

Thurrock - An ambitious and collaborative community which is proud of its heritage and excited by its diverse opportunities and future

## Planning Committee

The meeting will be held at **6.00 pm** on **30 November 2023**

**Council Chamber, Civic Offices, New Road, Grays, Essex, RM17 6SL**

### Membership:

Councillors Tom Kelly (Chair), Georgette Polley (Vice-Chair), Paul Arnold, Steve Liddiard, Jacqui Maney, Terry Piccolo, Sue Shinnick and Lee Watson

Steve Taylor, Campaign to Protect Rural England Representative

### Substitutes:

Councillors Alex Anderson, Mark Hooper, Sara Muldowney and Joycelyn Redsell

### Agenda

Open to Public and Press

	<b>Page</b>
<b>1 Apologies for Absence</b>	
<b>2 Minutes</b>	
<b>3 Item of Urgent Business</b>	
To receive additional items that the Chair is of the opinion should be considered as a matter of urgency, in accordance with Section 100B (4) (b) of the Local Government Act 1972.	
<b>4 Declaration of Interests</b>	
<b>5 Declarations of receipt of correspondence and/or any meetings/discussions held relevant to determination of any planning application or enforcement action to be resolved at this meeting</b>	
<b>6 Planning Appeals</b>	<b>5 - 10</b>

## **7 Public Address to Planning Committee**

The Planning Committee may allow objectors and applicants/planning agents, and also owners of premises subject to enforcement action, or their agents to address the Committee. The rules for the conduct for addressing the Committee can be found on Thurrock Council's website at <https://www.thurrock.gov.uk/democracy/constitution> Chapter 5, Part 3 (c).

<b>8</b>	<b>23/00813/HHA: Greystead, Parkers Farm Road, Orsett</b>	<b>11 - 32</b>
<b>9</b>	<b>22/01606/FUL: Titan Works, Titan Road, Grays</b>	<b>33 - 110</b>
<b>10</b>	<b>23/00033/FUL: Units 1 to 8 Including Burger King, Thurrock Shopping Park, Weston Avenue, West Thurrock</b>	<b>111 - 184</b>

### **Queries regarding this Agenda or notification of apologies:**

Please contact Luke Tucker, Senior Democratic Services Officer by sending an email to [Direct.Democracy@thurrock.gov.uk](mailto:Direct.Democracy@thurrock.gov.uk)

Agenda published on: **22 November 2023**

## Information for members of the public and councillors

### Access to Information and Meetings

#### Advice Regarding Public Attendance at Meetings:

Following changes to government advice there is no longer a requirement for public attendees to book seats in advance of a committee meeting. All public attendees are expected to comply with the following points when physically attending a committee meeting:

1. If you are feeling ill or have tested positive for Covid and are isolating you should remain at home, the meeting will be webcast and you can attend in that way.
2. You are recommended to wear a face covering (where able) when attending the meeting and moving around the council offices to reduce any chance of infection. Removal of any face covering would be advisable when speaking publically at the meeting.
3. Hand sanitiser will also be available at the entrance for your use.

Whilst the Council encourages all who are eligible to have vaccination and this is important in reducing risks around COVID-19, around 1 in 3 people with COVID-19 do not have any symptoms. This means they could be spreading the virus without knowing it. In line with government guidance testing twice a week increases the chances of detecting COVID-19 when you are infectious but aren't displaying symptoms, helping to make sure you do not spread COVID-19. Rapid lateral flow testing is available for free to anybody. To find out more about testing please visit <https://www.nhs.uk/conditions/coronavirus-covid-19/testing/regular-rapid-coronavirus-tests-if-you-do-not-have-symptoms/>

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- You should connect to TBC-CIVIC
- Enter the password **Thurrock** to connect to/join the Wi-Fi network.
- A Terms & Conditions page should appear and you have to accept these before you can begin using Wi-Fi. Some devices require you to access your browser to bring up the Terms & Conditions page, which you must accept.

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Members of the Council should ensure that their device is sufficiently charged, although a limited number of charging points will be available in Members Services.

To view any “exempt” information that may be included on the agenda for this meeting, Councillors should:

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- Enter your username and password

# DECLARING INTERESTS FLOWCHART – QUESTIONS TO ASK YOURSELF

Breaching those parts identified as a pecuniary interest is potentially a criminal offence

## Helpful Reminders for Members

- *Is your register of interests up to date?*
- *In particular have you declared to the Monitoring Officer all disclosable pecuniary interests?*
- *Have you checked the register to ensure that they have been recorded correctly?*

## When should you declare an interest *at a meeting*?

- **What matters are being discussed at the meeting?** (including Council, Cabinet, Committees, Subs, Joint Committees and Joint Subs); or
- If you are a Cabinet Member making decisions other than in Cabinet **what matter is before you for single member decision?**



Does the business to be transacted at the meeting

- relate to; or
- likely to affect

any of your registered interests and in particular any of your Disclosable Pecuniary Interests?

Disclosable Pecuniary Interests shall include your interests or those of:

- your spouse or civil partner's
- a person you are living with as husband/ wife
- a person you are living with as if you were civil partners

where you are aware that this other person has the interest.

A detailed description of a disclosable pecuniary interest is included in the Members Code of Conduct at Chapter 7 of the Constitution. **Please seek advice from the Monitoring Officer about disclosable pecuniary interests.**

**What is a Non-Pecuniary interest?** – this is an interest which is not pecuniary (as defined) but is nonetheless so significant that a member of the public with knowledge of the relevant facts, would reasonably regard to be so significant that it would materially impact upon your judgement of the public interest.

### Pecuniary

If the interest is not already in the register you must (unless the interest has been agreed by the Monitoring Officer to be sensitive) disclose the existence and nature of the interest to the meeting

If the Interest is not entered in the register and is not the subject of a pending notification you must within 28 days notify the Monitoring Officer of the interest for inclusion in the register

Unless you have received dispensation upon previous application from the Monitoring Officer, you must:

- Not participate or participate further in any discussion of the matter at a meeting;
- Not participate in any vote or further vote taken at the meeting; and
- leave the room while the item is being considered/voted upon

If you are a Cabinet Member you may make arrangements for the matter to be dealt with by a third person but take no further steps

### Non- pecuniary

Declare the nature and extent of your interest including enough detail to allow a member of the public to understand its nature



You may participate and vote in the usual way but you should seek advice on Predetermination and Bias from the Monitoring Officer.

## Our Vision and Priorities for Thurrock

An ambitious and collaborative community which is proud of its heritage and excited by its diverse opportunities and future.

1. **People** – a borough where people of all ages are proud to work and play, live and stay
  - High quality, consistent and accessible public services which are right first time
  - Build on our partnerships with statutory, community, voluntary and faith groups to work together to improve health and wellbeing
  - Communities are empowered to make choices and be safer and stronger together
  
2. **Place** – a heritage-rich borough which is ambitious for its future
  - Roads, houses and public spaces that connect people and places
  - Clean environments that everyone has reason to take pride in
  - Fewer public buildings with better services
  
3. **Prosperity** – a borough which enables everyone to achieve their aspirations
  - Attractive opportunities for businesses and investors to enhance the local economy
  - Vocational and academic education, skills and job opportunities for all
  - Commercial, entrepreneurial and connected public services

<b>30<sup>th</sup> November 2023</b>	<b>ITEM: 6</b>
<b>Planning Committee</b>	
<b>Planning Appeals</b>	
<b>Wards and communities affected:</b> All	<b>Key Decision:</b> Not Applicable
<b>Report of:</b> Tracey Coleman – Chief Planning Officer	
<b>Accountable Chief Officer:</b> Tracey Coleman – Chief Planning Officer	
<b>Accountable Director:</b> Mark Bradbury – Interim Director, Place	

## Executive Summary

This report provides Members with information with regard to planning appeal performance.

### 1.0 Recommendation(s)

#### 1.1 To note the report.

### 2.0 Introduction and Background

2.1 This report advises the Committee of the number of appeals that have been lodged and the number of decisions that have been received in respect of planning appeals, together with dates of forthcoming inquiries and hearings.

### 3.0 Appeals Lodged:

#### 3.1 Application No: **22/01312/TPO**

Location: 1A Sycamore Close, Tilbury, Essex, RM18 7TB

Proposal: T1 Sycamore fell to ground. The sycamore tree is situated on the other side of the fence. The tree has two stumps (Y shaped), one that grows into my garden and the other that grows into the road. The roots of this tree has affected the landscape and made the garden and the footpath unlevelled.

**3.2 Application No: 23/00899/HHA**

Location: 440 London Road, West Thurrock, Essex, RM20 4AR

Proposal: Formation of new vehicular crossover to access the highway

**4.0 Appeals Decisions:**

The following appeal decisions have been received:

**4.1 Application No: 22/01689/FUL**

Location: 11 Scott Road, Chadwell St Mary, Thurrock, RM16 4ED

Proposal: Single storey rear of garden one bedroom annexe

Appeal Decision: Appeal Dismissed

4.1.1 The Inspector considered that the main issue in the consideration of the appeal was the effect of the proposal on the character and appearance of the surrounding area.

4.1.2 The Inspector noted that the rear garden, due to the relatively open boundary treatment meant that the proposal would be prominent from the public domain. Although, the proposal would be single storey it would be significantly greater than the existing dwelling in terms of footprint and as such it would appear as an incongruously large addition in the streetscene.

4.1.3 The Inspector also found the layout meant that the building could be accessed separately from the main dwelling, which would give it the appearance of an independent dwelling.

4.1.4 Accordingly, the Inspector found the development would be contrary to Policies PMD2 and CSTP22 of the Core Strategy 2015, criteria in the Thurrock Design Guide: Residential Alterations & Extensions SPD 2017 which seeks annexes to be modest in scale and the NPPF 2023.

4.1.5 Accordingly the appeal was dismissed. The full appeal decision can be found online.

**4.2 Application No: 21/02172/FUL**

Location: Land Part Of, 261 Rectory Road, Grays, Essex



Proposal: Demolition of existing garage, sub-division of plot and erection of new detached two-bedroom dwelling with associated landscaping and parking.

Appeal Decision: Appeal Dismissed

- 4.2.1 The Inspector found the main issues were: the effect of the proposed development on the character and appearance of the area, and the effect on living conditions for occupiers of the host dwelling at 261 Rectory Road.

#### Character and Appearance

- 4.2.2 The Inspector noted that the proposal would be “orientated with a narrow frontage to the street, deep plan form and main roof ridge running back into the site. These features would contrast with the typical layout and proportions of the surrounding housing.” (para 6) and it would be prominently sited in a conspicuous position on the street corner and it would be incongruous in the street scene, departing from the generally consistent layout and scale of surrounding houses. The Inspector therefore found the proposal would be contrary to Policies PMD2, CSTP22 and CSTP23 in the above regards.

#### Living Conditions

- 4.2.3 The Inspector noted that the garden area remaining for No 261, would be small and would be fragmented, due to the layout of the proposed dwelling making the retained garden an irregular shape. It was also considered that the garden area would be impacted upon by the presence of the new dwelling and the location of the proposed parking area close the boundary of the garden. Accordingly, the proposal was also considered to be contrary to Policy PMD1 in this regard. The proposal was also considered to “conflict with relevant paragraphs in the Framework, notably paragraph 130 which says that developments should create places with a high standard of amenity for existing and future users and not undermine quality of life.” (para 20).
- 4.2.4 Accordingly the appeal was dismissed. The full appeal decision can be found online.

### **4.3 Application No: 21/02004/FUL**

Location: Land Adjacent 13 To 29, Kipling Avenue, Tilbury, Essex

Proposal: Residential development of 8 no. 2-storey dwellings with private garden areas and shared parking areas.

Appeal Decision: Appeal Dismissed

- 4.3.1 The Inspector considered the main issues in this appeal were: Whether the proposal would accord with the development plan with reference to the loss of open space; and the effect of the proposal on the character and appearance of the area.

#### Open Space

4.3.2 The Inspector considered that the Land constituted Open Space as defined by the Core Strategy and NPPF. No assessment had been undertaken to show the space was surplus to requirements or that alternative provision would be made and it was, in the opinion of the Inspector obvious that the space was being used by local residents, and as such the proposal was found to be contrary to Policy PMD5 of the Core Strategy and paragraph 99 of the NPPF.

**Character and Appearance**

4.3.3 The Inspector found the overall design and appearance of the dwellings would be acceptable but found that the loss of open space would result in harm to the character and appearance of the area, contrary to Policies PMD2, PMD5 and CSTP22 of the Core Strategy.

4.3.4 Accordingly the appeal was dismissed. The full appeal decision can be found online.

**5.0 APPEAL PERFORMANCE:**

5.1 The following table shows appeal performance in relation to decisions on planning applications and enforcement appeals.

	APR	MAY	JUN	JUL	AUG	SEP	OCT	NOV	DEC	JAN	FEB	MAR
Total No of Appeals	1	2	0	1	6	6	3					
No Allowed	1	1	0	0	2	2	0					
% Allowed	100%	50%	0%	0%	33.3 %	33.3 %	0%					

**6.0 Consultation (including overview and scrutiny, if applicable)**

6.1 N/A

**7.0 Impact on corporate policies, priorities, performance, and community impact**

7.1 This report is for information only.

**8.0 Implications**

**8.1 Financial**

Implications verified by: **Laura Last**  
**Management Accountant**

This report is an update report and as such there are no specific financial implications.

## 8.2 Legal

Implications verified by: **Mark Bowen**  
**Interim Project Lead - Legal**

The Appeals lodged will either have to be dealt with by written representation procedure or (an informal) hearing or a local inquiry. During planning appeals the parties will usually meet their own expenses and the successful party does not have an automatic right to recover their costs from the other side. To be successful a claim for costs must demonstrate that the other party had behaved unreasonably.

Where a costs award is granted, then if the amount isn't agreed by the parties it can be referred to a Costs Officer in the High Court for a detailed assessment of the amount due

## 8.3 Diversity and Equality

Implications verified by: **Becky Lee**  
**Team Manager - Community Development and Equalities Adults, Housing and Health Directorate**

There are no direct diversity or equality implications arising from this report..

## 8.4 Other implications (where significant) – i.e. Staff, Health, Sustainability, Crime and Disorder)

None.

## 9.0. Background papers used in preparing the report (including their location on the Council's website or identification whether any are exempt or protected by copyright):

- All background documents including application forms, drawings and other supporting documentation can be viewed online: [www.thurrock.gov.uk/planning](http://www.thurrock.gov.uk/planning). The planning enforcement files are not public documents and should not be disclosed to the public.

## 10.0 Appendices to the report

- None

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# Agenda Item 8

Planning Committee 30.11.2023	Application Reference: 23/00813/HHA
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<b>Reference:</b> 23/00813/HHA	<b>Site:</b> Greystead Parkers Farm Road Orsett Essex RM16 3HX
<b>Ward:</b> Orsett	<b>Proposal:</b> Garage extension

Plan Number(s):		
Reference	Name	Received
8837_101_A	Location Plan	3 <sup>rd</sup> July 2023
8837_102 rev A	Proposed Block Plan	3 <sup>rd</sup> July 2023
8837_103_rev B	Existing and Proposed Elevations	3 <sup>rd</sup> July 2023
8837_104 rev B	Proposed Elevations	3 <sup>rd</sup> July 2023
8837_105 rev C	Proposed Site Layout Plan	3 <sup>rd</sup> July 2023

<p>The application is also accompanied by:</p> <ul style="list-style-type: none"> <li>– Application form</li> <li>– Design and Access Statement, 7 December 2020</li> <li>– Counsel advice – John Dagg, 1<sup>st</sup> May 2022</li> <li>– Counsel advice – John Dagg, 9<sup>th</sup> November 2020</li> <li>– Cover Letter dated 3<sup>rd</sup> July 2023</li> <li>– Planning Statement</li> <li>– Appendix A – Greystead decision notice 19/00367/HHA</li> <li>– Appendix B – Greystead appeal decision 19/00367/HHA 10.12.19</li> <li>– Appendix C – Scrapbook records 1-5</li> <li>– Appendix D – Letter from Karen Frost</li> <li>– Appendix E – Photo schedule</li> <li>– Appendix F – Mr and Mrs Peters appeal decision ref. APP/G2245/A/96/268812/P4 and A/APP/G2245/A/96/272452/P4</li> <li>– Appendix G – Greystead appeal decision T/APP/Y1565/A/96/265832/P5 16.10.96</li> </ul>
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<ul style="list-style-type: none"> <li>- Appendix H – Planning History</li> <li>- Appendix I – The Lodge 18/01760/HHA 25.03.19</li> <li>- Appendix J – Fen Cottage 15/00008/HHA 30.10.15</li> <li>- Appendix K -Letter of Complaint 19 August 2019</li> <li>- Appendix L – Public Rights of Way Map</li> </ul>	
<b>Applicant:</b> Mr R Hunn	<b>Validated:</b> 5 July 2023 <b>Date of expiry:</b> 4 December 2023 <b>(Extension of Time Agreed)</b>
<b>Recommendation:</b> Refusal	

## 1.0 BACKGROUND

- 1.1 At the meeting of the Planning Committee held on 26<sup>th</sup> October 2023 Members of the Planning Committee were unable to reach a decision in voting on the application and voted in favour of a Member’s Site Visit. As a consequence, Members visited the site on Wednesday 15<sup>th</sup> November. At this site visit Members viewed the application site and the location of the proposal and its immediate context.
- 1.2 The previous officer report and recommendation remains unchanged from the October Planning Committee and is appended to this report.

# Agenda Item 8

Planning Committee 26 October 2023

Application Reference: 23/00813/HHA

<b>Reference:</b> 23/00813/HHA	<b>Site:</b> Greystead Parkers Farm Road Orsett Essex RM16 3HX
<b>Ward:</b> Orsett	<b>Proposal:</b> Garage extension

<b>Plan Number(s):</b>		
Reference	Name	Received
8837_101_A	Location Plan	3 <sup>rd</sup> July 2023
8837_102 rev A	Proposed Block Plan	3 <sup>rd</sup> July 2023
8837_103_rev B	Existing and Proposed Elevations	3 <sup>rd</sup> July 2023
8837_104 rev B	Proposed Elevations	3 <sup>rd</sup> July 2023
8837_105 rev C	Proposed Site Layout Plan	3 <sup>rd</sup> July 2023

The application is also accompanied by:

- Application form
- Design and Access Statement, 7 December 2020
- Counsel advice – John Dagg, 1<sup>st</sup> May 2022
- Counsel advice – John Dagg, 9<sup>th</sup> November 2020
- Cover Letter dated 3<sup>rd</sup> July 2023
- Planning Statement
- Appendix A – Greystead decision notice 19/00367/HHA
- Appendix B – Greystead appeal decision 19/00367/HHA 10.12.19
- Appendix C – Scrapbook records 1-5
- Appendix D – Letter from Karen Frost
- Appendix E – Photo schedule
- Appendix F – Mr and Mrs Peters appeal decision ref. APP/G2245/A/96/268812/P4 and A/APP/G2245/A/96/272452/P4
- Appendix G – Greystead appeal decision T/APP/Y1565/A/96/265832/P5 16.10.96

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<b>Applicant:</b> Mr R Hunn	<b>Validated:</b> 5 July 2023 <b>Date of expiry:</b> 31 October 2023 <b>(Extension of Time Agreed)</b>
<b>Recommendation:</b> Refusal	

The application is scheduled for determination by the Council’s Planning Committee because it has been called in by Cllrs B Johnson, G Snell, A Carter, B Maney and L Spillman (in accordance with the Constitution, Chapter 5, Part 3 (b), 2.1 (d) (ii)) to assess the impact of the proposal upon the Green Belt.

**1.0 DESCRIPTION OF PROPOSAL**

1.1 The application seeks planning permission for a single storey side extension to a detached pool house building at the site. The proposal involves the erection of a garage extension linked to the existing pool house and conservatory building and would provide an additional garage, measuring 6m x 10.1m, and 60 sqm in size, at the detached property. The applicant has detailed within the application that the garage extension is required in order to provide additional garaging to securely store his vehicles and spares associated with his long-term hobby of motor racing.

**2.0 SITE DESCRIPTION**

2.1 The application site is occupied by a detached dwellinghouse, a large pool house with a conservatory, and a detached garage. The site is located within the Metropolitan Green Belt. The dwellinghouse is set within a large curtilage bordered by one neighbouring detached dwelling to the north and by extensive agricultural land to the east, south and west. The site does not benefit from Permitted Development rights for the construction of extensions under Class A and outbuildings under Class E of The Town and Country Planning (General Permitted Development) order 2015 (as amended).



### 3.0 RELEVANT HISTORY

Application reference	Description of Proposal	Decision
58/00152/FUL	Construction of private garage with flat over	Approved
59/00466/FUL	Erection of Garage with Flat over - Part of grounds of Greystead	Approved
67/00566/OUT	Lounge and Kitchen Extension - Adj Greystead	Approved
69/00767/FUL	Porch addition (Details)	Approved
85/00547/FUL	Double Garage.	Approved
94/00591/FUL	Demolition of existing dwelling and erection of new dwelling	Refused
95/00023/LDC	Proposed new covered swimming pool and plant room	Lawful
95/00417/FUL	Replacement building	Approved  Appeal against Condition 8 (PD restrictions under Classes A, B, C, D and E) was Allowed - and PINS varied Condition 8 to restrict PD rights under Classes A and E, without additional permission
96/00907/LDC	Use of agricultural land as domestic garden on land adj Greystead [to the South]	Unlawful
16/01507/CLOPUD	Single storey garage using the existing access.	Unlawful
17/01111/HHA	Garage extension	Refused
19/00367/HHA	Garage extension	Refused, Appeal Dismissed 10.12.19
20/01711/HHA	Garage extension	Withdrawn 30.06.23

### 4.0 CONSULTATIONS AND REPRESENTATIONS

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

#### 4.2 PUBLICITY:

This application has been advertised by way of individual neighbour notification letters, press notice and public site notice which has been displayed nearby. No written comments have been received.

#### 4.3 HIGHWAYS:

No objections

### 5.0 POLICY CONTEXT

#### National Planning Policy Framework (NPPF)

- 5.1 The revised NPPF was published on 5th September 2023. Paragraph 11 of the Framework sets out a presumption in favour of sustainable development. Paragraph 2 of the Framework 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. Paragraph 10 states that in assessing and determining development proposals, local planning authorities should apply the presumption in favour of sustainable development.

The following headings and content of the NPPF are relevant to the consideration of the current proposals:

- 4. Decision-making
- 12. Achieving well-designed places
- 13. Protecting Green Belt land

#### National Planning Practice Guidance (NPPG)

- 5.2 In March 2014 the 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. PPG contains 42 subject areas, with each area containing several subtopics. Those of particular relevance to the determination of this planning application comprise:

- Design
- Determining a planning application
- Green Belt

- Use of Planning Conditions

Local Planning Policy: Thurrock Local Development Framework 2015

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

Spatial Policies:

- CSSP4 (Sustainable Green Belt)

Thematic Policies:

- CSTP22 (Thurrock Design)
- CSTP23 (Thurrock Character and Distinctiveness)

Policies for the Management of Development:

- PMD1 (Minimising Pollution and Impacts on Amenity)
- PMD2 (Design and Layout)
- PMD6 (Development in the Green Belt)
- PMD8 (Parking Standards)

Thurrock Local Plan

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

5.5 Thurrock Design Strategy

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

development in Thurrock. The Design Strategy is a supplementary planning document (SPD) which supports policies in the adopted Core Strategy.

## 5.6 Thurrock Residential Alterations and Extensions Design Guide (RAE)

In September 2017 the Council launched the RAE Design Guide which provides advice and guidance for applicants who are proposing residential alterations and extensions. The Design Guide is a supplementary planning document (SPD) which supports policies in the adopted Core Strategy.

## 6.0 ASSESSMENT

### Background

- 6.1 This proposal has been submitted following several repeated attempts to obtain planning permission for a garage extension at the site in recent years. As can be seen from the planning history, the proposed garage extension has been refused, and upheld at appeal, as recently as December 2019. The refusals have been based on the proposal by reason of its excessive size contravening Green Belt policy grounds as inappropriate development, harmful to the character and openness of the Green Belt, and with the absence of any Very Special Circumstances to justify development contrary to policy PMD6.
- 6.2 In the most recent planning appeal, following the refusal of planning application ref. 19/00367/HHA, the Planning Inspector concluded that the proposed garage extension (which proposed a slightly larger footprint than that proposed under this current application, at 78 sqm) was inappropriate development in the Green Belt. The Inspector also commented that, *‘The proposed extension would be positioned between the pool building and the northern boundary. It would be set back further than the existing garage and I accept that there would be limited visibility of it. However, a lack of visibility does not in itself mean there would be no loss of openness. The proposal would reduce the open gap to the boundary and would amount to encroachment of the countryside, contrary to the purposes of the Green Belt as set out in the Framework. Although in isolation the loss of openness would be limited, nonetheless, there would be harm, albeit relatively minor, arising from this, in addition to that arising from the inappropriate nature of the development.’*
- 6.3 The Inspector concluded that this previous proposal, in addition to being inappropriate development, did not have a case demonstrating Very Special Circumstances that clearly outweighed the harm caused, conflicting with Policy PMD6 and the NPPF and dismissed the appeal.

6.4 Since this previously dismissed appeal, the Applicant has submitted two applications including further information most notably two notes following Counsel advice, in an attempt to overcome the previous in-principle objection. Application ref. 20/01711/HHA was withdrawn by the Applicant following advice from the Officer that the application was likely to be recommended unfavourably as being contrary to Policy PMD6 as inappropriate and disproportionate development. This current application being considered by Members is an identical proposal.

6.5 The assessment below covers the following areas:

- I. Principle of the Development in the Green Belt
- II. Design, Layout and Character Impact
- III. Impact on Neighbouring Amenity
- IV. Access and Car Parking

I. PRINCIPLE OF THE DEVELOPMENT IN THE GREEN BELT

6.6 The application site is located in a rural part of the Borough in Parkers Farm Road in Orsett where there are few surrounding detached residential dwellings.

6.7 Policy PMD6 of the Core Strategy states that planning permission will only be granted for new development in the Green Belt provided it meets as appropriate the requirements of the NPPF, other policies in this Core Strategy, and the following:

*1. Extensions*

- i. The extension of a building must not result in disproportionate additions over and above the size of the original building. In the case of residential extensions this means no larger than two reasonably sized rooms or any equivalent amount.*
- ii. The extension of the curtilage of a residential property which involves an incursion into the Green Belt will only be permitted where it can be demonstrated that very special circumstances apply.*

Green Belt Assessment

6.8 The site is located within the Metropolitan Green Belt where strict controls apply in relation all new development. Core Strategy Policy PMD6 applies in this area. National and local policies, including this policy, seek extensions to residential dwellings to be proportionate and that would consequently not exceed that represented by two reasonably sized rooms for the dwelling.

- 6.9 As can be seen in the planning history, the original property has already been extended several times and has well-exceeded what would be considered acceptable extensions and additions to the property. The level of extensions and additional development also explains why the Permitted Development rights in relation to extensions to the property and outbuildings, under Classes A and E of The Town and Country Planning (General Permitted Development Order) 2015 (as amended), were restricted in 1995. It is therefore reasonable to conclude that any additional development at the property, such as that proposed, would be considered inappropriate development, as has been found at the appeal in 2019.
- 6.10 The current proposal, adding a further 60 sqm footprint to the site, would be considered a disproportionate extension. The proposal would result in the existing pool house, conservatory and garage additions being extended further and having a resulting footprint approximately one and half times the footprint of the main dwellinghouse, increasing the footprint of the buildings within the curtilage. This would be contrary to Policy PMD6 and the guidance within the NPPF and would be inappropriate development within the Metropolitan Green Belt. Significant weight is given to the harm arising from the inappropriateness and there appear to be no very special circumstances to outweigh the in-principle harm, and harm to openness, caused.
- 6.11 In response to the Council's view that the proposal would be inappropriate and disproportionate development, the Agent has submitted the following additional information which has been assessed with respect to its relevance to the application and are summarised below.

Counsel Opinions dated 9<sup>th</sup> November 2020 and 1<sup>st</sup> May 2022

- 6.12 In the opinion provided dated 9<sup>th</sup> November 2020, the Counsel note states that the national policy and the development plan allow for some carefully described exceptions to the general restriction on 'construction of new buildings' in the Green Belt. The opinion provided considers the relevant exception here provides for an extension to the 'original building'. That is defined in the Glossary (Annex 2) to the NPPF as 'A building as it existed on 1 July 1948 or, if constructed after 1 July 1948, as it was built originally.' Paragraph 145 c) of the NPPF states that, '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; ...'. The advice highlights that the reference is to 'a building', and not to any particular type of building. Policy PMD6 in relation to Extensions states the following:

*' i. The extension of a building must not result in disproportionate additions over and above the size of the original building. In the case of residential extensions this means no larger than two reasonably sized rooms or any equivalent amount.'*

- 6.13 The Counsel opinion submitted states that previously the planning applications (at Greystead) were assessed in regard to the proportion of the development in comparison to the host dwellinghouse, however, the Counsel opinion considers that it should be in comparison to the host building, which in this case would be the pool house building.
- 6.14 The Counsel's view then goes on to explain that, on the basis that the footprint comparison of proposed addition is made with respect to the pool house building, that the garage extension would then amount to proportionate development to that building.
- 6.15 The application includes the submitted 1<sup>st</sup> May 2022 Counsel opinion, which reiterates much of this same advice, and is supportive of the proposal. In Counsel's initial advice, John Dagg refers to local planning policy PMD6 and states *"If the intention had been to impose a stricter limit than 'proportionate' on extension of dwellinghouse outbuildings it would be expected that it would be clearly stated. I cited the Supreme Court's 2012 approach to the interpretation of policy in my original Advice"*. In the May 2022 opinion, Counsel has advised that, in the alternative, there is a strong Very Special Circumstances case to be argued where the level of potential Green Belt harm is very low and that there is no other planning harm. Counsel highlights, in his paragraph 6, the policy presumption against the withdrawal of Permitted Development rights and that it continues today, in paragraph 54 of the NPPF 2023. He also refers to points made in the submitted Planning Statement by reference to the Inspector's comments and reasoning in relation to the 1996 appeal decision at Greystead, the purpose of his limiting condition on Permitted Development rights to "control future development rather than its prevention". The concluding sentence within the Counsel summary states, "that balance should be assessed against the background that ordinarily this proposal would be permitted development and that p.d. rights should only be restricted if there is clear justification".

#### Consideration:

- 6.16 The two Counsel notes of advice have been fully considered by officers, including Legal officers, and the Council's Legal team advise as follows:

#### Council's Legal Opinion

- 6.17 The Council's Legal team advise that on a strict interpretation of that paragraph, the applicant's Counsel is likely correct in saying that the 'original building' that is being extended is the pool house building and not the dwellinghouse. Accordingly, the proposed new extension should 'not result in a disproportionate addition over and above the size of the original building' – being the pool house building.

- 6.18 However, the Council's Legal team advise that in regard to Policy PMD6 section 1, sub section i), there are two sentences in this part of the policy. Each of these provides a test and the Council's Legal team advises the following:

First sentence:

*'The extension of a building must not result in disproportionate additions over and above the size of the original building.'*

This is applicable to any building in the Green Belt (as for para 149 c NPPF). This test should be applied in each case where NPPF exception c) might apply.

Second sentence:

*'In the case of residential extensions this means no larger than two reasonably sized rooms or any equivalent amount.'*

This applies only to 'residential extensions'. Whilst residential extensions are not defined, there is no express limitation to dwellinghouses. Extensions within the residential curtilage are considered as residential extensions and this part of the test needs to be considered.

- 6.19 It is the Legal team's view that the purpose of this sentence is to provide a cap to limit the size of extensions within a residential curtilage, which goes to the heart of the matter. Whilst in relation to residential extensions, the existence of this second limb to PMD6 1(i) should be acknowledged; it could be sufficient to apply the first test and find the proposal to be disproportionate and recommend refusal. In such instance, there would be no need to go onto apply this test.
- 6.20 However, if the proposal appears proportionate, in the case of residential extensions, officers should then go on to apply the test in the second sentence, to ensure that whilst the extension proposed is considered proportionate to the 'original building' it is not larger than 'two reasonable sized rooms or equivalent'.
- 6.21 This means that although a building could in principle be proportionate, the application might still be refused, because it fails the test in the second sentence of PMD6 1(i).
- 6.22 The pool house building with the conservatory is already arguably a large outbuilding, and the proposal would increase this footprint further still to the point where the existing pool house, conservatory and garage additions would have a resulting footprint approximately one and half times the size of the main dwellinghouse, increasing the footprint of the buildings within the curtilage. So,



while a legal argument *may* be made in regard to the proposed extension to 'a building' being proportionate, consideration would still need to be given to this second sentence and the fact that the proposal exceeds to the two reasonable room allowance considered acceptable at the site.

- 6.23 On the basis that the Council's Legal team concurs with the Counsel's consideration of what is the 'original building' then this would have implications for the assessment of similar Green Belt applications in the future in so far as the calculations of the two reasonable room allowance. The consideration of proportionality would still fall to be considered on the merits of each case given that every site is different.
- 6.24 In addition, the matter of the Permitted Development rights restrictive condition has already been challenged at appeal. When the specific wording of that condition was appealed, the Inspector commented that they believed, 'the main issue in this case is whether, in the light of prevailing policies, the condition is reasonable and necessary as a means of safeguarding the openness of the Green Belt.' The Inspector concluded that, 'the volume of building erected as 'permitted development' could amount to a material enlargement of the [then] new dwelling in comparison with the dwelling it replaced. As the construction of new buildings in the Green Belt is, with certain limited exceptions, inappropriate development, it is my view that such enlargements would undermine the efficacy of policies which permit the replacement of dwellings as an exception to the presumption against inappropriate development in the Green Belt.'
- 6.25 The Inspector goes on to state that, 'As the existing swimming pool illustrates, the 'permitted development' rights available, particularly under Classes A and E could have substantial impact on the space about the buildings and on the overall openness of the surroundings. In my opinion, the purpose of the condition is to control future development rather than its prevention. Such caution would be justified by the sensitivity of the location in the Green Belt.' The Inspector ultimately determined the appeal as allowed but revised the permitted development right restrictive condition to continue to restrict development deemed permitted under Classes A and E. The matter of the restriction of permitted development rights has also been challenged at the most recent dismissed planning appeal in 2019. It is notable that the Inspector in this appeal stated the proposed garage extension, (which sought a larger footprint of 78 sqm, as opposed to the 60 sqm sought under the current scheme) would be both inappropriate development and disproportionate, which is considered material to the overall assessment of the current proposal given the similarity in the proposals and the recent time in which the decision was made and the similarities between the proposals.

6.26 The Council has been referred to the following planning appeal decision: Mr and Mrs Peters appeal decision for a garage in Edenbridge, Sevenoaks (ref. APP/G2245/A/96/268812/P4 and A/APP/G2245/A/96/272452/P4). This case relates to an allowed appeal for a garage of a slightly smaller size to that proposed at Greystead, measuring 9.5m by 5.5m. In that case, the Planning Inspectorate considered the garage to not be an extension to the dwelling and to also be inappropriate development. However, the Inspector noted that the proposed garage would have replaced a building with a similar footprint that had recently been removed and considered that this amounted to Very Special Circumstances as the garage would have been possible under permitted development if it not for the site's location within the curtilage of a listed building. The proposed garage would also have no impact on openness.

Consideration:

- 6.27 This case was considered entirely on its own specific merits that the Inspector cites in their appeal decision. The Inspector concluded it was inappropriate development but considered the specific circumstances put forward by the applicant of that application as to amount to Very Special Circumstances to allow the development. As such, this case was determined on its own merits and has no material bearing on the assessment of the specific circumstances or impact on openness of this current proposal.
- 6.28 Following the full assessment of the additional information submitted by the Agent the Council continues to remain of the view that the proposal would represent disproportionate development in regard to the overall curtilage of the residential site and thereby inappropriate development in the Green Belt, contrary to Policy PMD6 and the NPPF.

Very Special Circumstances

- 6.29 As detailed above, the proposed development represents inappropriate development within the Metropolitan Green Belt. Paragraph 147 of the NPPF states that inappropriate development is by definition harmful to the Green Belt and that it should not be approved except in very special circumstances.
- 6.30 The NPPF also states "When considering any planning application, Local Planning Authorities should ensure that substantial weight is given to any harm to the Green Belt". Paragraph 148 states that Very Special Circumstances will not exist unless the potential harm to the Green Belt by reason of inappropriateness, and any other harm, is clearly outweighed by other considerations.

- 6.31 Neither the NPPF nor the adopted Core Strategy provide guidance as to what can comprise as ‘very special circumstances’, either singly or in combination. However, some interpretation of very special circumstances 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 very special circumstances (i.e. ‘very special’ is not necessarily to be interpreted as the converse of ‘commonplace’). However, the demonstration of very special circumstances is a ‘high’ test and the circumstances which are relied upon must be genuinely ‘very special’.
- 6.32 With regards to the NPPF, paragraph 143 states *that ‘inappropriate development is, by definition, harmful to the Green Belt and should not be approved except in very special circumstances’*. Paragraph 144 goes on to state that, when considering any planning application, local authorities “*should ensure that substantial weight is given to any harm to the Green Belt. Very special circumstances will not exist unless the potential harm to the Green Belt by reason of inappropriateness and any other harm, is clearly outweighed by other considerations*”.
- 6.33 The second Counsel opinion submitted with the application, dated 1<sup>st</sup> May 2022, refers to potential reasons which the applicant could consider to constitute as Very Special Circumstances. As part of the overall and full assessment of the proposal, these are summarised and assessed below:
- 6.34 a) *the level of harm to openness is low.*

In the May 2022 opinion, Counsel has advised that, there is a strong Very Special Circumstances case to be argued where the level of potential Green Belt harm is very low and that there is no other planning harm.

#### Consideration

- 6.35 Whilst it is acknowledged the due to the siting of the proposed garage extension it may not have a significantly harmful impact with regard to openness, it should be noted that in dismissing the appeal against the 2019 application the Planning Inspector states at paragraph 10: “*Openness is an essential characteristic of the Green Belt. It can be taken as the absence of buildings and development, whether or not prominent from a public viewpoint. The proposal would increase the footprint, scale and mass of the built form on the site. As a result, the openness of the Green belt would be reduced to some degree.*’ Accordingly, the applicant’s assessment of lack of harm is challenged, as the Inspector acknowledged there would be some reduction in openness as a result of the very similar development. Furthermore, Paragraph 148 of the NPPF specifically states that *any* harm should be given substantial weight. This means that the NPPF prevents harm of level

being given less than substantial weight. Consequently, it is not considered that this argument could be given any weight attached as a Very Special Circumstance.

6.36 *b) the policy presumption against the withdrawal of Permitted Development rights and that it continues today, in paragraph 54 of the NPPF 2023 and referenced at appeal.*

Planning consent 95/00417/FUL was granted for a replacement building and included a restrictive condition under condition 8. The applicant submitted an appeal against Condition 8, regarding the Permitted Development right restrictions under Classes A, B, C, D and E, and the appeal was allowed. In allowing the appeal, the Planning Inspector varied the wording of Condition 8 to restrict Permitted Development rights under Classes A and E, without additional permission. Paragraph 54 of the NPPF states that, 'Similarly, planning conditions should not be used to restrict national permitted development rights unless there is clear justification to do so.' The Counsel opinion from 1<sup>st</sup> May 2022 comments that given the policy presumption against limiting Permitted Development rights in Paragraph 54, this should be considered in the balance as a Very Special Circumstance for the proposal.

Consideration

- 6.37 The Applicant's case indicates a presumption against the imposition of such condition is a material planning consideration (or that the condition is not a material consideration because of that presumption). Firstly, this submission does not amount to a positive benefit so cannot be given positive weight in support of the application. Secondly, the planning condition exists against the site. This means the planning condition is a material consideration, and is a matter of fact, weighing against approval. Should the applicant wish to seek the removal of this restrictive condition they are free to submit a planning application seeking this. It is relevant to advise, however, that the matter of the Permitted Development rights restrictive condition imposed at the site under consent 95/00417/FUL has already been challenged at appeal, as detailed earlier in this report. When the specific wording of that condition was appealed, the Inspector commented that they believed, 'the main issue in this case is whether, in the light of prevailing policies, the condition is reasonable and necessary as a means of safeguarding the openness of the Green Belt.' The Inspector concluded that, 'the volume of building erected as 'permitted development' could amount to a material enlargement of the [then] new dwelling in comparison with the dwelling it replaced. As the construction of new buildings in the Green Belt is, with certain limited exceptions, inappropriate development, it is my view that such enlargements would undermine the efficacy of policies which permit the replacement of dwellings as an exception to the presumption against inappropriate development in the Green Belt.'

- 6.38 The Inspector goes on to state that, ‘As the existing swimming pool illustrates, the ‘permitted development’ rights available, particularly under Classes A and E could have substantial impact on the space about the buildings and on the overall openness of the surroundings. In my opinion, the purpose of the condition is to control future development rather than its prevention. Such caution would be justified by the sensitivity of the location in the Green Belt.’
- 6.39 The Inspector ultimately determined the appeal as allowed but revised the permitted development right restrictive condition to continue to restrict development deemed permitted under Classes A and E. The matter of the restriction of permitted development rights has also not been challenged at the most recent dismissed planning appeal in 2019. It is notable that the Inspector in this appeal stated the proposed garage extension would be both inappropriate development and disproportionate, which is considered material to the overall assessment of the current proposal given the similarity in the proposals and the recent time in which the decision was made. As a consequence, it is considered that the justification for the restriction of Classes A and E has been fully considered, including at appeal, and would not be considered to conflict with the objectives of paragraph 54. No weight is therefore given to this purported Very Special Circumstance.
- 6.40 A summary of the weight which has been placed on the various Green Belt considerations is provided below:

<b>Summary of Green Belt Harm and Very Special Circumstances</b>			
<b>Harm</b>	<b>Weight</b>	<b>Factors Promoted as Very Special Circumstances</b>	<b>Weight</b>
Inappropriate development	Substantial	<i>a) the level of harm to openness is low</i>	No weight
		<i>b) the policy presumption against the withdrawal of Permitted Development rights and that it continues today, in paragraph 54 of the NPPF 2023 and referenced at appeal</i>	No weight

- 6.41 In reaching a conclusion on Green Belt issues, a judgement as to the balance between harm and whether the harm is clearly outweighed must be reached. The harm should be clearly outweighed by other material planning considerations which have been demonstrated to be benefits. In this case there is harm to the Green Belt with reference to inappropriate development (i.e. harm by definition), loss of

openness and harm to Green Belt purpose. The NPPF specifies this must be given substantial weight. For the reasons given above, neither of the two factors promoted by the applicant as considerations amounting to 'Very Special Circumstances' have been demonstrated to be benefits necessary to justify inappropriate development. However, it is for the Committee to judge:

- i. whether and how the factors are demonstrated to be genuinely 'Very Special' or whether the accumulation of generic factors combine at this location to comprise 'Very Special Circumstances' and if so
- ii. weight to be attributed to those factors

6.42 It is considered that the applicant has not advanced any factors which would cumulatively amount to Very Special Circumstances that could overcome the harm that would result by way of inappropriateness and the other harm identified in the assessment. The proposal is clearly contrary to Policies CSSP4, PMD2 and PMD6 of the adopted Thurrock Local Development Framework Core Strategy and Policies for the Management of Development (as amended 2015) and the National Planning Policy Framework 2023.

## II. DESIGN, LAYOUT AND CHARACTER IMPACT

6.43 The overall design of the proposal is considered sympathetic and relates suitably to the character of the existing dwelling. The ridge line of the proposed garage roof would be set at the same height as the existing pool house building, with exception to the smaller linked extension which would be set at a lower ridge height, and the overall extension roof would be hipped to match. The materials proposed would reflect those of the pool house building.

6.44 Given the position and orientation of the garage extension to the pool house building within the application site, the proposal would be visible from the driveway serving the site. However, given the majority of the driveway is set beyond the entrance gates close to the adjacent highway of Parkers Farm Road, the visual impact from the public realm would be limited in this instance.

6.45 Notwithstanding the in-principle objection, it is considered the proposal would be acceptable in relation to policies CSTP22, CSTP23 and PMD2.

## III. IMPACT ON NEIGHBOURING AMENITY

6.46 Due to the level of separation between neighbouring properties, and the existing established Leylandii planting along the northern boundary of the site, the proposal

would not result in any adverse or additional impacts upon neighbour amenity and would be in accordance with policy PMD1 and the RAE.

#### IV. ACCESS AND CAR PARKING

6.47 Given the existing garage parking would remain, and the fact the proposal seeks to provide additional garaging at the site, the proposal would not result in any highway or parking impacts. A relatively modest additional area of hardstanding to the immediate west of the proposed extension would be extended and created in front of the garage extension to ensure suitable vehicle access could be achieved. The proposal would be in accordance with policy PMD8.

### 7.0 CONCLUSIONS AND REASON(S) FOR REFUSAL

7.1 The application site is located within the Metropolitan Green Belt where limitations apply in relation to additional development, as set out in policy PMD6. The current proposal, adding a further 60 sqm footprint to the site, would be considered a disproportionate extension. Existing development present within the application site already exceeds the two reasonably sized room allowance, and therefore, the proposal would further increase this excess.

7.2 Whilst the applicant has put forward additional information, including Counsel opinion, and two separate factors they consider should be taken into account in deciding whether Very Special Circumstances exist, these have all been considered and assessed. This information and these factors would not cumulatively amount to Very Special Circumstances that could overcome the harm that would result by way of the inappropriateness and other harm identified by way of disproportionate development in the Green Belt.

### 8.0 RECOMMENDATION

8.1 Refuse planning permission for the following reason:

1 The proposed garage extension would be in excess of the amount that would be considered proportionate to the existing curtilage of the dwelling in this case, and in excess of the two reasonable sized room allowance specified by Policy PMD6 of the Core Strategy. The development would therefore result in inappropriate development in the Green Belt which is, by definition, harmful. The proposal would also cause a reduction in the openness. It is not considered that the matters put forward as very special circumstances clearly outweigh the identified harm to the Green Belt so as to amount to the very special circumstances required to justify inappropriate development. The proposal is therefore contrary to Policies CSSP4 and PMD6 of the adopted Thurrock Core Strategy and Policies for the Management

of Development (as amended 2015) and the National Planning Policy Framework 2023.

**Informative:**

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

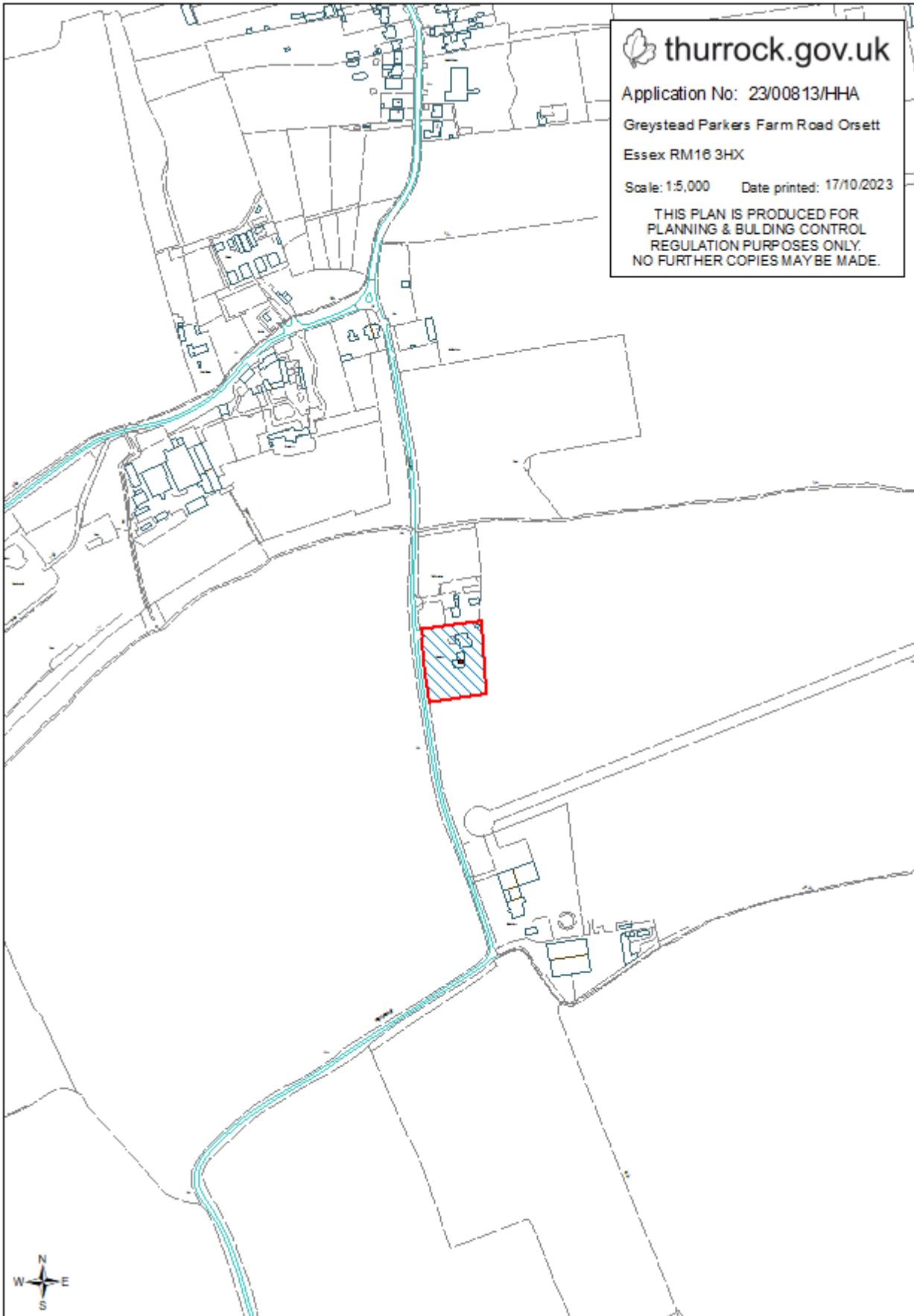
The Local Planning Authority has acted positively and proactively in determining this application by identifying matters of concern with the proposal and discussing those with the Applicant/Agent. However the issues are so fundamental to the proposals that it has not been possible to negotiate a satisfactory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





 **thurrock.gov.uk**

Application No: 23/00813/HHA  
Greystead Parkers Farm Road Orsett  
Essex RM16 3HX

Scale: 1:5,000 Date printed: 17/10/2023

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# Agenda Item 9

Planning Committee: 30 November 2023	Application Reference: 22/01606/FUL
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<b>Reference:</b> 22/01606/FUL	<b>Site:</b> Titan Works Titan Road Grays Essex
<b>Ward:</b> Grays Thurrock	<b>Proposal:</b> Demolition of existing buildings and the redevelopment of the site to provide flexible industrial and warehousing floorspace for Use Classes E(g)(iii), B2 and B8, together with associated access, parking, and landscaping

<b>Plan Number(s):</b>		
Reference	Name	Received
21009 - TP - 100	Location Plan	30th November 2022
21009 - TP - 101	Site Plan as Existing	30th November 2022
P22-1969-01C	Landscaping	28th September 2023
P22-1969-02C Sheet 1	Landscaping	28th September 2023
P22-1969-02C Sheet 2	Landscaping	28th September 2023
P22-1969-02C Sheet 3	Landscaping	28th September 2023
P22-1969-02C Sheet 4	Landscaping	28th September 2023
P22-1969-02C Sheet 5	Landscaping	28th September 2023
21009 -TP-102F	Site Plan as Proposed	28th September 2023
21009 -TP-103C	Site Plan as Proposed – North Section	28th September 2023
21009 -TP-104D	Site Plan as Proposed – Central Section	28th September 2023
21009 -TP-105C	Site Plan as Proposed – South Section	28th September 2023
21009 -TP-106A	Key Site Plan	28th September 2023
21009-TP-107A Sheet 1	Site Sections Sheet 01	28th September 2023
21009-TP-108A Sheet 2	Site Sections Sheet 02	28th September 2023
21009-TP-109A Sheet 3	Site Sections Sheet 03	28th September 2023
21009-TP-110A Sheet 4	Site Sections Sheet 04	28th September 2023
21009-TP-111A	Block A Floor and Roof Plans	28th September 2023
21009-TP-112B	Block A Elevation and Section	28th September 2023
21009-TP-113A	Block B Floor and Roof Plans	28th September 2023
21009-TP-114B	Block B Elevation and Section	28th September 2023
21009-TP-115	Block C Ground Floor and First Floor Plans	1st December 2022

21009-TP-116A	Block C Second Floor and Roof Plans	28th September 2023
21009-TP-117B	Block C Elevation and Sections	28th September 2023
21009-TP-118	Block D Floor Plans	1st December 2022
21009-TP-119A	Block D Roof Plans	28th September 2023
21009-TP-120B	Block D Elevations and Sections	28th September 2023
21009-TP-121	Block E Floor Plans	1st December 2022
21009-TP-122A	Block E Roof Plans	28th September 2023
21009-TP-123B	Block E Elevations and Section	28th September 2023
21009-TP-124A	Indicative Site Views	28th September 2023
21009-TP-125D	Parking layout plan	26th October 2023
21009-TP-126C	Titan Road Entrance	3rd October 2023
21009/TP_127	Titan Road Car Tracking	3rd October 2023
21009/TP_140B	External Material Finishes Samples	28th September 2023

The application is also accompanied by:

- Planning Statement
- Design and Access Statement
- Environmental Statement (ES) Volumes 1-2, Non Technical Summary including the following technical chapters:

- o Air Quality
- o Climate Change Resilience and Greenhouse Gases
- o Noise and Vibration
- o Socio-Economics
- o Transport and Access

Along with the following appendices:

- o Phase II Geo-environment Site Assessment
- o Flood Risk Assessment and Drainage Strategy
- o Energy and Sustainability Strategy
- o External Lighting Impact Assessment and Lighting Strategy
- o Construction Management Plan
- o Site Waste Management Plan
- o Health Impact Assessment
- o Transport Assessment
- o Framework Travel Plan
- o Sustainable Distribution Plan
- ES Addendum and Appendices
- Arboricultural Impact Assessment and Tree Survey Plans

- Archaeological Desk Based Assessment
- Biodiversity Metric and Net Gain Report
- BREEAM Report
- Car Parking Management Plan
- Ecological Assessment
- Flood Warning and Evacuation Plan
- Grays Market Assessment
- Heritage Statement
- Secured By Design Statement
- Town and Visual Impact Assessment

**Applicant:**

c/o James Walker (Agent)  
Savills

**Validated:**

7 December 2022

**Date of expiry:**

8 March 2024 (PPA time extension agreed)

**Recommendation:** Grant Planning Permission subject to conditions and obligations

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

**1.0 BACKGROUND AND DESCRIPTION OF PROPOSAL**

1.1 The key elements of the proposals are set out in the table below:

<b>Site Area (Gross)</b>	13.79 ha of which 9.12 ha is useable due to existing cliff faces and banks		
<b>Employment</b>	Up to an estimated 650 and an estimated 115 jobs during construction		
<b>Units</b>	28 industrial units		
<b>Land Uses and Floorspace</b>	<b>Use Class</b>	<b>Maximum Floorspace (sqm)</b>	
	B8 – Storage and Distribution	39,636 sqm	
	B2 – General Industrial and Manufacturing		
	E(g)(iii) – Industrial processes		
<b>Hours of Use</b>	24 hour use		
<b>Biodiversity Net Gain</b>	The proposal would have a 10% increase in habitat and 38.5% increase in hedgerows on site		

<b>Building Heights</b>	Proposed building heights range between 7m to 15m high
<b>Access</b>	One vehicle access from Hogg Lane (A1012)
<b>Parking</b>	Car Parking - 410 car parking spaces LGV/HGV Parking/Docking – 57 spaces Cycle Parking – 152 cycle parking spaces

1.2 Full planning permission is sought for the demolition of existing buildings and the clearance of the site to allow for the redevelopment of the site to provide flexible industrial and warehousing floorspace for Use Classes E(g)(iii), B2 and B8 comprising of 28 units and a total floorspace of 39,636 sqm, together with associated access, parking, and landscaping. The following headings describe in more detail the proposal:

Access

1.3 The existing site access would be re-used for the purposes of all access arrangements to the site. A new internal spine road would serve all units within the site and would follow a north to south alignment. A security hut and barrier would be installed similar to the existing arrangement on site.

1.4 The site includes a currently unused route linking to Titan Road adjacent to the Thameside Theatre. The plans show that a pedestrian and cycle route would be formed linking to Titan Road and the Grays Town Centre area. This path would be gated but open from dusk to dawn for the general public to walk or cycle across the site. Staff of the proposed units would have access 24 hours access to the gate and path for those needing to access from Titan Road.

Layout and Uses

1.5 The proposed layout of the development would create units on both sides of the internal spine road. There are 28 units proposed across six blocks with blocks A, B and D running parallel with the estate road. The proposal includes a mix of small to medium sized units for start up business as well as two large units. All units either would benefit from mezzanine floors or dedicated first floors with Unit C also having a second floor level, all of which would be used for ancillary office and welfare uses.

1.6 To the front of each unit there would be dedicated parking and servicing arrangements with additional parking areas shown adjacent to the units. For the larger units dedicated HGV areas would be created for docking and servicing arrangements. Landscaping, biodiversity areas and amenity areas would also be created in and around the proposed built development within the site.

1.7 The proposal would provide flexible industrial and warehousing floorspace for uses that include industrial processes (E(g)(iii)), general industrial (B2) and storage and distribution (B8). The proposed buildings would create a range of unit sizes from small units, for small and medium sized enterprise (SME) sized businesses and larger units. The table below shows the units and floorspace with all units having two internal levels and unit C1 having the benefit of three internal floor levels:

Block	Block A	sqm	Car Parking	LGV/HGV Parking
A	A1	1200	10	2
	A2	1000	10	1
	A3	920	10	1
	A4	920	10	1
	A5	1000	10	1
	A6	1440	14	2
	Total	6480	64 plus 20 spaces in the car park	8
B	B1	3577	22	3
	B2	2782	22	3
	Total	6359	44 plus 14 spaces in the roadside car park	6
C	C1	11040	75	14
D	D1	534	3	1
	D2	506	3	1
	D3	506	3	1
	D4	444	3	1
	D5	511	3	1
	D6	478	3	1
	D7	450	3	1
	D8	407	3	1
	D9	407	3	1
	D10	422	3	1
	D11	422	3	1
	D12	436	2	1
	D13	477	3	1
	D14	427	3	1
	D15	452	3	1
	D16	544	3	1
	D17	650	3	1
	D18	704	3	1
	Total	8775	53 plus 74 spaces in the car parks	18

E	E1	6982	56	11
UNALLOCATED			10 in main entrance car park	

1.8 The table below shows the blocks and floorspace:

Block	Floorspace sqm
A	6480
B	6359
C	11040
D	8775
E	6982
Total	39636

1.9 The proposed development would operate on a 24 hours a day 7 days a week basis.

Scale and Height

1.10 The height of the proposed units would range from 8.5m high up to 19m high for the largest unit. Unit C would be the tallest unit.

Appearance and Materials

1.11 The buildings would be modern typical industrial style buildings with external finishes include ribbon glazing, metal cladding and glazed entrances. During the course of the application the elevation plans have changed to reflect a colour palette to be more in keeping with this environment with a mixture of green, chalk white and grey coloured finishes.

1.12 Units would have a range of roof types featuring dual pitched roofs for blocks A and B, monopitch to block D and roofs with a curved apex for the larger units of blocks C and E. 15% of the roofspace would include rooflight windows to allow daylight into the units. Unit E would include a seeded green roof over the office element. The roofs would also include photovoltaics/solar panels.

1.13 Hard surfacing would include concrete, tarmac and block paving. Amenity areas would have a Hoggin Mix buff surface finish. Boundary treatment would consist of 2.4m high welded mesh panelling, knee high timber fencing along with security bollards. Cycle shelters would include green roofs.

Landscaping and Ecology/Biodiversity



- 1.14 The landscaping strategy includes retention of existing vegetation at the perimeter of the site and a mix of new planting areas including tree planting, hedges, shrubs and meadow grasses across the site. Ponds are located between block C and D, and new ponds would be created near the access road and to the rear of block E with provision of amenity use including seating areas for use for future occupiers. A deck area would overlook the pond.
- 1.15 In terms of biodiversity the planting proposals and selected plant spaces would include flowering plants to attract bees with beehives to be provided within the site. It is envisaged that the proposal would deliver a net gain of 10.39% in habitat units and a new gain of hedgerow units of 38.56%.

#### Drainage

- 1.16 A new surface water drainage system would drain to a new drainage system with infiltration basis and discharge connection to a public sewer. The surface water drainage system would include a retention approach of balancing ponds and sub surface storage, and an infiltration approach of trenches, basins, soakaways, porous and permeable paving. Interceptors would be installed for pollution management and mitigation. The surface water drainage system would be subject to a management and maintenance strategy.

#### Parking

- 1.17 The proposal would provide 410 car parking spaces across the site serving the 28 units. The proposed car parking would include 82 spaces for electric vehicles with charging points and this is 20% of the car parking spaces to be provided. Disabled parking spaces would also be provided, and 2 spaces would be provided on site as car club spaces between Units D12 and D13. The proposed parking includes parking for each unit but also on street parking areas (within the site) and a dedicated car park in the location of the existing car park within the site. The proposed layout plan shows that each unit would provide parking space and/or docking/loading bay parking for HGV/LGV or other commercial vehicles. A parking management company would be set up for effective operation of the parking on site for all future leaseholders and owners, and for on site enforcement requirements.
- 1.18 The Titan Road pedestrian and cycle access location shows that 3 disabled parking spaces would be provided within the site at the end of the cul de sac of Titan Road and these spaces would be allocated for use by the neighbouring Thameside Theatre. These disabled parking spaces are in addition to the 2 existing disabled parking spaces in Titan Road.

#### Cycle Parking

- 1.19 The proposed development quantum would result in 101 cycle spaces for staff and 51 spaces for visitors and these cycle spaces would be placed across the site to support each unit.

#### Travel Plan

- 1.20 A site wide Framework Travel Plan has been submitted and would provide opportunities for travel to the site by modes other than the private car and in particular single occupancy car trips. The site wide Framework Travel Plan would therefore encourage sustainable travel by encouraging increased use of buses, public transport, car sharing, walking and cycling.

#### Sustainable Distribution Plan

- 1.21 A Sustainable Distribution Plan (SDP) has been provided with the application. This includes specific measures which seek to manage the impact of freight traffic and HGV movements at the site onto the local highway network. The measures include on site service arrangements, types of vehicles accessing the site, managing the frequency and timings of deliveries, training all staff, direct freight routing, a HGV booking system and promoting the Thurrock Freight Quality Partnership.

#### Servicing and Refuse Strategy

- 1.22 The applicant's TA states that each unit would have at least one designated loading bay which will either accommodate a 10m rigid vehicle or a 16.5m articulated vehicle depending on the size of the unit and occupier requirements

#### Planning Obligations

- 1.23 The applicant offers financial contribution of £100,000 to improve operation at the Treacle Mine junction through provision of a second exit lane onto Lodge Lane from the roundabout and offers a Travel Plan to implement sustainable transport options for staff and visitors to the site.

#### Phasing

- 1.24 The applicant's ES assumes that the development would be phased as follows:
- Demolition completion by May 2024
  - Construction will begin May 2024
  - Development completion in September 2025

#### Environmental Impact Assessment (EIA) Development

- 1.25 The development requires an Environmental Impact Assessment (EIA) and this assessment is detailed with the Environmental Statement (ES) within the application. The ES considers the environmental effects of the proposed development during construction and during the operational phase (when built and occupied) and includes measures either to prevent, reduce or offset any significant adverse effects on the environment. The ES is accompanied by the figures, technical appendices referred to above.
- 1.26 The Council has a statutory duty to consider environmental matters and EIA is an important procedure for ensuring that the likely effects of new development are fully understood and fully taken into account before development proceeds. EIA is, therefore, an integral component of the planning process for significant developments. EIA leads to improved decision making by providing the development management process with better information. EIA not only helps to determine whether development should be permitted, but also facilitates the drafting of planning conditions and legal agreements in order to control development, avoid or mitigate adverse effects and enhance beneficial effects. Therefore, it is vital that the environmental issues raised by the application are assessed in a robust and transparent manner.
- 1.27 In order to fulfil the requirements of the EIA Regulations it is necessary to ensure (a) that the Council has taken into account the environmental information submitted, and (b) that any planning permission granted is consistent with the development which has been assessed. To achieve this second objective the Council has the ability to impose conditions and secure mitigation measures by Section 106 obligations.
- 1.28 Prior to the submission of the application, and in accordance with the Town and Country Planning (Environmental Impact Assessment) Regulations, the applicant applied to the local planning authority for a formal scoping opinion (22/01100/SCO) to confirm the content of information to be provided in the ES, and this was determined on 25 October 2022 with the adoption of the formal scoping opinion.
- 1.29 Since submission of the application in December 2022, the local planning authority has consulted and publicised the application in accordance with the requirements of the Regulations. In September 2023 further information was submitted in the form of ES Addendum with appendices alongside updated plans and technical studies, these were subject to consultation and publicity in accordance with the requirements of the Regulations.

## **2.0 SITE DESCRIPTION**

- 2.1 The site measures 13.79 ha of which 9.12 ha is useable due to existing chalk cliff faces and banks as the site was once used as a quarry. The site is approximately 17m lower in height than the existing natural ground levels that surround the site. The site is currently used as a chemical processing plant occupying a floorspace of 16,290 sqm, including 13,000 sqm of factory and workshop buildings and 4,000 sqm of dedicated bunded compounds housing storage tanks. The site currently operates 24 hours a day with HGV movements in and out of the site throughout the night time hours.
- 2.2 The existing site access is from Hogg Lane (A1012) towards the south west corner of the site and this access is a road that slopes and winds down to the site's ground level. The site includes a currently unused route linking to Titan Road adjacent to the Thameside Theatre, although the site boundary is secured by fencing and is overgrown.
- 2.3 The site is located 300m north of Grays town centre and 500m north of Grays railway station. The site is bound by the A1012 Hogg Lane to the west which runs between Grays town centre to the south and the A13 to the north. Further west of Hogg Lane is the Grays Chalk Quarry Nature Reserve. To the north and east is a predominately residential areas along Cromwell Road and Wallace Road. Areas of allotments also border the site directly north and to the central-east. The area to the south comprises a mix of residential and commercial uses on the edge of the town centre, including Grays Royal Mail Delivery Office and a Ford car dealership and service centre.
- 2.4 The site is allocated on the Core Strategy Proposals Map as Secondary Industrial and Commercial Employment Land, and Land for New Development in Secondary Areas. In terms of site constraints, these are as follows:
  - Ground water vulnerability
  - Within Flood Zone 2 & 3 (high risk)
  - Within 250m buffer of historic landfill sites
  - In close proximity to a SSSI to west of Hogg Lane (Chafford Gorge)
  - Close to an area identified as a Local Wildlife site (west of Hogg Lane)
  - Close to an Air Quality Monitoring location on the east side of Hogg Lane, to NW side of site
  - Land is subject to contamination

**3.0 RELEVANT PLANNING HISTORY**

- 3.1 The site has a lengthy planning history and relevant to this proposal is the planning history set out below:

Reference	Description	Decision
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22/01100/SCO	Request for a Scoping Opinion pursuant to Part 4, Regulation 15 (1) of The Town and Country Planning (Environmental Impact Assessment) Regulations 2017 (EIA Regulations) in relation to a proposed development at Titan Industrial Estate, Grays	EIA Scoping Response  25.10.2022
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**4.0 CONSULTATION AND REPRESENTATIONS**

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

4.2 PUBLICITY:

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

2 objections raising the following concerns:

- Additional traffic
- Environmental Pollution
- Possible excessive noise
- About building C height at the end of a garden
- Construction hours
- More traffic to already busy roads
- Overlooking of property
- Issues with light and noise from the site’s past use and vehicle accessing out of hours

4.3 ANGLIAN WATER:

No comments to make.

4.4 CADENT GAS:

No objection but recommend an informative as the proposed development is close to gas infrastructure.

4.5 ECONOMIC DEVELOPMENT OFFICER:

Recommend that a local employment and skills land is prepared for the construction and end user phase. A local procurement plan shall also need to be submitted. In

additional a financial contribution to local job support/brokerage is needed of £15,000.

4.6 EMERGENCY PLANNER:

No objection.

4.7 ENVIRONMENT AGENCY:

No objection subject to planning conditions requiring decontamination and remediation of contaminated land, no drainage systems to allow for infiltration of surface water into the ground unless details are provided for approval, and no piling to be allowed unless details are provided for approval. Although outside of the control of the Environment Agency it is recommended that flood proofing measures are implemented in building construction, safe refuge is also included in the safety of the building design, and that an emergency flood plan is implemented.

4.8 ENVIRONMENTAL HEALTH:

No objection subject to the recommendations of the Phase II Geo-environmental Site Assessment regarding contamination being implemented and also the requirements of the Environment Agency. For the construction process a Construction Environment Management Plan can include mitigation measures for dust and noise. For the operation use of the site the proposed noise mitigation measures as set out in the Fixed Plant Noise Assessment Technical Note shall be implemented including a condition regarding fixed plant.

4.9 ESSEX AND SUFFOLK WATER:

No response.

4.10 ESSEX COUNTY COUNCIL ARCHAEOLOGY:

No objection as the historic quarrying uses in the past means there that any archaeological deposits are unlikely to have survived.

4.11 ESSEX POLICE ARCHIECTURAL LIAISON OFFICER:

No objection.

4.12 FLOOD RISK ADVISOR:

No objection subject to a planning condition requiring a surface water drainage

scheme to be approved.

#### 4.13 HIGHWAYS:

No objections subject to conditions and obligations.

It is considered that there are a range of improvements that could address public transport and pedestrian connectivity issues, with improvements proposed at the Treacle Mine roundabout and the changes to the pedestrian routings it is suggested that a financial contribution of £50,000 towards pedestrian improvements at the North Stifford Interchange is considered.

It is recommended that a Section 106 agreement is made to deal with these issues and additional conditions to deal with freight management, parking management and travel plan requirements. The applicant is offering a contribution towards mitigation measures at the Treacle Mine roundabout, however, it is clear, that the impact of this development will require improvements to the Treacle Mine to mitigate its traffic impact therefore a contribution is not agreed, instead the developer should carry out the full highway work as part of a Section 278 Agreement for changes to both the Treacle Mine roundabout, Titan Road works and improvements to the access onto Hogg Lane.

A lorry routing strategy and to assist in this strategy a Vehicle Booking System shall be in operation at any time during which the site is open. This system shall record details of the registration, origin, destination, and operators of each vehicle entering and leaving the site and the time of such movements.

Recommend conditions for a Travel Plan, Construction Environment Management Plan (CEMP), vehicle booking system, details of all works to access points into and out of the site, details of final parking layout, adequate loading and unloading turning and parking accommodation, no occupation until all service roads have been constructed and HGV routing to the site.

#### 4.14 LANDSCAPE AND ECOLOGY ADVISOR:

No objection as the proposal would not have significant landscape or ecology effects.

From the Townscape and Visual Impact Assessment it is agreed that the effects would be 'minor' during construction reducing to 'neutral' during the operational phase. For the visual effects from public viewpoints these would be 'minor to moderate adverse' but not 'significant' in EIA terms.

For ecology the proposal would not have any adverse effects on nearby Local Wildlife Sites and the content of the habitat and protected species surveys is noted. An ecological method statement shall need to be provided as a planning condition or through a CEMP. It is recognised that the proposal would provide Biodiversity Net Gain following the implementation of the landscaping plan.

For arboriculture, it is noted that 43 category C trees would be removed but the landscaping scheme proposes new tree planting to mitigate the losses. The landscaping scheme shall need to be secured through a planning condition.

#### 4.15 LISTED BUILDINGS AND CONSERVATION OFFICER:

No objection as the proposal would not harm the setting of nearby designated assets which are located away from the site and are not in the existing character of this existing industrial location.

#### 4.16 NATIONAL HIGHWAYS:

National Highways have no objections and recognise that the Council are looking to partially signalise the A13 Stifford Clays interchange and when this signalisation is in place the associated traffic generated from the proposed development would have no operating or safety impact of concern on the two slip road approaches to the A13 Stifford Clays interchange in 2023/24 or by 2027. The slip road approaches and the A13 are within the strategic road network. National Highways also welcome the proposed mitigation works to the Treacle Mine roundabout, although recognise that this falls within the local highway network managed the by the Council's Highways team and is not within the strategic road network.

#### 4.17 PUBLIC HEALTH OFFICER:

The submitted HIA provides a good starting point but welcome improvements in certain key areas.

#### 4.18 TRAVEL PLANNING OFFICER:

No objection subject to planning obligation to secure a detailed Site Wide Travel Plan and for a monitoring fee of £600 per annum until the last plot is fully occupied plus 5 years post occupation There shall need to be a Site Wide Travel Plan and Occupier Travel Plan(s). Additional measures required for the Travel Plan are required for cycling, promotion of public transport, car sharing and parking. There is a requirement for car club spaces to be incorporated into the parking plan. Remedial measures are also required in the event that the Travel Plan is failing in its objectives needs to these shall need to be agreed.



#### 4.19 URBAN DESIGN OFFICER:

No objections.

#### 4.20 WASTE STRATEGY:

No response.

### 5.0 POLICY CONTEXT

#### 5.1 National Planning Policy Framework

The latest NPPF was published in September 2023. Paragraph 11 of the Framework sets out a presumption in favour of sustainable development. This paragraph goes on to state that for decision taking this means:

- c) approving development proposals that accord with an up-to-date development plan without delay; or
- d) where there are no relevant development plan policies, or the policies which are most important for determining the application are out of date<sup>1</sup>, granting permission unless:
  - i. the application of policies in this Framework that protect areas or assets of particular importance provides a clear reason for refusing the development proposed<sup>2</sup>; or
  - ii any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in this Framework taken as a whole.

<sup>1</sup> This includes, for applications involving the provision of housing, situations where the local planning authority cannot demonstrate a five year supply of deliverable housing sites ...

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

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

- 2. Achieving sustainable development
- 4. Decision-making
- 6. Building a strong, competitive economy
- 8. Promoting healthy and safe communities
- 9. Promoting sustainable transport
- 11. Making effective use of land
- 12. Achieving well-designed places
- 14. Meeting the challenge of climate change, flooding and coastal change
- 15. Conserving and enhancing the natural environment
- 16. Conserving and enhancing the historic environment

## 5.2 Planning Policy Guidance

In March 2014 the 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. PPG contains a range of subject areas, with each area containing several subtopics. Those of particular relevance to the determination of this planning application comprise:

- Air Quality
- Climate change
- Design: process and tools
- Effective use of land
- Environmental Impact Assessment
- Flood Risk and Coastal Change
- Healthy and safe communities
- Historic environment
- Land affected by contamination
- Land Stability
- Light pollution
- Natural Environment
- Noise
- Planning obligations
- Renewable and low carbon energy
- Transport evidence bases in plan making and decision taking
- Travel plans, transport assessments and statements in decision-taking
- Tree Preservation Orders and trees in conservation areas
- Use of Planning Conditions

## 5.3 Local Planning Policy Thurrock Local Development Framework

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

#### OVERARCHING SUSTAINABLE DEVELOPMENT POLICY

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

#### SPATIAL POLICIES

- CSSP2 (Sustainable Employment Growth)
- CSSP3 (Infrastructure)

#### THEMATIC POLICIES

- CSTP6 (Strategic Employment Provision)
- CSTP7 (Network of Centres)
- CSTP14 (Transport in the Thurrock Urban Area)
- CSTP16 (National and Regional Transport Networks)
- CSTP18 (Green Infrastructure)
- CSTP19 (Biodiversity)
- CSTP22 (Thurrock Design)
- CSTP23 (Thurrock Character and Distinctiveness)
- CSTP25 (Addressing Climate Change)
- CSTP27 (Management and Reduction of Flood Risk)

#### POLICIES FOR MANAGEMENT OF DEVELOPMENT

- PMD1 (Minimising Pollution and Impacts on Amenity)
- PMD2 (Design and Layout)
- PMD4 (Historic Environment)
- PMD7 (Biodiversity, Geological Conservation and Development)
- PMD8 (Parking Standards)
- PMD9 (Road Network Hierarchy)
- PMD10 (Transport Assessments and Travel Plans)
- PMD11 (Freight Movement)
- PMD12 (Sustainable Buildings)
- PMD13 (Decentralised, Renewable and Low Carbon Energy Generation)
- PMD15 (Flood Risk Assessment)
- PMD16 (Developer Contributions)

#### 5.4 Thurrock Local Plan

In February 2014 the Council embarked on the preparation of a new Local Plan for

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

As part of the Local Plan process, background documents have been produced to inform policy. Relevant to this application are the ELLA (Employment Land Availability Assessment) document which was published in February 2023 and revised in April 2023 and the EDNA (Economic Development Needs Assessment) published in March 2023.

#### 5.5 Borough Local Plan 'saved' policy

The Borough Local Plan was adopted by the Council in September 1997. By law, although the end date of the Borough Local Plan has passed, its policies were automatically saved. The saved policies were originally intended to be replaced by the Local Development Framework, including the Core Strategy Local Plan, the Site Allocations Local Plan and Minerals and Waste Local Plan, once adopted. In February 2012, Council approved a revised schedule of saved policies and annexes. Policies listed in this schedule still form part of the development plan and are a material consideration when deciding planning applications.

'Saved' policies E3 (Development within Secondary Industrial and Commercial Areas) and E4 (Land for New Industrial and Commercial Development in Secondary Areas) refer to the Titan Works site for industrial and commercial land uses.

#### 5.6 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.

#### 5.6 Grays Town Centre Framework

Although not a planning policy document to the Local Development Framework the Grays Town Centre Framework sets out a framework for the physical and social regeneration of Grays Town Centre. From the Grays Town Centre Framework the site is identified within the Concept Plan, Public Realm and Open Spaces plans as a

potential opportunity site for enhanced pedestrian and cycle routes through the site, with the potential to link up with Badgers Dene to the west, and is identified as an opportunity for a public green as part of any development at Titan Pit.

## 6.0 ASSESSMENT

### Procedure

6.1 The EIA Regulations require local planning authorities to examine the information within the Environmental Statement (ES) to assess the significant effects of the proposed development on the environment (beneficial and adverse), in addition to the material planning considerations. The EIA Regulations require the likely significant effects of the development to cover the direct effects and any indirect, secondary, cumulative, transboundary, short, medium and long term, permanent and temporary, positive and negative effects of the development. The Environmental Statement considers the baseline conditions (existing conditions), construction and operational phases (when the development is occupied) as part of this assessment. This application has been advertised (inter-alia) as a Major Development being accompanied by an Environmental Statement.

6.2 The material considerations for this application are as follows:

- I. Principle of the Development
- II. Socio and Economic Impact
- III. Access, Connectivity, Travel Plan, Parking and Traffic Impact
- IV. Design, Layout and Impact upon the Area
- V. Ecology and Biodiversity
- VI. Flood Risk, Drainage and Water Resources
- VII. Air Quality
- VIII. Noise and Vibration
- IX. Land Contamination and Ground Conditions
- X. Energy and Climate Change
- XI. Effect on Neighbouring Properties
- XII. Heritage and Archaeology
- XIII. Health Impact Assessment
- XIV. Cumulative Impact and Alternative Sites
- XV. Phasing and Construction
- XVI. Viability and Planning Obligations
- XVII. Sustainability
- XVIII. Other Matters

#### I. PRINCIPLE OF THE DEVELOPMENT

- 6.3 The site is allocated on the Core Strategy Proposals Map as ‘Secondary Industrial and Commercial Employment Land’, and ‘Land for New Development in Secondary Areas’ where policies CSSP2 (Sustainable Employment Growth) and CSTP6 (Strategic Employment Provision) apply.
- 6.4 Policy CSSP2 (Sustainable Employment Growth) identifies Grays as a ‘Key Strategic Economic Hub’ with ‘Core Sectors’ in retail but ‘Growth Sectors’ in business services, recreation and leisure, and public sector services. For Grays an indicative job growth of 1,650 is identified. Although not stated this policy is more aimed at central Grays and the town centre area, which is why there is no identification for industrial and storage warehouse uses within the policy. Policy CSTP6 (Strategic Employment Provision) is more relevant and the policy safeguards existing demarcated ‘Primary and Secondary Industrial and Commercial Areas’ sites such as this for employment generating uses falling within Use Classes B1 (office, research and development, light industrial), B2 (general industrial), B8 (storage and distribution uses) and sui generis uses. It should be noted that since the policy was adopted the Use Classes Order has been amended and Use Classes B1 for this proposal now falls into Use Class E(g)(iii) (any industrial processes). The site is therefore considered as employment land in the Core Strategy policy context.
- 6.5 In terms of national planning policy, chapter 6 of the NPPF advises that significant weight should be placed on the need to support economic growth and productivity, taking into account both local business needs and wider opportunities of redevelopment. Paragraph 81 of the NPPF requires planning policies and decisions to create conditions in which businesses can invest, expand and adapt with significant weight to be placed on the need to support economic growth. Paragraph 83 requires planning policies and decisions to recognise and address specific locational requirements of different sectors, including creative or high technology industries, and, most applicable for this site, storage and distribution operations at a variety of scales and in suitably accessible locations.
- 6.6 Outside of the planning policy framework but relevant to this application is the up to date evidence base for the preparation of the Council’s new Local Plan for employment uses. The evidence base consists of the Employment Land Availability Assessment (ELAA) dated February 2023 and the Economic Development Needs Assessment (EDNA) dated March 2023.
- 6.7 The ELAA identifies Thurrock as a ‘hot spot’ for logistics due to the combination of ports, the proximity of the M25 motorway network and access to London and the South East. The ELAA mentions the Titan Works site, as this planning application was a live at the time of the ELAA report but also because the ELAA recognises that the Titan Works site would be able to provide a mix of unit sizes and types in this part of the Borough and ‘should be supported’.

- 6.8 The EDNA considers the demand for and supply of employment land in the Borough and recognises various growth scenarios with the majority of demand for warehousing land associated with the ports in the Borough and the future Freeport considerations. The EDNA recognises that there is a case for the future allocation of additional land to support modern industrial and warehousing space for mid sized (3,000 to 10,000 sqm) and small site (<3,00 sqm) units, which is what is offered through this planning application.
- 6.9 The proposed redevelopment of the site would make better use of the entire site as currently areas of the site are not used. This site is a former chalk quarry and is partly occupied by existing development but there are areas of the site that are not occupied and have returned to a more natural environmental state. The re-use of all of the levelled part of the site within the former chalk quarry would make more efficient use of land within an urban area.
- 6.10 Based on the above policy position and the more efficient use of urban land it is considered that the principle of the regeneration of this site for employment land development is acceptable.

## II. SOCIO ECONOMIC IMPACT

- 6.11 The site is currently used as a chemical processing plant occupying a floorspace of 16,290 sqm, including 13,000 sqm of factory and workshop buildings and 4,000 sqm of dedicated bunded compound storage tanks. The site currently employs 86 members of staff with 51 members of staff being Thurrock residents.
- 6.12 When compared with the existing floorspace on the site proposed development of 39,636 sqm of floorspace would result in a net gain of 23,346 sqm of floorspace. It should be noted that the proposed 28 units aim to provide a mix of small and medium sized businesses along with two large units. The proposal would provide 650 jobs for the operational phase of the development and 115 jobs for the construction phase of the development.
- 6.13 Section 10 of policy CSTP6 identifies that the Council will work with partners and developers to enhance the knowledge and skills and local employment opportunities for residents include the promotion of local labour and training agreements. A local employment and skills package would be secured through a planning condition or obligation for both the construction and operation phases of the development. This package would include training opportunities, apprenticeships, using local labour sources and advertising for jobs locally for the benefit of Thurrock residents. The Council's Economic Development Officer requires this along with a local procurement plan and a financial contribution to local job support/brokerage of £15,000.

- 6.14 The applicant's Environmental Statement (ES) identifies that the new employment land floorspace and jobs created through the operational phase and construction phase would have a 'permeant beneficial effect of slight significance across the long term' in Environmental Impact Assessment terms.

### III. ACCESS, CONNECTIVITY, TRAVEL PLAN, PARKING AND TRAFFIC IMPACT

- 6.15 Various local planning policies as well as the guidance stated in the NPPF/PPG are relevant to this material consideration and are identified below. Traffic and Transport was 'scoped in' for the Environmental Impact Assessment and the ES assesses the proposed development's impact upon Traffic and Transport.

#### Vehicle and Pedestrian Access

- 6.16 Policy PMD9 seeks to minimise the number of new accesses required onto the highway network and to ensure that new access creation makes a positive contribution towards highway safety.
- 6.17 Policy CSTP15 requires assessment of developments in relation to sustainable travel choices with necessary appraisal of accessibility for all members of the community and promotes permeability and legibility. Paragraph 104 of the NPPF promotes opportunities for walking, cycling and public transport, and paragraph 112 (a) of the NPPF requires applications for development to maximise pedestrian and cycle movements and ensure accessibility for all.
- 6.18 The site's existing vehicular access would be re-used for the purposes of all access arrangements to the site. The access at Hogg Lane is formed of a 25m circa wide bellmouth junction with a dedicated right turn lane on the northbound carriageway. From the access with the public highway the road follows a ramped arrangement descending to a lower ground level of the site via 180-degree bend. The access permits two-way traffic and includes a dedicated footway on the outside of the bend for pedestrian use. This access would be used for the proposed development. The applicant's Transport Assessment (TA) confirms the access complies with geometry, visibility splay standards, capacity and swept path requirements for HGV access. The Council's Highway Officer raises no objections but considers that improvements may be needed to the access where it joins Hogg Lane in regard to resurfacing, relining and signage as well as improvements for pedestrian and cycle access, which would need to be secured through planning conditions/obligations.
- 6.19 Currently from the lowest point of the access there is a security barrier and security building, which would be removed to allow access to flow into the new internal spine



road would serve all units within the site. A new security arrangement is shown on the plans and such details shall need to be secured through a planning condition.

- 6.20 In addition to the existing access to the site which can provide for walking and cycling access, another route to be used as a pedestrian and cycle access is proposed from the internal spine road through the south of the site linking to Titan Road adjacent to the Thameside Theatre. This route would link to the Grays Town Centre area and would provide a better pedestrian and cycle route to the Grays Town Centre area avoiding the need to use Hogg Lane. Through the course of the application revised plans have been provided to show the proposed improvement works to the Titan Road access, which raise no objections but shall need to be secured through planning conditions/obligations.
- 6.21 The Council's Highway Officer raises no objections to the provision of these access points and routes which are considered acceptable with regard to policies CSTP15 PMD2, PMD9 and paragraphs 104, 108 and 112 of the NPPF.

#### Connectivity and Accessibility to transport hubs and local facilities

- 6.22 Policy CSTP15 also seeks to improve accessibility to work through the promotion of passenger services and transport services, prioritise rights of way/ improvements, provide links to the national cycle network route 13 and to ensure new development promotes high levels of accessibility by sustainable transport modes and local services are conveniently located to reduce the need to travel by car. Paragraph 108 of the NPPF requires safe and suitable access for all users and encourages applicants to maximise these travel options.
- 6.23 With regard to pedestrian and cycle access the applicant's TA demonstrates that with an 800m and 2km walking distance there is access to a number of local amenities. Within 800m of the site is the town centre that provides a range of amenities and services along with access to two transport hubs which are the bus station and the Grays railway station. For cycle access there is access to a range of residential areas within 5km of the site. Two national cycle routes numbered route 137 and numbered route 13 can be accessed along with various traffic routes, signed cycle routes and on-road cycle lanes within the wider area.
- 6.24 From the Grays Town Centre Framework document, the site is identified within the Concept Plan and Public Realm and Open Spaces plans as a potential opportunity site with an opportunity for enhanced pedestrian and cycle routes through the site (with the potential to link up with Badgers Dene to the west). The site plan has been revised by the applicant to allow for the ability to walk and cycle from the proposed new site entrance at Titan Road through the site to the main road site access joining

Hogg Lane. This is welcomed and would achieve the connectivity opportunity as identified in the Grays Town Centre Framework document.

- 6.25 For bus connectivity there are 12 routes identified in the applicant's TA within the area, many of which would be accessed via the bus station in the town centre and many run regular services. For rail connectivity the Grays railway station provides frequent trains that links to the other stations in the Borough and to further afield destinations including Upminster, Basildon, Southend and London.
- 6.26 The Council's Highways Officer has identified that there are a range of improvements that could address public transport and pedestrian connectivity issues, with improvements proposed at the Treacle Mine roundabout to be secured through a s278 agreement under the Highways Act and the changes to the pedestrian routings it is suggested that a financial contribution of £50,000 towards pedestrian improvements at the North Stifford Interchange. There also a requirement to enhance the current site access arrangements at Hogg Lane and this may involve resurfacing, relining or further signing at the junction, also to be secured through a s278 agreement under the Highways Act.

#### Travel Plan

- 6.27 Policy PMD10 requires Travel Plans to promote sustainable transport alternatives, which would include travel incentive mitigation measures and the policy requires the promotion of sustainable transport alternatives to private vehicle car use. Policy CSTP14 looks to ensure new development promotes high levels of accessibility by sustainable transport modes. Paragraph 113 of the NPPF requires 'all developments that will generate significant amounts of movement should be required to provide a travel plan'.
- 6.28 Appendix 11.3 of the TA includes a site wide Framework Travel Plan and it explains that the primary aim of the site wide Framework Travel Plan is to provide an agreed reference point for individual Travel Plan Statements (TPS) to be prepared by individual occupiers of the units. The site wide Framework Travel Plan would provide opportunities for travel to the site by modes other than the private car and in particular single occupancy car trips. The site wide Framework Travel Plan would therefore encourage sustainable travel by encouraging increased use of buses, public transport, car sharing, walking and cycling.
- 6.29 The objectives of the site wide Framework Travel Plan include:
- To promote sustainable and active travel to the site for all staff members working on site.

- To promote sustainable transport choices for employees and visitors to and from the site.
- To promote accessibility by walking, cycling, public transport, taxis and car sharing.
- To increase awareness of environmental and social benefits of using alternative modes of transport.
- To encourage the use of electric vehicles through the provision and ongoing monitoring of charging points.

- 6.30 The site wide Framework Travel Plan proposes that a Travel Plan Co-ordinator would be employed for each unit to ensure individual Travel Plan Statements and site wide Framework Travel Plan are achieved. The TPC will have the responsibility of setting up a site wide working ground to meet at least annually. Marketing will be used to promote the travel plan and travel choices. Regular monitoring will be required for each TPS for each occupier to assess travel patterns to work for a five-year period following occupation. The site wide Framework Travel Plan will set targets towards a 10% mode shift from single occupancy car drive trips from the baseline of a 5 year period. In the event that site wide Framework Travel Plan targets are not met then corrective measures would be put in place through a review meeting to determine what measures can be taken to further reduce travel-related impact and achieve greater take up of measures in the Travel Plan. These could include measures such as public transport taster tickets, car parking spaces replaced by car sharing/car club spaces and further funding support for a travel plan co-ordinator.
- 6.31 Details of the site wide Framework Travel Plan and the individual occupier Travel Plans shall be secured through planning conditions or obligations. The Council's Travel Planning Officer requires a financial contribution of £600 per annum for monitoring purpose up until five years after the occupation of the last unit and this would be secured through a planning obligation. Additional measures for the site wide Framework Travel Plan are required for cycling, promotion of public transport, car sharing and parking. There is a requirement for car club spaces to be incorporated into the parking plan and the applicant has included dedicated car parking spaces for this purpose. Individual occupier travel plans shall also need to be secured.
- 6.32 The Travel Plan approach is considered acceptable having regard to policy PMD10 and paragraph 113 of the NPPF and shall be secured through planning conditions and/or obligations.

### Parking

- 6.33 Policy PMD8 requires developments to comply with the Council’s Parking Design and Development Standards (February 2022). Paragraph 107 of the NPPF advises on setting parking standards and paragraph 109 of the NPPF refers to lorry parking.
- 6.34 The proposed development would involve a range of land uses and the Council’s Parking Design and Development Standards (February 2022) identify the following parking requirements for the proposed land uses:

Use	Use Class (new Use Classes references in Brackets)	Car Vehicle Parking Requirement
Storage and Distribution	B8	1 space per 150 sqm
General Industrial and Manufacturing	B2	1 space per 50 sqm
Industrial Processes	E(g) (iii)	1 space per 30 sqm

- 6.35 In addition to the above the Council’s Parking Design and Development Standards (February 2022) also identifies requirements for electric vehicle, disabled and motorcycle parking.
- 6.36 The proposal would provide 410 car parking spaces across the site, which is the equivalent of 1 space per 93 sqm. The applicant’s TA acknowledges that this level of parking is in between the parking ratio for B2 and B8 uses as stated in the Council’s Parking Design and Development Standards (February 2022). If all units were B2 units then the requirement would be for 793 car parking spaces and if all units were B8 units then the requirement would be for 264 car parking spaces. The applicant’s TA considers this to be an appropriate level of parking for the development. The proposed car parking would include 82 spaces for electric vehicles with charging points and this is 20% of the car parking spaces to be provided. Disabled parking spaces would also be provided. The proposed parking includes parking for each unit but also on street parking areas and a dedicated car park in the location of the existing car park within the site. The applicant’s TA identifies that car parking demand is forecast to peak at 332 spaces needed between 11am and 12pm which is within the 410 spaces proposed.
- 6.37 The Council’s Parking Design and Development Standards (February 2022) do not provide specific requirements for HGV/LGV or other commercial vehicle parking requirements. The proposed layout plan shows that each unit would provide parking space and/or docking/loading bay parking for HGV/LGV or other commercial

vehicles. The larger units would have significantly more HGV/LGV or other commercial vehicles than the smaller units and this has been designed to meet the needs of future occupiers of the units and the associated uses proposed.

- 6.38 The Council’s Highway Officer raises no objections to parking provision subject to the potential increase in electric vehicle facilities as and when demand increases through the travel plan and/or car parking management plan, with both needing to be secured to a permission.
- 6.39 For cycle parking, the Council’s Parking Design and Development Standards (February 2022) require the following:

Use	Use Class	Cycle Parking Requirement
Storage and Distribution	B8	1 space per 500 sqm for staff plus 1 space per 1000 sqm of visitors
General Industrial and Manufacturing	B2	1 space per 250 sqm for staff plus 1 space per 500 sqm for visitors
Industrial Processes	E(g)(iii)	1 space per 100 sqm for staff plus 1 space per 200 sqm of visitors

- 6.40 The applicant’s TA states a minimum level of 1 space per 375 sqm of floorspace would be provided for staff plus 1 space per 750 sqm for visitors. This ratio of cycle parking for the proposed development quantum would result in 101 cycle spaces for staff and 51 spaces for visitors and these cycle spaces would be placed across the site to support each unit. Further details on the cycle parking provision including of the exact number of cycle parking spaces per unit shall be secured through a planning condition.
- 6.41 The Council’s Highway Officer raises no objections on cycle parking provision.

*Construction Phase*

- 6.42 The Construction Environmental Management Plan condition can secure all parking requirements via a planning condition for the construction phase of the development, and this is likely to be located in on site secure compound for parking for staff and visitors associated with the construction work.

*Conclusion on Parking*

- 6.43 For all vehicle parking, the Council's Highway Officer raises no objections and it is considered that the proposed development is in accordance with the Council's parking standards to ensure compliance with policy PMD8 and paragraphs 107 and 109 of the NPPF.

#### Servicing and waste collections

- 6.44 PMD2 requires development proposals to include suitable access to maintenance, waste and emergency vehicles. Paragraph 112 (d) of the NPPF requires development to 'allow for the efficient delivery of goods, and access by service and emergency vehicles'.
- 6.45 The applicant's TA states that each unit would have at least one designated loading bay which will either accommodate a 10m rigid vehicle or a 16.5m articulated vehicle depending on the size of the unit and occupier requirements. Swept path analysis shows that vehicle can access and egress the site of a unit without causing vehicle conflicts. The Council's Highway Officer raises no objections with regard to the requirements of policy PMD2 and Paragraph 112 (d) of the NPPF.

#### Traffic Generation and Trip Rates/Distribution

- 6.46 Before assessing the impact upon the highway network, it is necessary to understand the proposed trip rates associated with the proposed development. The PPG advises that one of the key issues to consider in preparing a Transport Assessment are the 'road trip generation and trip distribution methodologies and/ or assumptions about the development proposal'.
- 6.47 With regard to trip generation, the applicant's TA states the existing use of the site provides 16,290 sqm of industrial floorspace and has been active for 50 years with 70 two way trips at the AM Peak and 50 two way trips at the PM peak. These trips include car drivers, light goods vehicles (LGV) and ordinary goods vehicles (OGV). The applicant's TA states the proposed use, based on 28 units and a floorspace of 38,026 sqm, is predicted to generate 167 additional vehicle trips during the AM peak (237 trips in total) and 105 additional vehicles during the PM peak (155 trips in total). The applicant's TA advises that there would be minimal change in ordinary goods vehicle movements with a reduction of 4 in the AM peak and an increase of 8 in the PM peak.
- 6.48 In terms of trip distribution, the applicant's TA predicts that 50% of all OGVs would route to the A13/A1012 roundabout junction with traffic predicted to head west on the A13 towards junction 30 and then heading north to join the M25. The applicant's TA predicts that the remaining 50% of OGV trips would travel along the Arterial Road towards junction 31 of the M25. For LGV it is predicted in the applicant's TA that

LGVs would distribute all around the local area. All car trips and other vehicles are predicted to be used as a method to travel to work from a range of locations including the local area.

### Highway Network Assessment

- 6.49 Policy PMD10 requires Transport Assessments to accord with relevant transport guidance and paragraph 113 of the NPPF requires planning applications to be supported by Transport Assessments so that the likely impacts of the proposal can be assessed.
- 6.50 PMD9 requires development to avoid causing congestion as measured by link and junction capacities. Paragraph 104 of the NPPF requires the impact of development on transport networks to be addressed and paragraph 111 of the NPPF identifies that development should only be prevented or refused on highway grounds if there is a 'severe' impact upon the road network.
- 6.51 Within and beyond the Thurrock area policy CSTP16 seeks to improve national and regional transport networks to ensure growth does not result in routes being above capacity. The policy seeks to achieve this through improving capacity by improving transport interchanges and supporting additional highway capacity through the use of technology and information.
- 6.52 The applicant's TA has assessed the impact of the development upon existing junctions, future year traffic growth, committed developments, assessment scenarios and net trips by junction.
- 6.53 It is identified that capacity assessment demonstrates 9 out of the 11 junctions would operate within capacity taking account of the worst case 2027 future and development scenarios for the AM and PM peak hours. Two junctions are predicted to operate over capacity, and these are:
- The Treacle Mine roundabout
  - B186/A1306 Arterial Road roundabout
- 6.54 The applicant's TA identifies that to improve operation at the Treacle Mine junction there is an opportunity to provide a second exit lane onto Lodge Lane from the roundabout. This revised modelling is said within the applicant's TA to improve capacity and the impact of this would mitigate the impact upon this junction. The applicant offers financial contribution of £100,000 based on their cost estimate and traffic management requirements.

- 6.55 For the B186/A1306 Arterial Road roundabout the applicant's TA identifies that there will be negligible impact upon the capacity of the roundabout and therefore no further changes are proposed to the roundabout junction.
- 6.56 The applicant's TA explains that the site wide Framework Travel Plan would help change the modal shift to focus on a move away from single occupancy cars towards more sustainable alternatives including walking, cycling and use of bus services.
- 6.57 For both the traffic generation/trip rates/distribution and the impact upon highway network, the Council's Highway Officer recognises that the proposal would impact upon the wider networks as existing junctions, in particular the A1306 is close or over capacity. The Council's Highway Officer considers the impact would increase queue lengths on junctions on the local network so there is a requirement to implement or contribute to mitigation measures to mitigate the harm from this development. The mitigation can include improvements to address public transport and pedestrian connectivity issues at the Treacle Mine roundabout as well as a contribution towards pedestrian improvements at the North Stifford Interchange and the access along Hogg Lane. The Council's Highway Officer recognises that applicant's offer of a financial contribution of £100,000 towards improvements at the Treacle Mine roundabout but instead of a financial contribution the Council's Highway Officer requires the applicant to enter into a s278 agreement under the Highways Act for changes to the Treacle Mine roundabout. The requirements for the applicant to enter into a s278 agreement under the Highways Act can be secured as a requirement of a s106 legal agreement to ensure the mitigation is secured in reference to this planning application, which is necessary to mitigate the impacts of the development.
- 6.58 In addition to the above, as further mitigation requirements, a lorry routing strategy and a Vehicle Booking System shall need to be secured through this planning application, so it is operational from first use of the site at any time during which the site is open. This system shall record details of the registration, origin, destination, and operators of each vehicle entering and leaving the site and the time of such movements. This can be secured through the Sustainable Distribution Plan approach.
- 6.59 For junction modelling on the Strategic Road Network (SRN) at junction 30 and 31 on the M25 the applicant's TA modelling work shows that the proposed development would have negligible impact when compared to the impact from wider committed developments coming forward. The wider committed developments include the Thames Enterprise Park development proposals (18/01404/OUT) and the Purfleet regeneration development proposals (17/01668/OUT and 20/01129/CV) with both development proposals providing mitigation through improvements to both junctions. The applicant's TA has also undertaken a merge analysis on junction 30 of the M25 with the merge arrangements expected to operate beyond the capacity of their



current arrangements in 2027 future year and committed and sensitivity scenario. However, each on-slip improvements have already been considered by the Thames Enterprise Park proposals (18/01404/OUT) with mitigation proposed that would address some of the overall capacity issues at the junction.

- 6.60 National Highways have no objections and recognise that the Council are looking to partially signalise the A13 Stifford Clays interchange and when this signalisation is in place the associated traffic generated from the proposed development would have no operating or safety impact of concern on the two slip road approaches to the A13 Stifford Clays interchange in 2023/24 or by 2027. The slip road approaches and the A13 are within the strategic road network. National Highways also welcome the proposed mitigation works to the Treacle Mine roundabout, although recognise that this falls within the local highway network managed the by the Council's Highways team and is not within the strategic road network.
- 6.61 The mitigation as identified is essential with regard to meeting the objectives of planning policies PMD9, PMD10 and CSTP16 and paragraph 111 of the NPPF.

#### Sustainable Distribution Plan

- 6.62 For freight transport, policy PMD11 requires development creating more than 200 daily HGV movements to produce a Sustainable Distribution Plan to include evidence that commercially viable opportunities for freight carried by rail, water, pipeline or conveyor have been maximised. The policy also requires for B1, B2 and B8 uses in excess of 30,000m<sup>2</sup> planning obligations for Vehicle Booking Systems for each occupier as part of the overall Sustainable Distribution Plan.
- 6.63 As the proposed development would generate at least 200 daily HGV movements a Sustainable Distribution Plan (SDP) has been provided with the application. This includes specific measures which seek to manage the impact of freight traffic and HGV movements at the site onto the local highway network. The measures include managing the timings of deliveries, training all staff, direct freight routing, a HGV booking system and promoting the Thurrock Freight Quality Partnership. The SDP is intended to be used for and updated in order to manage freight traffic and HGV movements in a cohesive, safe, efficient and sustainable way. The SDP states that the Estate Property Managers will be responsible for the on-going monitoring of the SPD including liaison with each unit occupier, although this more likely to be a requirement to work with the appointed Travel Plan Co-ordinator. The SDP will also be subject to an annual review. The SDP would be secured through a planning condition or obligation.
- 6.64 It is likely that road traffic freight would significantly impact on the highway network and to address the issues and meet policy requirements a Sustainable Distribution

Plan is necessary to accord with policy PMD11. The Council's Highway Officers has no objection.

### ES Assessment

- 6.65 The applicant's ES identifies that the Operational Phase would not generate enough vehicle trips to surpass the 10% threshold outlined in the Institute of Environmental Management and Assessment worst case assessment so there would be a 'negligible magnitude of impact on the sensitive receptors in the area'.
- 6.66 Construction Phase is identified in the applicant's ES to generate fewer vehicle movements than the proposed development per day and when combined with the operational phase there would be a 'negligible impact' on the local area and no additional mitigation (to that stated above) would be required.

### Conclusion for this section

- 6.67 The assessment of the access, traffic impacts, connectivity, travel plan, parking and mitigation measures have been subject to consultation and discussions throughout the lifetime of this planning application. As identified above a number of planning conditions and planning obligations are necessary to mitigate the impact of the development.
- 6.68 Overall, the access, traffic impacts, connectivity, travel plan, parking and mitigation measures are considered acceptable with regard to the relevant policy and the NPPF/PPG tests/considerations. Where identified the mitigation measures can be secured through planning obligations through a s106 legal agreement and planning conditions where identified.

## IV. DESIGN, LAYOUT AND IMPACT UPON THE AREA

- 6.69 Policies CSTP22 and CSTP23 both seek to create high quality design, character and distinctiveness for new developments, and policy PMD2 requires proposals to respond to the sensitivity of the site and its surroundings for various criteria. Chapter 12 of the NPPF as a benchmark to new development, through paragraph 126, requires 'the creation of high quality places'. Furthermore, chapter 12 of the NPPF aims to ensure developments are 'visually attractive' and 'sympathetic to the local character' of an area.
- 6.70 In addition to policy the Thurrock Design Strategy, which seeks achieve high quality design within the Borough, was adopted in 2017 as a supplementary planning document and endorsed as a material consideration in the determination of planning

applications. Section 3 of the Guide ('Designing in Context') requires applicants to appraise a development site by taking the following considerations into account:

- understanding the place;
- working with site features;
- making connections; and
- building in sustainability.

#### Layout and internal layout

- 6.71 The proposed layout of the development would create units on both sides of the proposed central estate road. There are 28 units proposed across six blocks with blocks A, B and D running parallel with the spine road. The proposal includes a mix of small to medium sized units for start up businesses as well as two large units. To the front of each unit there would be dedicated parking and servicing arrangements with additional parking areas shown adjacent to the units. For the larger units dedicated HGV areas would be created for docking and servicing arrangements. The applicant's Design and Access Statement explains that the design approach is to create inward facing development due to the site's constraints of developing in a former quarry but also due to residential properties in the nearby area at the natural ground level above the site. This approach is to also contain traffic noise within the development using buildings as a noise barrier. The proposed site plan does include a proposed 3m high noise barrier to the NW area of the site where there are residential properties in Hogg Lane. This noise barrier can be secured through a planning condition. The cliff face within the site would help contain noise arising from the development.
- 6.72 The internal layout of each unit reflects a similar approach of a warehouse area with ancillary office uses and associated essential services for future business operations located on the ground but also with mezzanine floors.
- 6.73 The existing and only vehicle access into the site from Hogg Lane would be maintained and would therefore continue to allow vehicle and pedestrian access. A new pedestrian access is proposed to access the site via Titan Road adjacent to Thameside Theatre which links to the town centre area.
- 6.74 Overall, there are no objections to the layout of the development having regard to policies CSTP22 and PMD2.

#### Scale and Massing

- 6.75 The height of the proposed units would range from 8.5m high up to 19m high for the largest unit. The surrounding cliff is 17m high so the ridge of one of the units (Unit C)

would project slightly above the cliff, but this would be the ridge of the roof and would therefore be away from the cliff face to not be noticeably higher. The applicant's Design and Access Statement advises that the height of units have been carefully considered in relation to the topography of the site with varying roof profiles. The plans show various site section drawings to demonstrate the impact upon the site with regard to the scale and mass of the development in relation to the cliff faces and topography of the site.

- 6.76 Overall, there are no objections to the scale and massing of the development with regard to policies CSTP22 and PMD2.

#### Design and Appearance

- 6.77 The design and appearance of the proposed buildings would be modern typical industrial style buildings with external material finishes including ribbon glazing, metal cladding and glazed entrances. The cladded elevations would be finished in a range of green, white (to reflect the chalk cliffs) and grey colours.
- 6.78 The units would have a range of roof types featuring shallow dual pitched roofs for blocks A and B, monopitch to block D and roofs with a curved apex for the larger units of blocks C and E. 15% of the roofspace would include rooflight windows to allow daylight into the units. Unit E would include a two-storey projection that would include a seeded green roof over the office projection. The roofs would also include solar panels.
- 6.79 There are no objections raised to the design and appearance of the proposed development with regard to policies CSTP22 and PMD2.

#### Landscaping and Amenity

- 6.80 The applicant's Arboricultural Report identifies a number of trees located within the site and a large number of the trees are located on the cliff face so would not be affected and would not be removed. These trees form part of the natural landscape and provide landscape and biodiversity value. Within the site, where development is proposed, there are a few trees and a few groups of trees that would need to be removed but none of the trees surveyed scored highly in the tree category scoring assessment as set out in the BS 5837, which is the recognised industry standard for tree assessment work. The applicant's Arboricultural Report identifies 43 category C trees would be removed but the Council's Landscape and Ecology Advisor recognises that the landscaping scheme would propose new tree planting to mitigate the loss of trees.

- 6.81 The landscaping strategy includes the retention of existing vegetation at the perimeter of the site and a mix of new planting areas including tree planting, hedges, shrubs and meadow grasses across the site. Hard surfacing materials would include concrete, tarmac and block paving. Ponds are located between block C and D, and new ponds would be created near the access road and to the rear of block E with provision of amenity use including seating areas for use for future occupiers. A deck area would overlook the pond. Further amenity areas would be provided for the larger units of Block C and E within the ground of each unit. Amenity areas would have a Hoggin Mix buff surface finish. Boundary treatment would consist of 2.4m high welded mesh panelling, knee high timber fencing along with security bollards. Cycle shelters would include green roofs. The Council's Landscape and Ecology Advisor raises no objection to the landscaping scheme and this would need to be secured through a planning condition.
- 6.82 The Grays Town Centre Framework identifies within the Public Realm and Open Spaces plan the potential opportunity for a public green as part of any development at Titan Pit. The proposed development does not offer open space for public use as it is the applicant's intention to retain security at the site similar to existing for the future occupiers. A pedestrian and cycle path to Titan Road is proposed which does reflect one of the opportunities identified in the Grays Town Centre Framework.
- 6.83 There are no objections raised to the landscaping and amenity provision of the proposed development with regard to policies CSTP22 and PMD2.

#### Townscape and Visual Impact upon the Area

- 6.84 The applicant's Townscape and Visual Impact Assessment (TVIA) provides analysis to show the impact upon the area and includes 15 different viewpoints in this consideration. In terms of townscape effects, the TVIA shows there would be 'minor to moderate' adverse during the Construction Phase but by the Operational Phase there would be 'low' to negligible effects and impact. In terms of the visual effects, the TVIA shows the proposal is unlikely to be more visible than the existing buildings and structure that occupy the site. There would at worst be a 'moderate adverse effect' during the Construction Phase but by the Operational Phase there would be 'neutral' effects. Any localised residual impacts would be within 50m to 150m of the site boundary. The overall conclusions of the TVIA are that the proposal would not harm the townscape character or local views.
- 6.85 Furthermore, as the site is a former quarry at a lower ground level to the natural ground level that surrounds the site this presents challenges for designing development in such an environment. The proposed development has been carefully considered and would make best of use of the land within site and therefore best re-use of urban land. The proposed layout of the development would follow the spine

road through the site to create a streetscene. Existing and proposed landscaping would help visually improve the appearance of the site. The scale, mass and design of the development would sit comfortably contained within the site when compared to the natural ground level and 3D illustrations help demonstrate the proposed development's impact upon the site and wider area. The proposed development would therefore not lead to any adverse impacts upon the character and appearance of the area.

- 6.86 From the applicant's Townscape and Visual Impact Assessment (TVIA) the Council's Landscape and Ecology Advisor agrees that the effects would be 'minor' during construction reducing to 'neutral' during the operational phase. For the visual effects from public viewpoints these would be 'minor to moderate adverse' but not 'significant' in EIA terms. It is also recognised that the lighting strategy has been designed to minimise upward light output and it is recognised that the area is one of medium district brightness and high light pollution.

#### Conclusion for this section

- 6.87 Overall, the layout, scale and massing, design and appearance, landscaping and amenity, and the impact upon the area are acceptable. The proposal can achieve the requirements of the Thurrock Design Strategy by demonstrating an understanding of the place, working with the site constraints of proposing replacement development in a the former quarry environment, improving connections with the new path to Titan Road, and plan for sustainability as shown by the various energy efficiency measures proposed. Further details can be secured through planning conditions.
- 6.88 The Council's Urban Design Officer raises no objection.
- 6.89 The Essex Police Architectural Liaison Officer has no objection.
- 6.90 The proposed development is considered to provide design led development respecting the surrounding context providing modern units to meet current future needs of occupiers. The proposal is considered acceptable with regard to CSTP22, CSTP23 and PMD2 along with the NPPF and the guidance contained in the PPG.

#### V. ECOLOGY AND BIODIVERSITY

- 6.91 Policy CSTP19 seeks measures to contribute to biodiversity in the Borough through positive biodiversity management. Policy PMD7 requires development proposals to retain local biodiversity value and enhance on site to mitigate any loss of biodiversity. Paragraph 175 of the NPPF advises that development should be 'minimising impacts on and providing net gains for biodiversity'.

- 6.92 Ecology and biodiversity were scoped out of the Environmental Impact Assessment at the scoping stage of the process before the planning application was submitted so there are no Environmental Impact Assessment considerations required.
- 6.93 The site is not subject to any statutory ecological designations with the nearest known ecological designations being the Grays Thurrock Chalk Pit SSSI (Site of Special Scientific Interest) to the western side of Hogg Lane. This SSSI supports a variety of habitats including open grassland, scrub and young to old woodland. The site is recognised for its importance as it includes an assemblage of invertebrates. The nearest Special Protection Area is the Thames Estuary and Marshes SPA which is approximately 7.9km east of the site. The applicant's Ecological Assessment states that given the scale and type of proposals there would be no direct or in combination effects on the SSSI or SPA.
- 6.94 The Grays Pit Extension Local Wildlife Site is located approximately 30m west of the site boundary. The applicant's Ecological Assessment considers the proposal would have some indirect effects, such as an impact upon retained habitats, but advises that various mitigation can be achieved during the Construction phase through a Construction Environment Management Plan (CEMP) and this can be secured through a planning condition.

#### Ecological Assessment

- 6.95 The applicant's Ecological Assessment identifies that a habitat survey was conducted in August 2021 and July 2022 that confirmed the dense scrub is the dominant habitat. Another habitat shown on an official ecology website is Open Mosaic Habitats (OMH) located in the far northern and southern portions of the site which were part of the former chalk quarry land use, however, more recent survey work shows these areas were not considered to support OMH. The survey work identified that the surrounding cliff embankments and associated vegetation act as wildlife corridors but would be retained with existing opportunities for roosting bats and birds protection. The applicant's Ecological Assessment identifies that Japanese Knotweed and Butterfly-bush as an invasive species is present on site in one area. Both species would be subject to removal measures.
- 6.96 The applicant's Ecological Assessment explains that survey work found the presence or evidence of bats, badgers, hedgehogs, reptiles, amphibians and invertebrates. The applicant's Ecological Assessment confirms that no significant effects would be experienced subject to securing appropriate mitigation, as set out in full in the Ecological Assessment.
- 6.97 In terms to bats and any bat roosts, it is recommended that one of the on site buildings identified from survey work to have been used by bats is to be demolished

and therefore, separately to the planning application process, a licence from Natural England will be required for removal of any roosting bats as a protected species by an ecologist.

- 6.98 The site also includes suitable habitats for badgers with setts recorded on site. The applicant's Ecological Assessment explains that the proposed development would protect badger setts within the site, with the exception of four setts which will be temporarily closed through a Natural England licence with checks undertaken prior to ground works commencing to check if the entrances of setts have been excavated in the intervening period. The applicant's Ecological Assessment also recognises that there are good populations of common lizard and slow worm present close to the northern and southern boundaries and subject to habitat manipulation this will enable these animals to remain on site.
- 6.99 Works relating to habitat removal will be undertaken outside the bird nesting season (March to July inclusive) to avoid any potential adverse impacts on nesting birds and this will be subject to a planning condition.
- 6.100 The proposed development includes new planting and this will be designed to improve habitats and include new habitats to benefit all species present and encourage increased biodiversity on site. The proposal is supported by a Biodiversity Metric identifying that the proposal would have a 10% increase in habitat and 38.5% increase in hedgerows. The proposed habitats include wildflower grassland, green roofs, native hedgerows, freshwater ponds and associated marginal planting, native shrub, mixture of native and non-native specimen tree planting and decorative shrub planting. Such measures can improve green infrastructure at the site and more details can be secured through planning conditions for the Operational Phase of the development. A Construction Environmental Management Plan (CEMP) can secure mitigation measures for the construction phase of the development.
- 6.101 The applicant's Ecological Assessment concludes that 'there is no overriding ecological reason why the site could not be developed in line with the proposed development'.

#### Conclusion for this section

- 6.102 The Council's Landscape and Ecology Advisor considers that the proposal would not have any adverse effects on nearby Local Wildlife Sites and the content of the habitat and protected species surveys is noted. The lighting strategy would also help mitigate impacts upon ecology at the site. An ecological method statement shall need to be provided but this can be through the CEMP planning condition. It is recognised that the proposal would provide Biodiversity Net Gain following the implementation of the



landscaping plan and through ecological enhancements secured by planning conditions.

- 6.103 In conclusion to this section of the report the proposed development is considered acceptable subject to the conditions as stated above and having regard to policies CSTP19 and PMD7 as well as the guidance contained in the NPPF/PPG.

## VI. FLOOD RISK, DRAINAGE AND WATER RESOURCES

- 6.104 Policies CSTP27 and PMD15 are relevant along with paragraphs 159 to 169 of the NPPF and the guidance contained within the PPG on flood risk need to be considered.
- 6.105 The site is located in a high risk flood zone (Flood Zone 3a). The applicant's Flood Risk Assessment (FRA) advises that the site is flat and low lying within the former chalk quarry with a general ground level of between 1.5m to 1.9m AOD across the site with the exception of northern portion of the site which is 5m AOD and the southern portion at 3.1m AOD. The natural ground level outside of the site is 6.71m AOD. It is also stated that the site is at most risk from flooding from the tidal River Thames, which is located 850m to the south of the site. The site is afforded flood protection from an extensive and maintained tidal flood defence system along the frontage of the River Thames, which is designed for the 1 in 1,000 year flood event. With the flood defence in place the risk from flooding is low. Flooding from groundwater due to the underlying geology (chalk) is considered high so the proposed development would require mitigation to address this, but surface water run off and sewers is considered to be of low risk.
- 6.106 As the site is located within the highest risk flood zone (flood zone 3a), as identified on the Environment Agency flood maps and as set out in the PPG's 'Table 1 - Flood Zones', the site is subject to a high probability risk of flooding. The proposal would provide flexible industrial and warehousing floorspace for uses that include industrial processes (E(g)(iii)), general industrial (B2) and storage and distribution (B8). All of these uses fall within the 'Less Vulnerable' use category of the PPG's 'Annex 3: Flood Risk Vulnerability Classification'. For the 'Less Vulnerable' uses the PPG's 'Table 2 – Flood Risk Vulnerability and Flood Zone Incompatibility' table identifies that this form of development is 'appropriate' for this flood zone.

### Sequential and Exception Tests

- 6.107 The aim of the Sequential Test is to steer proposed development to areas of little or no risk of flooding. In this instance the application site is located in a high-risk flood zone and the site is a Local Plan allocation as shown on the LDF Proposals Map as 'Secondary Industrial and Commercial Employment Land', and 'Land for New

Development in Secondary Areas', which is 'employment land' in the policy context. Where planning applications propose uses/development in accordance with the Local Plan allocation the application of the Sequential Test is not required, which is the planning position with this application.

- 6.108 The Exception Test is not required either because the development is 'appropriate' for this flood zone based on the proposed uses falling within the 'Less Vulnerable' uses the PPG's 'Table 2 – Flood Risk Vulnerability and Flood Zone Incompatibility' table.

#### Flood Risk Assessment

- 6.109 The site is protected from flooding by existing flood defences, but the applicant's FRA includes a breach evacuation strategy for users of the site. There is a site-specific Flood Warning and Evacuation Plan (FWEP) submitted with the application which identifies responsibilities to sign up to flood warnings, a flood event management response plan, an evacuation plan, a flood event recovery and an annual review process. The Council's Emergency Planner raises no objections and the FWEP will be subject of a planning condition for compliance reasons. In terms of physical works ground levels would be raised to mitigate and address potential groundwater flood risk.
- 6.110 The Environment Agency raise no objection to the application on flood risk grounds but recommend that flood proofing measures are implemented in building construction, safe refuge is also included in the safety of the building design, and that an emergency flood plan is implemented.

#### Surface Water and Foul Drainage

- 6.111 With regard to surface water, the applicant's FRA explains that surface water drainage system would drain to a new drainage system with infiltration and a discharge connection to a public sewer at a controlled greenfield discharge rate of 40/L/s. The surface water drainage system would include a retention approach of balancing ponds and sub surface storage, and an infiltration approach of trenches, basins, soakaways, porous and permeable paving. Interceptors would need to be installed for pollution management and mitigation. The surface water drainage system would be subject to a management and maintenance strategy. The Council's Flood Risk Advisor raises no objection subject to the surface water drainage scheme being secured through a planning condition. The Environment Agency raise no objection to the application subject to a planning condition requiring no drainage systems to allow for infiltration of surface water into the ground unless details are provided for approval.

6.112 For foul water drainage, a new foul water drainage system would need to be installed to connect with the exist pumped outfall to the public sewer. Anglian Water have no objections to the application.

#### ES Assessment

6.113 Flood risk, drainage and water resources were scoped out of the Environmental Impact Assessment at the scoping stage of the process before the planning application was submitted so for flood risk, drainage and water resources there are no Environmental Impact Assessment considerations required.

#### Conclusion to this section

6.114 There are no objections raised from the Environment Agency, Flood Risk Advisor, Emergency Planner or Anglian Water as the proposal would not increase flood risk or impact upon water resources or drainage providing mitigation measures identified in this assessment are secured through planning conditions. On such basis the proposal is therefore considered acceptable with regard to policies CSTP27 and PMD15 and with regard to paragraphs 159 to 169 of the NPPF and the guidance contained within the PPG.

### VII. AIR QUALITY

6.115 Policy PMD1 seeks safeguard amenity from air pollution and paragraph 186 of the NPPF requires 'planning decisions to sustain and contribute towards compliance with relevant limit values or national objectives for pollutants' along with guidance within the PPG.

6.116 Air Quality was 'scoped in' for the Environmental Impact Assessment and the ES assesses the proposed development's impact upon air quality.

6.117 In terms of baseline conditions, the site is not within an Air Quality Management Area (AQMA) but the applicant's ES identifies that the Council's AQMA 1 (London Road, Orsett Road and Stanley Road) and AQMA 3 (Hogg Lane and Elizabeth Road) are within the study area and are adjacent to the site. These existing AQMA's are because of nitrogen dioxide concentrations although the long-term trend in data and shows concentrations have been falling over time and are expected to continue to fall.

6.118 For the Construction Phase, the construction works is likely to result in dust emissions from demolition, any earthworks, construction and vehicle movements. A dust risk assessment has used to define the possible impact of construction activities in regard to dust soiling upon human health along with construction transport

movements and emissions. The ES study assesses the impact, and this is predicted to be 'negligible' in EIA assessment terms. A Construction Environmental Management Plan would be secured and implemented as a planning condition to mitigate and manage dust and air quality controls arising from soil/ground conditions and vehicle emissions from construction activities.

- 6.119 For the Operational Phase, the applicant's ES identifies that road traffic emissions would be the main sources of future airborne pollution. The ES air quality chapter (7) explains that atmospheric dispersion modelling has been carried out to assess the impact upon local air quality with pollution concentrations to be predicated to be below the air quality objective levels set by the Government in the future year of 2027. As a result of these predictions the impact of future air quality on the future occupiers of the site and all human receptors at locations adjacent to the affected road network are assessed to be to be 'negligible' in EIA assessment terms. As such no mitigation measures are necessary but the applicant's Framework Travel Plan will encourage sustainable travel and electric vehicle charging spaces to future proof the development.
- 6.120 For cumulative effects the ES identifies that the proposal alongside existing and committed development would have no cumulative effects.

#### Conclusion to this section

- 6.121 The Council's Environmental Health Officer raises no objections subject to air quality mitigation measures being secured through a Construction Environment Management Plan as a planning condition. The Travel Plan measures can either be secured through a planning condition or planning obligation. For these reasons the proposal is considered acceptable with regard to policy PMD1, the criteria set out in paragraph 186 of the NPPF and guidance within the PPG.

### VIII. NOISE AND VIBRATION

- 6.122 Policy PMD1 seeks safeguard amenity from noise and vibration pollution and paragraph 184 of the NPPF advises that 'decisions should also ensure that new development is appropriate for its location taking into account the likely effects (including cumulative effects) of pollution on health, living conditions and the natural environment...and in doing so they should mitigate and reduce to a minimum potential adverse impacts resulting from noise from new development – and avoid noise giving rise to significant adverse impacts on health and the quality of life'. The PPG also offers guidance on noise with links to the Noise Policy Statement for England (NSPE), World Health Organisation (WHO) Guidelines and various British Standards.

- 6.123 Noise was 'scoped in' for the Environmental Impact Assessment and the ES assesses the proposed development's impact upon noise.
- 6.124 The applicant's ES identifies (chapter 9) the baseline conditions involve background noise sources from road traffic (Hogg Lane) and any existing activities on site. The applicant's ES demonstrates that four baseline noise monitoring locations within and outside of the site over four days in September 2021. The results of these surveys demonstrate an average sound level between 39 to 53 dB. The nearest residential sensitive receptors are located at locations around the site to the north west (Hogg Lane), to the east (Cromwell Road, Russel Road and Wallace Road), to the south (Brooke Road) and to the west (Badgers Dene). The Thameside Theatre is to the south of the site and users of the theatre could also be considered sensitive receptors.
- 6.125 The Construction Phase of the development would give rise to increased sound levels from the demolition of existing buildings and plant on site, and through the proposed construction of new buildings and associated hardstanding and roads within the site. The applicant's ES recognises that demolition and construction activities are likely to cause some noise and vibration leading to a 'slight disturbance' for residents and other users of sensitive buildings. Increases in noise levels due to off site road traffic during the demolition and construction activities is predicted to be 'negligible' in EIA assessment terms. A Construction Environmental Management Plan would be secured and implemented as a planning condition to mitigate and manage on site construction activities.
- 6.126 For the Operational Phase, the applicant's ES has considered the effects of a worst-case operational noise approach through noise modelling assessed against the relevant noise guidance. As a result, noise limits have been proposed operational fixed plant with suitable acoustic design and the applicant's ES assesses this approach is unlikely to cause disturbance to residential receptors. A noise barrier is proposed to the north west of the site closest to the proposed Unit C as shown on the plans is to provide noise screening to receptors along the residential area of Hogg Lane. For all residential receptors the applicant's ES assesses the effect of noise from operational moving plant would be 'slight' in EIA assessment terms for daytime and night-time operations with off-site road traffic noise predicated be 'negligible' in EIA assessment terms. The Council's Environmental Health Officer requires a condition for all fixed plant to accord with the details set out in the Fixed Plant Noise Assessment Technical Note. Planning conditions can be imposed to require details of plant/ventilation equipment and details of the proposed noise barrier to all be agreed prior to first usage of the development/individual units.
- 6.127 In terms of cumulative effects, for the Construction Phase the applicant's ES identified that nearby receptors are likely to experience a 'slight adverse' impact in

EIA assessment terms from the cumulative effects of this development and if the proposed development Norman Hall, Cromwell Road (21/01022/FUL) were to take place at the same time. For the Operational Phase, the ES identifies that there would be 'negligible adverse' cumulative effect from increase in traffic flow using various roads within the immediate road network.

#### Conclusion to this section

- 6.128 The Council's Environmental Health Officer raises no objections on noise grounds to the proposed development subject to a condition regarding fixed plant. Subject to these planning conditions the proposal is considered acceptable with regard to policy PMD1, the criteria set out in paragraph 184 of the NPPF and guidance within the PPG.

#### IX. LAND CONTAMINATION AND GROUND CONDITIONS

- 6.129 Policy PMD1 seeks to minimise pollution and impacts upon amenity and the natural environment with a requirement for suitable mitigation measures to be imposed through planning condition or obligation. Similarly paragraphs 183 to 188 of the NPPF seek to minimise the adverse impact impacts of pollution on health, living conditions and the natural environment.
- 6.130 Land contamination and ground conditions were scoped out of the Environmental Impact Assessment at the scoping stage of the process before the planning application was submitted so there are no Environmental Impact Assessment considerations required.
- 6.131 The applicant's Phase II Geo-environmental Site Assessment surveyed the site and found instances of exceedances of contamination of soils and controlled waters from commercial uses. The study states that the contamination would not pose a significant risk to the proposed development subject to the incorporation of mitigation measures.
- 6.132 The Environment Agency raise no objection to the application subject to planning conditions requiring decontamination and remediation of contaminated land and no piling to be allowed unless details are provided for approval. The Council's Environmental Health Officer raises no objection subject to the recommendations of the Phase II Geo-environmental Site Assessment regarding decontamination work being implemented. For both consultation responses planning conditions can be imposed as requested.

#### Conclusion for this section

6.133 Following the consultation responses and the mitigation requirements from both the Environment Agency and the Council's Environmental Health Officer there are no objections raised with regard to policy PMD1 and paragraphs 183 to 188 of the NPPF.

#### X. ENERGY AND CLIMATE CHANGE

6.134 A number of policies within the LDF seek to improve energy efficiency and combat climate change. Policy CSTP25 seeks to address climate change and reduce CO2 emissions and policies CSTP26 and PMD13 both seek to encourage low carbon energy sources. Specifically, policy PMD13 sets a requirement for 20% of energy to come from decentralised, renewable or low carbon sources for development of more than 1,000m<sup>2</sup> by 2020. Policy PMD12 sets a BREEAM 'outstanding' requirement by 2019. These policies are compliant with the aims of paragraphs 156 and 157 of the NPPF and guidance within the PPG. The Council's Design Strategy DPD (March 2017) indicates that 'energy efficiency measures deliver considerable savings in running costs during the life of the building.

6.135 Energy and climate change were 'scoped in' for the Environmental Impact Assessment and the ES assesses the proposed development's impact upon climate change. This has been assessed in two parts for Greenhouse Gases and for Climate Change.

6.136 The applicant's Energy Statement considers a range of options in regard to the planning policy requirements. These include air source heat pumps and photovoltaic panels to the roofs of the proposed buildings which would provide at least 20% of energy from renewable energy sources to meet with the requirements of policy PMD13. Other measures include rooflights to buildings for natural light, energy efficient lighting, low flow taps, dual flush toilets, meeting the 'U' values for insulation, planting, landscaping, and increasing on site ecology. The site wide Framework Travel Plan seeks to encourage bus travel, cycle and walking, and cycle storage on site along with electric charging points. A planning condition will be imposed to ensure the development accords with the planning policy and for details of energy measures to be provided through planning conditions.

6.137 The applicant's BREEAM Pre Assessment Reports identifies that the proposal is predicated to achieve a BREEAM 'Outstanding' for Units A1-A6, B1-B2, C and E which would accord with policy PMD12 as the applicant would build out and fit out these units which would include offices.

6.138 However, for Units D1-D18 only a BREEAM 'Excellent' rating can be achieved which is contrary to the current requirements of achieving BREEAM 'Outstanding' in policy PMD12. The policy allows for a relaxation of the BREEAM 'Outstanding' where a

developer can prove that these requirements will be economically unviable and would render the development undeliverable. The applicant has explained that the reason for only achieving a BREEAM 'Excellent' for Units D1-D18 is because the units would be built out with some fit out but no offices are proposed and it will be for future occupiers to consider whether offices would be incorporated. This approach means the credits used for BREEAM scoring cannot achieve the BREEAM 'Outstanding' rating for Units D1-D18. As the site is previously developed land within the urban area planning policy would prefer the site to be re-developed as opposed to providing this development on a greenfield site in the Green Belt. For these reasons the applicant's case for achieving BREEAM 'Excellent' rating for Units D1-D18 is accepted and overall the achievement of BREEAM 'Outstanding' for Units A1-A6, B1-B2, C and E means the a large number of units within the development would meet requirements of policy PMD12.

- 6.139 In EIA terms, the applicant's ES (chapter 8) assesses the impact of the proposed development to be 'minor adverse' in EIA assessment terms for the Operational and Construction Phases, and for cumulative effects for Greenhouse Gas. For Climate Change the proposed development to be 'negligible' in EIA assessment terms for the Operational and Construction Phases, and for cumulative effects.

#### Conclusion for this section

- 6.140 Having regard to policies CSTP25, CSTP26, PMD12, PMD13 and the guidance contained in the NPPF/PPG the proposed energy and climate change measures listed would generally contribute to the requirements of these planning policies, although further information would need to be approved through planning conditions as the development progresses.

#### XI. EFFECT ON NEIGHBOURING PROPERTIES

- 6.141 Policy PMD1 seeks to minimise impacts upon amenity from new development.
- 6.142 The nearest sensitive receptors are occupiers of residential properties that are located along the eastern side of the site in Wallace Road and Cromwell Road, as well as the occupiers of residential properties to the northwest of the site in part of Hogg Lane.
- 6.143 For the occupiers of residential properties to the northwest of the site in part of Hogg Lane these properties mainly comprise of blocks of flats with parking areas nearest the site. The proposed development in this location would be Unit C which is one of the largest units proposed. The layout of this part of the site would mean that an outside activity area in the form of a HGV docking and parking areas to the western side of the warehouse. The distance from the flats to the western edge of the open



hardstanding area of HGV activity would be approximately 33m flats. The building-to-building distance would be approximately 77.5m distance between the flats and the west elevation of Unit C. The building would be located at a lower ground level than the residential properties so visually the impact from the neighbour's properties would not be significant as all that would be seen would be the roof of Unit C. To address any noise/activity a 3m high noise barrier is proposed along the site's western boundary, which is acceptable.

- 6.144 The residential properties in Wallace Road have residential gardens backing onto the site so the houses are away from the cliff face. The proposed development would include Unit C and Units D1 to D7, all these units would back onto the cliff face and at a lower ground level would not have any significant visual impact. The nearest building-to-building distance would be 27.5m and the nearest building to boundary distance would be 14.5m. Two existing ponds are adjacent to the boundary along with the proposed car park to Unit C.
- 6.145 Further towards the southeast part of the site a number of houses in Cromwell Road that have rear gardens backing onto the site. There is a significant distance between the nearest proposed building on site in this location, Unit E, and rear boundaries of these properties. The nearest building-to-building distance would be 64m and the nearest building to boundary distance would be 56m.
- 6.146 All other residential or non-residential properties are too distant to be affected by the proposed development at the site and any increase traffic movements using Hogg Lane and Elizabeth Road on route to the A13 would not be significantly increased to adversely affect residential amenity.

#### Conclusion for this section

- 6.147 Having regard to policy PMD1 and the advice of the Council's Environmental Health Officer it is concluded that the proposed development would not give rise to any significant adverse impacts upon residential amenity and nearby commercial uses/activities.

## XII. HERITAGE AND ARCHAEOLOGY

- 6.148 Policy PMD4 seeks to ensure that the fabric and setting of heritage assets are appropriately protected and enhanced in accordance with their significance.
- 6.149 The applicant's Heritage Statement identifies that the primary heritage considerations are four listed buildings within the wider area. These are the Dell (Grade II listed building), the Lighthouse listed as Mecca Bingo (Grade II listed building), the Falklands War Memorial (Grade II listed building) and the State Cinema

(Grade II\* listed building). The site is currently at a lower ground level due to its former quarry usage and therefore has no intervisibility with these listed buildings. In light of this the applicant's Heritage Statement considers the site makes a 'neutral' contribution to the wider setting of these listed buildings. The proposed development would increase built development at the site, when compared to existing development at the site, however, the applicant's Heritage Statement states the proposal would represent a 'minimal increase in overall massing and would have no adverse impact on these listed buildings or their setting'. Therefore, the applicant's Heritage Statement concludes there would be no harm to the significant of these heritage assets. The Council's Listed Building and Conservation Advisor has no objection as the nearby designated assets which are located away from the site and are not in the existing character of this existing industrial location.

- 6.150 With regard to archaeology, the applicant's Archaeological Desk Based Assessment concludes that there is a 'low to moderate' archaeological potential at the site but suggests a programme of archaeological work can be implemented for any surviving archaeology following its former quarry use. The Council's Archaeology Advisor raises no objection as the historic quarrying uses in the past means there that any archaeological deposits are unlikely to have survived and therefore does not consider a planning condition is necessary for a programme of archaeological work.

#### ES Assessment

- 6.151 Heritage and archaeology were scoped out of the Environmental Impact Assessment at the scoping stage of the process before the planning application was submitted so there are no Environmental Impact Assessment considerations required.

#### Conclusion for this section

- 6.152 Having regard to policy PMD4, the guidance of the NPPF/PPG and the consultation responses from the Council's Listed Building/Conservation Advisor and the Essex County Council Archaeological Officer there are no objections raised to the impact of the proposed development upon built heritage and archaeology.

### XIII. HEALTH IMPACT ASSESSMENT

- 6.153 The applicant's Rapid Health Impact Assessment has assessed the access to health and social care services and other social infrastructure and whether the proposed development would have any impact. The 'potential health impact' from the development has been scored to have either a 'neutral impact' or in some instances a 'positive impact'. This assessment has been made using the Health Urban Planning Checklist (HUDU) to screen the likely health impacts of the proposed development considering health living, active travel, healthy environments and vibrant

neighbourhoods. The HUDU has been used to focus the assessment of effects against 10 key health themes as stated below, along with potential mitigation and enhancement measures:

Health Theme	Potential Health Impact	Recommended Mitigation or Enhancement Action
Access to healthcare services and other social infrastructure.	Neutral	No mitigation or enhancement measures considered necessary as no residential development proposed.
Access to open space and nature	Neutral	No mitigation or enhancement measures considered necessary as no residential development proposed. Plans show proposed improved landscaping
Air quality, noise and neighbourhood amenity	Positive	Construction process will involve a CEMP and the operational phase will involve acoustic design and measures to reduce emissions
Accessibility and active travel	Positive and Neutral	Promote travel plans to identify safe walking routes, cycling opportunities for staff and reducing car based trips through car clubs, car sharing etc.
Crime reduction and community safety	Positive and Neutral	Incorporate Secure by Design measures
Access to healthy food.	Neutral	No mitigation or enhancement measures considered necessary
Access to work and training	Positive and Neutral	Applicant to enter into a Employment and Skills Plan
Social cohesion and lifetime neighbourhoods.	Positive and Neutral	Proposal will provide connectivity through pedestrian connect to Grays Town Centre via a new Titan Road connection.

Minimising the use of resources	Positive	A Site Waste Management Plan (SWMP) will be prepared with future detailed applications. Sustainable design and construction techniques to be incorporated.
Climate change	Positive and Neutral	An Energy Statement shows an energy model. There would be opportunities for biodiversity net gain and surface water drainage system (SUDS) measures.

XIV. CUMULATIVE IMPACT AND ALTERNATIVE SITES

6.154 In accordance with the EIA Regulations the applicant’s ES is required to take account of the cumulative effects of other existing and / or approved schemes in the area. The applicant’s ES has considered the cumulative effects in each of the environmental topic assessments and has taken into consideration the cumulative effects of a long list of consented developments in table 5.2 of the applicant’s ES. There are no objections raised to the list of sites where there would be a cumulative impact. The applicant’s ES has taken account of cumulative impact through each chapter of the ES with the conclusions that the cumulative impact of the development with those listed above would not lead to any significant adverse impacts, and where necessary mitigation is identified which can be used secured through the use of planning conditions and obligations where necessary.

6.155 In accordance with the requirements of the EIA Regulations a description of reasonable alternatives have been studied by the developer. The applicant’s ES has considered alternatives being a ‘do nothing’ scenario and a different design approach but the proposed development seeks to demonstrate the best re-use of the land for its intended purposes and uses. The applicant’s ES advises that the proposed development has taken account of all the constraints and opportunities for the site to minimise potential environmental impacts and to maximise environmental enhancement opportunities.

XV. PHASING AND CONSTRUCTION

6.156 The applicant’s ES assumes that the development would be phased as follows:

- Demolition completion by May 2024
- Construction will begin May 2024
- Development completion in September 2025

- 6.157 There are no objections raised to the proposed phasing of the development.
- 6.158 Planning conditions are required for the Construction Phase including a Construction Environmental Management Plan (CEMP). The CEMP would require details of the construction works programme, hours of use, construction management of traffic and access arrangements, wheel washing, road condition surveys, compound details, temporary hardstandings and hoardings, methods of controlling noise and vibration, methods of controlling air quality mitigation, waste and surface water management, methods to prevent contamination, lighting and biodiversity protection measures.
- 6.159 A Construction Environmental Management Plan can agree to the hours of work for the construction phase, although the ES identifies that the following construction hours are likely to be sought:
- Monday to Friday, 8am to 6pm;
  - Saturday, 8am to 1pm; and
  - Sunday and Bank Holidays, no noisy activities on-site.

#### Conclusion for this section

- 6.160 All the proposed conditions are necessary to minimise any adverse impacts arising from the construction of the development upon amenity, highway impact and nearby biodiversity and ecological designations in accordance with policies PMD1, PMD7 and PMD9.

## XVI. VIABILITY AND PLANNING OBLIGATIONS

- 6.161 Policy PMD16 of the Core Strategy indicates that where needs would arise as a result of development the Council will seek to secure planning obligations under Section 106 of the Town and Country Planning Act 1990 and any other relevant guidance. The policy states that the Council will seek to ensure that development contribute to proposals to deliver strategic infrastructure to enable the cumulative impact of development to be managed and to meet the reasonable cost of new infrastructure made necessary by the proposal.
- 6.162 Certain Core Strategy policies identify requirements for planning obligations, and this depends upon the type of development proposed and consultation responses from the application process.
- 6.163 Following changes in legislation (Community Infrastructure Levy Regulations), in April 2015 the Council produced its Infrastructure Requirement List (IRL) which changed the way in which planning obligations through section 106 agreements can be sought. The changes brought in pooling limitations to a maximum of 5

contributions towards a type or item of infrastructure. The IRL therefore provides an up-to-date list of physical, social and green infrastructure to support new development in Thurrock. This list is bi-annually reviewed to ensure it is up to date. The IRL applies a number of different development scenarios.

6.164 Paragraph 56 of the NPPF identifies that planning obligations must only be sought where they meet all of the following criteria:

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

6.165 Through the consultation process to this application and following negotiations with the applicant the proposal would require a number of contributions and obligations to mitigate the impact of the proposed development. The table below sets out in summary form the proposed requirements of the planning obligations which would be secured through a s106 agreement. The table includes the commitment, description of the obligation and whether payments to the Council or obligations that are on the applicant to provide the mitigation. The agreed planning obligations have been assessed comply with the requirements of policy PMD16 and paragraph 56 of the NPPF as they are necessary, directly related to the development and fair and reasonable related in scale and kind to the development.

6.166 The proposed planning obligations are as follows:

<b>Commitment</b>	<b>Description</b>	<b>Payments to the Council (index linked) and obligations on the applicant where stated</b>
<b>Education, Employment and Skills Strategy</b>		
Education, Employment and Skills Plan	<p>An Education, Employment and Skills Plan for the Construction and Operational Phases of the development. This will include training opportunities, apprenticeships, using local labour sources and advertising for jobs locally.</p> <p>A local procurement plan is also needed and a financial contribution to local job support/brokerage of £15,000.</p>	<p>Obligation on the applicant to produce and submit the Education, Employment and Skills Plan for approval.</p> <p>£15,000 payment to the Council</p>

Commitment	Description	Payments to the Council (index linked) and obligations on the applicant where stated
<b>Highways and Travel (a section 278 agreement will be required for any of the obligations involving works to the highway) unless a payment is stated</b>		
Treacle Mine roundabout improvements	Improvements to A1012 arm of the Treacle Mine roundabout as indicatively shown on drawing no.'s <ol style="list-style-type: none"> <li>1. TIE-LE-GEN-XX-SK-CE-001-S4-B - Titan Industrial Estate Proposed Roundabout Improvement Scheme Sketch Long Lane</li> <li>2. TIE-LE-GEN-XX-SK-CE-003-S4-B – A1012 Approach Improvements</li> <li>3. TIE-LE-GEN-XX-SK-CE-004-S4-B – A1012 Vehicle Tracking</li> </ol>	Obligation on the applicant to enter into a s278 agreement. Prior to commencement of the S. 278 works to the Treacle Mine roundabout, details need to be submitted to and approved. Then implemented prior to first occupation of the development
Improvements at the North Stifford Interchange	A financial contribution of £25,000 towards pedestrian improvements at the North Stifford Interchange.	£25,000 payment to the Council prior to first occupation and the Council has 10 years to secure additional funding and implementation
Improvements to the site access on Hogg Lane	A requirement to enhance the current site access arrangements at Hogg Lane in the form of resurfacing, relining and further signage along with improvements to pedestrian and cycle access.	Obligation on the applicant to enter into a s278 agreement. Prior to commencement of the S. 278 works to Hogg Lane access, details need to be submitted to and approved. Then implemented prior to first occupation of the development
Titan Road Improvements	Works to the south end of Titan Road for improvements to the site's south	Obligation on the applicant to enter into

<b>Commitment</b>	<b>Description</b>	<b>Payments to the Council (index linked) and obligations on the applicant where stated</b>
	<p>access and Titan Road as identified on drawing no. 21009-TP-126 Rev C - Titan Road Site Entrance</p>	<p>a s278 agreement. Prior to commencement of the S. 278 works to Titan Road, details need to be submitted to and approved. Then implemented prior to first occupation of the development</p>
<p>Travel Plan</p>	<p>To provide site wide Framework Travel Plan and individual Travel Plans for individual occupiers of the units. The site wide Framework Travel Plan would therefore encourage sustainable travel through a number of objectives encouraging increased use of buses, public transport, car sharing, car club, electric vehicle parking, walking and cycling.</p> <p>A Travel Plan Co-ordinator would be employed for each unit to ensure individual Travel Plans and site wide Framework Travel Plan are achieved. The Travel Plan Co-ordinator or identified role shall monitor the Sustainable Distribution Plan and Car Park Management Plan.</p> <p>Regular monitoring will be required for each individual Travel Plans for each occupier to assess travel patterns to work for a five-year period following occupation.</p>	<p>Obligation on the applicant to provide, fund and implement the Travel Plan for maximising sustainability</p>



Commitment	Description	Payments to the Council (index linked) and obligations on the applicant where stated
	In the event that site wide Framework Travel Plan targets are not met then corrective measures would be put in place.	Obligation on the applicant to provide, fund and implement the corrective Travel Plan measures.
	Council Travel Plan Monitoring Fee	£600 per year payment for monitoring services until the last plot is fully occupied plus 5 years post occupation
<b>Council's Planning Monitoring Fee</b>		
Monitoring Fee	A financial contribution to cover the cost of the Council's monitoring work and discharging of S106 obligations	£5,000 payment to the Council prior to commencement of the development

Conclusion for this section

6.167 The proposed planning obligations meet the relevant tests as set out in paragraph 56 of the NPPF and are necessary to mitigate the impact of the proposed development.

XVII. SUSTAINABILITY

6.168 As part of the planning balance consideration has to be given to the Environmental, Social and Economic objectives as outlined in paragraph 8 of the NPPF with all three needing to be satisfied for the 'presumption in favour of sustainable development' to apply.

6.169 For the economic and social objective, the proposal would provide new jobs and would involve substantial investment into the local economy. The proposed development would lead to construction opportunities. For both the Construction and Operational Phases the proposal would lead to indirect as well as direct employment opportunities from this use.

6.170 For the environmental objective the proposed development would lead to a visual and physical improvement to the site and its environment when compared to its

existing appearance through high quality designed employment buildings, provision of a new access link to Titan Road for improved pedestrian and cycle connections to Grays town centre, biodiversity and ecological improvements, energy efficient buildings, and the remediation of any contaminated land.

- 6.171 On the basis of the above the proposed development would satisfy the Environmental, Social and Economic objectives as outlined in paragraph 8 of the NPPF.

## XVIII. OTHER MATTERS

- 6.172 Waste was scoped out of the Environmental Impact Assessment at the scoping stage of the process before the planning application was submitted so there are no Environmental Impact Assessment considerations required.
- 6.173 There is limited information on the future cliff face management and maintenance during construction and then the operational phase so a planning condition has been included to require further information on this.

## 7.0 CONCLUSIONS AND REASONS FOR APPROVAL

- 7.1 The proposed development would bring forward small, medium and two large sized business units for either industrial processes (E(g)(iii)) or general industrial use (B2) or storage and distribution use (B8) on a site allocated for employment generating uses in the current Local Plan. Therefore, the proposal would provide comply with policies CSSP2 (Sustainable Employment Growth) and (Strategic Employment Provision) and would comply with national planning policy through chapter 6 of the NPPF. Furthermore, the proposed uses reflect and comply with the up-to-date evidence base for the preparation of the Council's new Local Plan through the Employment Land Availability Assessment (ELAA) dated February 2023 and the Economic Development Needs Assessment (EDNA) dated March 2023. The principle of the development is therefore acceptable.
- 7.2 To offset the loss of 86 jobs at the site the proposed development would significantly increase employment numbers at the site and is envisaged to provide 650 jobs for the operational phase of the development and 115 jobs for the construction phase of the development, and through an Education, Employment and Skills Plan there would be opportunities for local people to work at the site.
- 7.3 The proposal would result in a more intensive use of the site than the current operations on site and this would lead to associated vehicle movements and implications upon the highways network. However, mitigation has been identified and will be secured through planning conditions and obligations to allow the development

to be acceptable as identified through the consultation responses from the Council’s Highways Officer and National Highways.

- 7.4 During the course of the application the proposed development has been subject to negotiation with the Council’s Urban Design Officer and the proposal was improved in visual and appearance terms. The proposed design, layout, scale and impact of the development is considered acceptable in design terms.
- 7.5 In accordance with the EIA Regulations the ES has assessed the considerations ‘scoped in’ and has taken account of the cumulative effects of other existing and / or approved schemes in the area, no objections are raised.
- 7.6 All other material planning considerations are considered in planning terms subject to planning conditions and obligations as identified in this report.
- 7.7 The recommendation provides full details of the proposed planning conditions and planning obligations that would be secured through a section 106 legal agreement including financial contributions and section 278 highways agreements to the Council to mitigate the effect on the highway infrastructure and highway management alongside the promotion of a multiple sustainable transport mode opportunities through a travel plans, and an education, employment and skills strategy.

**8.0 RECOMMENDATION**

8.1 To Grant Planning Permission subject to the following:

- i) the completion and signing of an obligation under s.106 of the Town and Country Planning Act 1990 relating to the following heads of terms:

<b>Commitment</b>	<b>Description</b>	<b>Payments to the Council (index linked) and obligations on the applicant where stated</b>
<b>Education, Employment and Skills Strategy</b>		
Education, Employment and Skills Plan	An Education, Employment and Skills Plan for the Construction and Operational Phases of the development. This will include training opportunities, apprenticeships, using local labour sources and advertising for jobs locally.	Obligation on the applicant to produce and submit the Education, Employment and Skills Plan for approval.

Commitment	Description	Payments to the Council (index linked) and obligations on the applicant where stated
	A local procurement plan is also needed and a financial contribution to local job support/brokerage of £15,000.	£15,000 payment to the Council
<b>Highways and Travel (a section 278 agreement will be required for any of the obligations involving works to the highway)</b>		
Treacle Mine roundabout improvements	<p>Improvements to A1012 arm of the Treacle Mine roundabout as indicatively shown on drawing no.'s</p> <ol style="list-style-type: none"> <li>4. TIE-LE-GEN-XX-SK-CE-001-S4-B - Titan Industrial Estate Proposed Roundabout Improvement Scheme Sketch Long Lane</li> <li>5. TIE-LE-GEN-XX-SK-CE-003-S4-B – A1012 Approach Improvements</li> <li>6. TIE-LE-GEN-XX-SK-CE-004-S4-B – A1012 Vehicle Tracking</li> </ol>	Obligation on the applicant to enter into a s278 agreement. Prior to commencement of the S. 278 works to the Treacle Mine roundabout, details need to be submitted to and approved. Then implemented prior to first occupation of the development
Improvements at the North Stifford Interchange	A financial contribution of £25,000 towards pedestrian improvements at the North Stifford Interchange.	£25,000 payment to the Council prior to first occupation and the Council has 10 years to secure additional funding and implementation
Improvements to the site access on Hogg Lane	A requirement to enhance the current site access arrangements at Hogg Lane in the form of resurfacing, relining and further signage along with improvements to pedestrian and cycle access.	Obligation on the applicant to enter into a s278 agreement. Prior to commencement of the S. 278 works to Hogg Lane access, details need to be submitted to and approved. Then implemented prior to

Commitment	Description	Payments to the Council (index linked) and obligations on the applicant where stated
		first occupation of the development
Titan Road Improvements	Works to the south end of Titan Road for improvements to the site's south access and Titan Road as identified on drawing no. 21009-TP-126 Rev C - Titan Road Site Entrance	Obligation on the applicant to enter into a s278 agreement. Prior to commencement of the S. 278 works to Titan Road, details need to be submitted to and approved. Then implemented prior to first occupation of the development
Travel Plan	<p>To provide site wide Framework Travel Plan and individual Travel Plans for individual occupiers of the units. The site wide Framework Travel Plan would therefore encourage sustainable travel through a number of objectives encouraging increased use of buses, public transport, car sharing, car club, electric vehicle parking, walking and cycling.</p> <p>A Travel Plan Co-ordinator would be employed for each unit to ensure individual Travel Plans and site wide Framework Travel Plan are achieved. The Travel Plan Co-ordinator or identified role shall monitor the Sustainable Distribution Plan and Car Park Management Plan.</p> <p>Regular monitoring will be required for each individual Travel Plans for each occupier to assess travel patterns to</p>	Obligation on the applicant to provide, fund and implement the Travel Plan for maximising sustainability

Commitment	Description	Payments to the Council (index linked) and obligations on the applicant where stated
	work for a five-year period following occupation.	
	In the event that site wide Framework Travel Plan targets are not met then corrective measures would be put in place.	Obligation on the applicant to provide, fund and implement the corrective Travel Plan measures.
	Council Travel Plan Monitoring Fee	£600 per year payment for monitoring services until the last plot is fully occupied plus 5 years post occupation
<b>Council's Planning Monitoring Fee</b>		
Monitoring Fee	A financial contribution to cover the cost of the Council's monitoring work and discharging of S106 obligations	£5,000 payment to the Council prior to commencement of the development

ii) the following planning conditions:

**Standard Time Limit**

1. The development hereby permitted must be begun not later than the expiration of 3 years from the date of this permission.

**Reason:** To comply with Section 91(1) of The Town & Country Planning Act 1990 as amended by Section 51 of the Planning and Compulsory Purchase Act 2004.

**Date of Commencement of the Development**

2. Within 2 weeks following commencement of the development the local planning authority shall be informed in writing of the commencement date of the development.

**Reason:** To ensure the commencement date is known for the benefit of conditions and planning obligations associated with this planning permission.

**Approved Plans**

3. The development hereby permitted shall be carried out in accordance with the following approved plans:

<b>Plan Number(s):</b>		
Reference	Name	Received
21009 - TP - 100	Location Plan	30th November 2022
21009 - TP - 101	Site Plan as Existing	30th November 2022
P22-1969-01C	Landscaping	28th September 2023
P22-1969-02C Sheet 1	Landscaping	28th September 2023
P22-1969-02C Sheet 2	Landscaping	28th September 2023
P22-1969-02C Sheet 3	Landscaping	28th September 2023
P22-1969-02C Sheet 4	Landscaping	28th September 2023
P22-1969-02C Sheet 5	Landscaping	28th September 2023
21009 -TP-102F	Site Plan as Proposed	28th September 2023
21009 -TP-103C	Site Plan as Proposed – North Section	28th September 2023
21009 -TP-104D	Site Plan as Proposed – Central Section	28th September 2023
21009 -TP-105C	Site Plan as Proposed – South Section	28th September 2023
21009 -TP-106A	Key Site Plan	28th September 2023
21009-TP-107A Sheet 1	Site Sections Sheet 01	28th September 2023
21009-TP-108A Sheet 2	Site Sections Sheet 02	28th September 2023
21009-TP-109A Sheet 3	Site Sections Sheet 03	28th September 2023
21009-TP-110A Sheet 4	Site Sections Sheet 04	28th September 2023
21009-TP-111A	Block A Floor and Roof Plans	28th September 2023
21009-TP-112B	Block A Elevation and Section	28th September 2023
21009-TP-113A	Block B Floor and Roof Plans	28th September 2023
21009-TP-114B	Block B Elevation and Section	28th September 2023
21009-TP-115	Block C Ground Floor and First Floor Plans	1st December 2022

21009-TP-116A	Block C Second Floor and Roof Plans	28th September 2023
21009-TP-117B	Block C Elevation and Sections	28th September 2023
21009-TP-118	Block D Floor Plans	1st December 2022
21009-TP-119A	Block D Roof Plans	28th September 2023
21009-TP-120B	Block D Elevations and Sections	28th September 2023
21009-TP-121	Block E Floor Plans	1st December 2022
21009-TP-122A	Block E Roof Plans	28th September 2023
21009-TP-123B	Block E Elevations and Section	28th September 2023
21009-TP-125D	Parking layout plan	26th October 2023
21009-TP-126C	Titan Road Entrance	3rd October 2023
21009/TP_127	Titan Road Car Tracking	3rd October 2023
21009/TP_140B	External Material Finishes Samples	28th September 2023

**Reason:** For the avoidance of doubt and to ensure the development accords with the approved plans with regard to policies PMD1 and PMD2 of the adopted Thurrock LDF Core Strategy and Policies for the Management of Development (2015).

#### Use Class Restriction

- Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 2015 (or any provision in any Statutory Instrument revoking or re-enacting that Order) the development hereby permitted shall not be used for any purposes other than uses falling within Use Classes E(g)(iii), B2 and B8.

**Reason:** To ensure that the Development is carried out in accordance with the approved plans in regard to the employment land allocation through policies CSSP2 and CSTP6 of the adopted Thurrock LDF Core Strategy and Policies for the Management of Development (2015).

#### Ancillary Offices

- Any space proposed for offices shall only be used for purposes in conjunction with and ancillary to the primary use of that unit and shall not be occupied as separate office uses. The office content will be ancillary to the main operation of



the unit and shall not exceed 30% of the overall Building Floorspace (Gross External Area).

**Reason:** To ensure that the Development is carried out in accordance with the approved plans and in regard to highway movements associated with office uses which would lead to increased vehicle movements which would have an impact upon the efficiency of the highways network through policies CSTP6, PMD9 and PMD10 of the adopted Thurrock LDF Core Strategy and Policies for the Management of Development (2015).

### **Removal of permitted development rights for commercial uses**

6. Notwithstanding the provisions of Part 7, Classes A, H, and L of Schedule 2 to the Town and Country Planning (General Permitted Development) Order 2015 (as amended) (or any Order revising, revoking and re-enacting that Order) no enlargement by way of extension(s) or by way of the installation of a mezzanine floor(s) in a unit which is subject of this permission shall be carried out without planning permission having been obtained from the local planning authority.

**Reason:** Because any increase in Floorspace would lead to increased vehicle movements beyond that assessed in the Transport Assessment and this would have an impact upon the efficiency of the highways network, in accordance with PMD9 and PMD10 of the adopted Thurrock LDF Core Strategy and Policies for the Management of Development (2015).

### **Phasing (Zoning) Plan**

7. Prior to the commencement of the development a zone plan that sets out the proposed order or sequence of the development, shall be submitted to and approved in writing by the local planning authority. The development shall commence in accordance with the approved zone plan.

**Reason:** To ensure the development is delivered in timely manner, which is coherent and compliant with policies CSTP22, CSTP23 and PMD2 of the adopted Thurrock LDF Core Strategy and Policies for the Management of Development (2015).

### **Site Access and Site Layout Highway**

8. The proposed site access and internal site wide highway layout of the development as shown on the approved site plan drawing no. 21009 -TP-102F shall be constructed in accordance with the approved drawing and shall be

available for use prior to the first occupation of the development and then shall be maintained and retained at all times thereafter.

**Reason:** To ensure adequate access is maintained, in the interests of highway safety and efficiency amenity in accordance with policies PMD2 and PMD9 of the adopted Thurrock LDF Core Strategy and Policies for the Management of Development (2015).

### **Highway Construction Details**

9. Notwithstanding the details submitted, prior to the commencement of development details of all construction, dimensions, construction specification, and visibility sight splay details shall be submitted to and approved in writing by the local planning authority. All approved details shall be implemented on site prior to occupation and shall be maintained by the operator of the site for as long as the development hereby approved is in use.

**Reason:** To ensure adequate access is maintained, in the interests of highway safety and efficiency amenity in accordance with policies PMD2 and PMD9 of the adopted Thurrock LDF Core Strategy and Policies for the Management of Development (2015).

### **Access to pedestrian and cycle route details from Titan Road as per approved plan**

10. The pedestrian and cycle access and improvements on Titan Road as shown on drawing no. 21009 -TP-126 and through the site as shown on the approved site plan drawing no. 21009 -TP-102F shall be constructed as approved and shall be available for use prior to the first occupation of the development and then shall be maintained and retained at all times thereafter.

**Reason:** In the interests of promoting sustainable transport for pedestrians and cyclists in accordance with policies PMD2 and PMD9 of the adopted Thurrock LDF Core Strategy and Policies for the Management of Development (2015).

### **Security Hut**

11. Prior to the first occupation of the development details of the security hut details of the proposed security hut to the site shall be submitted to and approved by the local planning authority. The proposed security hut shall be constructed in accordance with the details as approved and be in situ before occupation of the development and then shall be maintained and retained at all times thereafter.

**Reason:** In the interests of demarcating the site from public and private access for all users in accordance with policy PMD2 of the adopted Thurrock LDF Core Strategy and Policies for the Management of Development (2015).

### **Security Barrier and Boundaries**

12. Prior to the first occupation of the development details of the proposed security barrier to the site and security boundaries that demarcate the site from public and private access shall be submitted to and approved by the local planning authority. The proposed security barrier and security boundaries to the site shall be constructed in accordance with the details as approved and be in situ before occupation of the development and then shall be maintained and retained at all times thereafter.

**Reason:** In the interests of demarcating the site from public and private access for all users in accordance with policy PMD2 of the adopted Thurrock LDF Core Strategy and Policies for the Management of Development (2015).

### **Parking Provision**

13. Prior to the first occupation of the development the vehicle parking area shown on the approved plans, including any parking spaces for the mobility impaired and electric vehicles, has been hard surfaced, sealed and marked out as shown on the approved plans. The vehicle parking area(s) shall be retained in this form at all times thereafter. The vehicle parking area(s) shall not be used for any purpose other than the parking of vehicles that are related to the use of the approved development.

**Reason:** In the interests of highway safety, efficiency and amenity to ensure that adequate car parking provision is available in accordance with policies PMD2, PMD8 and PMD9 of the adopted Thurrock LDF Core Strategy and Policies for the Management of Development (2015).

### **Parking Management Strategy**

14. The development shall be operated in accordance with the 'Car Parking Management Plan' dated October 2023 which is attached to and forms part of this permission for the lifetime of the development.

**Reason:** In the interests of highway safety and to ensure that adequate car parking provision is available in accordance with policies PMD8 and PMD9 of the adopted Thurrock LDF Core Strategy and Policies for the Management of Development (2015).

### **Cycle Parking/Powered two wheeler Parking**

15. Prior to the commencement of development full details of the number, size, type and location of spaces, together with the design, dimensions and materials of secure and weather protected cycle parking/powered two wheeler parking facilities to serve the development shall be submitted to and approved by the local planning authority.

The development shall not be occupied until the parking facilities for cycle parking/powered two-wheeler parking have been installed as approved. Thereafter, the approved cycle parking/powered two-wheeler parking facilities shall be implemented and retained for the sole use of cycle parking/powered two wheelers parking for the users and visitors of the development. The facilities provided shall be serviceable and maintained at all times thereafter for the lifetime of the development.

**Reason:** To reduce reliance on the use of private cars, in the interests of sustainability, highway safety and amenity in accordance with Policies PMD2 and PMD8 of the adopted Thurrock LDF Core Strategy and Policies for the Management of Development (2015).

### **Sustainable Distribution Plan**

16. The development shall be operated in accordance with the 'Sustainable Distribution Plan' dated October 2023 which is attached to and forms part of this permission for the lifetime of the development. This includes HGV vehicle booking requirements for Units B, C and E; servicing strategies and HGV/LGV routing requirements.

**Reason:** In the interest of highway safety and efficiency to ensure that HGV and LGV vehicle movement do not severely adversely impact the local road network and the interests of reducing pollution to air quality, in accordance with policies PMD1, PMD9 and PMD11 of the adopted Thurrock LDF Core Strategy and Policies for the Management of Development (2015).

### **Material and Finishes**

17. The materials to be used on the external surfaces of the development as identified on the 'External Material Finishes Samples' drawing reference no. 21009/TP\_140B and 'Landscape Masterplan' drawing reference no. P22-1969\_01 shall be used in the construction of development prior to the first

occupation of the development and shall be retained and maintained as such thereafter.

**Reason:** In the interests of visual amenity and to ensure that the proposed development is integrated with its surroundings in accordance with policy PMD2 of the adopted Thurrock LDF Core Strategy and Policies for the Management of Development (2015).

### **Secured by Design**

18. Prior to the first occupation of the development the measures identified in the 'Secured by Design Statement' dated 9 September 2022 shall be implemented on site and shall be retained and maintained at all times thereafter.

**Reason:** In the interest of creating safer, sustainable communities in accordance with Policy PMD2 of the adopted Thurrock LDF Core Strategy and Policies for the Management of Development DPD (2015).

### **Boundary treatment**

19. The boundary treatment as shown on the 'External Material Finishes Samples' drawing reference no. 21009/TP\_140B and 'Landscape Masterplan' drawing reference no. P22-1969\_01 shall be constructed prior to the first occupation of the development and shall be retained and maintained as such thereafter.

**Reason:** In order to safeguard the amenities of neighbouring occupiers and in the interests of the visual amenity of the area as required by policies PMD1 and PMD2 of the adopted Thurrock LDF Core Strategy and Policies for the Management of Development (2015).

### **Hard and Soft Landscaping**

20. Within the first available planting season (October to March inclusive) following first completion of the development the landscaping works for hard and soft landscaping as shown on the approved plan(s) drawing number(s) P22-1969-02C Sheet 5 and specifications attached to and forming part of this permission shall be fully implemented. If within a period of five years from the date of the planting of any tree or plant, or any tree or plant planted in replacement for it, is removed, uprooted or destroyed or dies, or becomes, in the opinion of the local planning authority, seriously damaged or defective, another tree or plant of the same species and size as that originally planted shall be planted at the same place, unless the local planning authority gives its written consent to any variation.

**Reason:** To secure appropriate landscaping of the site in the interests of visual amenity and the character of the area in accordance with policies CSTP18 and PMD2 of the adopted Thurrock LDF Core Strategy and Policies for the Management of Development (2015).

### **Landscape Management Plan**

21. Prior to the first occupation of the development a landscape management plan, including management responsibilities and maintenance schedules for upkeep of all landscaped areas has been submitted to and approved in writing by the local planning authority. The landscape management plan shall be implemented in accordance with the details as approved and retained thereafter.

**Reason:** To secure appropriate landscaping of the site in the interests of visual amenity and the character of the area in accordance with policies CSTP18 and PMD2 of the adopted Thurrock LDF Core Strategy and Policies for the Management of Development (2015).

### **Ecology Mitigation**

22. The development shall be undertaken in accordance with the terms and specifications contained within the 'Ecology Assessment' dated November 2022 which is attached to and forms part of this permission. This shall include removal of all invasive species including Japanese Knotweed and Butterfly-bush.

**Reason:** In order to ensure that the interests of ecology and biodiversity or protected species are addressed in accordance with policy PMD7 of the adopted Thurrock LDF Core Strategy and Policies for the Management of Development (2015).

### **Ecological and Biodiversity Enhancements**

23. Prior to the first occupation of the development details of ecological and biodiversity enhancement measures to reflect the Biodiversity Net Gain information within this application shall be submitted to and agreed in writing by the local planning authority. The details shall be implemented in accordance with the agreed details and shall be maintained at all times thereafter.

**Reason:** In order to ensure that the interests of ecology and biodiversity or protected species are addressed in accordance with policy PMD7 of the adopted Thurrock LDF Core Strategy and Policies for the Management of Development (2015).

DPD (2015).

### **Flood Warning and Evacuation Plan (FWEP)**

24. Prior to the first occupation of the site the requirements of the 'Flood Warning and Evacuation Plan' (FWEP) dated 11 November 2022 which forms part of this planning permission shall be implemented, shall be made available for inspection by all users of the site and shall be displayed in a visible location all times thereafter.

**Reason:** To ensure that adequate flood warning and evacuation measures are available for all users of the development in accordance with policy PMD15 of the adopted Thurrock LDF Core Strategy and Policies for the Management of Development (2015).

### **Surface Water Drainage Scheme**

25. No development shall commence until a surface water drainage scheme for the development, based on the submitted sustainable drainage strategy has been submitted to and approved in writing by the local planning authority. The details shall include:

- a) Full details of all components of the proposed surface water drainage system including dimensions, locations, gradients, invert levels, cover levels and relevant construction details.
- b) Measures to ensure surface water from the vehicle parking and service areas enters into a storm by-pass oil interceptor and measures to prevent infiltration into the ground.
- c) Supporting calculations confirming compliance with the Non-statutory Standards for Sustainable Drainage, and the agreed discharge rate of 40l/s and the attenuation volumes to be provided.
- d) Details of the maintenance and management arrangements relating to the proposed surface water drainage system, confirming who will be responsible for its maintenance and the maintenance regime to be implemented.
- e) Infiltration tests to be carried out in line with 365 for the locations where SUDS are proposed.

The surface water drainage strategy shall be implemented as approved and in accordance with the programme for implementation. The surface water drainage strategy shall then be retained and maintained at all times thereafter.

**Reason:** To ensure the incorporation of an appropriate drainage scheme and to avoid pollution of the water environment and to minimise flood risk in accordance

with policies PMD1 and PMD15 of the adopted Thurrock LDF Core Strategy and Policies for the Management of Development (2015).

### All Plant Noise

26. All fixed plant shall be implemented in full compliance the submitted acoustic report dated 7th March 2023 project number 500228.0003.0000, prepared by TRC. The fixed plant once implemented shall be permanently maintained and replaced in whole or in part as often is required to ensure compliance with the noise levels.

**Reason:** To protect the amenities of the nearby occupiers from nearby noise sources in accordance with Policy PMD1 of the adopted Thurrock LDF Core Strategy and Policies for the Management of Development (2015).

### Noise Mitigation Barrier Details

27. Prior to the first occupation of the development details of the noise mitigation barrier as shown on the approved site plan drawing no. 21009 -TP-102F shall be submitted to and approved by the local planning authority. The noise mitigation barrier shall be implemented as approved prior to first occupation of the development. The noise mitigation barrier shall be maintained and retained at all times thereafter for the lifetime of the development.

**Reason:** To protect the amenities of the nearby occupiers from nearby noise sources in accordance with Policy PMD1 of the adopted Thurrock LDF Core Strategy and Policies for the Management of Development (2015).

### Contamination

28. Prior to the commencement of the development the following components of a scheme to deal with the risks associated with contamination of the site shall each be submitted to and approved, in writing, by the local planning authority:

A) A preliminary risk assessment which has identified:

- all previous uses
- potential contaminants associated with those uses
- a conceptual model of the site indicating sources, pathways and receptors
- potentially unacceptable risks arising from contamination at the site.

B) A site investigation scheme, based on (A) to provide information for a detailed assessment of the risk to all receptors that may be affected, including those off site.



C) The site investigation results and the detailed risk assessment (B) and, based on these, an options appraisal and remediation strategy giving full details of the remediation measures required and how they are to be undertaken.

D) A verification plan providing details of the data that will be collected in order to demonstrate that the works set out in (C) are complete and identifying any requirements for longer-term monitoring of pollutant linkages, maintenance and arrangements for contingency action.

Any changes to these components require the express consent of the local planning authority. The scheme shall be implemented as approved.

**Reason:** To protect the land and water environment in accordance with policy PMD1 of the adopted Thurrock Core Strategy and Policies for the Management of Development (2015).

### **Contamination – Verification Report**

29. No occupation (of any part of the permitted development / of each phase of development) shall take place until a verification report demonstrating completion of works set out in the approved remediation strategy and the effectiveness of the remediation shall be submitted to and approved, in writing, by the local planning authority. The report shall include results of sampling and monitoring carried out in accordance with the approved verification plan to demonstrate that the site remediation criteria have been met. It shall also include any plan (a "long-term monitoring and maintenance plan") for longer-term monitoring of pollutant linkages, maintenance and arrangements for contingency action, as identified in the verification plan. The long-term monitoring and maintenance plan shall be implemented as approved.

**Reason:** To protect the land and water environment in accordance with policy PMD1 of the adopted Thurrock Core Strategy and Policies for the Management of Development (2015).

### **Unforeseen Contamination**

30. If, during development, contamination not previously identified is found to be present at the site then no further development (unless otherwise agreed in writing with the local planning authority) shall be carried out until the developer has submitted and obtained written approval from the local planning authority for an amendment to the remediation strategy detailing how this unsuspected

contamination shall be dealt with. Such agreed measures shall be implemented and completed prior to the first occupation of any parts of the development.

**Reason:** To protect the land and water environment in accordance with policy PMD1 of the adopted Thurrock Core Strategy and Policies for the Management of Development (2015).

### **Piling**

31. Piling or any other foundation designs using penetrative methods shall not be permitted other than with the express written consent of the local planning authority, which may be given for those parts of the site where it has been demonstrated that there is no resultant unacceptable risk to groundwater. The development shall be carried out in accordance with the approved details.

**Reason:** The National Planning Policy Framework paragraph 174 states that the planning system should contribute to and enhance the natural and local environment by preventing both new and existing development from contributing to or being put at unacceptable risk from or being adversely affected by unacceptable levels of water pollution.

### **BREEAM**

32. All units hereby permitted, with the exception of Block D, shall achieve a minimum of an 'Outstanding' rating under the Building Research Establishment Environmental Assessment Method (BREEAM), unless it can be demonstrated to the local planning authority that it would be economically unviable or not feasible to do so.

A copy of the post construction completion certificate for each unit verifying the BREEAM rating of 'Outstanding' for all units has been achieved, with the exception of Block D, (unless it has been demonstrated that it would be economically unviable or not feasible to do so for that particular unit in which case the BREEAM rating shall be stated, in respect of that unit) shall be submitted to the local planning authority within three months of occupation of that unit.

**Reason:** In order to reduce carbon dioxide emissions in the interests of sustainable development, as required by policy PMD12 of the adopted Thurrock LDF Core Strategy and Policies for the Management of Development (2015).

### **BREEAM – Block D**

33. All units in Block D shall achieve a minimum of an 'Excellent' rating under the Building Research Establishment Environmental Assessment Method (BREEAM), unless it can be demonstrated to the local planning authority that it would be economically unviable or not feasible to do so.

A copy of the post construction completion certificate for all units in Block D verifying the BREEAM rating of 'Excellent' for all has been achieved, (unless it has been demonstrated that it would be economically unviable or not feasible to do so for that particular unit in which case the BREEAM rating shall be stated, in respect of that unit) shall be submitted to the local planning authority within three months of occupation of that unit.

**Reason:** In order to reduce carbon dioxide emissions in the interests of sustainable development, as required by policy PMD12 of the adopted Thurrock LDF Core Strategy and Policies for the Management of Development (2015).

### **Renewable Energy**

34. Prior to the first occupation of the development, the energy and sustainability measures as detailed in the Energy and Sustainability Statement Revision 004 shall be implemented, maintained and retained in working order through the lifetime of the development.

**Reason:** To ensure that development takes place in an environmentally sensitive way in accordance with Policy PMD13 of the adopted Thurrock LDF Core Strategy and Policies for the Management of Development (2015).

### **Storage of Oils, Fuels or Chemicals and Bunding**

35. All facilities for the storage of oils, fuels and chemicals shall be sited on impervious bases and surrounded by impervious bund walls with covers. The volume of the bunded compound shall be at least equivalent to the capacity of the tank plus 10%. If there is multiple tankage, the compound should be at least equivalent to the capacity of the largest tank or the combined capacity of interconnected tanks plus 10%. All filling points, vents gauges and sight glasses must be located within the bund. The drainage system of the bund shall be sealed with no discharge to any water course, land or underground strata. Associated pipe work shall be located above ground and protected from accidental damage. All filling points and tank overflow outlets shall be discharged downwards into the bund.

**Reason:** In order to avoid the pollution of ground water and rivers/watercourses in accordance with policy PMD1 of the adopted Thurrock LDF Core Strategy and Policies for the Management of Development (2015).

### Height of Outside Storage

36. No goods, materials, plant, machinery, skips, containers, packaging or other similar items shall be stored or kept outside of the building unless a scheme of screening of such storage has been implemented in accordance with details to have been submitted to and approved in writing by the local planning authority. The areas of storage and related screening shall be retained as approved thereafter.

**Reason:** In the interests of amenity and to ensure that the development remains integrated with its surroundings as required by policy PMD1 of the adopted Thurrock LDF Core Strategy and Policies for the Management of Development (2015).

### External Lighting

37. Prior to the first occupation of the development, the external lighting measures for the development shall be implemented in accordance with the External Impact Lighting Assessment revision P04, prepared by Cudd Bentley Consulting And shall be maintained and retained in working order through the lifetime of the development.

**Reason:** In the interests of amenity / ecology and biodiversity and to ensure that the development can be integrated within its immediate surroundings in accordance with Policies PMD1, PMD2 and PMD7 of the adopted Thurrock LDF Core Strategy and Policies for the Management of Development (2015).

### Provision of Superfast Broadband

38. Prior to the first occupation of the development a strategy to facilitate superfast broadband (broadband with speeds of at least 30Mbps as defined by Ofcom) for future occupants of all units shall be submitted to and approved in writing by the local planning authority. The strategy shall, accounting for feasibility and viability, seek to ensure that upon occupation of a unit either a landline or ducting is in place to facilitate the provision of a broadband service to that unit from a site-wide network, unless evidence is put forward and agreed in writing by the local planning authority that technological advances for the provision of a broadband service for the majority of users of that unit will no longer necessitate below ground infrastructure. The development shall be carried out in accordance with the approved strategy and the services (and ducting where applicable) retained and maintained at all times thereafter.

**Reason:** In order to ensure that suitable infrastructure is provided at the site for the benefit of occupiers, in accordance with paragraph 114 of the NPPF.

### **Construction Environmental Management Plan (CEMP)**

39. No demolition or construction works shall be commence until a Construction Environmental Management Plan (CEMP) has been submitted to and approved in writing by the local planning authority. The CEMP shall contain or address the following matters:

- (a) Demolition and construction work programme
- (b) Details of the hours of construction and demolition
- (c) Details of the method of demolition and plans and photographs to show all the existing structures above ground level, including existing oil storage tanks, pipelines and associated infrastructure to be demolished
- (d) Demolition and construction traffic access and management plan detailing vehicle haul routing in connection with construction, remediation and engineering operations
- (e) Identification of a strategy to minimise the level of employee travel by car to and from the Site during construction
- (f) Wheel washing and sheeting of vehicles transporting loose aggregates or similar materials on or off site
- (g) Details of temporary parking requirements
- (h) Road condition surveys before demolition and after construction is completed with assurances that degradation as a result of the works of existing surfaces will be remediated. Extents of road condition surveys to be agreed as part of this CEMP.
- (i) Location and size of on-site compounds (including the design layout of any proposed temporary storage, laydown areas and artificial lighting systems)
- (j) Details of any temporary buildings for the demolition and construction processes
- (k) Details of any temporary hardstandings
- (l) Details of any temporary fencing and hoardings
- (m) The importation and/or stockpiling of material on the Site for the purpose of constructing the Development
- (n) Details of the method for the control of noise with reference to BS5228 together with a monitoring regime
- (o) Measures to reduce vibration and mitigate the impacts on sensitive receptors together with a monitoring regime
- (p) Measures to reduce dust with air quality mitigation and monitoring
- (q) Measures for water management including waste water and surface water discharge

- (r) A method statement for the prevention of contamination of soil, groundwater, rivers/watercourses and air pollution, including the storage of fuel and chemicals and to prevent pollution affecting sensitive receptors
- (s) Details of security and other external lighting layout and design in accordance with the Institution of Lighting Engineers Guidance
- (t) An ecology method statement to demonstrate protection measures for biodiversity and ecology
- (u) Contact details for site managers including emergency details and information about community liaison including a method for handling and monitoring complaints.

The development shall only be carried out in accordance with the approved CEMP.

**Reason:** In order to minimise any adverse impacts arising from the construction of the development upon amenity, highway impact on the Local Highway Network and the Strategic Road Network and nearby biodiversity and ecological designations in accordance with policies PMD1, PMD7 and PMD9 of the adopted Thurrock LDF Core Strategy and Policies for the Management of Development (2015).

### **Cliff Monitoring and Maintenance Plan**

40. No demolition or construction works shall be commence until a cliff monitoring and maintenance plan has been submitted to and approved in writing by the local planning authority. The report shall contain:
- a) Mitigation measures that would be in place during the demolition and construction of the development
  - b) The management and maintenance regime for regular assessment of the cliff faces during the construction and operational phases of the development

The development shall only be carried out in accordance with the approved cliff monitoring and maintenance plan.

**Reason:** In the interests of amenity, safety, ecology and biodiversity in accordance with Policies PMD1, PMD2 and PMD7 of the adopted Thurrock LDF Core Strategy and Policies for the Management of Development (2015).

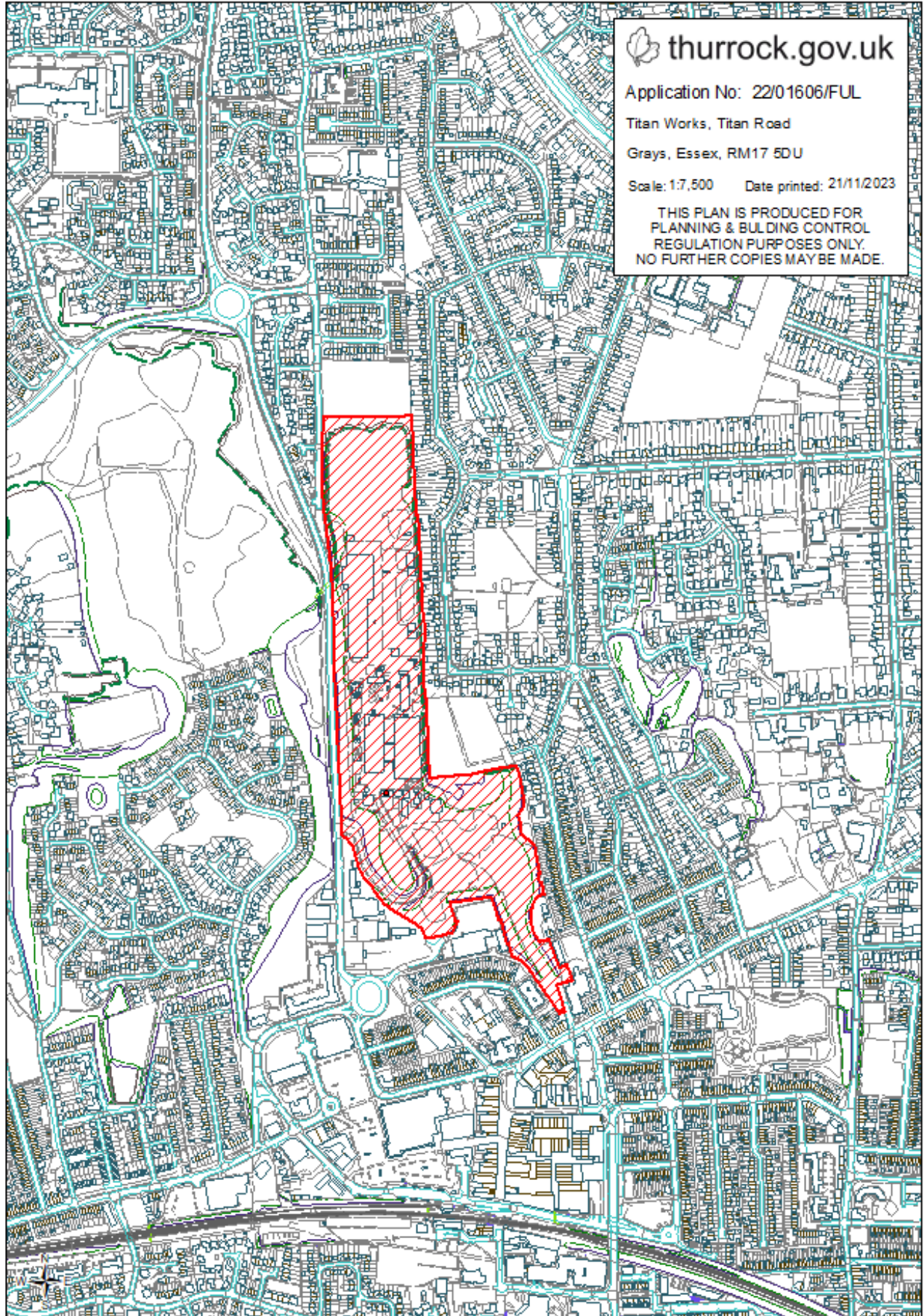
### Positive and Proactive Statement

The Local Planning Authority has acted positively and proactively in determining this application and as a result, the Local Planning Authority has been able to grant

planning permission for an acceptable proposal, in accordance with the presumption in favour of sustainable development, as set out within the National Planning Policy Framework.

**Documents:**

All background documents including application forms, drawings and other supporting documentation relating to this application can be viewed online: <http://regs.thurrock.gov.uk/online-applications>



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Planning Committee: 30 November 2023	Application Reference: 23/00033/FUL
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<b>Reference:</b> 23/00033/FUL	<b>Site:</b> Units 1 To 8 Including Burger King Thurrock Shopping Park Weston Avenue West Thurrock Essex
<b>Ward:</b> West Thurrock and South Stifford	<b>Proposal:</b> Demolition of existing structures and redevelopment of the site for B8 (storage and distribution) use including servicing, parking, access (including access ramp), landscaping, means of enclosure and associated development

<b>Plan Number(s):</b>		
Reference	Name	Received
17646 - 150A	Location Plan	10th January 2023
17646 - 151A	Existing Site Layout	10th January 2023
17646 - 160	Existing Elevations Block A	10th January 2023
17646 - 161	Existing Elevations Block B	10th January 2023
17646 - 162	Existing Elevations Block C	10th January 2023
17646 - 163	Existing Elevations Block D	10th January 2023
17646 - 170B	Proposed Site Layout	11th July 2023
17646 - 171D	Proposed Ground Floor Plan	11th July 2023
17646 - 172C	Proposed Ground Floor Mezzanine Plan	11th July 2023
17646 - 173C	Proposed First Floor Plan	11th July 2023
17646 - 174C	Proposed First Floor Mezzanine Plan	11th July 2023
17646 - 175D	Proposed Roof Level Plan	11th July 2023
17646 - 176C	Proposed Roof Plan	11th July 2023
17646 - 177D	Proposed Elevations	11th July 2023
RG-LD-100 REV D	GA Hard and Soft Landscape Works Plan - Overall	11th July 2023
RG-LD-101 REV D	GA Hard and Soft landscape works – arrival sheet 1	11th July 2023
RG-LD-102 REV D	GA Hard and Soft landscape works – arrival sheet 2	11th July 2023
RG-LD-103 REV E	Plant Schedules	11th July 2023
17646 - 178B	Proposed Sections	11th July 2023
332410781_SK16_P01	Proposed Site Layout	25th August 2023

The application is also accompanied by:

- Planning Statement
- Design and Access Statement
- Arboricultural Impact Assessment and Tree Survey Plans
- Archaeological Desk Based Assessment
- Drainage Strategy
- Ecological Impact Assessment (including Biodiversity Net Gain assessment)
- Economic Benefits Statement
- Energy and Sustainability Statement
- External Lighting Assessment
- Flood Risk Assessment (and additional details)
- Ground Investigation Report
- Health Impact Assessment
- Landscape and Visual Impact Assessment (LVIA), LVIA Addendum
- AVRs & Revised AVR (Actual View Realisation)
- Noise Impact Assessment
- Outline CEMP (Construction and Environmental Management Plan)
- Retail Catchment Analysis and revised Retail Assessment
- Statement of Community Involvement
- Transport Assessment (TIA)
- Transport Note 6
- Transport Note 7
- Transport Note 8
- Transport Note 8.1
- Transport Note 11
- Transport Note 11 Additional Details
- Waste Management Plan

**Applicant:**

Thurrock Trustee No.1 and No.2 Limited  
c/o Stantec

**Validated:**

09 January 2023

**Date of expiry:**

01 March 2024 (PPA time extension agreed)

**Recommendation:** Grant Planning Permission subject to conditions and obligations

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

**1.0 BACKGROUND AND DESCRIPTION OF PROPOSAL**

1.1 The key elements of the proposals are set out in the table below:

<b>Site Area (Gross)</b>	6.22 ha (slightly less is usable space due to the former chalk quarry's cliff faces and banks to the north/west and east of the application site)		
<b>Employment</b>	Up to an estimated – 662 jobs Estimated 988 jobs during construction		
<b>Units</b>	2 industrial/warehouse units		
<b>Land Uses and Floorspace</b>	<b>Use Class</b>	<b>Maximum Floorspace (sqm)</b>	
	B8 – Storage and Distribution	61,893 sqm	
<b>Green Infrastructure</b>	Augmentation of exiting green screen to west/north and new hedging to garden rooms		
<b>Ecological Mitigation</b>	27.12% increase in Habitat Units and a 61% increase in Hedgerow Units on site		
<b>Building Heights</b>	33.6m above AOD/ground level (+ 3m plant and roof access)		
<b>Access</b>	Two vehicle access points from Weston Avenue		
<b>Parking</b>	Car Parking – 242 car parking spaces to serve 2 units HGV Docking/Van Stations – 68 (34 each floor) Cycle Parking – 84 cycle parking spaces		

- 1.2 Full planning permission is sought for the demolition of existing buildings and the clearance of the site to allow for the redevelopment of the site to provide warehousing floorspace within Use Class B8 – storage and distribution - comprising one 2-level building with 2 units (one on top of the other) with a total floorspace of 61,983 sqm, together with associated access (including a ramp/bridging section), parking, and landscaping.
- 1.3 The proposal is speculative and, as such, no end user (s) was/were unknown at the time of submission of the application. No update on this has been provided by the applicants prior to the drafting of this report.
- 1.4 The following headings describe the proposal in more detail:

Access/Transportation

- 1.5 The existing site vehicle access location from Weston Avenue would be reused providing access (at the lower level) to the rear of the 2-storey building for HGVs/lorries and to the front of the building for cars and cycles (including motorised).

- 1.6 In addition, a new ramped access would be formed by way of a curved bridge from the upper ground level (the former edge of the quarry) adjacent to “Pets at Home” unit on the neighbouring retail park to provide HGV/lorry access and car access to the upper floor of the proposed building. This would include the partial loss of the existing car park area to the western side of the Pets at Home unit. It would connect with the rising roadway from the northern arm of the roundabout to its south.
- 1.7 It is proposed that there would be 34 loading bays to each floor of the building (totalling 68 loading bays); of which 44 would be for HGVs and 24 for vans.
- 1.8 The applicant is offering a contribution of £250,000 towards cycle path improvements.
- 1.9 A bus service is proposed to be diverted to service the site from Purfleet Station (with bus stops to the east of the application site).

#### Layout and Uses

- 1.10 The proposed building would be for a B8 (warehouse and distribution) use.
- 1.11 The building’s two floors/units would be accessed by staff/visitors from a single entrance core to the south-east of the building. The building would provide 61,893 sq.m (gross internal area) including just over 7,000 sq.m of ancillary office/comfort space, split equally across the two floors. It is proposed that the use(s) would operate 24/7/365 (all hours, all days of the week, every day of each year including bank and public holidays).
- 1.12 In terms of site layout, the two-storey building would be located centrally, extending across the majority of the depth/width of the application site within the access roads with a car parking/landscaping area at ground floor level to the front (east) and some car parking to the north of the building at the upper floor level deck.
- 1.13 Given the difference in land levels (approx. 9-10m) between the existing lower and upper retail park (TSP) area, a new bridge would be constructed to link the two areas to provide a northern access to the upper open rear deck area.
- 1.14 The ancillary offices and comfort space for workers would be located the length of the frontage façade on each floor facing east towards the remainder of the Thurrock Retail Park/Lakeside Shopping Centre.
- 1.15 The HGV loading bays would be located to the rear (western side of the building) with the upper floor bays accessed via the new bridge and the ground floor HGV loading bays accessed from the south.

- 1.16 Some landscaping areas would be provided around the edges of the site to the north and west to augment the existing boundary planting. A landscaped area would also be provided to the front of the building in the form of hedging on a diagonal providing linked “outdoor rooms” for staff amenity. There would be no planting areas to the south of the site due to the location of the access road here.

#### Scale and Height

- 1.17 The proposal is for a two-storey industrial/warehouse building of a rectangular shape with a less deep section to the northern end. The building would have maximum dimensions of approximately 232m by 130m with an undulating roof reaching a height of 33.6m above the site’s existing ground level (to parapet) with 3m of plant/roof access above. In terms of its scale, the proposal would comprise a gross internal floorspace of 61,893 sq.m which is an increase of over 37,000 sqm on the existing built development at the site.
- 1.18 The building would be taller than surrounding buildings within the Thurrock Shopping Park (TSP) (including those at the upper level) and also those within the wider locality.
- 1.19 The building would be a similar height to the late 1980s 110ft (33.5m) tall, 3-sided Thurrock Estate Clock Tower built.

#### Appearance and Materials

- 1.20 The 2-storey building would appear as a large industrial/warehouse building with large apertures to the rear providing direct loading of HGV/lorry/vans to the warehousing areas from wide concrete apron/deck areas to the rear of the building.
- 1.21 To the front (eastern) elevation, there would be significant areas of glazing to the ancillary office/support areas, mainly in two bands but also in blocks. The front elevation would have cladding/panelling with down stripes. The front elevation would be also articulated with some setting back/projection of parts of the front elevation. To the rear, north-western corner, it is proposed to provide a higher section of contrasting (dark) materials with a cut in geometric pattern to accentuate this part of the building which is located directly above the roundabout at Junction 31 which provides access to both the A1306 and the M25/A282.
- 1.22 It is also proposed to provide a large set forward wall of plants providing a 33m high “Green” wall feature to the northern section of the front elevation facing east. It is indicated that a watering mechanism would be employed to ensure that the green

wall is well hydrated together with a maintenance plan to ensure that any dying/dead planting is removed/replanted.

- 1.23 Apart from the green wall which would be provided with a suitable hard backing which are Translucent Panels that are backlit to support the watering system, the walls of the building would be a mixture of Pre-Fab concrete, cladding and panelling. External colours would be mid to light brown/beige. A mesh-type cladding would be provided for climber plants. It is proposed to provide a graphic design feature to the north-western corner of the building fronting onto the roundabout/M25/A1306. Windows would be included in the front elevation design of the building.
- 1.24 Whilst not visible from ground floor level (due to the proposed parapet) the roof of the building would comprise a series of shallow domed sections which would be provided with roof glazing to the northern slopes and solar panels (covering 5,330 sq.m) to the southern slopes.
- 1.25 It is proposed that the paths would be provided with concrete paving slaps with parking areas provided with porous paving blocks. The new access road/bridge etc would be provided in materials to match the existing road surfacing. The bridge would not be accessible to pedestrians such that no footpath is provided.
- 1.26 While signage details are not provided (and will in any event require separate consent under the Advertisement Regulations), locations for advertising are shown to the front of the building to its south-eastern corner, close to/on the entrance core, and to the top of the contrasting section (approx. 36m above AOD) to the rear/north-west to the sides fronting the M25/A282 and the A1306. Due to the height of the proposed building above existing neighbouring development such high level signage locations would be visible in longer distance views. It is noted that appearance and highway safety implications of any advertising would be assessed under any advertisement regulations submission, including its location on the building.

#### Landscaping and Ecology/Biodiversity

- 1.27 As indicated above, some landscaping would be provided to the front (east) of the building, surrounding the proposed car parking area and existing boundary planting to the west, north would be augmented.
- 1.28 While all trees would be removed from the existing large retail parking area (incidental planting) and some trees would be removed from the boundaries of the application site to the north and west to make way for the proposed larger building

and bridge works, it is proposed to provide new trees at the site along the northern and western boundaries to augment retained vegetation.

- 1.29 It is also proposed to provide an “Employee Garden” at the front of the site between the car park and the access roads; this would have a path and grassed areas with hedging provided diagonally to make a series of small “outdoor rooms”.
- 1.30 In respect of ecology and biodiversity (the number of different biomes), the proposal would provide an overall increase with a “Biodiversity Net Gain” assessment against the 3.1 metric.

#### Ecological Impact Assessment

- 1.31 The EIA includes a Habitat Survey, Protected Species Survey and a Preliminary Bat Roost Assessment. It is noted that there is no ancient woodland or habitats of principal importance but that there are birds’ nests likely on site. The assessment concludes that the site is of limited ecological value and suggests conditions could be attached to any approval to require a pre-demolition survey for bats nesting in the existing buildings and one for ecological mitigation measures.

#### Biodiversity 3.1 Audit

- 1.32 The Audit indicates that there would be an increase in both habitat and hedgerows at the application site and, as such the net change in units would be Habitat: 1.72 and Hedgerow 0.55. It is stated that there would be a lowering of units for woodland/trees from 0.38 to 0.28 although the value would be increased from 1.52 to 1.87 and that grass would increase both in unit change (+1.44) and in value from 0.18 to 1.62). There is no off site provision proposed.

#### Construction and Phasing

- 1.33 The proposal is for one building with two industrial-height “floors” and two separate vehicle access, one to each floor. It is not intended that there would be any requirement for a phased approach.

#### Ground conditions and levels

- 1.34 The application site is in a former chalk quarry. Chalk cliffs remain to the east and north/west of the site such that the eastern part of TSP, Arterial Road (North) and the M25 (and slip road) (west) are all located so they are above site ground level. The majority of the site however is at ground level and at its southern point where the Weston Avenue access is on level (lower) ground.

### Drainage

- 1.35 The Flood Risk Assessment indicates that the site is at risk as it is located in Flood Zone 3 however there are flood defences in place along the River Thames. Mitigation measures include that the finished ground floor level will be 2.85m above AOD. The FRA notes that the residual risk is acceptable for the lifetime of the development and that the site is not in a Ground Water Protection Zone. It indicates that a Flood Water Evacuation Plan is not required as safe access/egress exists. A surface water drainage strategy has also been submitted.

### Energy and water use

- 1.36 The submitted Energy and Sustainability Statement indicates that the proposal will aim to meet current standards in respect of reductions to CO2 emissions and energy use by meeting Part L of the 2021 Building Regulations. The development would provide 2,942 photovoltaic panels to the roof, achieve BREEAM standards, use A-rated materials, sort and recycle waste during construction and employ the “eliminate, reduce, reuse, recycle” motto in line with legislation and contribute £12,533.33 to the Carbon Offset Fund. The building will use water conservation measures including low-flow taps and rainwater harvesting which the occupiers will introduce.

### External lighting

- 1.37 As the proposed B8 (storage and distribution) use is proposed to operate 24/7/365, external lighting will be needed to ensure that the site is safe for all users at all times, including pedestrians, cyclists and HGV/Vans. It is proposed in the applicant’s External Lighting Assessment that there would be 8m high lamp columns to the front car park area, 8m columns and attached lanterns to the access roads and bulk-head luminaries to the access/vehicle ramp, wide-spread bay luminaries to the ground floor yard area, 8m high columns and attached lanterns for the first-floor yard. Lighting levels are given as 10, 20 and 50 lux. The submitted plans show that there would be no light spill outside the application site, nor onto the rear wooded bank. Landscape architectural lighting is identified as being of low impact and does not form part of the External Lighting Assessment. Any lit signage would similarly not form part of this assessment as it will require separate consent under the Advertisement Regulations.

### Economic Benefits Statement

- 1.38 The applicant’s statement indicates that the proposal would result in £192.1m in economic output and that there would be an increase from the current employment level of 264 to 1,161 and that during construction 988 people would be employed.



Of these 662 jobs (full time equivalent) would be available for local residents. It is also indicated that there would be 433 indirect jobs.

#### Health Impact Assessment

- 1.39 The submitted assessment concludes that the proposal would have an overall beneficial effect on health due to providing jobs as well as additional benefits such as BNG (Biodiversity Net Gain).

#### Archaeological Assessment

- 1.40 The submitted assessment indicates that the site is of a former chalk quarry and that there are no archaeological remains to investigate.

#### Highway Strategy

- 1.41 Details submitted include parking for 242 cars, cycles, motor-cycles, disabled people's car parking spaces. A draft Travel Plan has been submitted although it is acknowledged that as a speculative scheme, final details will need to be provided (through a S106 agreement). For the same reasons, there are no details provided regarding servicing and refuse strategies.

## **2.0 SITE DESCRIPTION**

- 2.1 The application site occupies the majority of the former chalk quarry which is located to the western boundary of the Thurrock Retail Park. It lies to the south of the A1306 (Arterial Road) and east of the A282 (M25), north of the Dartford Crossing. The site area is approximately 6.2 ha.
- 2.2 The application site comprises the western part of Thurrock Shopping Park (TSP) with the existing "big box" retail units located on the lower level to the western side of the Thurrock Shopping Park. However, the site boundary also includes the slope up (current access road) on the eastern boundary (on the top of the former quarry edge) and part of the car park adjacent to the Pets at Home unit on the upper level of TSP (approx. 9-10m difference in level). The applicants also own the upper level retail park units to the north east of the site. The site comprises 13 units located on the western/southern side of a large, shared car park area including a small restaurant located on the eastern side close to the existing roundabout. A detached cycle store is located in the building to the south of the access. At the time of an Officer site visit in August 2023 occupiers of the retail warehouse shops included TK Maxx, M&S outlet, ASDA Home, Boots, Go Outdoors and Poundland. The northern-most unit was the only unit which was vacant (former "Smyths" toy store).

### 3.0 RELEVANT PLANNING HISTORY

3.1 The site has a lengthy planning history and relevant to this proposal is the planning history set out below:

Reference	Description	Decision
83/01009/FUL	Clock tower and sales office	Approved 20.12.1983
THU/1007/86 (86/01007/OUT)	Retail Warehouse Park	Approved 30.01.1987
86/01007A/FUL	Retail Warehouse	Approved 27.11.1987
86/01007B/OUT	Multi-screen cinema	13.04.1988
09/50017/TTGFUL	Change of use from cinema to non food class A1 retail use together with associated external changes, revised car parking layout, sprinkler tanks, GPR pump house and electricity sub station.	Approved 20.05.2009
11/50346/TTGFUL	Redevelopment of the existing Odeon (ex UCI) cinema for retail purposes together with reconfiguration of car parking, internal linkage works and a new pedestrian crossing across West Thurrock Way.	Approved 14.03.2012
22/01471/SCR	Request for screening opinion for the demolition of existing commercial uses and the construction of up to 65,000 square metres (sqm) Gross Internal Area (GIA) of commercial uses (comprising Use Class E(g)(iii), B2 and/ or B8 uses), as well as servicing, parking, access, landscaping and means of enclosure at Thurrock Shopping Park	EIA not Required 11.11.2022

### 4.0 CONSULTATION AND REPRESENTATIONS

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

4.2 PUBLICITY:

This application has been advertised by way of individual neighbour notification

letters, press advert and public site notice which has been displayed nearby. Further consultation was undertaken following the change in description to remove B2 (general industrial) and E3 (light industrial) uses.

Two objections have been sent raising with the following concerns:

- Additional traffic causing congestion (blocking the junctions)
- Environmental Pollution – HGVs pumping out polluting diesel smoke
- Possible excessive noise
- Loss of commercial properties
- About building height
- Construction hours
- More traffic to already busy roads
- High levels of HGVs causing more road damage including potholes, carved tyre marks on the road surface
- HGV already struggle to get out of the J31 service station onto the roundabout at the top of this potential development and adding more is not going to assist in the matter
- Adverse impact on the newly built residential properties/occupiers in Lakeside basin
- No need for more warehousing; community facilities are needed

#### 4.3 ANGLIAN WATER:

No objection but recommends petrol/oil interceptors are fitted in all car parks.

#### 4.4 CADENT GAS:

No objection but recommend an informative is added to any approval.

#### 4.5 ECONOMIC DEVELOPMENT

Recommend that a local employment and skills land is prepared for the construction and end user phase. A local procurement plan shall also need to be submitted. In addition a financial contribution to local job support/brokerage is needed of £25,000.

#### 4.6 EMERGENCY PLANNER:

No objection subject to a condition requiring a site-specific Flood Warning and Evacuation Plan (FWEP).

#### 4.7 ENVIRONMENT AGENCY:

No objection subject to a condition related to Land Contamination.

4.8 ENVIRONMENTAL HEALTH:

No objection subject to conditions regarding noise mitigation measures being in accordance with the acoustic report requirements, a watching brief for contaminated land, and a Construction Environmental Management Plan.

4.9 ESSEX AND SUFFOLK WATER

No response.

4.10 ESSEX COUNTY COUNCIL ARCHAEOLOGY:

No objection as the site is previously developed land all of the archaeological deposits would have been destroyed by the quarrying that has occurred at the site.

4.11 ESSEX POLICE ARCHITECTURAL LIAISON OFFICER:

No objections but recommend Secured by Design (SBD) requirements.

4.12 FLOOD RISK ADVISOR:

No objection subject to planning condition requiring the submission of a surface water drainage scheme.

4.13 HEALTH AND SAFETY EXECUTIVE:

No response.

4.14 HIGHWAYS OFFICER:

No objections subject to conditions which shall cover the need for a vehicle booking system, details of the highway within the site, parking, loading and unloading, freight management plan, car park management plan, construction environmental management plan. There is a need for improvements including an LTN 1/20 compliant cycle works and pedestrian works to link the site to the facilities on the A1306, including the appropriate LTN 1/20 crossing across Weston Avenue, the upgrading of the zebra crossing on West Thurrock Way to north of the West Thurrock Way and Weston Avenue roundabout to an appropriate LTN 1/20 combined cycle and pedestrian facility, improved pedestrian and cycle crossing facilities at the West Thurrock Way arm of the MSA roundabout again to make them LTN 1/20 compliant, improved access for cycling throughout the lakeside Basin and

improved links to the proposed change of access for cycling to the A282 which would be undertaken as part of Travel Plan improvement measures. A s278 agreement under the Highways Act will be needed for some of these works and this can be linked to a s106 agreement which will also include a travel plan, the requirement for bus stops and routing changes to the development as offered by the applicant and reservation of land for a possible in/out access from existing retail park to the west of West Thurrock Way (B186).

#### 4.15 LANDSCAPE AND ECOLOGY ADVISOR:

No objection as it is considered that the proposed development would not result in significant landscape or ecological effects despite the scale of the proposed building. No in principle objection to the proposal subject to conditions being attached relating to submission of details of the landscape scheme, the securing of materials including the living wall and mitigation measures as set out in the LVIA and ecological and landscape plans including tree planting.

#### 4.16 NATIONAL HIGHWAYS:

No objections as the development's net impacts (minus the existing use) are not significant or sufficiently severe to require mitigation at M25 Junctions 30. The microsimulation modelling for the J30 off slip and J31-30 link road shows no additional northbound queueing on our network in the evening peak hour but a small increase that can be managed in the morning peak hour to the Junction 30 stop line. On this basis, National Highways do not seek mitigation. National Highways note that there are other matters regarding sustainable and active travel measures that will be implemented by the developer, through agreement with Thurrock Council, that will act to reduce local network trips.

#### 4.17 PUBLIC HEALTH:

No objection but consider the Health Impact Assessment (HIA) requires strengthening to ensure that health and wellbeing is fully factored into the design, construction and operation of the development.

#### 4.18 TRAVEL PLAN CO-ORDINATOR:

No objections subject to a revised Travel Plan being submitted for approval and an assessment and annual monitoring fee of £1,050 for each travel plan from first occupation until 5 years after the last unit has been brought into use. A car club condition is also recommended.

#### 4.19 URBAN DESIGN:

Object for the following reasons:

#### Scale and Massing

The scale and massing of the building of 33.7m high which is roughly equivalent to a standard 10 storey residential building. This is a significant increase in height from the existing structures on site, as well as surrounding buildings and raises concerns in terms of potential negative impact on wider character with regard to policy CSTP22 – Thurrock Design and policy PMD2 – Design and Layout) and shows overdevelopment of the site.

#### Layout and Site Coverage

The current proposal seeks to maximise plot coverage and visibility at the expense of developing on a theme present in the original layout of the Tunnel Estate: of creating an arrival experience around a prominent clock tower landmark, and by delivering a sense of enclosure through the arrangement of built form. The extensive plot coverage and layout pushes forward from the original layout intention of the Tunnel Estate, which affects the wider sense of place and legibility of the clock-tower as an arrival landmark. In doing so, it worsens the current rationale behind the establishment of a sense of place, but also fails to establish a new rationale for a sense of place that considers its relationship to the surrounding existing buildings and setting.

#### Appearance & Materiality

Design should be a critical consideration for the scheme given its size and location. If developed as drawn, the building would be one of the taller buildings in Thurrock and within a prominent gateway location to the borough (via the M25/A13 junction). The visibility of the scheme itself is significant and clearly demonstrated in the applicant's verified views and justifies the need to ensure a high-quality design and appearance that supports positive place-making and visually attractive architecture. The large primary frontage remains a key concern given its visibility and scale compared to the existing buildings on site and surrounding context.

#### Landscaping & Public Realm

The proposed landscaping, in terms of tree planting, does little to mitigate the significant and negative effects that the large scale and mass of the building have on the character of the local context.

## **5.0 POLICY CONTEXT**

### **5.1 National Planning Policy Framework**

The latest NPPF was published in September 2023. Paragraph 11 of the

Framework sets out a presumption in favour of sustainable development. This paragraph goes on to state that for decision taking this means:

- c) approving development proposals that accord with an up-to-date development plan without delay; or
- d) where there are no relevant development plan policies, or the policies which are most important for determining the application are out of date<sup>1</sup>, granting permission unless:
  - i. the application of policies in this Framework that protect areas or assets of particular importance provides a clear reason for refusing the development proposed<sup>2</sup>; or
  - ii any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in this Framework taken as a whole.

<sup>1</sup> This includes, for applications involving the provision of housing, situations where the local planning authority cannot demonstrate a five year supply of deliverable housing sites ...

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

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

- 2. Achieving sustainable development
- 4. Decision-making
- 6. Building a strong, competitive economy
- 8. Promoting healthy and safe communities
- 9. Promoting sustainable transport
- 11. Making effective use of land
- 12. Achieving well-designed places
- 14. Meeting the challenge of climate change, flooding and coastal change
- 15. Conserving and enhancing the natural environment
- 16. Conserving and enhancing the historic environment

## 5.2 Planning Policy Guidance (PPG)

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

- Air Quality
- Climate change
- Design: process and tools
- Effective use of land
- Environmental Impact Assessment
- Flood Risk and Coastal Change
- Healthy and safe communities
- Historic environment
- Land affected by contamination
- Land Stability
- Light pollution
- Natural Environment
- Noise
- Planning obligations
- Renewable and low carbon energy
- Transport evidence bases in plan making and decision taking
- Travel plans, transport assessments and statements in decision-taking
- Use of Planning Conditions

## 5.3 Local Planning Policy Thurrock Local Development Framework

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

### OVERARCHING SUSTAINABLE DEVELOPMENT POLICY

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

### SPATIAL POLICIES

- CSSP2 (Sustainable Employment Growth)
- CSSP3 (Sustainable Infrastructure)



## THEMATIC POLICIES

- CSTP6 (Strategic Employment Provision)
- CSTP7 (Network of Centres)
- CSTP8 (Viability and Vitality of Centres)
- CSTP14 (Transport in the Thurrock Urban Area)
- CSTP15 (Transport in Greater Thurrock)
- CSTP16 (National and Regional Transport Networks)
- CSTP17 (Strategic Freight Movement and Access to Ports)
- CSTP18 (Green Infrastructure)
- CSTP19 (Biodiversity)
- CSTP22 (Thurrock Design)
- CSTP23 (Thurrock Character and Distinctiveness)
- CSTP24 (Historic Assets and Historic Environment)
- CSTP25 (Addressing Climate Change)
- CSTP27 (Management and Reduction of Flood Risk)
- CSTP29 (Waste Strategy)
- CSTP33 (Infrastructure Provision)

## POLICIES FOR MANAGEMENT OF DEVELOPMENT

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

### 5.4 Thurrock Local Plan

In February 2014 the Council embarked on the preparation of a new Local Plan for the Borough. Between February and April 2016 the Council consulted formally on an Issues and Options (Stage 1) document and simultaneously undertook a 'Call for Sites' exercise. In December 2018 the Council began consultation on an Issues and Options (Stage 2 Spatial Options and Sites) document, this consultation has

now closed and the responses have been considered and reported to Council. On 23 October 2019 the Council agreed the publication of the Issues and Options 2 Report of Consultation on the Council's website and agreed the approach to preparing a new Local Plan.

As part of the Local Plan process, background documents have been produced to inform policy. Relevant to this application are the ELLA (Employment Land Availability Assessment) document which was published in February 2023 and revised in April 2023 and the EDNA (Economic Development Needs Assessment) published in March 2023. As yet, a Retail Assessment has not been undertaken for the Borough.

### 5.5 Borough Plan – Saved Policies

The Borough Local Plan was adopted Council in September 1997. By law, although the end date of the Borough Local Plan has passed, its policies have been saved automatically. The saved policies will be replaced by our emerging New Local Plan for Thurrock, once adopted. They were originally to be replaced by our emerging Local Development Framework. Appendix 7 of our Core Strategy Local Plan (pages 333 to 337) provides a list of saved Borough Local Plan policies and how they were to be replaced.

'Saved' policies SH10 (Non-Retail Uses in District and Local Shopping Centres) and SH11 (Non-Retail Uses in Neighbourhood Shopping Parades).

### 5.6 Thurrock Design Strategy

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

## 6.0 **ASSESSMENT**

6.1 The material considerations for this application are as follows:

- I. Principle of the Development
- II. Socio and Economic Impact
- III. Access, Connectivity, Travel Plan, Parking and Traffic Impact
- IV. Design, Layout and Impact upon the Area
- V. Ecology and Nature Conservation
- VI. Flood Risk, Drainage and Water Resources
- VII. Air Quality and Odour
- VIII. Noise and Vibration

- IX. Land Contamination and Ground Conditions
- X. Energy and Climate Change
- XI. Effect on Neighbouring Properties
- XII. Heritage and Archaeology
- XIII. Health Impact Assessment
- XIV. Cumulative Impact and Alternative Sites
- XV. Phasing and Construction
- XVI. Viability and Planning Obligations
- XVII. Sustainability
- XVIII. Other Matters

#### I. PRINCIPLE OF THE DEVELOPMENT

- 6.2 The principles issues to be considered with this case are the loss of retail land and floorspace and the provision of employment land/floorspace as a departure to the current LDF Core Strategy.

##### Loss of Retail Land/Floorspace

- 6.3 The Core Strategy Proposals Map identifies the site is located within the Lakeside Basin and is within a location identified as 'Shopping Centres and Parades' whereby policy CSTP7 (Network of Centres) applies.
- 6.4 Policy CSTP7 promotes additional retail floorspace in the Lakeside Basin and the site is within the Lakeside Basin, the western side of it. Point 1 of policy CSTP7 is relevant as the policy identifies the site is within the location is part of the wider Lakeside Regional Centre. The policy seeks the transformation of the area into a new regional town centre to expand and include the following uses: increased retail, up to 3,000 new dwellings, employment and other service uses, commercial leisure floorspace including food and drink uses. The policy does not specifically require the retention of either retail floorspace or retail land in the Lakeside Basin, albeit the policy is instead seeking to increase retail floorspace. However, the policy was originally adopted when the Core Strategy was originally adopted in 2011, before the 2015 Core Strategy review, so this is a policy that was created using an evidence at that time looking retail growth and associated uses so the policy does not necessarily reflect current retail needs.
- 6.5 Furthermore, whilst policies SH10 (Non-Retail uses in District and Local Shopping Centres) and SH11 (Non-Retail Uses in Neighbourhood Shopping Parades) are 'saved' policies they are from the adopted 1997 Borough Local Plan and therefore pre-date policy CSTP7 and the national planning policy position, so they have to be considered but are now out of date.

- 6.6 Turning to the work on the new Local Plan, there is a need for the policies in the future Local Plan to have an up-to-date evidence base. To date there is not an up to date retail assessment to inform the current retail needs of the Borough or for consideration for this application.
- 6.7 The NPPF (Sept 2023) under Section 7. Ensuring the vitality of town centres at para.86 states “*Planning policies and decisions should support the role that town centres play at the heart of local communities, by taking a positive approach to their growth, management and adaptation. Planning policies should:*  
a) *define a network and hierarchy of town centres and promote their long-term vitality and viability – by allowing them to grow and diversify in a way that can respond to rapid changes in the retail and leisure industries, allows a suitable mix of uses (including housing) and reflects their distinctive characters;*  
b) *define the extent of town centres and primary shopping areas, and make clear the range of uses permitted in such locations, as part of a positive strategy for the future of each centre...*”
- 6.8 The National PPG suggests that retail land use is “fast-moving” in terms of its needs and that reviews are needed well within the normal 15 year timeframes for Local Plan Policies. While the NPPG indicates 5-year reviews of retail/town centre policies there has been no update for at least 8 years. The test here is to ensure that any loss of retail floorspace would not undermine the function of the regional centre or harm its vitality and viability so that it retains its place in the defined Retail Hierarchy.
- 6.9 The applicant has submitted a Retail Impact Assessment which identifies why the proposed loss of retail would be acceptable. The applicant case has assessed the catchment area, current expenditure, lakeside’s turnover, sales densities, vacancy rates, future expenditure density and scenario testing. It recognises that there is potential for redistribution of retail units elsewhere in the Lakeside Basin and provide examples where this would be possible but also where not. The applicant’s evidence does not demonstrate that there is no quantitative need for retail floorspace in Lakeside. Specifically, the assessment considers how much retail floorspace is provided across the Lakeside Basin and how the proposed loss of retail floorspace would impact on the Lakeside Basin. It concludes that the proposal would be unlikely to have a significant impact on the health of the remaining centre as some of the existing users of the units which would be lost are already provided in the Lakeside Shopping Centre.
- 6.10 To assist on the retail position an independent retail expert was appointed to review the applicant’s Retail Impact Assessment. The brief was for independent advice to review the applicants’ justification for loss of retail floorspace. The independent retail expert confirms that the applicant’s Retail Impact Assessment provides

sufficient information to consider how the loss of around 25,000 sq.m of retail floorspace would impact on the retail offer in the Lakeside Basin, including the Lakeside Shopping Centre.

6.11 A summary of the independent retail advice identified the following:

- That policy CSTP7 does not require retention of retail space but the test is to ensure the loss of the retail floorspace would not undermine the function of the regional centre or harm its vitality and viability.
- That the applicant's evidence does not demonstrate that there is no quantitative need for retail floorspace in Lakeside.
- That the potential negative impact from this proposal would concern the loss of a substantial quantum of retail floorspace, which in turn would reduce the attraction of the centre through the loss of a key component of its retail offer. This in turn has the potential for the remainder of the centre to reduce its wider attraction to the sub region. However, for the avoidance of doubt, the independent retail expert did not consider that this is a likely scenario.

6.12 The independent retail expert concluded that:

*'The loss retail floorspace as proposed would not undermine the function of the regional centre or harm its vitality and viability and therefore would find support in the development plan and national policy on this single issue concerning the loss of retail floorspace'.*

6.13 Following the independent retail expert's report and the acceptance that retail floorspace can be lost here the next step is to consider what alternative land uses can the site be used for. As such, the application site could be used for a number of alternative uses while still meeting the requirements of policy CSTP7, for example, housing, which would help contribute to the Council's current housing needs. As the applicants are not offering to provide housing, no detailed consideration has been given as to whether this site could be suitable for housing; notwithstanding this, housing is provided elsewhere close to major transport links – motorways/major roads/railways etc, for example in big cities and on this basis, it may be possible to provide housing which mitigates against any possible noise/air quality (or other residential amenities issues). Nonetheless, a conclusion cannot be reached to say whether housing would be possible on this site without further analysis of the issues. As such, it may/or may not be a viable alternative use even though it would accord with Policy CSTP7.

6.14 In conclusion to this section, and in light of the independent retail advice, the proposed loss of the retail floorspace is considered to be quite balanced and it is therefore important to weigh up the loss of the retail floorspace alongside the

potential impact upon the attractiveness of Lakeside as a sub-regional destination. The independent retail advice does advise the Council that the loss retail floorspace as proposed would not undermine the function of the regional centre or harm its vitality and viability. For these reasons, and on balance, the loss of the retail floorspace from this location raises no objections and approving this application for alternative land use that does not comply with policy CSTP7 would permit a departure from local planning policy.

### The Proposed Employment Land Use

- 6.15 Policy CSSP2 (Sustainable Employment Growth) identifies the Lakeside Basin/West Thurrock as a 'Key Strategic Economic Hub' with 'Core Sectors' in retail, logistics and transport, and construction. For Lakeside Basin/West Thurrock policy CSSP2 identifies an indicative job growth of 7,000 to 9,000 identified (subject to review of Lakeside in the Local Development Documents).
- 6.16 Policy CSTP6 (Strategic Employment Provision) seeks to maintain high and stable levels of economic and employment growth and Part 2 V of the policy considers that where proposals for new economic development are proposed outside the Primary and Secondary Industrial and Commercial areas, the Council will make an assessment against the following criteria:
- (i) Compatibility with uses in the area surrounding the proposal and potential impacts on those uses.
  - (ii) Capacity and impact on the road network and access by sustainable modes of transport.
- 6.17 With regard to both the above policies the site is not within a defined employment land area as it is instead identified to fall within the Lakeside Basin area as identified through policy CSTP7. With regard to point 2 V (i) of policy CSTP6 the proposal may be viewed as a compatible with the land areas to the south of the site, but this proposed use would not be compatible with the neighbouring retail uses to the east of the site. In terms of point 2 V (ii) of policy CSTP6 the section covering highway impact below assesses this.
- 6.18 As mentioned in the above section, policy CSTP7 does allow for employment uses but interpretation of the policy is that the employment requirements are those aimed more towards general town centre uses than storage and distribution uses within the Lakeside Basin retail area as designated on the Core Strategy Proposals Map. It is recognised that some uses at this site and in the wider Lakeside Basin are not retail for example, food and drink outlets and the recent housing development at Loweswater Way/Abberton Way. However, these land uses comply with Policy CSTP7's list of alternative uses.

- 6.19 In terms of national planning policy, chapter 6 of the NPPF advises that significant weight should be placed on the need to support economic growth and productivity, taking into account both local business needs and wider opportunities of redevelopment. Paragraph 81 of the NPPF requires planning policies and decisions to create conditions in which businesses can invest, expand and adapt with significant weight to be placed on the need to support economic growth. Paragraph 83 requires planning policies and decisions to recognise and address specific locational requirements of different sectors, including creative or high technology industries, and, most applicable for this site, storage and distribution operations at a variety of scales and in suitably accessible locations.
- 6.20 Outside of the planning policy framework but relevant to this application is the up to date evidence base for the preparation of the Council's new Local Plan for employment uses. The evidence base consists of the Employment Land Availability Assessment (ELAA) dated February 2023 and the Economic Development Needs Assessment (EDNA) dated March 2023.
- 6.21 The ELAA identifies Thurrock as a 'hot spot' for logistics due to the combination of ports, the proximity of the M25 motorway network and access to London and the South East. The ELAA recognises that there is a very limited number of sites available in West Thurrock as these are largely brownfield sites. The ELAA considers that the Council should aim to accommodate a wide range of requirements including industrial and warehouse premises.
- 6.22 The EDNA considers the demand for and supply of employment land in the Borough and recognises various growth scenarios with the majority of demand for warehousing land associated with the ports in the Borough and the future Freeport considerations. The EDNA indicates that the application site has been considered, along with a number of other sites for possible employment use; this is solely on the basis that this current application has been submitted. The EDNA concludes that the site is not available as it is currently in use by a different land use, retail.
- 6.23 The proposal is one of a number of similar proposals in the Thurrock Area. The benefit of this site is that it is not in the Green Belt and is already "brownfield", compared to other sites being put forward to meet the need for logistics warehouses. The logistics industry is seeking sites which are exceptionally large (compared to previous warehouse sizes) and evidenced in for example, Ocado warehouse approved in the Borough in recent years. The industry being on an up-tick due, in particular, to the use of smart phones enabling customers to demand products at any time of the day or night on a short time delivery basis.
- 6.24 The proposed use would replace mainly existing retail uses with a storage and distribution use. Both the ELAA and EDNA identify the employment land use needs

in the Borough and whilst not policy, as they are evidence based documents, they do provide the most up to date position for Borough. The NPPF does provide the most up to date policy position when compared to the Council's local planning policies. The NPPF identifies the need for economic growth so the proposal on its own would meet this policy requirement.

#### Conclusion to this section

- 6.25 In summary, the key consideration for Members is to consider whether the principle of the re-development of the site for a proposed multi levelled storage and distribution use of this site would outweigh the harm of the loss of the existing retail park which is designated for such uses through policy CSTP7 and is part of the wider attraction of the Lakeside Basin as a sub regional centre.
- 6.26 In weighing this up, the most up to date policy position is that within the NPPF, which identifies the need for economic growth. Both the Employment Land Availability Assessment (ELAA) dated February 2023 and the Economic Development Needs Assessment (EDNA) dated March 2023 provide the most up to date position for employment land use needs in the Borough, but both are not policy.
- 6.27 Policy CSTP7 does not require the retention of retail uses, the policy envisaged retail growth at the time of its original adoption in 2011. The applicant's retail assessment has been subject to an independent retail expert analysis who reached the following conclusion:
- 'The loss retail floorspace as proposed would not undermine the function of the regional centre or harm its vitality and viability and therefore would find support in the development plan and national policy on this single issue concerning the loss of retail floorspace'.*
- 6.28 Taking this into consideration the principle of the development is finely balanced, but on balance it considered that the principle of the development is acceptable.

## II. SOCIO ECONOMIC IMPACT

- 6.29 The current use of the site as a retail park with associated supporting uses (food and beverage units) currently employs 264 full time employees (FTE) jobs. The proposed redevelopment of the site would result in the loss of all of those jobs. The proposed operational use as a storage and distribution use in the form of 2 units would lead to the creation of an estimated 662 FTE jobs at the site with a potential 433 indirect jobs across the UK supply network. This is based on floorspace



calculations as there are currently no end users identified for the two units. The construction phase of the development is estimated to lead to 988 jobs.

- 6.30 In the wider Lakeside Basin/West Thurrock area policy CSSP2 identifies an indicative job growth of 7,000 to 9,000 identified (subject to review of Lakeside in the Local Development Documents), so these employment opportunities could be stated to contribute towards this spatial policy.
- 6.31 In terms of jobs, the majority of both retail and warehousing jobs are relatively low skilled (albeit that management jobs would exist as well as technical/maintenance jobs) so no difference, except that the very much larger warehouse(s) would provide more (FTE) jobs than the smaller retail units it would replace.
- 6.32 Section 10 of policy CSTP6 identifies that the Council will work with partners and developers to enhance the knowledge and skills and local employment opportunities for residents include the promotion of local labour and training agreements. A local employment and skills package would be secured through a planning condition or obligation for both the construction and operation phases of the development. This package would include training opportunities, apprenticeships, using local labour sources and advertising for jobs locally for the benefit of Thurrock residents. The Council's Economic Development Officer requires this along with a local procurement plan and a financial contribution to local job support/brokerage of £25,000.

### III. ACCESS, CONNECTIVITY, TRAVEL PLAN, PARKING AND TRAFFIC IMPACT

- 6.33 Various local planning policies as well as the guidance stated in the NPPF/PPG are relevant to this material consideration and are identified below. Traffic and Transport was 'scoped in' for the Environmental Impact Assessment and the ES assesses the proposed development's impact upon Traffic and Transport.

#### Vehicle and Pedestrian Access

- 6.34 Policy PMD9 seeks to minimise the number of new accesses required onto the highway network and to ensure that new access creation makes a positive contribution towards highway safety.
- 6.35 Policy CSTP15 requires assessment of developments in relation to sustainable travel choices with necessary appraisal of accessibility for all members of the community and promotes permeability and legibility. Paragraph 104 of the NPPF promotes opportunities for walking, cycling and public transport, and paragraph 112

(a) of the NPPF requires applications for development to maximise pedestrian and cycle movements and ensure accessibility for all.

- 6.36 Two separate vehicle accesses are proposed, one to the ground floor unit using the existing exit from the roundabout to the east of the application site and this access then leads to the rear of the unit along the south side of the building. The other vehicle access to the first floor unit uses Weston Avenue and instead of the end of Weston Avenue ending in the car park to the retail units a new curved ramp/bridge would be created providing access to the rear of the first floor unit via the north side of the building. These accesses would be used by both staff vehicles and HGVs to access car parks and the loading and unloading docking bays.
- 6.37 Pedestrian access into the site would be from Weston Avenue adjacent to the existing roundabout junction and the pedestrian access would be via a shared front entrance plaza, located at the south-eastern corner of the proposed building. Existing pedestrian access to the site along the roads would be unaltered, however a current staircase connecting the upper and lower existing retail park areas would be removed. These arrangements would not alter the public highway, however, it is necessary to ensure that these are safe and conditions have been recommended by the Council's Highways Officer to ensure, for example, visibility splays are provided. In addition, the Council's Highways Officer has requested that pedestrian and cycle access to the site is improved through S278 Highway agreement(s).
- 6.38 The Council's Highway Officer raises no objections to the provision of these access points and routes which are considered acceptable with regard to policies CSTP15 PMD2, PMD9 and paragraphs 104, 108 and 112 of the NPPF.

#### Connectivity and Accessibility to transport hubs and local facilities

- 6.39 Policy CSTP15 also seeks to improve accessibility to work through the promotion of passenger services and transport services, prioritise to rights of way/ improvements, provide links to the national cycle network route 13 and to ensure new development promotes high levels of accessibility by sustainable transport modes and local services are conveniently located to reduce the need to travel by car. Paragraph 108 of the NPPF requires safe and suitable access for all users and encourages applicants to maximise these travel options.
- 6.40 The proposal would be located to the far western side of Lakeside Basin some distance from the nearest train station at Chafford Hundred and the bus station to the north-west of the Lakeside Shopping Centre. There is also Purfleet train station to the west of the application site on the other side of the A282/M25, although this is not an easy walk due to major roads in the area and traffic, particularly HGV

movements. There are bus routes though the Lakeside Basin, however, bus stops previously on Weston Avenue have been removed, presumably due to limited use.

- 6.41 The Council's Highways Officer is concerned that the site has poor non-car and public transport connectivity, being isolated from the larger Lakeside Basin due to inadequate pedestrian crossing facilities. This is particularly with regards to Weston Avenue and the B186. Through the current Local Plan, the Council is looking at ways to improve connectivity and severance issues within the Lakeside Basin and maximising sustainable travel modes. As such, the Council's Infrastructure Requirement List is being developed to identify potential requirements for development contributions, such as crossing facilities on the B186 dual carriageway and Weston Avenue.
- 6.42 The Council's Highways Officer indicated that there are a range of improvements that could address the public transport and pedestrian connectivity issues, which in turn would help reduce secondary vehicle movements along West Thurrock Way and to enhance access to the south of West Thurrock Way and the local highway network generally. These measures would include LTN 1/20 compliant cycle works and pedestrian works to link the site to the facilities on the A1306, including the appropriate LTN 1/20 crossing across Weston Avenue, the upgrading of the zebra crossing on West Thurrock Way to north of the West Thurrock Way and Weston Avenue roundabout to an appropriate LTN 1/20 combined cycle and pedestrian facility, improved pedestrian and cycle crossing facilities at the West Thurrock Way arm of the MSA roundabout again to make them LTN 1/20 compliant, improved access for cycling throughout the lakeside Basin and improved links to the proposed change of access for cycling to the A282 which would be undertaken as part of Travel Plan improvement measures. In addition to this, the Council's Highways Officer is seeking to reserve land within the applicant's ownership on the eastern side of the retail park to the north east of the site that is accessed from West Thurrock Way which could allow for a future 'out' access. There is a currently 'in' access from West Thurrock Way in this location. The applicant is also offering new bus stops on Weston Avenue to provide for a bus route diversion adjacent to the site. Details of these highway requirements can be secured through planning conditions and/or obligations.

#### Travel Plan

- 6.43 Policy PMD10 requires Travel Plans to promote sustainable transport alternatives, which would include travel incentive mitigation measures and the policy requires the promotion of sustainable transport alternatives to private vehicle car use. Policy CSTP14 looks to ensure new development promotes high levels of accessibility by sustainable transport modes. Paragraph 113 of the NPPF requires 'all

developments that will generate significant amounts of movement should be required to provide a travel plan’.

6.44 The objectives of a Travel Plan shall need to include:

- To promote sustainable and active travel to the site for all staff members working on site.
- To promote sustainable transport choices for employees and visitors to and from the site.
- To promote accessibility by walking, cycling, public transport, taxis and car sharing.
- To increase awareness of environmental and social benefits of using alternative modes of transport.
- To encourage the use of electric vehicles through the provision and ongoing monitoring of charging points.

6.45 The application includes a range of measures in a Framework Travel Plan. This includes the promotion of a Travel Plan Co-ordinator who would need to be employed for each unit to ensure individual Travel Plan for each unit are achieved. The TPC will promote cycle and pedestrian facilities, public transport guides and car sharing opportunities. The TPC role will have the responsibility of setting up a site wide working ground to meet at least annually. Marketing will be used to promote the travel plan and travel choices. Regular monitoring will be required for each occupier to assess travel patterns to work for a five-year period following occupation. In the event that site wide Framework Travel Plan targets are not met then corrective measures would be put in place through a review meeting to determine what measures can be taken to further reduce travel-related impact and achieve greater take up of measures in the Travel Plan. These could include measures such as public transport taster tickets, car parking spaces replaced by car sharing spaces and further funding support for a travel plan co-ordinator.

6.46 Details of the Travel Plan for each occupier shall be secured through planning conditions or obligations. The Council’s Travel Plan Co-ordinator requires an assessment and monitoring fee of £1050 per annum for each travel plan from first occupation until five years after the last unit has been brought into use. The financial contribution would be secured through a planning obligation. Additional measures for the Travel Plan are required for cycling, promotion of public transport, car sharing and parking. There is a requirement for priority car sharing spaces to be incorporated into the parking plan and the applicant has included dedicated car parking spaces for this purpose.

6.47 The Travel Plan approach is considered acceptable having regard to policy PMD10 and paragraph 113 of the NPPF and shall be secured through planning conditions and/or obligations.

Parking

6.48 Policy PMD8 requires developments to comply with the Council’s Parking Design and Development Standards (February 2022). Paragraph 107 of the NPPF advises on setting parking standards and paragraph 109 of the NPPF refers to lorry parking.

6.49 The proposed development would involve a range of land uses and the Council’s Parking Design and Development Standards (February 2022) identify the following parking requirements for the proposed land uses:

Use	Use Class (new Use Classes references in Brackets)	Car Vehicle Parking Requirement
Office (ancillary office)	E(g)(i)	1 space per 30 sqm
Storage and Distribution	B8	1 space per 150 sqm

6.50 In addition to the above the Council’s Parking Design and Development Standards (February 2022) also identifies requirements for electric vehicle, disabled and motorcycle parking.

6.51 The proposal would provide 242 car parking spaces across the site, which is the equivalent of 1 space per 256 sqm. This level of parking does not accord with the Council’s Parking Design and Development Standards (February 2022) which based on the floorspace would require 413 car parking spaces based on all of the floorspace of 61,893 sqm being provided for B8 storage and distribution use. However, given that ancillary office use is included the parking assessment needs to take account of office and storage and distribution uses. This can be broken down further to 362 spaces for a B8 storage and distribution use and 236 car parking spaces for the ancillary office use, totalling the need for 598 car parking spaces. However, the applicant’s TA considers the level of parking provision to be an appropriate level of parking for the development and further assessment was undertaken by the applicant and their Technical Note (TN11) assumes that 85% of staff present at work and a 70% local car mode share would result in 401 car drivers per day split but this is likely to be split across a 3 shift pattern. The Technical Note (TN11) explains that this would result in 114 car drives per shift needing approximately 174 car parking spaces, which is within the level of car parking being provided of 242 car parking spaces.

- 6.52 The proposed car parking would include 12 disabled parking spaces. The proposed car parking would include 27 spaces for electric vehicles with charging points and this is 11% of the car parking spaces to be provided. The proposed parking includes parking for each unit. The applicant’s TA identifies that a car parking management strategy would need be implemented and the Travel Plan will promote alternative transport options to individual car usage to reduce the demand for parking at the site and to address the shortfall of parking provision in regard to the Council’s Parking Design and Development Standards (February 2022).
- 6.53 The Council’s Highway Officer understands that the proposal is a speculative development whereby the end users are unknown and as the parking provision is based on 85% worker attendance, there are concerns still remain regarding the level of parking and possible over-flow parking onto other land or public highway. Therefore, the Council’s Highway Officer identifies the need for controls on parking within the development through a car parking management plan, which would need to be secured through a planning condition. There is also a need for a robust travel plan to promote sustainable transport options along with the mitigation improvements identified by the Council’s Highways Officer.
- 6.54 The Council’s Parking Design and Development Standards (February 2022) do not provide specific requirements for HGV/LGV or other commercial vehicle parking requirements. The proposed layout plan shows that each unit would provide parking space and/or docking/loading bay parking for HGV/LGV or other commercial vehicles.
- 6.55 For cycle parking, the Council’s Parking Design and Development Standards (February 2022) require the following:

Use	Use Class	Cycle Parking Requirement
Storage and Distribution	B8	1 space per 500 sqm for staff plus 1 space per 1000 sqm of visitors

- 6.56 The applicant’s TA states a minimum of 180 staff cycle spaces and 55 visitor cycle spaces would be provided, which accords with the requirements of the Council’s Parking Design and Development Standards (February 2022). Cycle parking would be provided in 3 locations at the site with visitor cycle parking adjacent to the front entrance of the building. Further details on the cycle parking provision including of the exact number of cycle parking spaces per unit shall be secured through a planning condition.
- 6.57 The Council’s Highway Officer raises no objections on cycle parking provision.

- 6.58 The Construction Environmental Management Plan condition can secure all parking requirements via a planning condition for the construction phase of the development, and this is likely to be located in on site secure compound for parking for staff and visitors associated with the construction work.
- 6.59 In conclusion on parking, for all vehicle parking, conditions and obligations will be necessary as identified to ensure all sustainable transport options are considered to address the shortfall in parking provision at the site and with regard to meeting the requirements of policy PMD8 and paragraphs 107 and 109 of the NPPF.

#### Servicing and waste collections

- 6.60 PMD2 requires development proposals to include suitable access to maintenance, waste and emergency vehicles. Paragraph 112 (d) of the NPPF requires development to 'allow for the efficient delivery of goods, and access by service and emergency vehicles'.
- 6.61 The applicant's TA identifies that the site would be serviced regularly but as a speculative proposal further detail shall need to be agreed through condition to accord with the requirements of policy PMD2 and Paragraph 112 (d) of the NPPF.

#### Traffic Generation and Trip Rates/Distribution

- 6.62 Before assessing the impact upon the highway network, it is necessary to understand the proposed trip rates associated with the proposed development. The PPG advises that one of the key issues to consider in preparing a Transport Assessment are the 'road trip generation and trip distribution methodologies and/ or assumptions about the development proposal'.
- 6.63 With regard to trip generation, the applicant's TA states the existing use of the site as a retail park provides the most trip rates during the Saturday peak hours of 13:00 to 14:00 hours of 1,211 trips, mostly cars. The existing AM peak (08:00 to 09:00) is 144 vehicles and the PM peak (17:00 to 18:00) is 543 vehicles. With no end user identified the applicant's TA has looked at other storage and distribution uses of a similar sizes to that proposed at this site. A storage and distribution use is likely to work on a shift pattern arrangement with 2 or 3 shifts over 24 hours. Based on the proposed use the TA predicts AM peak (08:00 to 09:00) of 385 vehicles, PM peak (17:00 to 18:00) of 197 vehicles and in comparison to the Saturday peak hours of 13:00 to 14:00 hours of 86 trips. It should be noted that as a 24 hour use HGV movements are likely to take place throughout the night. In comparison to the existing use the proposal would result in a reduction in vehicle trip generation of 489 on a weekday and 3,812 on a Saturday with an increase in trips during the AM peak hour but a reduction in the PM peak hour and Saturday peak hour.

6.64 In terms of trip distribution, the applicant’s TA predicts that most car trips would use Arterial Road (23% of trips) and A13 (east) (24% of trips) with 15% of trips using the M25 (North). For LGVs the applicant’s TA predicts that most trips would use the Arterial Road (25% of trips) with London Road and A13 (West) having similar trip percentages (21%). For HGVs the applicant’s TA predicts that most trips would use the M25 (South) (68% of trips) and M25 (North) (24% of trips).

Highway Network Assessment

6.65 Policy PMD10 requires Transport Assessments to accord with relevant transport guidance and paragraph 113 of the NPPF requires planning applications to be supported by Transport Assessments so that the likely impacts of the proposal can be assessed.

6.66 PMD9 requires development to avoid causing congestion as measured by link and junction capacities. Paragraph 104 of the NPPF requires the impact of development on transport networks to be addressed and paragraph 111 of the NPPF identifies that development should only be prevented or refused on highway grounds if there is a ‘severe’ impact upon the road network.

6.67 Within and beyond the Thurrock area policy CSTP16 seeks to improve national and regional transport networks to ensure growth does not result in routes being above capacity. The policy seeks to achieve this through improving capacity by improving transport interchanges and supporting additional highway capacity through the use of technology and information.

6.68 The applicant’s TA has assessed the impact of the development upon existing junctions, future year traffic growth, committed developments, assessment scenarios and net trips by junction. Individual junction modelling assessments have been undertaken using 10 junctions, which include A13/M25 junction 30, A1306/M25 junction 31, Arterial Road/B186 roundabout (MSA), B186/Weston Avenue roundabout, Lancaster roundabout B186/A126 junction and Weston Avenue roundabout at the site’s access. The table below summarises the applicant’s TA assessment of the junctions and references to mitigation are from other consented developments.

Junction	AM Peak	PM Peak	Saturday Peak
A13/M25 junction 30	Operates within Capacity	One offslip S boundary already above capacity, mitigation but junction still	Mitigation needed to ensure junction operates within capacity



		operates over capacity	
A1306/M25 junction 31	No excess capacity and signal timings to be altered to mitigate impact	Operates within capacity signal timings to be altered to mitigate impact	Betterment in junction performance
Arterial Road/B186 roundabout (MSA)	Operates within Capacity	Negligible change	Betterment in junction performance
B186/Weston Avenue roundabout	Operates within Capacity	Betterment in junction performance	Betterment in junction performance
Lancaster roundabout B186/A126 junction	Operates within Capacity	A slight worsening in performance	Betterment in junction performance
Weston Avenue roundabout	Operates within Capacity	Betterment in junction performance	Betterment in junction performance

6.69 For both the traffic generation/trip rates/distribution and the impact upon highway network, the Council’s Highway Officer recognises that the proposal would impact upon the wider networks and would increase queue lengths on junctions on the local network. The Council’s Highway Officer remains concerned that there will impact upon the evening peak period where the development will impact on roads within the Lakeside Basin at the junction 31 slip roads to junction 30 with many junctions at or over capacity, and the development would increase queue lengths on junctions on the local network. There is a requirement to implement or contribute to mitigation measures to mitigate the harm from this development. The mitigation would be for improvements to public transport, cycle and pedestrian connectivity (as stated above) which in turn would help reduce secondary vehicle movements within the Lakeside Basin. The applicant shall need to enter into a s278 agreement under the Highways Act which can be secured as a requirement of a s106 legal agreement to ensure the mitigation is secured in reference to this planning application, which is necessary to mitigate the impacts of the development.

6.70 In addition to the above, as further mitigation requirements, a lorry routing strategy and a Vehicle Booking System shall need to be secured through this planning application, so it is operational from first use of the site at any time during which the site is open. This system shall record details of the registration, origin, destination, and operators of each vehicle entering and leaving the site and the time of such movements.

- 6.71 For junction modelling the table above shows the impact upon highway network and where mitigation is required, with mitigation secured through other consented developments including the Thames Enterprise Park development proposals (18/01404/OUT) and the Purfleet regeneration development proposals (17/01668/OUT and 20/01129/CV) with both development proposals providing mitigation through improvements to both junctions 30 and 31.
- 6.72 National Highways raise no objections as they have advised that development's net impacts (minus the existing use) are not significant or sufficiently severe to require mitigation at M25 Junctions 30. The microsimulation modelling for the J30 off slip and J31-30 link road shows no additional northbound queueing on our network in the evening peak hour but a small increase that can be managed in the morning peak hour to the Junction 30 stop line. On this basis National Highways do not seek mitigation. National Highways note that there are other matters regarding sustainable and active travel measures that will be implemented by the developer, through agreement with Thurrock Council, that will act to reduce local network trips.
- 6.73 The mitigation as identified is essential with regard to meeting the objectives of planning policies PMD9, PMD10 and CSTP16 and paragraph 111 of the NPPF.

#### Sustainable Distribution Plan

- 6.74 For freight transport, policy PMD11 requires development creating more than 200 daily HGV movements to produce a Sustainable Distribution Plan to include evidence that commercially viable opportunities for freight carried by rail, water, pipeline or conveyor have been maximised. The policy also requires for B1, B2 and B8 uses in excess of 30,000m<sup>2</sup> planning obligations for Vehicle Booking Systems for each occupier as part of the overall Sustainable Distribution Plan.
- 6.75 As the proposed development would generate at least 200 daily HGV movements a Sustainable Distribution Plan (SDP) shall be required to meet policy requirements. This shall need to include specific measures which seek to manage the impact of freight traffic and HGV movements at the site onto the local highway network. The measures shall need to include the timings of deliveries, training all staff, direct freight routing, a HGV booking system (as referred to above) and promoting the Thurrock Freight Quality Partnership. The SDP is intended to be used for and updated in order to manage freight traffic and HGV movements in a cohesive, safe, efficient and sustainable way. The SDP will be responsible for the on-going monitoring of the SPD including liaison with the appointed Travel Plan Co-ordinator. The SDP will also be subject to an annual review. The SDP would be secured through a planning condition or obligation.

- 6.76 It is likely that road traffic freight would significantly impact on the highway network and to address the issues and meet policy requirements a Sustainable Distribution Plan is necessary to accord with policy PMD11. The Council's Highway Officers has no objection.

#### Conclusion for this section

- 6.77 The assessment of the access, traffic impacts, connectivity, travel plan, parking and mitigation measures have been subject to consultation and discussions throughout the lifetime of this planning application. As identified above a number of planning conditions and planning obligations are necessary to mitigate the impact of the development.
- 6.78 Overall, the access, traffic impacts, connectivity, travel plan, parking and mitigation measures are considered acceptable with regard to the relevant policy and the NPPF/PPG tests/considerations. Where identified the mitigation measures can be secured through planning obligations through a s106 legal agreement and planning conditions where identified.

#### IV. DESIGN, LAYOUT AND IMPACT UPON THE AREA

- 6.79 Policies CSTP22 and CSTP23 both seek to create high quality design, character and distinctiveness for new developments, and policy PMD2 requires proposals to respond to the sensitivity of the site and its surroundings for various criteria. Chapter 12 of the NPPF as a benchmark to new development, through paragraph 126, requires 'the creation of high quality places'. Furthermore, chapter 12 of the NPPF aims to ensure developments are 'visually attractive' and 'sympathetic to the local character' of an area.
- 6.80 In addition to policy the Thurrock Design Strategy, which seeks achieve high quality design within the Borough, was adopted in 2017 as a supplementary planning document and endorsed as a material consideration in the determination of planning applications. Section 3 of the Guide ('Designing in Context') requires applicants to appraise a development site by taking the following considerations into account:
- understanding the place;
  - working with site features;
  - making connections; and
  - building in sustainability.

#### Layout

- 6.81 While it is accepted that the current context does not exhibit an attractive character in the traditional sense, a transformation towards a new character of significantly larger and more visible logistics buildings would be a concern given the requirement of PMD2 for developments to 'contribute to the creation of a positive sense of place', especially considering the direction of policy CSTP7 with its aim to create a mixed-use regional centre (including residential neighbourhoods) within the Lakeside area. It would be incorrect to assume that the existing site and immediate context is not subject to a considered design rationale that has sought to establish some sense of place. Historic mapping from 1996 of the Tunnel Estate (the original development incorporating the site and wider Thurrock Shopping Park) shows a considered approach to layout and townscape, which sought to deliver a legible arrival experience and built form that provides a sense of enclosure and buffering to the major surrounding roads.
- 6.82 The design of the scheme has responded to earlier comments including with the relocation of the proposed HGV docks and upper-level delivery yard to the rear of the building, rather than at the front of the building. However, it should be noted that the proposed development would occupy the majority of the entire site area and this could be viewed as overdevelopment given the cramped nature of trying to squeeze in the development onto the majority of the plot in terms of site coverage. There is some landscaping shown on the front elevation of the building and to an area of land to the front of the building which if successful will help soften the appearance at a pedestrian level when approaching the site but there are concerns with the layout of this development which is recognised as an objection from the Council's Urban Design Officer.

### Scale & Massing

- 6.83 The building would be 33.7m high and would have a significant mass. Its height would project upwards from the former quarry levels to above the height of the M25 main carriageway, it would be roughly the equivalent to a standard 10 storey residential building. This is a significant increase in height from the existing structures on site, as well as surrounding buildings, even those at higher or natural ground levels. This height, scale and massing issues raise concerns in terms of potential negative impact on wider character (in line with policy CSTP22 – Thurrock Design, and PMD2 – Design and Layout) and at one of the entrance points to Thurrock from the junction 30/31 areas. The applicant's verified views provided (particularly views AVR01, AVR04, and AVR08) demonstrate a towering mass compared to the adjacent DHL logistics hub and remainder of Thurrock Shopping Park. The building would also tower over the adjacent landmark Tunnel Estate clock tower (at 33.5m) which challenges the established townscape order and use of landmarks in the area.

- 6.84 The proposed scale and mass of the development does not adhere to this pattern and rises above the existing Lakeside Basin context with an excessive prominence but without acting as a useful and high-quality landmark. This significant disparity between the proposed scale and mass of development, and the scale and mass of existing uses within the site (including similar logistic uses) is a clear sign that the design represents over-development of the site, which is recognised as an objection from the Council's Urban Design Officer.

#### Design and appearance

- 6.85 It is acknowledged that the design makes use of some setbacks and articulations provided by the stair cores. It is considered that while this does provide some oscillation of the front façade, this is limited and the proposal would result in a very large plain wall (albeit of different materials). Large plate glass provides some relief from the otherwise cladding to the light-brown/beige-coloured exterior, however, as identified by the Council's Urban Design Officer the large primary frontage remains a key concern given its visibility and scale compared to the existing buildings on site and surrounding context.
- 6.86 The rear of the building would not be visible from within the Lakeside Basin and this is where the large concrete finished yards would be located on both floors, which is visually poor. From the elevated positions on the A282/M25, this could be partly broken up by the augmented landscaping in time. The introduction of the north-western corner feature would, while providing a break from the otherwise flat rear facade, draw attention to the building and its expansive yard/loading docks and represents an improvement when compared to the plan originally submitted with this application.

#### Landscaping and Amenity

- 6.87 The applicant's Arboricultural Report identifies '176 tree features which have the potential to be impacted by the development'. 162 of these trees were categorised as low C grade trees. The majority of these trees will need to be removed to allow for the development and remaining trees will need to be protected during construction. The Council's Landscape and Ecology Advisor recognises that the landscaping scheme would propose new tree planting to mitigate the loss of trees.
- 6.88 With regard to landscaping, the proposal includes a detailed landscaping plan and would result in additional landscaping over that of the existing and would result in augmented greening of the rear/northern boundaries. The proposed green wall to the front elevation of the building would help soften the appearance of the building's front façade. It is considered that the proposed landscaping would have a positive

impact on the current streetscene and the Council's Landscape and Ecology Advisor raises no objection subject to a condition.

- 6.89 To the front of the building would be an amenity area for staff welfare and break out which is welcomed. It would not be open to the public so of little public benefit.

#### Townscape and Visual Impact upon the Area

- 6.90 The applicant's Landscape and Visual Impact Assessment (LVIA) has considered the landscape and visual effects of the development on the area. Using the industry standard assessment criteria the LVIA identifies the built form of the development would have a 'minor adverse to moderate natural significance of effect' at year 1 and this would be change to a 'minor neutral to moderate beneficial significance of effect' after 15 years resulting from the proposed planting scheme. The LVIA reaches the following conclusion:

*'It is considered within the capacity of the Site, Thurrock Retail Park, the townscape of West Thurrock and the wider landscape of the mar Dyke and surrounding Green Belt, to absorb the Proposed Development. The Proposal will not alter the overriding composition of townscape or landscape elements, nor will it form a noticeable change to the composition of views that are characterised by the existing developed context of the West Thurrock Retail Park, and wider settlement of Thurrock'.*

- 6.91 The Council's Landscape and Ecology Advisor raises no objections on landscape impact grounds, although it should be noted that this approach is different to how the Council's Urban Design Officer views the scheme.

#### Conclusion for this section

- 6.92 In conclusion to this section, the proposal would result in a very large building covering the majority of the existing application site. While concerns are raised as to whether this would be of a high design quality, from the Council's Urban Design Officers, given it is the first of its kind in Thurrock, consideration has to be given to whether it is of such low quality in terms of design and impact on the local character that it should be refused. The proposal would provide improved landscaping compared with the current retail warehouse layout with large hardstanding/car parking and a balanced view will need to be taken as to whether the scale and design issues and harms would outweigh the other material planning considerations of this application.

## V. ECOLOGY AND NATURE CONSERVATION

- 6.93 Policy CSTP19 seeks measures to contribute to biodiversity in the Borough through positive biodiversity management. Policy PMD7 requires development proposals to retain local biodiversity value and enhance on site to mitigate any loss of biodiversity. Paragraph 175 of the NPPF advises that development should be 'minimising impacts on and providing net gains for biodiversity'.
- 6.94 The site is not subject to any statutory ecological designations with the nearest being the West Thurrock Lagoon and Marshes Site of Special Scientific Interest (SSSI) 2km away.
- 6.95 A Habitat Regulations Assessment (HRA) has been submitted together with an Ecological Assessment Report which indicate that the site is of 'low value' in ecology terms. The tree belts to the north/west are relatively thin and mainly for screening purposes, rather than ecological reasons. Notwithstanding the provision of enhanced trees along these boundaries together with the introduction of grass/hedging to the front of the application site should improve ecological outcomes.
- 6.96 The proposed green wall to the front elevation of the building would not look to support larger animals or birds, albeit that smaller animals and insects may be able to gain some benefit.
- 6.97 Ecological opportunities are identified for habitat and hedgerow gain through the Biodiversity Net Gain (BNG) calculations and the proposed landscaping scheme offered. Other enhancements can include bird boxes.

### Conclusion for this section

- 6.98 The Council's Landscape and Ecology Advisor raises no objection, and it is recognised that the proposal would provide Biodiversity Net Gain following the implementation of the landscaping plan and through ecological enhancements secured by planning conditions.
- 6.99 In conclusion to this section of the report the proposed development is considered acceptable subject to the conditions as stated above and having regard to policies CSTP19 and PMD7 as well as the guidance contained in the NPPF/PPG.

## VI. FLOOD RISK, DRAINAGE AND WATER RESOURCES

- 6.100 Policy CSTP27 and PMD15 relate to flood risk. Specifically, they require, in line with the NPPF, that development is located in general in the lowest flood zone area

(FZ1) rather than in the highest flood risk areas (FZ3/3b), subject to the development's vulnerability level and, as appropriate, any mitigation measures.

- 6.101 The application site is located in Flood Zone 3 with the exception of the north-south stretch of the existing portion of Weston Avenue which rises above ground level and therefore out of Flood Zone 3 into Flood Zone 1. The site has previously been developed for non-residential use (retail warehousing).

#### Flood Risk Assessment

- 6.102 The proposal is for warehouse development (storage and distribution) within Use Class B8 which would form part of a logistics operation. Such development is identified as "Less vulnerable". A Flood Risk Assessment (FRA) has been submitted. The Environment Agency has confirmed the proposal is classified as a 'less vulnerable' development, as defined in Annex 3: Flood Vulnerability classification of the Planning Practice Guidance. Therefore, to comply with national policy the application is required to pass the Sequential Test and be supported by a site-specific Flood Risk Assessment (FRA).
- 6.103 The applicant's FRA shows that the applicants have considered that Flood Zone 3 'High Probability' greater than a 1 in 100 (1.0%) Annual Probability of river flooding or greater than a 1 in 200 (0.5%) Annual Probability of flooding from the sea. The site is offered protection by the River Thames tidal flood defences. The Thames Estuary TE2100 Modelling Study (2008) shows that the standard of protection of the flood defences in the area is at least to the 1 in 1000 (0.1%) annual probability tidal event. The Thurrock Level 2 Strategic Flood Risk Assessment (SFRA) breach modelling confirms that the site is located outside of all modelled breach extents up to and including the 1 in 1000 (0.1%) annual probability tidal event and the 2100 epoch. The proposal is for the demolition of the existing retail units and construction of a new logistics hub which is classified as 'Less Vulnerable' as defined in PPG Table 1. According to PPG Table 2, the land use is appropriate for Flood Zone 3a, subject to the application of the Sequential Test. The FRA suggests that as there is only a change of use involved, that the sequential test is not required.

#### Sequential and Exception Tests

- 6.104 In relation to the Sequential Test, the applicant has indicated in their FRA that there is no need to consider whether there is a sequentially preferable site. However, it is the role of the local planning authority to undertake the Sequential Test and in doing so the site is previously developed land, is located at the northern end of the Lakeside Basin with higher ground nearby, if the site wasn't redeveloped for the proposal then another redevelopment opportunity would in principle be acceptable subject to policy considerations, redevelopment of this site means less pressure to



build on the Green Belt nearby, there are few locations for this type of use available, the need for this use is identified in the ELAA and EDNA, and the site's location is close to major road networks for the future intended use. Given that the application site lies outside the modelled flood extents in the event of a breach of the tidal defences as identified in the Council's Strategic Flood Risk Assessment identifies and the use is "less vulnerable" and therefore appropriate in Flood Zone 3. Taking into consideration all these points the Sequential Test is passed.

- 6.105 The Exception Test is not required either because the development is 'appropriate' for this flood zone based on the proposed uses falling within the 'Less Vulnerable' uses the PPG's 'Table 2 – Flood Risk Vulnerability and Flood Zone Incompatibility' table.

#### Flood Warning and Evacuation Plan

- 6.106 The applicants have submitted a draft escape plan (Flood Emergency Exit Plan) which identifies a safe route to higher ground (basically from the first floor across to the Eastern TSP area on higher ground) so that it will be safe for its lifetime. In addition, through a SuDS Strategy the scheme will not result in increased flood risk elsewhere.
- 6.107 The Council's Emergency Planner has requested that a more detailed Flood Warning and Evacuation Plan is submitted and this can be conditioned to any approval .

#### Surface Water and Foul Drainage

- 6.108 In relation to surface water run-off, the applicants propose to employ a Sustainable Drainage System and other measures to enable any diverted rain water (from the roof and hardstanding areas) to be more easily absorbed include rain harvesting and use of grey water. The Council's LLFA Lead Local Flood Advisor has confirmed that the proposal would be acceptable in regard to surface drainage subject to a condition requiring a surface water drainage scheme to be submitted for the development, based on the submitted sustainable drainage strategy. This is in order to ensure compliance with the National Planning Policy Framework and the Non Statutory Technical Standards for Sustainable Drainage Systems, and to ensure the proposed development is safe from flooding and does not cause flooding elsewhere.
- 6.109 The applicants have indicated that foul drainage will be discharged into the Mains Sewer. There are no objections from Anglian Water who confirm that foul drainage from this development is in the catchment of Tilbury Water Recycling Centre that will have available capacity for these flows.

Conclusion for this section

6.110 There are no objections raised from the Environment Agency, Flood Risk Advisor (LLFA), Emergency Planner or Anglian Water as the proposal would not increase flood risk or impact upon water resources or drainage providing mitigation measures identified in this assessment are secured through planning conditions. On such basis the proposal is therefore considered acceptable with regard to policies CSTP27 and PMD15 and with regard to paragraphs 159 to 169 of the NPPF and the guidance contained within the PPG.

## VII. AIR QUALITY AND ODOUR

6.111 Policy PMD1 seeks safeguard amenity from air pollution and paragraph 186 of the NPPF requires 'planning decisions to sustain and contribute towards compliance with relevant limit values or national objectives for pollutants' along with guidance within the PPG.

6.112 The Air Quality Assessment submitted by the applicants indicates that the main pollutants during the construction period are emissions of dust and fine particulate matter (PM10) associated with on-site demolition and construction activities and off-site trackout. Additionally, there is the potential for emissions of nitrogen dioxide (NO2) and fine particulate matter (PM10 and PM2.5) from construction related vehicles. 1.2.3 The main air pollutants of concern during the operational period are NO2, PM10 and PM2.5 emissions associated with proposed and existing road traffic. The applicants do not consider that the use itself for storage and distribution would result in any impacts on air quality, taking the existing air baseline as being retail warehousing use.

6.113 The Council's Environmental Health Officer consider the applicant's Air Quality Assessment is acceptable and that, due to the size and scale of the proposed development, the recommendations relating to construction dust mitigation from section 6.1.1 should be outlined within a CEMP Construction Environmental Management Plan. A suitable condition can be attached to any approval.

Conclusion for this section

6.114 The Council's Environmental Health Officer raises no objections subject to air quality mitigation measures being secured through a Construction Environment Management Plan as a planning condition. For these reasons the proposal is considered acceptable with regard to policy PMD1, the criteria set out in paragraph 186 of the NPPF and guidance within the PPG.

## VIII. NOISE AND VIBRATION

- 6.115 Policy PMD1 seeks safeguard amenity from noise and vibration pollution and paragraph 184 of the NPPF advises that 'decisions should also ensure that new development is appropriate for its location taking into account the likely effects (including cumulative effects) of pollution on health, living conditions and the natural environment...and in doing so they should mitigate and reduce to a minimum potential adverse impacts resulting from noise from new development – and avoid noise giving rise to significant adverse impacts on health and the quality of life'. The PPG also offers guidance on noise with links to the Noise Policy Statement for England (NSPE), World Health Organisation (WHO) Guidelines and various British Standards.
- 6.116 The applicants have submitted a Noise Impact Assessment which concludes that noise from the proposal will not cause adverse noise impacts.
- 6.117 The Council's Environmental Protection Team have reviewed the Noise Impact Assessment. The impact of noise upon the site was assessed using BS4142:2014 + A1:2019. Background noise was measured during an attended survey during the quietest times of the night. Noise from unloading activity will be below the existing background levels, and the maximum noise levels at night from loading/unloading activity will be below the recommended night-time World Health Organisation (WHO) Guidelines for the onset of sleep disturbance. The change in road traffic noise resulting from the proposed will be negligible. Fixed mechanical plant will be designed to ensure that there is no overall increase in the existing background levels, due to the distance to noise sensitive receptors this is likely to be possible. The developer should be required to confirm that the fixed mechanical plant meets the requirements set out in 4.10 of the report; this can be the subject of a suitably worded condition.

### Conclusion for this section

- 6.118 The Council's Environmental Health Officer raises no objections on noise grounds to the proposed development subject to a condition regarding fixed plant. Subject to these planning conditions the proposal is considered acceptable with regard to policy PMD1, the criteria set out in paragraph 184 of the NPPF and guidance within the PPG.

## IX. LAND CONTAMINATION AND GROUND CONDITIONS

- 6.119 Policy PMD1 seeks to minimise pollution and impacts upon amenity and the natural environment with a requirement for suitable mitigation measures to be imposed through planning condition or obligation. Similarly paragraphs 183 to 188 of the

NPPF seek to minimise the adverse impact impacts of pollution on health, living conditions and the natural environment.

- 6.120 The applicants have submitted a Ground Investigation Report which concludes that the Preliminary Risk Assessment (PRA) has not highlighted any potential contaminant linkages (PCL) which could pose a significant possibility of significant harm under the current land use. In terms of the proposed development scheme, a minimal risk approach applies, and PCLs have been identified which require further consideration. The historical use of the site and surrounding area (specifically quarrying, waste deposition and subsequent restoration) give rise to a wide range of potential contaminants. Further intrusive investigation works are recommended to further refine the assessment and to determine if any remedial measures are necessary. Remedial measures may be required to address PCLs, including whether gas protection measures would protect against the potential risk from ground gas intrusion.
- 6.121 The Council's Environmental Health Officer advise that precautions will need to be taken to reduce exposure to low levels of asbestos for construction workers. They also recommend that a watching brief for unexpected contamination be maintained during the ground works. If such contamination is encountered work should stop and a ground investigation undertaken. Should it be required a remediation strategy should be submitted and a verification report submitted upon completion of any remedial works. These can be required through suitably-worded conditions. In addition the Environment Agency require a similar planning condition to be included in any grant of planning permission regarding contamination.

#### Conclusion for this section

- 6.122 Following the consultation responses and the mitigation requirements from both the Environment Agency and the Council's Environmental Health Officer there are no objections raised with regard to policy PMD1 and paragraphs 183 to 188 of the NPPF.

#### X. ENERGY AND CLIMATE CHANGE

- 6.123 A number of polices within the LDF seek to improve energy efficiency and combat climate change. Policy CSTP25 seeks to address climate change and reduce CO2 emissions and policies CSTP26 and PMD13 both seek to encourage low carbon energy sources. Specifically, policy PMD13 sets a requirement for 20% of energy to come from decentralised, renewable or low carbon sources for development of more than 1,000m<sup>2</sup> by 2020. Policy PMD12 sets a BREEAM 'outstanding' requirement by 2019. These policies are compliant with the aims of paragraphs 156 and 157 of the NPPF and guidance within the PPG. The Council's Design Strategy

DPD (March 2017) indicates that 'energy efficiency measures deliver considerable savings in running costs during the life of the building.

- 6.124 The applicants indicate in their submitted Energy and Sustainability Statement minimise energy consumption through the use of high quality materials which have low embodied carbon etc. in line with Policy PMD13.
- 6.125 The proposal would use renewable energy in the form of photo-voltaic panelling to approximately 50% of the roof and would also use heat pumps. This would equate to at least 20% of energy coming from these sources with regard to policy PMD13. The proposal's heat pumps and photovoltaics would offset 60% of the proposal's carbon and achieve a nearly 70% reduction against the Building Regulations (part L) and meeting the "Zero Carbon" target set by the Council.
- 6.126 The applicant's Energy and Sustainability Statement identifies that the proposal is predicated to achieve a BREEAM 'Outstanding' which would accord with policy PMD12 and would be secured through planning condition as the applicant would build out and fit out these units which would include offices.
- 6.127 CO2 emissions for the proposal are noted by the applicants as providing carbon savings but as this would not fully comply with the specified requirements of Policy PMD14, an in-lieu payment of £12,533.33 would be needed to be provided to the Council's carbon offset fund. This would be acceptable in line with Policy PMD14.

#### Conclusion for this section

- 6.128 It is considered that the proposal would meet climate change and energy policies of the Core Strategy and Development in accordance with Policies CSTP25, PMD13 and PMD14 of the Core Strategy and Development Management Policies Plan (2015). Conditions will be attached to ensure these measures are implemented and maintained.

#### XI. EFFECT ON NEIGHBOURING PROPERTIES

- 6.129 Policy PMD1 states that development should not impact on adjoining occupiers by way of resulting in a loss of residential amenities.
- 6.130 The nearest residential properties are located to the south-east of the application site in the Lakeside Basin. While the scale of the building is significantly larger than the existing retail warehouses on site and would be higher and located closer to these residential properties, the location to the north-west of the properties, the intervening distance and other developments in between would mean that there would be no loss of residential amenities from the proposal in respect of

overshadowing, overlooking, loss of light, visual intrusion or the proposal being overbearing.

- 6.131 The proposal would increase the number of HGV lorries entering and leaving the site. A suitably worded condition would require all HGVs during construction and operational phases to route via the regional national network onto the B186/A1306 and from there on A13, A282/M25 (and vice versa). This would mean no HGV-related traffic should enter residential areas.
- 6.132 Noise, dust and other impacts during the construction phase will need to be controlled though the imposition of construction hours conditions and the requirement for details to be submitted under a CEMP.

#### Conclusion for this section

- 6.133 It is considered that the proposal would be acceptable in accordance with Policy PMD1 of the Core Strategy and Development Management Policies Plan (2015).

## XII. HERITAGE AND ARCHAEOLOGY

- 6.134 Policies CSTP24 and PMD4 are relevant. Where heritage assets would be affected, measure would need to be taken to reduce any impact on such assets and their setting.
- 6.135 The application site does not contain any heritage assets nor are there any located nearby whereby their setting could be affected by the proposal, notwithstanding that it will be visible in some longer distance views. The Tunnel Estate Clock Tower lying to the east/south-east and close to the application site is of local interest as a landmark. The impact of the proposal on the Clock Tower is addressed earlier in this report.
- 6.136 The application site is a former chalk quarry and, as such the Council's archaeological advisor has written to indicate that there is unlikely to be remaining archaeological features.

#### Conclusion for this section

- 6.137 There are no heritage assets affected by the proposal such that the proposal would meet Policies SCTP24 and PMD4 of the Core Strategy and Development Management Policies Plan (2015).

### XIII. HEALTH IMPACT ASSESSMENT

- 6.138 The applicants have submitted a Health Impact Assessment (HIA). The assessment, using the Welsh Health Impact Assessment Support Unit (WHIASU) Health and Well-Being Determinants Checklist to understand the overall impacts on health and wellbeing, concludes that the proposal was found to have a beneficial effect. In addition, in respect of cumulative impact with other approved developments surrounding the Site, the proposal has been considered to have a neutral cumulative effect. This is subject to conditions relating to Appropriate implementation of the CEMP/CTMP, Travel Plan and Lighting Strategy.
- 6.139 The Council's Public Health Team has that the HIA is somewhat limited. Notwithstanding, the provision of jobs providing local workers with employment will improve local health and wellbeing levels, subject to this being brought forward. Concerns relating to impact on residential amenities are addressed elsewhere in this report, including in relation to noise, dust etc. and conditions relating to the submission of a CEMP, Lorry routing and implementation of travel plan(s) and the proposed lighting strategy will reduce impacts on local residents.

#### Conclusion for this section

- 6.140 It is considered that the proposal would meet the provisions of Thurrock Council Health and Well-Being Strategy 2022-2026 with its priorities for reducing inequalities in health and well-being and for improving the health and well-being of the people of Thurrock. As such, and subject to conditions being attached, it is considered that the proposal would meet policy PMD1 of the Core Strategy and Development Management Policies Plan (2015).

### XIV. CUMULATIVE IMPACT AND ALTERNATIVE SITES

- 6.141 The site is brownfield land which has already been developed. The proposal would result in the loss of existing retail warehousing in favour of warehousing (storage and distribution) as part of a logistics network.
- 6.142 The scale of development proposed is significantly larger than the existing development on site and on two storeys (albeit that some of the retail warehousing does have a mezzanine). The application site would extend the existing employment area to the south to include the whole North/South extent of the western side of the Lakeside Basin as employment land.
- 6.143 Thurrock's main employment areas are in B8 use and it is the largest user of land in the Borough. The proposal would effectively extend the existing employment area onto adjoining existing retail warehouse land.

### Conclusion for this section

6.144 It is considered that the proposal would not result in adverse cumulative impact.

## XV. PHASING AND CONSTRUCTION

6.145 The proposed development would be for a single building with the two warehousing uses being located seamlessly one on top of the other. The applicants have not requested that the scheme come forward in phases but have identified the intended build out phases:

- Commencement of Works Q1 2025
- Demolition complete/construction start Q2 2025
- Construction complete Q4 2026

6.146 With regard to construction, this would be undertaken during one construction period. Given the location of the site, there should be little inconvenience to other users of the surrounding roads, albeit the bridge extension may have an impact at some stage on both the shopper exit from the upper TSP level and also on the car park to the west of the upper TSP retail warehouses adjacent to Pets at Home.

6.147 Planning conditions are required for the Construction Phase including a Construction Environmental Management Plan (CEMP). The CEMP would require details of the construction works programme, hours of use, construction management of traffic and access arrangements, wheel washing, road condition surveys, compound details, temporary hardstandings and hoardings, methods of controlling noise and vibration, methods of controlling air quality mitigation, waste and surface water management, methods to prevent contamination, lighting and biodiversity protection measures.

6.148 A Construction Environmental Management Plan can agree to the hours of work for the construction phase, although the ES identifies that the following construction hours are likely to be sought:

### Conclusion for this section

6.149 The proposal is considered to be in accordance with Policies PMD1 and PMD11 of the Core Strategy and Development Management Policies Plan (2015).

## XVI. VIABILITY AND PLANNING OBLIGATIONS

6.150 Policy PMD16 of the Core Strategy indicates that where needs would arise as a result of development the Council will seek to secure planning obligations under



Section 106 of the Town and Country Planning Act 1990 and any other relevant guidance. The policy states that the Council will seek to ensure that development contribute to proposals to deliver strategic infrastructure to enable the cumulative impact of development to be managed and to meet the reasonable cost of new infrastructure made necessary by the proposal.

- 6.151 Certain Core Strategy policies identify requirements for planning obligations, and this depends upon the type of development proposed and consultation responses from the application process.
- 6.152 Following changes in legislation (Community Infrastructure Levy Regulations), in April 2015 the Council produced its Infrastructure Requirement List (IRL) which changed the way in which planning obligations through section 106 agreements can be sought. The changes brought in pooling limitations to a maximum of 5 contributions towards a type or item of infrastructure. The IRL therefore provides an up-to-date list of physical, social and green infrastructure to support new development in Thurrock. This list is bi-annually reviewed to ensure it is up to date. The IRL applies a number of different development scenarios.
- 6.153 Paragraph 56 of the NPPF identifies that planning obligations must only be sought where they meet all of the following criteria:
- a) necessary to make the development acceptable in planning terms;*
  - b) directly related to the development; and*
  - c) fairly and reasonably related in scale and kind to the development*
- 6.154 Through the consultation process to this application and following negotiations with the applicant the proposal would require a number of contributions and obligations to mitigate the impact of the proposed development.
- 6.155 The Council's Highway Officer has requested mitigation measures relating to the proposed development, in order to reduce the impact of the proposal's increased impact on the network and highway use/safety.
- 6.156 Economic Development officers have requested that a "Construction Local Employment and Skills Plan, End User Local Employment and Skills Plan(s), a financial contribution of £25,000 to local job and careers support and a Local Procurement Plan are provided through the S106.
- 6.157 A contribution to offset Carbon Fund of £12,533.33 has been offered by the applicants based on their calculations.

6.158 The Council’s Planning Monitoring Fee of £5,000 is requested to cover the cost of the Council’s monitoring work and discharging of planning obligations in the S106

6.159 The table below sets out in summary form the proposed requirements of the planning obligations which would be secured through a s106 agreement. The table includes the commitment, description of the obligation and whether payments to the Council or obligations that are on the applicant to provide the mitigation. The agreed planning obligations have been assessed comply with the requirements of policy PMD16 and paragraph 56 of the NPPF as they are necessary, directly related to the development and fair and reasonable related in scale and kind to the development.

6.160 The proposed planning obligations are as follows:

Commitment	Description	Payments to the Council (index linked) and obligations on the applicant where stated
<b>Education, Employment and Skills Strategy</b>		
Education, Employment and Skills Plan	<p>A Construction Local Employment and Skills Plan; An End User Local Employment and Skills Plan(s). This will include training opportunities, apprenticeships, using local labour sources and advertising for jobs locally.</p> <p>A local procurement plan is also needed and a financial contribution to local job support/brokerage of £25,000.</p>	<p>Obligation on the applicant to produce and submit the Education, Employment and Skills Plan for approval.</p> <p>£25,000 payment to the Council</p>
<b>Highways and Travel (a section 278 agreement will be required for any of the obligations involving works to the highway)</b>		
Cycle and pedestrian network improvements	<p>Mitigation as follows:</p> <ul style="list-style-type: none"> <li>a) Pedestrian/cycle crossing facilities, in accordance with LTN1/20 design standards at the junction of the A1306 and B186</li> <li>b) Pedestrian/cycle crossing facilities in accordance with LTN1/20 design standards</li> </ul>	<p>Obligation on the applicant to enter into a s278 agreement prior to commencement. Prior to commencement of the S. 278 works details need to be submitted to and approved. Then implemented prior to first occupation of the</p>

<b>Commitment</b>	<b>Description</b>	<b>Payments to the Council (index linked) and obligations on the applicant where stated</b>
	<p>at the junction of the B186/Weston Avenue junction (north arm)</p> <p>c) Pedestrian/cycle crossing facilities in accordance with LTN1/20 design standards at the junction of the B186/Weston (west arm)</p> <p>d) Pedestrian/cycle crossing facilities in accordance with LTN1/20 design standards at the junction of the Weston Avenue roundabout</p> <p>e) Pedestrian/cycle route from the site entrance(s) to the B186 cycle network, to LTN1/20 design standard s</p>	development
B186/Access for TSP East	Reservation of land to highways (LHA) for future in/out access arrangement from upper TSP onto B186 and indicated on plan 332410781 SK18	Obligation on the applicant to reserve the land for any works associated with the improved in/out access provision from the B186. Once works are completed the land can be dedicated as adopted highway and maintained by the LHA
Bus Stops and route from/to Purfleet Station	Bus stops and route diversion arrangements	Obligation to provide new bus stops on Weston Avenue and arrange to provide bus route diversion
Travel Plan	To provide site wide Framework Travel Plan and individual Travel	Obligation on the applicant to provide, fund and implement the

<b>Commitment</b>	<b>Description</b>	<b>Payments to the Council (index linked) and obligations on the applicant where stated</b>
	<p>Plans for individual occupiers of the units.</p> <p>The site wide Framework Travel Plan would therefore encourage sustainable travel through a number of objectives encouraging increased use of buses, public transport, car sharing, electric vehicle parking, walking and cycling.</p> <p>A Travel Plan Co-ordinator would be nominated for each unit to ensure individual Travel Plans and site wide Framework Travel Plan are achieved. The Travel Plan Co-ordinator or identified role shall monitor the Sustainable Distribution Plan and Car Park Management Plan.</p> <p>Regular monitoring will be required for each individual Travel Plans for each occupier to assess travel patterns to work for a five-year period following occupation.</p>	<p>Travel Plan for maximising sustainability</p>
	<p>In the event that site wide Framework Travel Plan targets are not met then corrective measures would be put in place.</p>	<p>Obligation on the applicant to provide, fund and implement the corrective Travel Plan measures.</p>
	<p>Council Travel Plan Monitoring Fee</p>	<p>For each Travel Plan £1,050 per year payment to the Council for monitoring services from first occupation until 5 years after the last unit has been brought into use</p>

<b>Commitment</b>	<b>Description</b>	<b>Payments to the Council (index linked) and obligations on the applicant where stated</b>
<b>Sustainability – Offset Carbon</b>		
Sustainability	Carbon Offset Contribution - £12,533.33	£12,533.33 payment to the Council
<b>Council’s Planning Monitoring Fee</b>		
Monitoring Fee	A financial contribution to cover the cost of the Council’s monitoring work and discharging of planning obligations	£5,000 payment to the Council prior to commencement of the development

Conclusion for this section

6.161 The above are considered to be appropriate and related to the development and as such meet the 6 tests for consideration of the proposal and inclusion within a S106 legal agreement. This would be in accordance with Policy PMD16 of the Core Strategy and Development Management Policies Plan (2015) and paragraph 56 of the NPPF.

XVII. SUSTAINABILITY

6.162 As part of the planning balance consideration has to be given to the Environmental, Social and Economic objectives as outlined in paragraph 8 of the NPPF with all three needing to be satisfied for the ‘presumption in favour of sustainable development’ to apply.

6.163 For the economic and social objective, the proposal would provide new jobs and would involve substantial investment into the local economy. The proposed development would lead to construction opportunities. For both the Construction and Operational Phases the proposal would lead to indirect as well as direct employment opportunities from this use.

6.164 For the environmental objective the proposed development would lead to new landscaping, biodiversity and ecological improvements, energy efficient buildings, and the remediation of any contaminated land.

6.165 On the basis of the above the proposed development would satisfy the Environmental, Social and Economic objectives as outlined in paragraph 8 of the NPPF.

## XVIII. OTHER MATTERS

6.166 Environmental Impact Assessment (EIA) It was assessed at an earlier stage (planning submission for screening opinion reference 22/01471/SCR) that the proposal, while a large proposal of over 10,000 sq.m (the current trigger point for consideration) would not result in significant impact on the wider environment, either singly or collectively with other development and that an EIA impact assessment would not be required. As such there was no requirement for an Environmental Statement to be submitted with this application.

6.167 There are no other significant issues arising from the proposal.

### 7.0 CONCLUSIONS AND REASONS FOR APPROVAL

7.1 In summary, the key consideration for Members is to consider whether the principle of the re-development of the site for a proposed two levelled storage and distribution use of this site, one of the first of its kind in the country, would outweigh the harm of the loss of the existing retail park which is designated for such uses through policy CSTP7 and is part of the wider attraction of the Lakeside Basin as a sub regional centre.

7.2 In weighing this up, the most up to date policy position is that within the NPPF and this identifies the need for economic growth. Both the Employment Land Availability Assessment (ELAA) dated February 2023 and the Economic Development Needs Assessment (EDNA) dated March 2023 provide the most up to date position for employment land use needs in the Borough, but both are not policy.

7.3 Policy CSTP7 does not require the retention of retail uses, the policy envisaged retail growth at the time of its original adoption in 2011. The applicant's retail assessment has been subject to an independent retail expert analysis who reached the following conclusion:

*'The loss retail floorspace as proposed would not undermine the function of the regional centre or harm its vitality and viability and therefore would find support in the development plan and national policy on this single issue concerning the loss of retail floorspace'.*

7.4 Taking this into consideration the principle of the development is finely balanced, but on balance it considered that the principle of the development is acceptable.

7.5 The proposal for a two levelled warehouse development does present concerns with regard to its site coverage, height, scale, mass, design and the impact this would have in this location at an arrival point in Thurrock from the motorway

network. It is recognised that during the course of this application changes were made to the design of the building to try and lessen its impact and the north west corner feature is considered to represent an improvement to the building’s appearance. Nonetheless concerns still remain and these need to be balanced in the decision making for this application.

- 7.6 The proposal would provide increased jobs on the site, compared to the current use, and the applicants have agreed to enter into suitable arrangements to provide jobs and skills to those living locally. Improved cycle and pedestrian access will improve access to the site. A number of highway mitigation requirements would be secured through a planning permission.
- 7.7 All other material planning considerations are considered in planning terms subject to planning conditions and obligations as identified in this report.
- 7.8 In conclusion, the proposed economic benefits of the proposal and employment land needs are considered to outweigh the loss of the retail floorspace and design concerns raised through this application to reach an on balanced recommendation for approval.
- 7.9 The recommendation provides full details of the proposed planning conditions and planning obligations that would be secured through a section 106 legal agreement including financial contributions and section 278 highways agreements to the Council to mitigate the effect on the highway infrastructure and highway management alongside the promotion of a multiple sustainable transport mode opportunities through a travel plans, and an education, employment and skills strategy.

**8.0 RECOMMENDATION**

8.1 To Grant Planning Permission subject to the following:

- i) the completion and signing of an obligation under s.106 of the Town and Country Planning Act 1990 relating to the following heads of terms:

Commitment	Description	Payments to the Council (index linked) and obligations on the applicant where stated
<b>Education, Employment and Skills Strategy</b>		
Education, Employment and Skills Plan	A Construction Local Employment and Skills Plan; An End User Local Employment and Skills Plan(s). This	Obligation on the applicant to produce and submit the

Commitment	Description	Payments to the Council (index linked) and obligations on the applicant where stated
	<p>will include training opportunities, apprenticeships, using local labour sources and advertising for jobs locally.</p> <p>A local procurement plan is also needed and a financial contribution to local job support/brokerage of £25,000.</p>	<p>Education, Employment and Skills Plan for approval.</p> <p>£25,000 payment to the Council</p>
<p><b>Highways and Travel (a section 278 agreement will be required for any of the obligations involving works to the highway)</b></p>		
<p>Cycle and pedestrian network improvements</p>	<p>Mitigation as follows:</p> <ul style="list-style-type: none"> <li>f) Pedestrian/cycle crossing facilities, in accordance with LTN1/20 design standards at the junction of the A1306 and B186</li> <li>g) Pedestrian/cycle crossing facilities in accordance with LTN1/20 design standards at the junction of the B186/Weston Avenue junction (north arm)</li> <li>h) Pedestrian/cycle crossing facilities in accordance with LTN1/20 design standards at the junction of the B186/Weston (west arm)</li> <li>i) Pedestrian/cycle crossing facilities in accordance with LTN1/20 design standards at the junction of the Weston Avenue roundabout</li> <li>j) Pedestrian/cycle route from the site entrance(s) to the</li> </ul>	<p>Obligation on the applicant to enter into a s278 agreement prior to commencement. Prior to commencement of the S. 278 works details need to be submitted to and approved. Then implemented prior to first occupation of the development</p>



<b>Commitment</b>	<b>Description</b>	<b>Payments to the Council (index linked) and obligations on the applicant where stated</b>
	B186 cycle network, to LTN1/20 design standards	
B186/Access for TSP East	Reservation of land to highways (LHA) for future in/out access arrangement from upper TSP onto B186 and indicated on plan 332410781 SK18	Obligation on the applicant to reserve the land for any works associated with the improved in/out access provision from the B186. Once works are completed the land can be dedicated as adopted highway and maintained by the LHA
Bus Stops and route from/to Purfleet Station	Bus stops and route diversion arrangements	Obligation to provide new bus stops on Weston Avenue and arrange to provide bus route diversion
Travel Plan	<p>To provide site wide Framework Travel Plan and individual Travel Plans for individual occupiers of the units.</p> <p>The site wide Framework Travel Plan would therefore encourage sustainable travel through a number of objectives encouraging increased use of buses, public transport, car sharing, electric vehicle parking, walking and cycling.</p> <p>A Travel Plan Co-ordinator would be nominated for each unit to ensure individual Travel Plans and site wide Framework Travel Plan are achieved. The Travel Plan Co-ordinator or identified role shall monitor the Sustainable Distribution Plan and Car Park Management Plan.</p>	Obligation on the applicant to provide, fund and implement the Travel Plan for maximising sustainability

<b>Commitment</b>	<b>Description</b>	<b>Payments to the Council (index linked) and obligations on the applicant where stated</b>
	Regular monitoring will be required for each individual Travel Plans for each occupier to assess travel patterns to work for a five-year period following occupation.	
	In the event that site wide Framework Travel Plan targets are not met then corrective measures would be put in place.	Obligation on the applicant to provide, fund and implement the corrective Travel Plan measures.
	Council Travel Plan Monitoring Fee	For each Travel Plan £1,050 per year payment to the Council for monitoring services from first occupation until 5 years after the last unit has been brought into use
<b>Sustainability – Offset Carbon</b>		
Sustainability	Carbon Offset Contribution - £12,533.33	£12,533.33 payment to the Council
<b>Council’s Planning Monitoring Fee</b>		
Monitoring Fee	A financial contribution to cover the cost of the Council’s monitoring work and discharging of planning obligations	£5,000 payment to the Council prior to commencement of the development

ii) the following planning conditions:

**Standard Time Limit**

1. The development hereby permitted must be begun not later than the expiration of 3 years from the date of this permission.

**Reason:** To comply with Section 91(1) of The Town & Country Planning Act 1990 as amended by Section 51 of the Planning and Compulsory Purchase Act 2004.

**Date of Commencement of the Development**

2. Within 2 weeks following commencement of the development the local planning authority shall be informed in writing of the commencement date of the development.

**Reason:** To ensure the commencement date is known for the benefit of conditions and planning obligations associated with this planning permission.

**Approved Plans**

3. The development hereby permitted shall be carried out in accordance with the following approved plans:

<b>Plan Number(s):</b>		
Reference	Name	Received
17646 - 150A	Location Plan	10th January 2023
17646 - 151A	Existing Site Layout	10th January 2023
17646 - 160	Existing Elevations Block A	10th January 2023
17646 - 161	Existing Elevations Block B	10th January 2023
17646 - 162	Existing Elevations Block C	10th January 2023
17646 - 163	Existing Elevations Block D	10th January 2023
17646 - 170B	Proposed Site Layout	11th July 2023
17646 - 171D	Proposed Ground Floor Plan	11th July 2023
17646 - 172C	Proposed Ground Floor Mezzanine Plan	11th July 2023
17646 - 173C	Proposed First Floor Plan	11th July 2023
17646 - 174C	Proposed First Floor Mezzanine Plan	11th July 2023
17646 - 175D	Proposed Roof Level Plan	11th July 2023
17646 - 176C	Proposed Roof Plan	11th July 2023
17646 - 177D	Proposed Elevations	11th July 2023
RG-LD-100 REV D	GA Hard and Soft Landscape Works Plan - Overall	11th July 2023
RG-LD-101 REV D	GA Hard and Soft landscape works – arrival sheet 1	11th July 2023
RG-LD-102 REV D	GA Hard and Soft landscape works – arrival sheet 2	11th July 2023

RG-LD-103 REV E	Plant Schedules	11th July 2023
17646 - 178B	Proposed Sections	11th July 2023

**Reason:** For the avoidance of doubt and to ensure the development accords with the approved plans with regard to policies PMD1 and PMD2 of the adopted Thurrock LDF Core Strategy and Policies for the Management of Development (2015).

### Use Class Restriction

4. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 2015 (or any provision in any Statutory Instrument revoking or re-enacting that Order) the development hereby permitted shall not be used for any purposes other than uses falling within Use Class B8 (Storage and Distribution).

**Reason:** To ensure that the Development is carried out in accordance with the approved plans in regard to the employment land allocation through policies CSSP2 and CSTP6 of the adopted Thurrock LDF Core Strategy and Policies for the Management of Development (2015).

### Ancillary Offices

5. Any space proposed for offices shall only be used for purposes in conjunction with and ancillary to the primary use of that unit and shall not be occupied as separate office uses. The office content will be ancillary to the main operation of the unit and shall not exceed 30% of the overall Building Floorspace (Gross External Area).

**Reason:** To ensure that the Development is carried out in accordance with the approved plans and in regard to highway movements associated with office uses which would lead to increased vehicle movements which would have an impact upon the efficiency of the highways network through policies CSTP6, PMD9 and PMD10 of the adopted Thurrock LDF Core Strategy and Policies for the Management of Development (2015).

### Removal of permitted development rights for commercial uses

6. Notwithstanding the provisions of Part 7, Classes A, H, and L of Schedule 2 to the Town and Country Planning (General Permitted Development) Order 2015 (as amended) (or any Order revising, revoking and re-enacting that Order) no enlargement by way of extension(s) or by way of the installation of a mezzanine

floor(s) in a unit which is subject of this permission shall be carried out without planning permission having been obtained from the local planning authority.

**Reason:** Because any increase in Floorspace would lead to increased vehicle movements beyond that assessed in the Transport Assessment and this would have an impact upon the efficiency of the highways network, in accordance with PMD9 and PMD10 of the adopted Thurrock LDF Core Strategy and Policies for the Management of Development (2015).

### **Site Access and Site Layout Highway**

7. Notwithstanding the details submitted on the site layout plans included with this application, prior to the commencement of development details of all access points into and out of the site, (including improvement measures as identified by the local highways authority) and onto the internal roadway, road layout, traffic calming, one way operation and parking shall be submitted to and approved in writing by the local planning authority. Such details shall include construction details, dimensions, construction specification, roadway geometry and visibility sight splay details. All approved details shall be implemented on site prior to occupation and shall be maintained by the operator of the site for as long as the development hereby approved is in use.

**Reason:** To ensure adequate access is maintained, in the interests of highway safety and efficiency amenity in accordance with policies PMD2 and PMD9 of the adopted Thurrock LDF Core Strategy and Policies for the Management of Development (2015).

### **Security Hut**

8. Prior to the first occupation of the development details of the security hut and barriers to the site shall be submitted to and approved in writing by the local planning authority. The proposed security hut and barriers shall be constructed in accordance with the details as approved and be in situ before first occupation of the development and then shall be maintained and retained at all times thereafter.

**Reason:** In the interests of demarcating the site from public and private access for all users in accordance with policy PMD2 of the adopted Thurrock LDF Core Strategy and Policies for the Management of Development (2015).

### **Parking Provision**

9. Prior to the first occupation of the development the vehicle parking area shown on the approved plans, including any parking spaces for the mobility impaired and electric vehicles, has been hard surfaced, sealed and marked out as shown on the approved plans. The vehicle parking area(s) shall be retained in this form at all times thereafter. The vehicle parking area(s) shall not be used for any purpose other than the parking of vehicles that are related to the use of the approved development.

**Reason:** In the interests of highway safety, efficiency and amenity to ensure that adequate car parking provision is available in accordance with policies PMD2, PMD8 and PMD9 of the adopted Thurrock LDF Core Strategy and Policies for the Management of Development (2015).

### **Parking Management Plan**

10. Prior to the first occupation of the development a vehicle parking management plan for each unit shall be submitted to and approved in writing by the local planning authority. Each vehicle parking management plan must demonstrate compliance with the Council's adopted parking policy and the Thurrock Parking Design and Development Standards (February 2022) or any subsequent amended Thurrock Council parking standards document, and provide details of spaces allocated for:
- a. Vehicle parking
  - b. Car sharing parking
  - c. Disabled space parking
  - d. Active electric vehicle charging points (to be a minimum of 20% of spaces)
  - e. Details of passive provision or electric vehicle charging infrastructure to all identified electric vehicle parking spaces

No unit shall be occupied until the approved details have been implemented in full. The ongoing approved details shall be implemented, and the facilities provided shall be serviceable and maintained at all times thereafter for the lifetime of the Development.

**Reason:** In the interests of highway safety and to ensure that adequate car parking provision is available in accordance with policies PMD8 and PMD9 of the adopted Thurrock LDF Core Strategy and Policies for the Management of Development (2015).

### **Cycle Parking/Powered two wheeler Parking**

11. Prior to the commencement of above ground development full details of the number, size, type and location of spaces, together with the design, dimensions and materials of secure and weather protected cycle parking/powered two wheeler parking facilities to serve the development shall be submitted to and approved in writing by the local planning authority. The details shall include the location and specification of cycle parking/powered two wheeler parking facilities sufficient to accommodate no less than 15% of the total number of employees that are intended to occupy each unit.

The development shall not be first occupied until the parking facilities for cycle parking/powered two-wheeler parking have been installed as approved. Thereafter, the approved cycle parking/powered two-wheeler parking facilities shall be implemented and retained for the sole use of cycle parking/powered two wheelers parking for the users and visitors of the development. The facilities provided shall be serviceable and maintained at all times thereafter for the lifetime of the development.

**Reason:** To reduce reliance on the use of private cars, in the interests of sustainability, highway safety and amenity in accordance with Policies PMD2 and PMD8 of the adopted Thurrock LDF Core Strategy and Policies for the Management of Development (2015).

### **Servicing and Refuse Strategy**

12. Prior to the commencement of development details of a servicing and refuse strategy shall be submitted to and agreed in writing by the local planning authority. Each strategy shall detail how the completed units within will be serviced, including the route, the method of servicing including unloading and loading areas, turning spaces, parking accommodation and associated signage for delivery vehicles and methods to prevent unauthorised vehicle access to pedestrianised spaces or cycle areas. No unit shall be first occupied until the servicing and refuse strategy for that unit has been implemented in accordance with the details as approved for that unit, retained and maintained at all times thereafter.

**Reason:** To ensure satisfactory service arrangements that reduces the risk of conflict between pedestrians, cycles and service vehicles and minimise the impact upon the public realm in accordance with Policies PMD2 and PMD9 of the adopted Thurrock LDF Core Strategy and Policies for the Management of Development (2015).

### **Sustainable Distribution Plan**

13. Prior to the first occupation of the development, a Sustainable Distribution Plan detailing how HGV and LGV traffic associated with the development will be managed and serviced shall be submitted to and approved in writing by the local planning authority. The Sustainable Distribution Plan shall include measures to reduce HGV and LGV impact on the local and strategic highway network, and to reduce pollution. These shall include (but not limited to):

- HGV vehicle booking systems designed to manage access during peak periods and to record registration, origin, destination, and operators of each vehicle entering and leaving the site and the time of such movements
- HGV Routing details
- For the operators of each unit to become a member of the Council's Freight Quality Partnership
- Promotion of less polluting vehicles
- Ongoing monitoring provision

The Sustainable Distribution Plan shall apply to each unit and shall be implemented prior to the first occupation of a unit to which it corresponds to and shall thereafter continue to be regularly monitored by the Travel Plan Co-ordinators, and the Sustainable Distribution Plan shall be maintained and retained at all times thereafter for the lifetime of the development.

Upon written request from the local planning authority details of the monitoring records shall be made available and sent to the local planning authority in writing within 14 days of the date of the written request from the local planning authority.

**Reason:** In the interest of highway safety and efficiency to ensure that HGV and LGV vehicle movement do not severely adversely impact the local road network and the interests of reducing pollution to air quality, in accordance with policies PMD1, PMD9 and PMD11 of the adopted Thurrock LDF Core Strategy and Policies for the Management of Development (2015).

#### **Material and finishes as detailed within the application**

14. Prior to the commencement of above ground development details of all the materials to be used on the external surfaces of the development shall be submitted to and approved in writing by the local planning authority. The details as approved shall be used in the construction of development prior to the first occupation of the development and shall be retained and maintained as such thereafter.



**Reason:** In the interests of visual amenity and to ensure that the proposed development is integrated with its surroundings in accordance with policy PMD2 of the adopted Thurrock LDF Core Strategy and Policies for the Management of Development (2015).

### **Secured by Design**

15. Prior to the commencement of development details of measures setting out how the principles and practices of the Secured By Design scheme are to be incorporated into the development shall be submitted to and approved in writing by the local planning authority. The details as approved shall be used in the construction of development prior to the first occupation of the development and shall be retained and maintained as such thereafter.

**Reason:** In the interest of creating safer, sustainable communities in accordance with Policy PMD2 of the adopted Thurrock LDF Core Strategy and Policies for the Management of Development DPD (2015).

### **Boundary treatment**

16. Prior to the commencement of above ground development details of all the boundary treatments to be used in the development shall be submitted to and approved in writing by the local planning authority. The details as approved shall be used in the construction of development prior to the first occupation of the development and shall be retained and maintained as such thereafter.

**Reason:** In order to safeguard the amenities of neighbouring occupiers and in the interests of the visual amenity of the area as required by policies PMD1 and PMD2 of the adopted Thurrock LDF Core Strategy and Policies for the Management of Development (2015).

### **Levels**

17. Save for demolition, site clearance and associated site enabling works, no development shall commence until details of the finished site levels, finished floor levels and the finished external surface levels have been submitted to and approved in writing by the local planning authority. The development shall be carried out in accordance with the approved details.

**Reason:** In the interests of visual amenity of the area in accordance with policies PMD1 and PMD2 of the adopted Thurrock LDF Core Strategy and Policies for the Management of Development (2015).

### Tree Protection

18. All trees to be retained on the site as shown in the Arboricultural Impact Assessment and Tree Survey Plan shall be protected by barriers and ground protection for the duration of the demolition and construction period at a distance equivalent to not less than the spread from the trunk. Such fencing shall be erected prior to the commencement of any development/works on the site. No materials, vehicles, fuel or any other ancillary items shall be stored or buildings erected inside this fencing; no changes in ground level may be made or underground services installed within the spread of any tree or shrub (including hedges) without the previous written consent of the local planning authority.

**Reason:** To secure appropriate landscaping of the site in the interests of visual amenity and the character of the area in accordance with policies CSTP18 and PMD2 of the adopted Thurrock LDF Core Strategy and Policies for the Management of Development (2015).

### Hard and Soft Landscaping

19. Within the first available planting season (October to March inclusive) following the commencement of the development the landscaping works for hard and soft landscaping as shown on the approved plan(s) drawing number(s) RG-LD-100 Rev D and specifications attached to and forming part of this permission shall be fully implemented. If within a period of five years from the date of the planting of any tree or plant, or any tree or plant planted in replacement for it, is removed, uprooted or destroyed or dies, or becomes, in the opinion of the local planning authority, seriously damaged or defective, another tree or plant of the same species and size as that originally planted shall be planted at the same place, unless the local planning authority gives its written consent to any variation.

**Reason:** To secure appropriate landscaping of the site in the interests of visual amenity and the character of the area in accordance with policies CSTP18 and PMD2 of the adopted Thurrock LDF Core Strategy and Policies for the Management of Development (2015).

### Green Wall

20. Prior to commencement of the development details of the planting, materials and colour to the Green Wall to the eastern elevation fronting Weston Avenue shall be submitted to and approved in writing by the local planning authority. The approved details shall be implemented in accordance with the approved

plans prior to first occupation of the development and shall be maintained and managed thereafter as approved for the lifetime of the development.

**Reason:** In the interests of the visual appearance of the site and to aid ecology and biodiversity at the site in accordance with policies PMD2 and PMD7 of the adopted LDF Core Strategy and Policies for the Management of Development.

### **Landscape Management Plan**

21. Prior to the first occupation of the development a landscape management plan, including management responsibilities and maintenance schedules for the up keep of all landscaped areas shall be submitted to and approved in writing by the local planning authority. The landscape management plan shall be implemented prior to first occupation of the development in accordance with the details as approved and retained thereafter.

**Reason:** To secure appropriate landscaping of the site in the interests of visual amenity and the character of the area in accordance with policies CSTP18 and PMD2 of the adopted Thurrock LDF Core Strategy and Policies for the Management of Development (2015).

### **Ecological and Biodiversity Enhancements**

22. Prior to the first occupation of the development details of ecological and biodiversity enhancement measures to reflect the Biodiversity Net Gain information within this application shall be submitted to and agreed in writing by the local planning authority. The details shall be implemented in accordance with the agreed details prior to first occupation of the development and shall be maintained at all times thereafter.

**Reason:** In order to ensure that the interests of ecology and biodiversity or protected species are addressed in accordance with policy PMD7 of the adopted Thurrock LDF Core Strategy and Policies for the Management of Development (2015).  
DPD (2015).

### **Flood Warning and Evacuation Plan (FWEP)**

23. Prior to the first occupation of the development a Flood Warning and Evacuation Plan (FWEP) shall be submitted to and approved in writing by the local planning authority. The approved measures within the Flood Warning and Evacuation Plan (FWEP) shall be implemented, shall be made available for inspection by all users of the site and shall be displayed in a visible location all times thereafter.

**Reason:** To ensure that adequate flood warning and evacuation measures are available for all users of the development in accordance with policy PMD15 of the adopted Thurrock LDF Core Strategy and Policies for the Management of Development (2015).

### **Surface Water Drainage Scheme**

24. No development shall commence until a surface water drainage scheme for the development, based on the submitted sustainable drainage strategy has been submitted to and approved in writing by the local planning authority. The details shall include:
- a) Full details of all components of the proposed surface water drainage system including dimensions, locations, gradients, invert levels, cover levels and relevant construction details.
  - b) Measures to ensure surface water from the vehicle parking and service areas enters into a storm by-pass oil interceptor and measures to prevent infiltration into the ground.
  - c) Supporting calculations confirming compliance with the Non-statutory Standards for Sustainable Drainage, and the agreed discharge rate of 55l/s and the attenuation volumes to be provided.
  - d) Details of the maintenance and management arrangements relating to the proposed surface water drainage system, confirming who will be responsible for its maintenance and the maintenance regime to be implemented.
  - e) Infiltration tests to be carried out in line with 365 for the locations where SUDS are proposed.

The surface water drainage strategy shall be implemented as approved and in accordance with the programme for implementation. The surface water drainage strategy shall then be retained and maintained at all times thereafter.

**Reason:** To ensure the incorporation of an appropriate drainage scheme and to avoid pollution of the water environment and to minimise flood risk in accordance with policies PMD1 and PMD15 of the adopted Thurrock LDF Core Strategy and Policies for the Management of Development (2015).

### **All Plant and Machinery Noise**

25. All plant and machinery shall be designed and/or installed so that the noise rating level at the development boundary does not exceed 10 dB below existing background levels. Based on measured noise levels this would be 41 dB during the day and 39 dB at night at the residential properties to the south east (NL1)

and 45 during the day and 42 dB at night at NL2 determined in accordance with BS4142:2014.

**Reason:** To ensure all users of the site and neighbouring sites are not subject to noise pollution in accordance with policy PMD1 of the adopted Thurrock LDF Core Strategy and Policies for the Management of Development (2015).

### **Unforeseen Contamination**

26. If, during development, contamination not previously identified is found to be present at the site then no further development (unless otherwise agreed in writing with the local planning authority) shall be carried out until the developer has submitted and obtained written approval from the local planning authority for an amendment to the remediation strategy detailing how this unsuspected contamination shall be dealt with. Such agreed measures shall be implemented and completed prior to the first occupation of any parts of the development.

**Reason:** To protect the land and water environment in accordance with policy PMD1 of the adopted Thurrock Core Strategy and Policies for the Management of Development (2015).

### **BREEAM**

27. All units hereby permitted shall achieve a minimum of an 'Outstanding' rating under the Building Research Establishment Environmental Assessment Method (BREEAM), unless it can be demonstrated to the local planning authority that it would be economically unviable or not feasible to do so.

A copy of the post construction completion certificate for each unit verifying the BREEAM rating of 'Outstanding' has been achieved, (unless it has been demonstrated that it would be economically unviable or not feasible to do so for that particular unit in which case the BREEAM rating shall be stated, in respect of that unit) shall be submitted to the local planning authority within three months of occupation of that unit.

**Reason:** In order to reduce carbon dioxide emissions in the interests of sustainable development, as required by policy PMD12 of the adopted Thurrock LDF Core Strategy and Policies for the Management of Development (2015).

### **Renewable Energy**

28. Prior to the first occupation of the development, the energy and sustainability

measures as detailed in the Energy and Sustainability Statement dated December 2022 shall be implemented, maintained and retained in working order through the lifetime of the development.

**Reason:** To ensure that development takes place in an environmentally sensitive way in accordance with Policy PMD13 of the adopted Thurrock LDF Core Strategy and Policies for the Management of Development (2015).

### **Height of Outside Storage to be agreed**

29. No goods, materials, plant, machinery, skips, containers, packaging or other similar items shall be stored or kept outside of the building during the operational phase of the development unless a scheme of screening of such storage has been implemented in accordance with details to have been submitted to and approved in writing by the local planning authority. The areas of storage and related screening shall be retained as approved thereafter.

**Reason:** In the interests of amenity and to ensure that the development remains integrated with its surroundings as required by policy PMD1 of the adopted Thurrock LDF Core Strategy and Policies for the Management of Development (2015).

### **External Lighting**

30. Prior to the first occupation of the development, the external lighting measures for the development shall be implemented in accordance with the External Lighting Assessment dated December 2022 and shall be maintained and retained in working order through the lifetime of the development.

**Reason:** In the interests of amenity / ecology and biodiversity and to ensure that the development can be integrated within its immediate surroundings in accordance with Policies PMD1, PMD2 and PMD7 of the adopted Thurrock LDF Core Strategy and Policies for the Management of Development (2015).

### **CCTV**

31. Prior to the first occupation of the development, a scheme for CCTV shall be submitted to and approved in writing by the local planning authority. All CCTV shall be installed and be operational in accordance with the relevant approved scheme prior to the first occupation of the development and shall be retained and maintained at all times thereafter.

**Reason:** In the interests of amenity, security and crime prevention in accordance with policy PMD2 of the adopted Thurrock LDF Core Strategy and Policies for the Management of Development (2015).

### **Provision of Superfast Broadband**

32. Prior to the first occupation of the development a strategy to facilitate superfast broadband (broadband with speeds of at least 30Mbps as defined by Ofcom) for future occupants of all units shall be submitted to and approved in writing by the local planning authority. The strategy shall, accounting for feasibility and viability, seek to ensure that upon occupation of a unit either a landline or ducting is in place to facilitate the provision of a broadband service to that unit from a site-wide network, unless evidence is put forward and agreed in writing by the local planning authority that technological advances for the provision of a broadband service for the majority of users of that unit will no longer necessitate below ground infrastructure. The development shall be carried out in accordance with the approved strategy and the services (and ducting where applicable) retained and maintained at all times thereafter.

**Reason:** In order to ensure that suitable infrastructure is provided at the site for the benefit of occupiers, in accordance with paragraph 114 of the NPPF.

### **Construction Environmental Management Plan (CEMP)**

33. No demolition or construction works shall be commence until a Construction Environmental Management Plan (CEMP) has been submitted to and approved in writing by the local planning authority. The CEMP shall contain or address the following matters:
- (a) Demolition and construction work programme
  - (b) Details of the hours of construction and demolition
  - (c) Details of the method of demolition and plans and photographs to show all the existing structures above ground level, including existing oil storage tanks, pipelines and associated infrastructure to be demolished
  - (d) Demolition and construction traffic access and management plan detailing vehicle haul routing in connection with construction, remediation and engineering operations
  - (e) Identification of a strategy to minimise the level of employee travel by car to and from the Site during construction
  - (f) Wheel washing and sheeting of vehicles transporting loose aggregates or similar materials on or off site
  - (g) Details of temporary access and parking requirements

- (h) Road condition surveys before demolition and after construction is completed with assurances that degradation as a result of the works of existing surfaces will be remediated. Extents of road condition surveys to be agreed as part of this CEMP.
- (i) Location and size of on-site compounds (including the design layout of any proposed temporary storage, laydown areas and artificial lighting systems)
- (j) Details of any temporary buildings for the demolition and construction processes
- (k) Details of any temporary hardstandings
- (l) Details of any temporary fencing and hoardings
- (m) The importation and/or stockpiling of material on the site for the purpose of constructing the Development
- (n) Details of the method for the control of noise with reference to BS5228 together with a monitoring regime
- (o) Measures to reduce vibration and mitigate the impacts on sensitive receptors together with a monitoring regime
- (p) Measures to reduce dust with air quality mitigation and monitoring
- (q) Measures for water management including waste water and surface water discharge
- (r) A method statement for the prevention of contamination of soil, groundwater, rivers/watercourses and air pollution, including the storage of fuel and chemicals and to prevent pollution affecting sensitive receptors
- (s) Details of security and other external lighting layout and design in accordance with the Institution of Lighting Engineers Guidance
- (t) An ecology method statement to demonstrate protection measures for biodiversity and ecology
- (u) Contact details for site managers including emergency details and information about community liaison including a method for handling and monitoring complaints.

Development shall only be carried out in accordance with the approved CEMP.

**Reason:** In order to minimise any adverse impacts arising from the construction of the development upon amenity, highway impact on the Local Highway Network and the Strategic Road Network and nearby biodiversity and ecological designations in accordance with policies PMD1, PMD7 and PMD9 of the adopted Thurrock LDF Core Strategy and Policies for the Management of Development (2015).

#### Positive and Proactive Statement

The Local Planning Authority has acted positively and proactively in determining this application by identifying matters of concern within the application (as originally



submitted) and negotiating, with the Applicant/Agent, acceptable amendments to the proposal to address those concerns. As a result, the Local Planning Authority has been able to grant planning permission for an acceptable proposal, in accordance with the presumption in favour of sustainable development, as set out within the National Planning Policy Framework.

**Documents:**

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

<http://regs.thurrock.gov.uk/online-applications>

