

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

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

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

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

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

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

1.0 BRIEF SUMMARY

1.1 This application involves two elements comprising:

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

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

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

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

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

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

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

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

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

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

2.0 DESCRIPTION OF PROPOSAL

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

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

2.2 Proposed PDI Facility:

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

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

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

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

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

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

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

2.7 Football Use

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

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

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

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

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

3.0 **SITE DESCRIPTION**

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

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

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

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

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

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

4.0 RELEVANT PLANNING HISTORY

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

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

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

5.0 CONSULTATIONS AND REPRESENTATIONS

PUBLICITY:

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

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

In summary, the objections received raise the following concerns:

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

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

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

5.3 CONSULTATION RESPONSES:

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

5.4 ESSEX COUNTY COUNCIL (ARCHAEOLOGY):

No objection – subject to conditions.

5.5 ANGLIAN WATER:

No objection – subject to conditions.

5.6 ESSEX POLICE:

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

5.7 CADENT GAS:

No objection, subject to informatives.

5.8 NATIONAL HIGHWAYS:

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

5.9 ENVIRONMENT AGENCY:

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

5.10 THURROCK COUNCIL – HIGHWAYS:

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

5.11 THURROCK COUNCIL – ENVIRONMENTAL HEALTH:

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

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

5.12 SPORT ENGLAND:

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

6.0 POLICY CONTEXT

6.1 National Planning Policy Framework (NPPF)

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

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

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

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

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

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

6.2 National Planning Practice Guidance (NPPG)

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

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

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

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

Overarching Sustainable Development Policy:

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

Spatial Policies:

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

Thematic Policies:

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

Policies for the Management of Development

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

6.4 Thurrock Local Plan

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

6.5 Thurrock Design Strategy

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

7.0 **ASSESSMENT**

7.1 Procedure:

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

7.2 The assessment below covers the following areas:

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

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

7.3 I. GREEN BELT CONSIDERATIONS:

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

In response to each of these five purposes:

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

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

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

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

7.18 c) to assist in safeguarding the countryside from encroachment

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

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

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

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

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

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

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

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

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

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

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

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

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

Applicant's case:

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

7.28 Assessment:

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

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

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

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

Applicant's case:

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

7.32 Assessment:

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

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

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

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

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

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

Applicant's case:

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

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

7.35 Assessment:

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

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

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

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

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

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

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

Applicant's case:

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

7.39 Assessment:

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

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

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

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

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

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

Applicant's case:

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

7.44 Assessment:

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

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

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

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

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

“Planning policies and decision should ensure that development:

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

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

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

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

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

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

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

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

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

7.49 *f) new EV charging facilities*

Applicant's case:

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

7.50 Assessment:

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

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

Applicant's case:

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

7.52 Assessment:

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

7.53 *Green Belt conclusions*

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

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

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

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

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

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

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

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

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

II. TRAFFIC IMPACT, ACCESS & CAR PARKING

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

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

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

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

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

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

III. DESIGN & LAYOUT

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

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

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

IV. IMPACT ON ECOLOGY & BIODIVERSITY

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

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

V. FLOOD RISK & DRAINAGE

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

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

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

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

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

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

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

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

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

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

VI. EFFECT ON NEIGHBOURING PROPERTIES

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

VII. LAND CONTAMINATION & GROUND CONDITIONS

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

VIII. ENERGY & SUSTAINABLE BUILDINGS

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

8.0 CONCLUSIONS AND REASONS FOR RECOMMENDATION

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

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

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

9.0 RECOMMENDATION:

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

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

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

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

Documents:

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

www.thurrock.gov.uk/planning

