

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

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

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

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

The application is also accompanied by:

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

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

**Applicant:**

Mr Richard Plasek  
MD Star Ltd

**Validated:**

7 October 2022

**Date of expiry:**

2 May 2023 (extension of time agreed)

**Recommendation:** Refuse planning permission

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

**1.0 DESCRIPTION OF PROPOSAL**

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

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

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

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

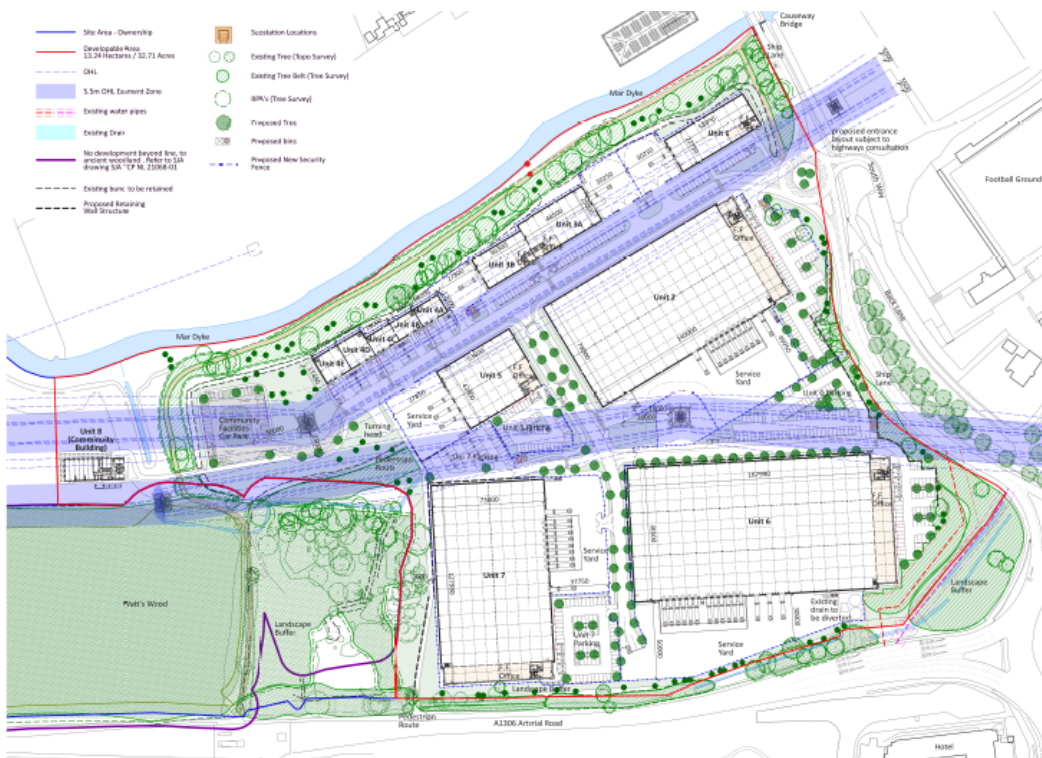
eastern boundary will be removed as part of the redevelopment to accommodate the proposed units.

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

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

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

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



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

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

## **2.0 SITE DESCRIPTION**

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

### 3.0 RELEVANT PLANNING HISTORY

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

### 4.0 CONSULTATIONS AND REPRESENTATIONS

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

#### PUBLICITY:

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



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

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

#### ARCHAEOLOGY:

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

#### ANGLIAN WATER:

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

#### EMERGENCY PLANNING:

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

## ENVIRONMENT AGENCY:

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

## ENVIRONMENTAL HEALTH:

- 4.10 No objections subject to conditions.

## FLOOD RISK MANAGER:

- 4.11 Further information required concerning:

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

## ESSEX POLICE:

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

## HEALTH AND SAFETY EXECUTIVE:

- 4.13 No objection.

## HIGHWAYS (THURROCK COUNCIL):

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

## NATIONAL HIGHWAYS:

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

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

LANDSCAPE AND ECOLOGY:

- 4.16 Objection raised on landscape and visual impacts.

NATURAL ENGLAND:

- 4.17 No objections.

PUBLIC RIGHTS OF WAY:

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

PUBLIC HEALTH:

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

TRAVEL PLAN COORDINATOR:

- 4.20 A revised Travel Plan is required.

URBAN DESIGN OFFICER:

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

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

WASTE TEAM:

4.22 No objection

## 5.0 POLICY CONTEXT

### National Planning Policy Framework (NPPF)

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

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

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

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

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

## 5.2 National Planning Practice Guidance (NPPG)

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

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

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

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

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

#### OVERARCHING SUSTAINABLE DEVELOPMENT POLICY

- OSDP1 (Promotion of Sustainable Growth and Regeneration in Thurrock)<sup>1</sup>

#### SPATIAL POLICIES

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

#### THEMATIC POLICIES

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

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

## POLICIES FOR MANAGEMENT OF DEVELOPMENT

- PMD1 (Minimising Pollution and Impacts on Amenity)
- PMD2 (Design and Layout)
- PMD3 (Tall Buildings)
- PMD4 (Historic Environment)
- PMD5 (Open Spaces, Outdoor Sports and Recreational Facilities)
- PMD6 (Development in the Green Belt)
- PMD7 (Biodiversity, Geological Conservation and Development)
- PMD8 (Parking Standards)
- PMD9 (Road Network Hierarchy)
- PMD10 (Transport Assessments and Travel Plans)
- PMD11 (Freight Movement)
- PMD12 (Sustainable Buildings)
- PMD13 (Decentralised, Renewable and Low Carbon Energy Generation)
- PMD14 (Carbon Neutral Development)
- PMD15 (Flood Risk Assessment)
- PMD16 (Developer Contributions)

### 5.4 Thurrock Local Plan

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

### 5.5 Thurrock Design Strategy

In March 2017 the Council launched the Thurrock Design Strategy. The Design Strategy sets out the main design principles to be used by applicants for all new development in Thurrock. The Design Strategy is a supplementary planning

document (SPD) which supports policies in the adopted Core Strategy.

## 6.0 ASSESSMENT

### Procedure:

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

6.2 The assessment below covers the following areas:

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

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

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



following key questions:

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

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

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

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

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

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

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

taken into account when assessing the impact:

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

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

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

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

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

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

In response to each of these five purposes:

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

*a. New Employment Opportunities*

Applicant's case

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

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

### Assessment

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



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

*b. Strengthening of the National Growth Area and Freeport;*

Applicant's case

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

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

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

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

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

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

### Assessment

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

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

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

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

Applicant's case

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

Assessment

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

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

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

#### d. Enhancement to the Green Network and Mardyke Valley

##### Applicant's case

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

##### Assessment

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

*e. New Community Amenities*

### Applicant's case

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

### Assessment

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

### f. Landscape and Ecology Enhancements

#### Applicant's case

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

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

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

#### Assessment

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

Very Special Circumstance in support of the development.

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

*g. Carbon Neutral development meeting BREEAM Outstanding*

Applicant's case

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



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

### Assessment

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

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

### Applicant's Case

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

### Assessment

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

### Green Belt conclusion

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

GB harm can be briefly summarised as:

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

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

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

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

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

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

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

## II. TRANSPORT, HIGHWAYS AND ACCESS

### Access

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

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

Parking

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

Traffic Impacts

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

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

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

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

Note: Average weekday traffic was measured between 17<sup>th</sup> to 23<sup>rd</sup> January 2022

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

### Construction Impacts

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

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

### Operational Impacts

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

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

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

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

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

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

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

#### Consultation responses: Local Highways Authority and National Highways

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

### III. ECOLOGY



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

#### IV. LANDSCAPE AND VISUAL IMPACT

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

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

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

#### Consideration

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

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

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

## V. DESIGN, APPEARANCE AND LAYOUT

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

#### Layout

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

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

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

### Design

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

### Appearance

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

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

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

#### Materials

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

#### VI. AMENITY USES

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

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

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

## VII. GROUND CONDITIONS AND CONTAMINATION



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

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

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

#### VIII. SITE DRAINAGE, FLOOD RISK AND WATER RESOURCES

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

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

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

**IX. ARCHAEOLOGY**

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

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

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

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

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

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

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

## X. NOISE AND VIBRATION

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

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

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

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

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

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

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

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

6.177 The table above demonstrates that during daytime hours the operational noise generated by the development would be below existing baseline noise levels. During nighttime hours, noise generated by traffic using the site would lead to a very small increase (+1 LA<sub>eq</sub> dB) in noise levels at receptors nos. 1 and 2. However, this magnitude of change would have a negligible impact.

6.178 The consultation response received from the Environmental Health Officer confirms that noise impacts have been assessed using the relevant BS and other criteria. A negligible noise impact is predicted for the closest sensitive receptors to the site and therefore no adverse comments are raised. Any grant of planning permission would be subject to a planning condition requiring submission, approval and compliance with a Construction Environment Management Plan, which would include restrictions on the hours when demolition and construction activities could occur.

6.179 In conclusion under this heading, the impacts of demolition / construction noise and vibration, and operational noise impacts would have a negligible impact on sensitive receptors. Subject to mitigation which could be secured by planning condition, no objections are raised.

## XI. AIR QUALITY

6.180 The ES includes an assessment of the air quality impacts of the development. This assessment considers both the construction and operational phases of development, including vehicle emissions and impacts from construction activities on sensitive residential and ecological receptors close to the site.

6.181 With regard to baseline conditions, a number of designated Air Quality Management Areas (AQMAs) are located within the study area considered by the ES as follows:

Ref.	Location	Pollutants Declared	National Air Quality Objectives exceeded
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AQMA No.5	Warren Terrace / A1306 / A13	NO <sub>2</sub> PM <sub>10</sub>	Annual Mean 24-Hour Mean
AQMA No.9	Thurrock Hotel, Ship Lane	NO <sub>2</sub>	Annual Mean
AQMA No.8	Premier Inn, Jct.31	NO <sub>2</sub> PM <sub>10</sub>	Annual Mean 24-Hour Mean
AQMA No.12	Arterial Road, Purfleet	NO <sub>2</sub>	Annual Mean
AQMA No.13	Arterial Road, Aveley	NO <sub>2</sub>	Annual Mean
AQMA No.26	Purfleet Bypass	NO <sub>2</sub>	Annual Mean

- 6.182 An automatic roadside air quality monitoring station is located on London Road, Purfleet c.900m from the application site. Data from this station records that annual mean concentrations of NO<sub>2</sub> have exceeded National Air Quality Objectives for the period 2016-2020. Although the target annual mean concentration have not been met, there has been a decline in NO<sub>2</sub> concentrations, reflecting the changes to vehicle fleet as a response to the Low Emission Zone for Greater London.
- 6.183 The air quality baseline includes the ecological receptor at the Inner Thames Marshes SSSI, located c.1.7km to the west of the site. Baseline NO<sub>x</sub> concentrations for the period 2018-2020 exceeded critical levels for the protection of vegetation, although baseline nitrogen deposition did not exceed the lower critical load level. A total of 21 existing residential receptors close to the site are considered by the assessment, which assigns a ‘high’ sensitivity to these receptors.
- 6.184 The assessment of dust emission impacts during construction works considers demolition, earthworks, construction and trackout activities. Aside from demolition activities (which are assigned a ‘small’ magnitude of change because of the small volume of structures to be demolished), these activities are considered by the ES to have a potentially ‘large’ magnitude of impact. Nevertheless because there are no residential sensitive receptors within 50m of the site boundary, the sensitivity of this surrounding area to dust soiling is considered to be low. Similarly, dust soiling is considered to be of low sensitivity for human health. The ES therefore concludes that the risks of dust impacts from construction activities on both dust soiling and human health are low.
- 6.185 The impacts on air quality from construction traffic movement are also considered by the ES. This part of the assessment uses assumptions about the average number of HGV movements during the construction phase and vehicle routing via the M25 / A282 and A13. The ES assumes that construction traffic will pass close to existing AQMAs, but not through these areas. The assessment concludes that there would be a ‘negligible’ impact on sensitive receptors. This impact would be further mitigated through a Construction Logistics Plan

- 6.186 With regard to impacts from the operation of the development, and assuming a 'worst-case' scenario, modelling results show that one existing receptor is predicted to experience a 'minor adverse' impact with reference to NO<sub>2</sub> concentrations, with all other receptors experiencing 'negligible' impacts. However, as the hourly mean NO<sub>2</sub> objective would not be exceeded at any receptor, the impact on NO<sub>2</sub> concentration would not be significant. Operational impacts from PM<sub>10</sub> concentrations are modelled as 'negligible' at all receptors and are considered as not significant. Similarly concentrations of PM<sub>2.5</sub> would be negligible.
- 6.187 A range of measures are proposed to mitigate the construction and operational impacts on air quality and the residual impacts of the development are summarised below:



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

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

## XII. ENERGY AND SUSTAINABLE BUILDINGS

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

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

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

#### VIII. SOCIO-ECONOMICS

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

#### English Indices of Multiple Deprivation

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

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

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

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

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

#### XIV. PLANNING OBLIGATIONS

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

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

6.205 Paragraph no. 57 of the NPPF states that:

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

- a) necessary to make the development acceptable in planning terms;*
- b) directly related to the development; and*
- c) fairly and reasonably related in scale and kind to the development*

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

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

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

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

## XV. OTHER MATTERS

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

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

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

### Environmental Statement (ES)

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

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

## **7.0 CONCLUSIONS AND REASONS FOR RECOMMENDATION**

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

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

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

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

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

## **8.0 RECOMMENDATION**

- 8.1 Refuse planning permission for the following reasons:

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



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

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

#### Positive and Proactive Statement

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

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

