

<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>Aveley and Uplands</p>	<p>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>

<p><b>Plan Number(s):</b></p>		
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:**

31 August 2023 (Extension of time agreed)

**Recommendation:** Refuse planning permission

## 1.0 BACKGROUND

- 1.1 At the meeting of the Planning Committee held on 6 April 2023 Members of the Planning Committee considered a report assessing the above proposal. The Committee voted to undertake a site visit to better understand the proposal. The site visit took place on 5 July 2023.
- 1.2 Subsequently, an update report was produced for the 13 July 2023 Planning Committee meeting, which summarised the matters which were verbally reported to Committee in April and also provided a summary of further submissions from the applicant, consultation responses and other planning updates. A copy of the report presented to the April Committee meeting is attached.
- 1.3 At the July Committee meeting, the Chair of Planning Committee announced that the application would be deferred for legal reasons; namely to clarify the position on which substitute Members were eligible to vote on the application having regard to the Constitution of the Council. A copy of the update report presented to the July Committee meeting is also attached.

## 2.0 CONSULTATION UPDATES

- 2.1 Prior to the April Committee meeting Officers received VISSIM (highways) modelling, with later revisions also received in May and June 2023. It was referenced in the July Committee update report that National Highways (NH) had directed the local planning authority not to determine the application until 13 September 2023 and, at the time of writing the July report, there had been no further updates regarding the position of Thurrock Council Highways or NH.
- 2.2 Since the July update report was published, the following consultation responses have been received.
- 2.3 Thurrock Council Highways (7 July 2023): The Highways Officer has made further comment following the submission of additional highways information from the applicant. The Highways Officer reiterates that, as a result of the proposals, the applicant is increasing demand for use of a section of the network which is currently operating at capacity or cannot be safely accommodated within the existing infrastructure provision. On this basis, Thurrock Highways consider that the proposals are unacceptable unless suitable mitigation is agreed.
- 2.4 With regards to the additional modelling details provided, the Highways Officer also commented that they do not agree the assumptions expressed within the VISSIM modelling concerning the impact on M25 junctions 30/31 within the Thurrock Network which, at that time, NH were in agreement with and the holding objection

was in place.

- 2.5 NH (12 July 2023): the day before the July Committee meeting NH provided an updated consultation response to replace the previous 'holding' responses with a recommendation that conditions should be attached to any planning permission that may be granted.
- 2.6 The wording of the suggested condition put forward by NH is reproduced below:

*'The development related to application reference 22/01370 shall not be occupied until planning conditions associated with the Purfleet Centre Regeneration Limited development (application ref 17/01668) as stated in the Approval of Outline Planning Permission Section H19 (b) and (c) dated 20 December 2019 have been implemented to the satisfaction of the strategic and local highway authorities unless:*

- i) identical improvements to traffic signalling and road signage are implemented as part of the Mardyke (22/01370) development prior to any occupation; or*
- ii) it can be demonstrated that for the year of completion (full occupation) development related traffic flows will not directly or indirectly add
  - a) additional queueing on the main A282 northbound carriageway*
  - b) additional queueing or delay on the Junction 30 northbound off slip*
  - c) increases in queueing or delay elsewhere on the strategic road network; or**
- iii) an alternative mitigation strategy can be demonstrated and agreed with the strategic and local highway authorities.'*

*Reason: To ensure that the A282 and M25 J30 continue to be an effective part of the national system of routes for through traffic in accordance with section 10 of the Highways Act 1980 and to satisfy the reasonable requirements of road safety.*

### **3.0 UPDATES, ASSESSMENT & IMPLICATIONS**

- 3.1 As the NH response (above) was received immediately before the July Committee meeting, Officers did not have sufficient time to review the wording of the suggested planning condition.
- 3.2 As noted above, consideration of this item was deferred from the July meeting and Officers have now had an opportunity to review the implications of the condition suggested by NH. In summary, Officers do not consider that the current wording of the suggested condition passes the requisite planning tests.
- 3.3 The premise of the first part of the suggested condition is reliant on elements of mitigation associated with the nearby Purfleet Centre regeneration scheme approved under ref.17/01668/OUT and the later s73 approval ref.20/01129/CV. Paragraph 56 of the National Planning Policy Framework 2021 (NPPF) is clear that

planning conditions should be (inter-alia) relevant to the development to be permitted. Consequently, relying on agreed mitigation for a different development is unlikely to meet the planning test of relevant to the development to be permitted. It is noted that there are alternative options put forward by NH, but a scheme of identical highways improvements referred to at i) of the condition and any alternative mitigation strategy as referred to at iii) have, so far, not been brought forward by the applicant.

- 3.4 In light of the above, Officers do not consider that the wording suggested by NH is appropriate or reasonable for mitigation measures to be agreed prior to occupation. By that stage, the development would have been built-out and the harms to the Green Belt realised. Agreed mitigation measures are required prior to a decision on the application.
- 3.5 Therefore, at the time of writing this update report, Officers consider that the wording of the draft condition is not sufficient to satisfy the necessary planning tests. Furthermore, Thurrock Highways are still not satisfied the development will not have an adverse impact upon the local road network.
- 3.6 In order to potentially resolve this matter further discussion will be required with both the strategic and local highways authorities and with the applicant. Any further updates will be provided at the August meeting, but for the reasons referenced above, the highways reason for refusal remains at the time of publication.
- 3.7 By way of further updates, Officers received an email from a Ward Councillor which raised specific queries related to ecological matters. The principal points made are i) lack of data sources referenced within the Environmental Statement (ES) and ii) the failure to undertake invertebrate surveys. These issues have been forwarded onto the agent for comment and their response is summarised below.
- 3.8 The first point raised by the Ward Councillor concerns the data sources that were referenced in the ES. Paragraph 6.34 of Chapter 6 (Ecology) of the ES states that information has been provided by Essex Wildlife Trust (EWT) and Essex Field Club (EFC) and is referenced within the Ecology chapter. It is claimed that the applicant has not provided database details supplied by EFC which breaks the terms under which the data was supplied.
- 3.9 However, the contractual arrangements between the applicant and third parties are not matters the local planning authority are able to comment on. The ecological consultant agent acting on behalf of the applicant has responded with the following comments:

*'It is acknowledged that the data provided by Essex Field Club is provided with the caveat that it is attached in full to any planning submission. This is a commercial stipulation, as opposed to due process in planning terms ... Ecology Solutions acknowledge the oversight in this instance, which prevented the full EFC report being appended to the planning submission. We have no concerns in it being made widely available.'*



*However, it is important to emphasise this procedural oversight in no way undermines the validity of the planning submission, nor the efficacy of the ecological assessment more broadly. There is no policy requirement for submission of the EFC report.'*

- 3.10 The second point made by the Ward Councillor suggests the applicant has not fully considered the significance of invertebrates on-site and within the immediate locality and implies that appropriate surveys are therefore required.
- 3.11 These comments have been noted, although, the Council's Landscape & Ecology advisor has been consulted, along with Natural England and both have raised no objection to the proposal on ecological grounds.
- 3.12 In light of the above, Officers consider the matter of potential impact of the development on ecological interests has been considered fully and robustly. Whilst there has been an omission in the data provided, Officers are of the view that this has not impacted on the status of the ecological assessment within the application and there have been no concerns raised by the relevant consultees. For completeness Officers will liaise with both the Landscape & Ecology Advisor and Natural England again with regards to invertebrates for any further comments. Any updates provided will be presented at the August Planning Committee.

#### **4.0 CONCLUSION**

- 4.1 The recommendation remains one of refusal for reasons stated in section 6.0 of the July Committee report.

#### **5.0 RECOMMENDATION**

- 5.1 The Committee is recommended to refuse planning permission for the following reason(s):
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 (2021) 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 (2021). 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 (2021) 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 (2021).
3. 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 (2021) and Policies PMD1 and PMD2 of the Thurrock Local Development Framework Core Strategy and Policies for the Management of Development (2015).
4. 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).

### **Informative(s)**

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

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

**Documents:**

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

[www.thurrock.gov.uk/planning](http://www.thurrock.gov.uk/planning)

