

<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 • Community Benefits, Grays Athletic Community Football Club & Ship Lane 	
<p>Applicant: Group 1 Automative and Grays Athletic Football Club</p>	<p>Validated: 20 December 2022</p> <p>Date of expiry: 14.07.2023 (Extension of time agreed)</p>
<p>Recommendation: Refuse planning permission</p>	

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 application. The Committee voted to undertake a site visit to better understand the proposal.

- 1.2 The site visit was due to take place on 5 July 2023.
- 1.3 The report below summarises the matters which were verbally reported to Committee in April and also provides a summary of submissions from the applicant, consultation responses and planning updates.
- 1.4 A copy of the report presented to the April Committee meeting is attached as an appendix.

2.0 SUMMARY OF UPDATES FROM APRIL COMMITTEE

- 2.1 A verbal update was given at the April Committee confirming that 276 representations had been received, comprising 56 objections and 220 letters of support. In addition to the petition containing approximately 618+ signatures objecting to the development.
- 2.2 Prior to the April meeting the applicant had submitted draft s106 Heads of Terms to be considered with application, the details of which are outlined below;
 - i) Transfer of Football Stadium
- 2.3 The applicant maintains that upon any grant of planning permission for the PDI Centre, Group One Automative will transfer the stadium and associated land to the rear to Grays Athletic Community Club Limited for community uses.
 - ii) 3G football pitch
- 2.4 Upon a grant of planning permission for a PDI Centre, Group One Automative will fund the construction of a 3G football pitch, agreed in kind, in Belhus Park (see report for application ref. 22/01673/FUL).

Proposed Transfer of Football Stadium

- 2.5 With regards to the transfer of the football stadium, the April Committee Report notes the applicants' intention to promote the gifting and re-use of the stadium as a benefit of the PDI proposals. Although, in terms of what constitutes 'development' under the provisions of the Town and Country Planning Act, the re-use of a vacant football stadium does not require planning permission.
- 2.6 Comments of support have been received regarding the transfer of the stadium to Grays Athletic Football Club (GAFC), which urge the LPA to attribute weight to this factor due to the perceived benefits as a community asset. In addition, supporting comments suggest that as the site is in private ownership and currently on sale for

£3 million GAFC, nor any other football club, could afford the asking price. It has been mentioned that GAFC, which is owned/managed by its supporters, could not realistically purchase the stadium on the open market. It is also suggested that without planning permission for the PDI Centre, the proposed community uses could be permanently lost at the stadium and that significant weight would be afforded to this.

- 2.7 Given that there have been effectively four planning submissions at the site for a PDI centre each involving the proposed gifting of the existing stadium to GAFC, Officers are aware of the predicament facing Grays AFC. Moreover, Officers recognised in the April Committee report that GAFC do not have a home ground and have been promoting a new stadium in the north of Grays for some time.
- 2.8 Nonetheless, Officers have been consistent on this point. 'Development' is a term defined within planning legislation. While Officers appreciate the financial implications facing the club, the transfer of an existing football stadium to a football club does not require planning permission as it does not comprise 'development' within the definition of development under section 55 of the Town and Country Planning Act 1990.
- 2.9 Therefore, concerning the proposed Heads of Terms item i), the transfer of the football stadium would fail to comply with para. 57 of the NPPF which states that planning obligations must only be sought where, inter alia, the obligation is necessary to make the development acceptable in planning terms. To reiterate, no planning 'event' is required for the transfer of stadium to GAFC and planning permission is not required to occupy or reuse the football stadium and, therefore, no planning mechanism, nor planning obligation could be legitimately used to secure this proposed Heads of Terms.

3G Football Pitch

- 2.10 This application has been submitted with the linked application at Belhus Park for the new 3G pitch. The assessment of this linked application (ref 22/01673/FUL) can be found within this Planning Committee Agenda. In any case, the linked application for a 3G pitch has been recommended for refusal for the following reason;

- 1 *The application is not accompanied by sufficient detail regarding proposed pitch layouts, pitch design specifications, details of pedestrian and maintenance access and floodlighting to enable the local planning authority and Sport England to make an adequate assessment of whether the proposals provide adequate mitigation for the proposed loss of existing playing fields at the former Thurrock Football Club site. Consequently, the*

proposals are contrary to paragraph no. 99 of the NPPF and policies CSTP20 and PMD5 of the Thurrock Core Strategy and Policies for the Management of Development 2015.

2 As no mechanism has been provided by the application which guarantees the delivery of the proposed 3G pitch, the local planning authority cannot conclude whether any public benefits of the proposals outweigh the identified harm to the Grade II Belhus Park Registered Park and Garden. The proposal is therefore contrary to paragraph no. 202 of the NPPF.

- 2.11 As indicated in Sport England's and the Council's Leisure Manager consultation responses, the current submission for the 3G pitch at Belhus Park lacks sufficient information to appropriately assess the application. The Planning Statement supplied with the current application (22/01672/FUL) indicates that a 'financial contribution of £500,000 for the enhanced football provision at Belhus Park in Aveley would be secured 'in an effort to address the previous reason for refusal and concerns raised by planning officers previously at Committee...'. Furthermore, the Planning Statement mentions that discussions have been had with Impulse Leisure and Velocity Sports Limited regarding the new 3G Pitch at Belhus Parks which had fully been costed and worked up.
- 2.12 It should be noted that the £500,000 is a contribution only and will not be able to cover the full costs of the 3G Pitch, spectator area and 4.5m high fencing in its entirety. The guidance on Sport England's website suggests indicative figures for an adult playing pitch in the region of £900,000-£1,000,000. Thus, it is not clear from the submission how the additional funding to support the proposals might be obtained. Furthermore, given the second reason for refusal, the financial contribution towards the 3G Pitch further questions the deliverability of the proposed football pitch facility at Belhus Park and, ultimately, whether the harms to the Grade II Registered Park and Garden can be considered to be outweighed.
- 2.13 Since the April Committee, the applicant has not offered any further clarification on how the pitch will be delivered and queries remain regarding the limitations in the financial contributions in delivering the Belhus Park proposals. Therefore, with regards to the Belhus Park application, as made clear in the previous Committee Report, the applicant does not own the site and a s106 agreement cannot be the appropriate mechanism to secure the development can be delivered.
- 2.14 In light of the above, Officers consider that due to the uncertainty in the deliverability of the football pitch and the insufficient information supplied, a s106 obligation would not be appropriate. Therefore, on this basis, Officers are still unable to conclude the public benefits of the proposals could outweigh the harms identified to the Grade II Belhus Park, Registered Park and Garden, in accordance

with paragraph 202 of the (NPPF 2021).

3.0 CONSULTATION UPDATES

- 3.1 Since the previous Committee report was published, no further consultation comments have been received.

4.0 UPDATES, ASSESSMENT & IMPLICATIONS

- 4.1 Comments were made at the April Planning Committee and specific concerns raised as to whether there is an expiry period for a field that was last used as a 'playing field' for sporting activities to be considered as an actual 'playing pitch'.
- 4.2 The Town and Country Planning Development Management Procedure (England) Order 2015 (as amended) (the Order) stipulates that local planning authority's should consult Sport England for developments on land which has been used as a playing field at any time in the last 5 years before the making of the relevant application and which remains undeveloped.
- 4.3 Paragraph 7.28 of the April Committee report references Policy CSTP9 which, inter-alia, states 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. It was also stated that the football stadium and practice pitches are not identified by the Core Strategy proposals map as an 'open space'.
- 4.4 Matters relating to the gifting of the now disused stadium to Grays Athletic FC have been addressed in the April Committee Report which concluded that there is nothing in the application to show that the PDI centre is essential to allow the football club to be reopened and that Grays Athletic could reuse the site without any further development being needed.
- 4.5 Notwithstanding the above, with regards to the query raised at the April Planning Committee and the time period for a playing field last used as a playing pitch, the Order defines what constitutes a playing field and, consequently what constitutes a playing pitch.

These are outlined below;

- i. 'playing field' means the whole of the site which encompasses at least one playing pitch*
- ii. 'playing pitch' means a delineated area which, together with any run-off area, is of 0.2 hectares or more, and which is used for associate football, American football, rugby, Gaelic football, shinty, hurling, polo or cycle polo.*

The following are types of development are classified as requiring a statutory consultation with Sport England;

Development which -

(i) is likely to prejudice the use, or lead to the loss of use, of land being used as a playing field; or

(ii) is on land which has been –

(aa) used as a playing field at any time in the last 5 years before the making of the relevant application and which remains undeveloped; or

(bb) allocated for use as a playing field in a development plan or in proposals for such a plan or its alteration or replacement; or

(iii) involves the replacement of the grass surface of a playing pitch on a playing field with an artificial, man-made or composite surface.

- 4.6 It was reported in the April Planning Committee report that Thurrock FC had previously used the football stadium, but the stadium (and likely the associated training pitches) have been unused since the end of the 2017/2018 football season. The Council's aerial photographs appear to corroborate this as the training pitches appear to be in use during 2018. The next available aerial photographs are from 2021 and show an overgrown field reflecting the fact that the pitches are no longer in use.
- 4.7 Officers consider that the pitches comply with the definitions of the playing pitches, as defined within the Order, as the size of the training pitches are considered to comply with the definition and due to the last use being a training pitch for football purposes. At the time of the submission of the application, the fields that were previously used for training pitches were used within the last 5 years for such uses, therefore consultation with Sport England was necessary under the provisions of the Order.
- 4.8 Since the April Planning Committee, a submission has been made on behalf of Grays Athletic Football Club regarding the community benefits of the proposed scheme. The benefits proposed are noted and, while the April Committee Report had made some references to the community benefits as considerations to be weighed in the Green Belt planning balance, it was concluded that the gifting of the existing stadium for community uses afforded very limited positive weight. On this basis, the community benefits are appreciated but they do not outweigh the harms resulting from inappropriate development in the Green Belt and harms to openness and purposes.

5.0 CONCLUSION

- 5.1 The recommendation remains one of refusal for the reasons stated in 8.0 of the April Committee report.

6.0 RECOMMENDATION

- 6.1 The Committee is recommended to refuse planning permission for the following reasons:

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).

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

