18.00 (Mon-Fri) and 08.00-13.00 (Sat). If impact piling is proposed there should be no activity before 09.00.

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

Reason: In order to minimise any adverse impacts arising from the construction of the development in accordance with Policy PMD1 of the Adopted Thurrock Local Development Framework Core Strategy and Policies for the Management of Development DPD [2015].

4. Contamination

Prior to the commencement of development details of a scheme of intrusive investigation to determine the level of any residual contamination within the soils on-site shall be submitted to and approved in writing by the local planning authority. The submitted scheme shall also assess the potential for construction activities to mobilize any residual contamination. If found to be necessary by the results of the intrusive investigation, a remediation strategy shall be submitted and approved by the local planning authority before construction commences.

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

5. Storage of Oils, Fuels or Chemicals

Any facilities for the storage oils, fuels and chemicals shall be sited on impervious bases and surrounded by impervious bund walls. The volume of the bunded compound shall be at least equivalent to the capacity of the tank plus 10%. If there is multiple tankage, the compound should be at least equivalent to the capacity of the largest tank or the combined capacity of interconnected tanks plus 10%. All filling points, vents gauges and sight glasses must be located within the bund. The drainage system of the bund shall be sealed with no discharge to any water course, land or underground strata. Associated pipe work shall be located above ground and protected from accidental damage. All filling points and tank overflow outlets shall be discharged downwards into the bund.

Reason: In order to avoid the pollution of ground water in accordance with policy PMD1 of the adopted Thurrock Core Strategy and Policies for the Management of Development DPD [2015].

6. Finishing Materials

Notwithstanding the information on the approved plans, no development above ground level shall take place until samples of the materials to be used in the construction of the external surfaces of the buildings hereby permitted have been submitted to and approved in writing by the local planning authority. Development shall be carried out in accordance with the approved details unless otherwise agreed in writing by the local planning authority.

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

7. soft landscaping

No development above ground level should take place until a scheme for on-site soft landscaping including schedules of plants, noting species, plant sizes and proposed numbers / densities where appropriate; an implementation timetable; and ongoing management and maintenance arrangements has been submitted to and approved in writing by the local planning authority. Development shall be carried out in accordance with the approved scheme.

Reason: To ensure that the proposed development does not impact the Vange and Fobbing SSSI nearby and ensure the landscaping integrated with its immediate surroundings as required by policies CSTP18 and PMD2 of the adopted Thurrock LDF Core Strategy and Policies for the Management of Development DPD (as amended) (2015).

8. Parking Provision

The development hereby permitted shall not be occupied until the vehicle and cycle parking areas, access, and service yard as shown on the approved plans has been hard surfaced, sealed, marked out and made available for use. The vehicle and cycle parking areas shall be retained in this form at all times shall not be used for any purpose other than the parking of vehicles that are related to the use of the development.

Reason: In the interests of highway safety in accordance with policies PMD8 and PMD9 of the adopted Thurrock LDF Core Strategy and Policies for the Management of Development DPD.

9. Ecological Mitigation

Prior to first operational use of the site the mitigation measures detailed section 4 of the Preliminary Ecological Appraisal shall be implemented and retained as such thereafter.

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

10. Flood Warning and Evacuation Plan

Prior to the first occupation of the development, a Flood Warning and Evacuation Plan for the development shall be submitted to and approved in writing by the local planning authority. The approved measures within the Plan shall be operational upon first occupation of the development and shall be permanently maintained thereafter.

Reason: In order to ensure that adequate flood warning and evacuation measures are available for all users of the development in accordance with Policy PMD15 of the adopted Thurrock LDF Core Strategy and Policies for the Management of Development DPD [2015].

11. Surface Water Drainage Scheme

No development shall commence until a detailed surface water drainage scheme for the site, based on sustainable drainage principles and an assessment of the hydrological and hydro geological context of the development, has been submitted to and approved in writing by the local planning authority. The scheme shall include:

- Limiting discharge rates to the 1 in 1 greenfield rate for all storm events up to and including the 1 in 100 year rate plus 20% allowance for climate change.
- Provide sufficient storage to ensure no off site flooding as a result of the development during all storm events up to and including the 1 in 100 year plus 20% climate change event
- Final modelling and calculations for all areas of the drainage system.

- The appropriate level of treatment for all runoff leaving the site, in line with the CIRIA SuDS Manual C753.
- Detailed engineering drawings of each component of the drainage scheme.
- A final drainage plan which details exceedance and conveyance routes, FFL and ground levels, and location and sizing of any drainage features.
- A written report summarising the final strategy and highlighting any minor changes to the approved strategy.

Prior to first occupation/usage of the site the surface water drainage scheme shall be implemented in accordance with the details as approved and shall be retained and maintained as such thereafter.

Reason: To prevent flooding by ensuring the satisfactory storage of/disposal of surface water from the site.

- To ensure the effective operation of SuDS features over the lifetime of the development.
- To provide mitigation of any environmental harm which may be caused to the local water environment
- Failure to provide the above required information before commencement of works may result in a system being installed that is not sufficient to deal with surface water occurring during rainfall events and may lead to increased flood risk and pollution hazard from the site.

All in accordance with Policy PMD15 of the adopted Thurrock LDF Core Strategy and Policies for the Management of Development DPD [2015].

12. Surface Water Drainage - Maintenance Plan

Prior to first occupation/usage of the site a Maintenance Plan detailing the maintenance arrangements including who is responsible for different elements of the surface water drainage system and the maintenance activities/frequencies, shall be submitted to and agreed, in writing, by the Local Planning Authority. Should any part be maintainable by a maintenance company, details of long term funding arrangements should be provided. The Maintenance Plan shall be implemented as approved for the duration of the operational process of surface water drainage scheme or any revised/amended and update scheme.

Reason To ensure appropriate maintenance arrangements are put in place to enable the surface water drainage system to function as intended to ensure mitigation against flood risk. Failure to provide the above required information before commencement of works may result in the installation of a system that is not

properly maintained and may increase flood risk or pollution hazard from the site in accordance with Policy PMD15 of the adopted Thurrock LDF Core Strategy and Policies for the Management of Development DPD [2015].

13. Surface Water Drainage – Yearly Logs

The applicant or any successor in title must maintain yearly logs of maintenance which should be carried out in accordance with any approved Maintenance Plan. These yearly logs shall be made available for inspection upon a written request by the Local Planning Authority.

Reason To ensure the SuDS are maintained for the lifetime of the development as outlined in any approved Maintenance Plan so that they continue to function as intended to ensure mitigation against flood risk in accordance with Policy PMD15 of the adopted Thurrock LDF Core Strategy and Policies for the Management of Development DPD [2015].

14. Lighting

Any external lighting shall be installed and operated in accordance with a scheme previously submitted to and approved by the local planning authority prior to first operational use of the development.

Reason: In the interests of ecology and biodiversity and to ensure that the development can be integrated within its immediate surroundings in accordance with Policies PMD1 and PMD7 of the adopted Thurrock LDF Core Strategy and Policies for the Management of Development [2015].

15. Boundary Treatments

Notwithstanding the details shown on the submitted plans, no development above ground level shall take place until details of the locations, heights, designs and materials of all new boundary treatments to be erected on site have been submitted to and approved in writing by the local planning authority. The boundary treatments shall be completed in accordance with the approved details before the first occupation of the development.

Reason: In the interests of visual amenity and to ensure that the proposed development is satisfactorily integrated with its immediate surroundings as required by policies CSTP22 and PMD2 of the adopted Thurrock LDF Core Strategy and Policies for the Management of Development DPD [2015].

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.

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>

