

Reference: 21/01883/FUL	Site: Coach Park Pilgrims Lane North Stifford Grays Essex RM16 5UZ
Ward: Chafford And North Stifford	Proposal: Retrospective Planning Application for a Temporary Programme Management Office Facility and Contractors Compound with Related Staff Welfare Facilities for a period of five years

Plan Number(s):		
Reference	Name	Received
N/A	Location Plan	03/11/2021
200721.DWG Rev C	Layout Drawing + Drainage	06/12/2021
31012022.DWG Rev B	Layout Drawing	09/03/2022
SJS-BB-LTC-J30- Combined_Services .DWG Rev A	Combined Services Layout	07/03/2022
SJS-BB-LTC- J30M4MODLS2511 21.DWG Rev A	Long Section Layout Drawing	06/12/2021
SJS-BB-LTC- J30M4MODLS1204 21.DWG Rev A	M4 Modular Building Long Sections Sheet 1 of 2	06/12/2021
SJS-BB-LTC- J30M4MODLS1204 21.DWG Rev A	M4 Modular Building Long Sections Sheet 2 of 2	06/12/2021
SJS-BB-LTC- J30M4MODLS1204 21.DWG Rev A	M4 Modular Building Long Section Layout	06/12/2021
SJS-BB-LTC- J30M4MODLS2511 21.DWG Rev A	Welfare & LTC Office Long Section/Elevations	06/12/2021

SJS-BB-LTC- J30M4MODLS2511 21.DWG Rev A	MIR, Customer Care & BB Stores Long Section/Elevations	06/12/2021
18-20332-02ELEV	Proposed Elevation Detail – 18 Bay Modular Welfare Building	06/12/2021
N/A	Security Unit Specification	06/12/2021
DHA/14112/04	Gate Elevation	26/04/2022

The application is also accompanied by:

- Existing Drainage Layout (Received 06/12/2021)
- Design and Access Statement (November 2021)
- Envirobuka Deluxe Fuel Storage Details
- Flood Risk and Sustainable Drainage Assessment (April 2020)
- Health Impact Assessment
- Lighting Specification
- Pilgrims Lane Travel Plan Ver 1.1 (February 2022)
- Traffic Management Plan (March 2022)
- Planning Statement
- Response to Thurrock Council Highway Comments
- Response to Thames Crossing Action Group's First Comments
- Response to Thames Crossing Action Group's Second Comments
- Response to National Highways Holding Recommendation
- Green Belt Location Justification Document, May 2022

Applicant:

National Highways / Lower Thames Crossing

Validated:

2 December 2021

Extension of Time Agreed:

13 June 2022

Recommendation: Grant planning permission, as per the recommendation and subject to the referral set out at paragraph 8.1 of this report.

This application is scheduled for determination by the Council's Planning Committee because the proposal constitutes a departure from the Development Plan in accordance with Section 2.1(a) of Part 3b of the Council's Constitution.

1.0 DESCRIPTION OF PROPOSAL

- 1.1 This application seeks approval for a temporary change of use of the land from coach/car park use (Sui Generis use, i.e. a use that falls outside the specified use classes that are defined by the Town and Country Planning (Use Classes) Order 1987 (as amended)) to a different Sui Generis use comprising of an office facility, contractors compound and associated staff welfare facilities. The facilities at the site have evolved since the use commenced but have been and would continue to be used for purposes associated with the pre-construction phases of the proposed Lower Thames Crossing including site surveying and monitoring of the Lower Thames Crossing Route, community engagement and providing an office base for staff involved in preparing for a Development Consent Order application. Permission is sought for a temporary period of 5 years which would commence from the date of the planning permission. The applicant has advised that the intention is for compounds associated with the Lower Thames Crossing to be in place by late 2025 or early 2026 but the five year period is being sought in case of delays and is considered to be the worst case scenario in terms of their delivery timetable.
- 1.2 The site has been divided into two parts with the northern part of the site being used by National Highways and the southern part being used by a sub-contractor of National Highways as a base and storage facility associated with the pre-construction works that are set out above.
- 1.3 At the northern part of the site, temporary structures that have been erected at the northern part of the site include:
- A Modular Office Building building that has overall dimensions of 69.4 metres by 52.5 metres with a maximum height of 2.6 metres;
 - A welfare building that measures 12 metres by 54 metres;
 - A management incident room building that measures 12 metres by 15 metres;
 - A community engagement building that measures 12 metres by 12 metres;
 - A pair of security buildings adjacent to the entrance to the northern part of the site.

The buildings are at site but need to be the subject of internal modification in order to be used and, as such, the northern part of the site is not currently operational.

- 1.4 The southern and western parts of the site are in use as a contractor's compound with vehicles and various items stored including barriers, PPE, HGV trailers and other such items that are associated with monitoring and surveying of the proposed Lower Thames Crossing Route. Other materials kept at the site include replacement materials for land drains that are surveyed and materials required for back-filling after survey work has occurred including shingle. The southern part of the site also features a 72 square metre store building, containerised storage, a 396 square metre office building and store buildings including a bunded fuel store.
- 1.5 Gates have previously been installed at the entrance to the site without planning permission. The applicant's submissions seek to retain these gates with them being kept open at all times that the site is operational. There would be new barriers provided within the site, set 36.5 metres from the site entrance, which would enable entry into the site to be controlled. Fencing is also provided within the site adjacent to the entrance to provide enclosure and restrict access to parts of the site.
- 1.6 The applicant has identified that 220 employees would utilise the site on an intermittent basis, but the average number of staff on site at any one time would be 80, with 60 typically using the northern part of the site and 20 using the southern part of the site at any one time. The applicant has identified that the southern part of the site would be open to staff between 06:30 and 19:00 and the northern part of the site would be open to staff between 07:00 and 19:00. The site would mostly be used on weekdays, although occasional access to the southern part of the site on Saturdays might be required. The number of vehicle movements per day has been estimated to be 501.

2.0 SITE DESCRIPTION

- 2.1 The site lies on the northern side of the A1306 and to the south of the A13. It is bounded by Pilgrims Lane to the east beyond which is a caravan site. To the south of the A1306 lies a Sainsbury Superstore as well as other commercial premises. To the west is a sports ground. The closest dwellinghouses to the site are those of Grifon Road, approximately 100 metres to the south east of the application site.
- 2.2 The site is covered in hardstanding and accommodates one pre-existing building that has been present at the site for a substantial period of time and the abovementioned temporary structures.
- 2.3 Whilst some of the hardstanding appears to have been covered with soil and grass for the majority of a period of approximately 15 years between 2004 and 2019, that

material has been previously been cleared to reveal and reinstate the use of the hardstanding that is understood to have remained in place throughout. There are security fences at the boundaries of the site and a belt of trees and hedges adjacent to the majority of those fences.

- 2.4 The site lies within the Green Belt as designated in the Core Strategy Policies Map.
- 2.5 Gates at the frontage of the site that faces Pilgrims Lane are the subject of a separate application (19/01858/FUL).

3.0 RELEVANT HISTORY

3.1 The following table provides the relevant planning history:

Application Ref.	Description of Proposal	Decision
20/00430/FUL	Retrospective application for the temporary change of use of the existing coach /car park to a contractors compound (day and night) for five years for works associated with the proposed Lower Thames Crossing and associated highway and infrastructure works on the Essex side of the crossing.	Pending Decision
19/01858/FUL	Installation of security gates	Pending decision
11/50283/TTGFUL	Change of use from coach park to caravan and leisure vehicle storage park for a 3 year period	Approved
08/00349/TTGFUL	Temporary change of use for 3 years for a Sunday morning market with opening hours of 09.00 to 13.00 hours only.	Refused
04/01447/TBC	Temporary use for 5 years as a lorry park, including conversion of an existing building to provide toilets, washing/shower facilities on ground floor and offices above.	Approved
00/01052/FUL	Provision of an enclosed all weather ball court surface with floodlights plus additional car parking to take account of additional usage. Landscaping on two sides to provide partial obscurement.	Withdrawn
91/00792/FUL	Use of car/coach park as Sunday Market	Withdrawn
90/00664/FUL	3 No. Pitched Roof Bus Shelters.	Approved
90/00208/FUL	Coach car park & football pitches pavilion and management building	Approved

89/00190/FUL	Playing Field Pavilion. Management Building. Overflow Car Park and Coach Park for the Lakeside Shopping Centre.	Approved
79/01270/FUL	Relocation of old refuse in adjoining land, burial and restoration to arable land (approx 30,000m ³) (Additional plans received 25.10.79).	Approved
67/00349/FUL	Limited Industrial Rubbish Tipping	Refused
64/00850/FUL	Petrol Service Station	Refused
49/00109/FUL	Overhead Lines	Approved

3.2 Application 20/00430/FUL was presented to the Council's Planning Committee in June 2021 and the decision was made to defer the determination of that application to enable the applicant to submit additional information. That application remains undetermined but the evidence submitted and changes to the content of the site and the manner in which it has been used meant that the previous application was of reduced relevance. Accordingly, the application that is the subject of this report has been submitted.

4.0 CONSULTATIONS AND REPRESENTATIONS

PUBLICITY:

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

4 letters of representations have been received including two letters of objection from the Thames Crossing Action Group which raise objections on the following grounds:

- Inadequate site access, increase in traffic, detrimental impact on local roads, mud and debris would be deposited on roads, inadequate and misleading traffic modelling and harm to highway and pedestrian safety. The applicant initially objected to their own application in some of these respects;
- Providing a foul water connection would disrupt traffic;
- The application being submitted retrospectively is unacceptable and disrespectful;
- The content of the application could be found inconsistent, unacceptable, inaccurate, inadequate or excessive;
- Although it is a retrospective application, not all of the works have been completed;
- Removal of trees and effect on wildlife;

- Lighting of the site could be unacceptable and cause harm to wildlife;
- The number of people employed at the site is unclear, employees should work from home and employees should be made to walk to the nearest rail station rather than be shuttled using electric vehicles;
- Emissions associated with the overall Lower Thames Crossing development undermine the applicant's emission reduction or limitation claims;
- The Lower Thames Crossing proposal is unacceptable;
- The hours of use of the site should be clarified;
- Fuel should not be stored at the site and is a safety concern;
- Publicity of the application should not have occurred over the festive period and all documents should have been accessible;
- Other sites are available;
- The site is within the Green Belt.

One of the representations cited above has been submitted as a series of questions rather than comments, but the nature of the questions indicates that they should be taken as objections to the proposal and have been considered as such.

4.2 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

4.3 ENVIRONMENT AGENCY:

No Response.

4.4 THURROCK COUNCIL ENVIRONMENTAL HEALTH:

No objection.

4.5 THURROCK COUNCIL HIGHWAYS:

No objection subject to a condition to require the Traffic Management Plan to be implemented.

4.6 THURROCK COUNCIL TRAVEL PLANNING TEAM

The revised Travel Plan is acceptable.

4.7 NATIONAL HIGHWAYS:

Having requested the submission of additional information and clarification, no objection is raised. The Travel Plan is considered to be acceptable.

4.8 THURROCK COUNCIL LANDSCAPE AND ECOLOGY ADVISOR:

The development does not have any significant landscape or visual effects. The buildings have been placed on an area of hardstanding and not caused the loss of any existing trees. The site has no habitat features and is of negligible ecological value. It is noted that Natural England have identified that the site is within an Impact Risk Zone of West Thurrock Lagoon and Marshes and that the risk relates to surface water drainage but, as there would not be a significant change to surface water discharge, there would not be an adverse impact on the designated site. Therefore, no objection is raised.

4.9 NATURAL ENGLAND:

It has been highlighted that the site is within the Impact Risk Zone of West Thurrock Lagoon and Marshes and, as such, the Council is required to consider the impact of foul water drainage on the designated site.

4.10 THURROCK COUNCIL FLOOD RISK MANAGER:

It has been requested that conditions are imposed to ensure that the existing surface water drainage facilities are adequately operational and provide effective surface water drainage.

5.0 POLICY CONTEXT

5.1 National Planning Policy Framework (NPPF)

The revised NPPF was published on 27th March 2012 with the most recent revision taking place on 20th July 2021. The NPPF sets out the Government's planning policies. Paragraph 11 of the Framework expresses 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.*

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.*

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

- 2. Achieving Sustainable Development;
- 4. Decision-making;
- 9. Promoting sustainable communities;
- 12. Achieving well-designed places;
- 13. Protecting Green Belt land;
- 15. Conserving and enhancing the natural environment;

5.2 National Planning Practice Guidance (NPPG)

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

several sub-topics. Those of particular relevance to the determination of this planning application include:

- Air quality
- Before submitting an application
- Consultation and pre-decision matters
- Design
- Determining a planning application
- Fees for planning applications
- Flood risk and coastal change
- Green Belt
- Land affected by contamination
- Light pollution
- Making an application
- Natural environment
- Noise
- Transport evidence bases in plan making and decision taking
- Travel Plans, Transport Assessments and Statements
- Use of planning conditions

5.3 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:

- CSSP3: Sustainable Infrastructure
- CSSP4: Sustainable Green Belt

Thematic Policies:

- CSTP14: Transport in the Thurrock Urban Area: Purfleet to Tilbury
- CSTP15: Transport in Greater Thurrock
- CSTP16: National and Regional Transport Networks
- CSTP19: Biodiversity
- 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
- 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
- PMD15: Flood Risk Assessment

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 and impact on the Green Belt.
- II. Traffic Impact, Access and Car Parking
- III. Design and Layout
- IV. Impact on Nearby Residents
- V. Flood Risk, Drainage and Ecology
- VI. Other Matters

I. PRINCIPLE OF THE DEVELOPMENT

6.2 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 (VSC) necessary to justify inappropriate development.

1. Whether the proposals constitute inappropriate development in the Green Belt

- 6.3 The site is identified on the Core Strategy Proposals Map as being 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.
- 6.4 Paragraph 137 within Chapter 13 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 147 states that "inappropriate development is, by definition, harmful to the Green Belt and should not be approved except in very special circumstances."
- 6.5 The Town and Country Planning Act 1990 states that "building" includes any structure or erection, and any part of a building, as so defined, but does not include plant or machinery comprised in a building. This is a wide definition and has been interpreted as such in many appeal decisions. It is noted that case law identifies that size, permanence and fixture to the ground can all be considerations in establishing whether a structure is a building. By virtue of their size and the degree of permanence brought about by them being present at the site for 5 years, it is considered that the modular units meet the test of being a building in these respects. Moreover, whilst the applicant has highlighted that the modular units are not fixed to the ground and are held in place by gravity alone, it is considered that this is sufficient for the units to be considered as a building as case law indicates that the size, weight and inability to move the structures without specialist

equipment can all be factored into the assessment. Consequently, it is considered that the modular units should be considered as buildings.

- 6.6 Paragraph 149 of the NPPF sets out that the construction of new buildings in the countryside should be regarded as being inappropriate unless the development falls within some specified exceptions. These are not considered to align with the development that has occurred and, therefore, the development is considered to constitute inappropriate development in the Green Belt.
- 6.7 The applicant makes the case that the development is not inappropriate in the Green Belt on the grounds that the development accords with exception (g) of Paragraph 149 of the NPPF. This allows for partial or complete redevelopment of Previously Developed Land which would not have a greater impact on the openness of the Green Belt.
- 6.8 The site is Previously Developed Land but contained very few buildings. Therefore, proceeding on the basis that the modular offices are buildings, it is clear that there would be a substantial increase of built form at the site and, in comparison to the pre-existing situation, there would be a greater impact on openness. Therefore, on the basis of the situation immediately before the development occurred, it is considered that the above exception is not applicable.
- 6.9 The applicant makes the case that the site could host cars and coaches under the terms of its existing lawful use and that these would have a comparable or greater effect on openness in terms of the spread, bulk and height of items at the site. In support of this position a court case has been cited where it was concluded that openness can be affected by items at a site as well as buildings. The applicant has also highlighted the importance of having regard to a fallback position and sited a case, and several other examples, where it was found that there only had to be a possibility of the fallback being used for an alternative potential development to be afforded weight.
- 6.10 The applicant's case is that, if used at full capacity, the former use could have led to 219 coaches with a cubic volume of 24,000 cubic metres being parked at the site and that this is less than the volume of the buildings at the site. A calculation of the volume of cars at the site has not been made, but this would be in addition to the volume of the coaches. The applicant has also made the case that coaches and cars could be kept at the site throughout the night and, as such, have a permanent effect. It is also suggested that the provision of overnight lighting could heighten the visual impact on the openness of the Green Belt.
- 6.11 However, whilst the fallback position of the existing lawful use is relevant and demonstrates that the openness of the site could be reduced from its condition prior

to the development that occurred without needing further permission, it is not considered that the parking of vehicles at the site would have a comparable effect on openness to the development that has occurred. By definition, the presence of vehicles at the site would be variable and would appear as many individual items with an entirely different spatial character. Consequently, such a use of the site would have a materially different and lesser impact on spatial and visual openness than the development that is the subject of this application

- 6.12 For similar reason, even if the view is taken that the modular units are not buildings due to there being no intention for them to be permanent, the siting of those structures is integral to the use and the effect on openness would prevent the exception set out at paragraph 150(e) of the NPPF being applicable as, whilst this allows for the change of use of land, this is dependent on the development preserving the openness of the Green Belt and, for the reasons set out above, it is considered that the development has a greater effect on openness than the fallback position which can only be given limited weight in this respect.
- 6.13 Officers have previously taken the view that the effect of the uses on the southern part of the site would be comparable to the existing lawful use of the site but this application relates to a development that includes the provision of buildings or structures that have an effect on openness that is akin to buildings and, as such, the basis of the assessment is wholly different. For these reasons, it is considered that the development is inappropriate 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.

- 6.14 Overall, the development includes the provision of 5,092 square metres of new buildings at the site. Although they are the equivalent of single storey and are proposed on a temporary basis, the spread, scale and bulk of the buildings has brought about a loss of openness at the site. The tree belt at three boundaries of the site does not wholly prevent views of the temporary buildings that have been put in place and, as a result of the scale of the buildings, it is considered that there is a moderate effect on openness. This is particularly appreciable in views from the south west and from in front of the entrance to the site.
- 6.15 As set out above, the planning history of the site indicates that the site has formerly been used for the parking of vehicles of various sizes and, although aerial photographs indicate that an area of grassed land was introduced between 2003 and 2005, the majority of the site has previously been developed and laid to hardstanding. Although the site appears to have been used at a limited intensity, the site can be used lawfully for the parking of cars and coaches and, as such, vehicles and associated facilities could spread across the site.

- 6.16 In this regard, the use of the southern part of the site as a constructor's compound has a comparable effect on the spatial openness of the Green Belt whereby temporary and movable items of limited bulk have a comparable effect on openness as would arise from the parking of vehicles. In this regard it is noted that the topography of the site and the presence of landscaping at the boundaries of the site reduces the prominence of this part of the site from within the public domain and ensures that the effect on openness is limited.
- 6.17 However, as set out above, it is considered that the effect of the modular buildings which, as a result of their combined scale and bulk, is that they have a greater effect on openness than would result from the fallback scenario where coaches and cars are parked at the site at the maximum possible intensity. Whilst the alternative use of the site and the limited views and localised visual impact of the structures might mitigate this harm to the extent that it is no more than moderate, it is considered that there would still be harm caused that should be afforded substantial weight.
- 6.18 In terms of whether or not the development conflicts with the purposes of the Green Belt, an assessment is set out below in relation to each of the five purposes of the Green Belt:

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

Although the site is located at the edge of the urban area, it has previously been used and is contained to the north by the A13. Accordingly, it is considered that any sprawl is limited and not unrestricted.

b) to prevent neighbouring towns merging into one another;

The land sits between settlements but the use of this land for the stated purposes would not cause those settlements to merge.

c) to assist in safeguarding the countryside from encroachment;

As it has been used to host a large parking area at the edge of the urban area, the site is not viewed as part of the open countryside and, therefore, the use of the site for the stated purpose does not cause more than a minimal sense of encroachment into the countryside. As will be set out below, the visual effect of the development would be limited and contained and, as such, it is not considered that the development conflicts with this purpose, but only to a limited degree.

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

The site is not within the setting of a historic town and would not affect the special character of one.

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

The site represents the use of land that would otherwise be redundant when considered in relation to its lawful use. There are no other known sites within the urban area that would be comparable and available and, as such, the development does not undermine this purpose.

6.19 For these reasons, it is considered that there would be limited harm caused to the openness of the Green Belt and only a small degree of conflict with the purposes of the Green Belt.

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

6.20 The applicant's initial submissions set out various factors that were considered to weigh in favour of the proposal. The applicant's subsequent Green Belt Location Justification document set out various factors that are advanced in this regard. These have been combined as follows:

- A) Fallback position has greater adverse impact on traffic and local amenity.
- B) Benefits arising from the scheme
- C) Low importance of the site to the Green Belt and the limited contribution to openness.
- D) No preferable alternative site not within the Green Belt and the undertaking of a site selection process.
- E) Temporary modular units and temporary scheme.
- F) Use of previously development land
- G) Former uses of the site.
- H) Limited Visual Impact
- I) Immediate potential use.
- J) Scheme required to facilitate major infrastructure scheme.

A) Fallback position has greater adverse impact on traffic and local amenity.

- 6.21 The site has previously been used for the parking of coaches and cars and the potential for this use to be re-introduced is a fallback position that should be afforded weight. The submissions of the applicant relating to traffic that are discussed further below indicate that the use that is the subject of this application would generate less traffic than the previous use of the site. In turn, it has been suggested that the proposal would have less harmful impacts on air quality. The applicant also stated that the effect on the amenity of the locality would be less, particularly through including measures such as solar lighting and time-controlled lighting.
- 6.22 Although the above assessment concludes that the use that is the subject of this application would have a greater impact on openness than the alternative use, the harm to openness arising from this additional impact would be no more than moderate and there would be a reduced effect on local amenity from the development in comparison to the alternative use, particularly as there would be less vehicle movements. Accordingly, it is considered to give substantial weight to the factor that the site could be put to an alternative use and that the temporary use would cause less vehicle movements and less harm to the general amenity of the area.

B) Benefits arising from the scheme

- 6.23 In summary, the applicant states that an economic benefit would arise from employment being generated at the site, with some roles actively seeking local employees, and from the Lower Thames Crossing. In this regard, the creation of jobs is appropriate to afford weight, but the locality of the workforce cannot be secured and it is not reasonable to afford weight to any potential benefits of the Lower Thames Crossing as that scheme does not have a Development Consent Order. The applicant also states that community benefits would arise from the use of previously developed land and the provision of facilities within the development to aid inclusivity and encourage diversity. These factors are noted but are not given weight as a benefit to the local community as they would only be of use to the applicant and their employees. These factors are therefore only afforded minimal weight.

C) Low importance of the site to the Green Belt and the limited contribution to openness.

- 6.24 The applicant has highlighted the Thurrock Strategic Green Belt Assessment (January 2019) undertaken on behalf of the Council identifies that the site is part of

a stretch of the Green Belt that is of lower value relative to the purposes of the Green Belt in many respects than parcels of land within Thurrock. As set out above, the site sits at the edge of the urban area and is somewhat viewed as part of the periphery of the urban area. However, this aspect has been factored into the assessment of the harm caused to the openness of the Green Belt and the conflict with the purposes of the Green Belt and, as such, to afford this factor weight would represent double-counting. This is therefore afforded no further weight.

D) No preferable alternative site not within the Green Belt and the undertaking of a Site Selection process.

- 6.25 Although these factors have been separated by the applicant, it is considered that they largely relate to the same matter. The applicant has set out that 40 alternative sites were considered and that none outside of the Green Belt were considered suitable. In this regard it is stated that the site was selected following the use of a scoring system that had regard to factors such as the site, car parking, proximity of public transport, welfare, space for training and space for medical support. The other 40 sites have not been clarified and the scoring has not been provided. The applicant has, however, also provided evidence of 5 other sites that were promoted to them as potential sites, however these were all discounted for reasons, mostly relating to features of the site, proximity to the Lower Thames Crossing route, them being unavailable in a timely manner or them being greenfield.
- 6.26 There are no other known sites within the urban areas of Thurrock that would be able to accommodate the facilities that are provided at the site, whilst also being previously developed land, being well located relative to the route of the Lower Thames Crossing and being available for this use without causing other harm. This factor can, therefore, be afforded substantial weight.

E) Temporary modular units and temporary scheme.

- 6.27 Permission is sought for a temporary period and a condition could be imposed to ensure that this is the case and that the site is returned to its former condition or some appropriately agreed alternative at the end of that period. The harm that is set out above would, therefore, only occur for a limited period and can be reversed. The time period of the harm is considered to be an important consideration and can be afforded substantial weight.
- 6.28 As the development is temporary it follows that temporary structures are used in order for the development to be reversible. Providing less flexible forms of accommodation would be illogical and, as such, this factor alone should be afforded minimal additional weight but does not diminish the substantial weight that

is afforded to this factor overall.

F) Use of previously development land

- 6.29 The NPPF encourages the use of previously developed land and, as such, it is considered that some benefit arises from the proposal in this respect. It is considered preferable that this vacant site consisting of previously developed land is used for the development rather than a greenfield site. This benefit of the proposal can, therefore, be afforded moderate weight.

G) Former uses of the site.

- 6.30 The former use of the site has been promoted as reason to find the impact on the openness of the Green Belt acceptable. This has been factored into the assessment of the harm that has been undertaken above and affording this factor weight would represent double-counting. This is therefore afforded no additional weight. The applicant has also identified that other temporary uses have been approved at the site previously. However, those developments appear to be incomparable and could no longer occur at the site and, as such, they are afforded no weight.

H) Limited Visual Impact

- 6.31 The visual impact of the development is considered separately below and it is expected that any development would be found acceptable in this respect. This is not, therefore, a very special circumstance. Moreover, in terms of the effect on visual openness, this has been factored into the assessment that has been undertaken above. Therefore this factor should be afforded no additional weight as a very special circumstance.

I) Immediate potential use.

- 6.32 The readiness of the site for use is noted, but is not considered to be a factor that should be afforded more than minimal weight.

J) Scheme required to facilitate major infrastructure scheme.

- 6.33 The Lower Thames Crossing Development Consent Order application was withdrawn and although it is noted that it is intended to submit a new application, this is yet to occur. It cannot be certain that the scheme would proceed and, as

such, the weight afforded to this factor has to be tempered accordingly. However, it is appropriate to apply moderate weight to this factor on the basis that there is a clear intention to proceed with an application and this site plays an integral role in enabling that application to be prepared, consulted upon and assessed.

- 6.34 The case is made by the applicant that the wider economic benefits of the Lower Thames Crossing should be afforded weight. However, they would not be delivered directly by this proposal and, whilst the works occurring from the site are likely to be required to inform an application, for the reasons set out above, this does not in itself ensure that any future economic benefits would arise.
- 6.35 The applicant has also stated that the absence of policies within the Core Strategy relating to the Lower Thames Crossing should be reason for the development plan to be found to be considered out of date. However, as set out above, the unapproved proposals would not be reason to find the development plan out of date and the Green Belt policies are considered to be consistent with the NPPF which, in turn, sets out that Green Belt is a protected area and is not reason for paragraph 11d) to apply.
- 6.36 Accordingly, whilst it is noted that the NPPF supports infrastructure provision and the growth of the economy, this proposal would not facilitate a major infrastructure scheme to an extent that this benefit that should be afforded more than moderate weight.

Summary of GB harm and other considerations promoted as clearly outweighing harm such that VSC exist			
Harm	Weight	Factors promoted by the applicant	Weight
Inappropriate development in the GB	Substantial	Fallback position has greater adverse impact on traffic and local amenity.	Substantial weight
Moderate reduction of the openness of the GB	Substantial	Benefits arising from the scheme	Minimal weight
Limited Conflict with purpose C) of including land in the Green Belt.	Substantial	Low importance of the site to the Green Belt and the limited	No weight

		contribution to openness.	
		No preferable alternative site not within the Green Belt and the undertaking of a Site Selection process.	Substantial Weight
		Temporary modular units and temporary scheme.	Substantial weight.
		Use of previously development land	Moderate weight
		Former uses of the site.	No Weight
		Limited Visual Impact	No weight.
		Immediate potential use.	Minimal weight.
		Scheme required to facilitate major infrastructure scheme.	Moderate weight.

6.37 Whilst the applicant has separated these into individual factors, in this case it is considered that several of these factors are applicable in combination rather than separately. The applicant has identified a need to provide the facilities that are provided at the site in connection with the pre-development phases of the proposed Lower Thames Crossing. The requirements of the applicant, incorporating their own facilities and those of a sub-contractor, are considered to be unique and unusual and also make it impractical for other sites within the urban areas of Thurrock to be used.

6.38 The site was available and constitutes Previously Developed Land and, as such, it is considered that this is a reasonable place for the development to occur. The temporary nature of the development is also a relevant factor as the harm that has been identified would be for a limited period and reversable. In this regard, it is

considered that the short-term harm is better to be directed towards previously developed land than sites of higher value to the Green Belt or of greater overall amenity value. Moreover, although development has some visual impact and is not wholly screened, the positioning of the site, the topography of the area and the nature of the development does ensure that the effect on the Green Belt and the value of the site to the Green Belt is lesser than many other parts of the Green Belt.

- 6.39 Overall, the provision of buildings is inappropriate development and causes harm to openness and the purposes of the Green Belt and this harm should be afforded substantial weight. However, the harm would be caused on a temporary basis and, even affording substantial weight to that harm, it is considered that the temporary and reversible nature of the development and the benefits arising from the use of this previously developed site that would otherwise be vacant ahead of other less desirable sites, are considered to clearly outweigh the limited harm caused to the Green Belt.

II. TRAFFIC IMPACT, ACCESS AND CAR PARKING

- 6.40 The applicant has provided an assessment of the traffic generated by the use of the site when operating at full capacity, entirely as a contractors compound. These operations have subsequently reduced and the contractors compound use is now only to occur on the southern part of the site. It is anticipated that the number of movements associated with the contractors compound operations would be reduced in comparison to the survey that was undertaken, reflecting that the majority of the survey and monitoring work that used the site as a base has occurred. There are a limited number of HGV movements expected to occur at the site within this overall estimate and, to address those movements, the applicant's Traffic Management Plan sets out that HGVs will be directed towards the A1016 and not routes through South Ockendon and North Stifford.
- 6.41 In relation to the northern part of the site, whilst it is anticipated that 200 employees would utilise the site, it is expected that no more than 60 people would ever be present at the site at one time. Therefore, the applicant's submissions indicate that there would be no more than 400 vehicle movements at the site per day. A Travel Plan has also been submitted which has been found acceptable.
- 6.42 The Local Highway Authority and National Highways have assessed the applicant's submissions and neither object to the proposal.
- 6.43 Both consultees identify that the applicant compares the forecast trip movements to those that might occur if the site is used in a manner that reflects the existing lawful use of the site. As set out above, although it is noted that the former use has not occurred for a significant period of time, it is considered appropriate to give weight

to this fallback position and, in comparison to the potential alternative use of the site there would be a reduction of vehicle movements. As the NPPF states that applications should not be refused on the grounds of the impact on the road network unless the impact would be severe, it is considered that this development should not be refused planning permission for that reason.

- 6.44 In terms of the access to the site, gates have been and are the subject of application 19/01858/FUL which has not been determined. Those gates remain in place and the applicant has indicated that they wish for those gates to remain. In this regard, given the terms of this application, those gates would only be lawful for the time that any permission is in effect. However, the applicant identifies that those gates would be kept fully open at all times that the site is operational. A condition could be imposed to this effect and ensure that the gates do not prohibit access to the site in such a way that would pose a threat to highway safety.
- 6.45 For these reasons, the effect on the highway network is considered to be acceptable. The development, therefore, accords with policies CSTP14, CSTP16, PMD9 and PMD10 of the Core Strategy and paragraph 109 of the NPPF which states that development should only be prevented or refused on highways grounds if there would be an unacceptable impact on highway safety, or the residual cumulative impacts on the road network would be severe.

III. DESIGN AND LAYOUT

- 6.46 The buildings and enclosures at the site have a functional and utilitarian appearance that shows little regard to the character and appearance of the wider area. Similarly, the use of the site for the storage of items, materials and other such equipment and plant is not beneficial to the character or appearance of the area. However, given the nature of the use and that the development is temporary, it is considered that it would be unrealistic to require the buildings to be of an alternative appearance.
- 6.47 Whilst visible from the public domain around the site, there is substantial screening which partially mitigates the visual impact of the development. Moreover, a substantial part of the site is at a lower ground level to the public domain and this also adds to the screening. Therefore, whilst views of the site and its contents is not entirely prevented, the visual effect of the development is softened and the overall effect on the character and appearance of the area, for a temporary period, is considered to be acceptable. The Council's Landscape and Ecology Advisor has reached a similar view in respect of the landscaping impact of the development. The development, therefore, accords with policies CSTP22, CSTP23 and PMD2 of the Core Strategy and paragraphs 124 and 127 of the NPPF.

IV. EFFECT ON RESIDENTIAL AMENITY

- 6.48 The site is a substantial distance from the nearest residential properties and the Council's Environmental Health Officer has raised no objection to the proposal. It is not considered that the traffic generated by the use of the site would be unusual in comparison to the traffic that already utilises the roads around site. The proposal would have no other effects on the living conditions of nearby residents that would justify the refusal of the application.

V. FLOOD RISK, DRAINAGE AND ECOLOGY

- 6.49 Given the extensive area of hardstanding that has existed at the site for a substantial period, it is not considered that the change of use of the site has increased the risk of flooding at the site or within the wider area. Furthermore, as the use is of a temporary nature, it is considered that it would be unreasonable to require substantial surface water drainage improvements to be introduced to the site. However, following advice provided by the Council's Flood Risk Manager, it is considered appropriate to require the existing infrastructure to be maintained and restored in order to be effective.
- 6.50 Natural England and the Council's Landscape and Ecology Advisor have both identified that the site is within the Impact Risk Zone of the West Thurrock Lagoon and Marshes. The submissions of both consultees identifies that the risk arising from development within this area relates to foul water and sewage. In this regard, the applicant identifies that they are exploring the use of the existing foul water network and achieving a connection. Alternatively, septic tanks would be used and cleared periodically without there being any discharge. A condition can be imposed to address this matter and, accordingly, Officers are satisfied that the development would not cause any discharge that would need to be the subject of a Habitats Regulations Assessment. The Council's Landscape and Ecology Advisor has identified that the site contains no habitats and no trees of value that need to be protected and has therefore raised no objection to the proposal.

VI. OTHER MATTERS

- 6.51 As set out above, representations have been received which raise objections on various grounds that have not been addressed above.
- 6.52 In terms of lighting, it is considered that the insufficient details have been included within the application, but a condition can be imposed to required additional details to be submitted and agreed.

- 6.53 Section 73A of the Town and Country Planning Act 1990 allows for retrospective applications to be submitted. Accordingly, the application being retrospective cannot be a reason to find the development unacceptable in planning terms and the application should be considered on its own merits in the same way as if the application had been submitted prior to any development occurring.
- 6.54 The safety of storing fuel at the site would be addressed under other legislation and is not a matter that could reasonably be a reason to refuse this application.
- 6.55 Whilst some parties raise concerns that the site could be used for a longer period or as part of the facilities required in association with the construction of the Lower Thames Crossing, the Local Planning Authority is required to determine the application on the basis of the terms that the application has been submitted. A further temporary permission may not necessarily be granted and the outcome of this application could not be taken as an indicator of any form of opinion in respect of the future disposal of the site. Moreover, this application is to be determined on its planning merits and is not intended to be any comment on the assessment of any proposals related to a Lower Thames Crossing.

7.0 CONCLUSIONS AND REASONS FOR RECOMMENDATION

- 7.1 It is considered that the application would represent inappropriate development and cause some harm to the openness of the Green Belt and the purposes of including land within the Green Belt. However, the harm arising would be limited and temporary and, even affording substantial weight to that harm, it is considered that the other considerations that are applicable to the development at this site clearly outweigh that harm. The development is considered to be acceptable in terms of the effect on highway safety, traffic, access and living conditions of nearby residents. Moreover, the visual effect of the development is considered to be tolerable on a temporary basis and the proposal is considered to be acceptable in all other respects for the five year period that it would be operational. Consequently, it is considered that the use can be found acceptable on a temporary basis.

8.0 RECOMMENDATION

- 8.1 The Committee is recommended to grant planning permission subject
- (i) Referral to the Secretary of State under the terms of the Town and Country Planning (Consultation) (England) Direction 2009; and
 - (ii) Subject to the application not being called-in by the Secretary of State for determination, grant planning permission subject to the following conditions:

TEMPORARY PLANNING PERMISSION

1. The use hereby permitted shall be discontinued, all buildings, structures, enclosures, materials and plant removed from the site and the land restored to its condition immediately prior to its first use as a contractors compound on or before 9 June 2027, in accordance with a scheme of work which shall have been submitted to and approved in writing by the local planning authority on or before 9 June 2026, unless before that date a formal planning application for the continuation of such use has been approved by the local planning authority.

Reason: To reflect the terms of the permission, ensure that the effects of the development on the Green Belt, local and strategic highway network and general amenity of the area are temporary in nature and to ensure that the site is restored to its former condition.

TRAVEL PLAN

2. The Travel Plan (Dated February 2022) submitted with the application hereby approved shall be implemented within two weeks of the permission hereby granted. All monitoring set out within the Travel Plan shall occur within the specified time frames and a log of alterations to the Travel Plan shall be kept for inspection by the Local Planning Authority.

Reason: To encourage the use of sustainable modes of transport and reduce the effect of the development on local and strategic highway network as far as practical for the duration of the permission in accordance with Policies CSTP14, CSTP16, PMD9 and PMD10 of the Thurrock Local Development Framework Core Strategy and Policies For Management of Development (as amended) 2015.

HGV TRAFFIC

3. All HGV vehicle movements to and from the site shall travel in accordance with the Traffic Management Plan (March 2022) submitted with the application hereby approved at all times.

Reason: To minimise the effect of traffic associated with the development on the local highway network as far as practical for the duration of the permission in accordance with Policies CSTP14, PMD9 and PMD10 of the Thurrock Local Development Framework Core Strategy and Policies For Management of Development (as amended) 2015.

LIGHTING

4. Any external lighting shall be removed from the site within 28 days of the date of failure to meet any one of the requirements set out in (i) to (iv) below:-
- i. within 2 months of the date of this decision a scheme detailing the positioning, timing of use, duration of use and specification of all external lighting (including security lighting) and a timetable for its provision shall have been submitted for the written approval of the local planning authority.
 - ii. if within 6 months of the date of this decision the local planning authority refuse to approve the scheme or fail to give a decision within the prescribed period, an appeal shall have been made to, and accepted as validly made by, the Secretary of State.
 - iii. if an appeal is made in pursuance of (ii) above, that appeal shall have been finally determined and the submitted scheme shall have been approved by the Secretary of State.

The approved scheme shall have been carried out and completed in accordance with the approved timetable.

Reason: To minimise the effect of the development on the amenity of the area in accordance with Policies CSTP22, PMD1 and PMD2 of the Thurrock Local Development Framework Core Strategy and Policies For Management of Development (as amended) 2015.

HOURS OF OPERATION

5. No persons shall be present at the site, other than for security purposes and in times of emergency, outside the hours of 06:30 to 19:00 hours on Mondays to Saturdays (inclusive) and not at any time on Sundays and Public Holidays.

Reason: To reflect the terms of the application, to limit the vehicle movements to and from the site, In the interests of amenity and to ensure that the development remains integrated with its surroundings as required by policies PMD1, PMD2 and PMD9 of the adopted Thurrock LDF Core Strategy and Policies for the Management of Development [2015].

GATES

6. Any gates adjacent to the entrance to the site from Pilgrims Lane shall be kept fully open at all times during the Hours of Operation specified at Condition 5 above.

Reason: To minimise the risk of vehicles waiting to enter the site during the hours

of operation, in the interests of highway safety and in accordance with Policies CSTP14, PMD9 and PMD10 of the Thurrock Local Development Framework Core Strategy and Policies For Management of Development (as amended) 2015.

FOUL WATER MANAGEMENT

7. The use hereby permitted shall cease and all structures, equipment and materials brought onto the land for the purposes of such use shall be removed within 28 days of the date of failure to meet any one of the requirements set out in (i) to (iv) below:-
- i. within 28 days of the date of this decision a scheme detailing the provision of foul water disposal facilities and a timetable for its provision shall have been submitted for the written approval of the local planning authority. Details to demonstrate that the surface water drainage facilities at the site are fully operational and clear from obstruction shall also be submitted.
 - ii. if within 6 months of the date of this decision the local planning authority refuse to approve the scheme or fail to give a decision within the prescribed period, an appeal shall have been made to, and accepted as validly made by, the Secretary of State.
 - iii. if an appeal is made in pursuance of (ii) above, that appeal shall have been finally determined and the submitted scheme shall have been approved by the Secretary of State.

The approved scheme shall have been carried out and completed in accordance with the approved timetable.

Reason: To ensure that adequate foul water disposal arrangements are in place, to protect the local environment and due to the location of the site within an Impact Risk Zone of West Thurrock Lagoon and Marshes, in accordance with Policies CSTP19 CSTP27, PMD7 and PMD 15 of the Thurrock Local Development Framework Core Strategy and Policies For Management of Development (as amended) 2015.

SURFACE WATER MANAGEMENT

8. The use hereby permitted shall cease and all structures, equipment and materials brought onto the land for the purposes of such use shall be removed within 28 days of the date of failure to meet any one of the requirements set out in (i) to (iv) below:-
- i. within 28 days of the date of this decision a scheme of remedial and repair works to the existing surface water drainage facilities at the site and a timetable for the undertaking of those works shall have been submitted for the written approval of the local planning authority.

- ii. if within 6 months of the date of this decision the local planning authority refuse to approve the scheme or fail to give a decision within the prescribed period, an appeal shall have been made to, and accepted as validly made by, the Secretary of State.
- iii. If an appeal is made in pursuance of (ii) above, that appeal shall have been finally determined and the submitted scheme shall have been approved by the Secretary of State.

The approved scheme shall have been carried out and completed in accordance with the approved timetable.

Reason: To mitigate the effect of the development on surface water drainage in accordance with Policies CSTP27 and PMD 15 of the Thurrock Local Development Framework Core Strategy and Policies For Management of Development (as amended) 2015.

Positive and Proactive Statement

The Local Planning Authority has acted positively and proactively in determining this application and as a result, the Local Planning Authority has been able to grant planning permission for an acceptable proposal, in accordance with the presumption in favour of sustainable development, as set out within the National Planning Policy Framework.

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

