

Reference: 22/01673/FUL	Site: Belhus Park Golf and Country Park Belhus Park Lane Aveley
Ward: Aveley & Uplands	Proposal: Construction of new 3G football pitch, spectator area and 4.5m high fencing.

Plan Number(s):		
Reference	Name	Received
DWG_BS_000_P1	Existing Site Location Plan	19.01.2023
DWG_BS_100_P2	Existing Plan	14.12.2022
DWG_00_100_P2	Proposed Plan	14.12.2022

The application is also accompanied by:	
<ul style="list-style-type: none"> • Covering letter • Heritage Statement 	
Applicant: Group 1 Automotive and Grays Athletic Football Club	Validated: 27 January 2023 Date of expiry: 2 May 2023 (Agreed extension of time)
Recommendation: Refuse planning permission	

This application is scheduled for determination by the Council's Planning Committee because the application is linked to planning application ref. 22/01672/FUL, reported separately on this agenda.

1.0 BRIEF SUMMARY

1.1 This application has been submitted by Group 1 Automotive and Grays Athletic Football Club and proposes an all-weather playing pitch on Council-owned land at Belhus Park. This submission is linked to planning application ref. 22/01672/FUL reported elsewhere on this agenda.

2.0 DESCRIPTION OF PROPOSAL

2.1 The application proposes the construction of an all-weather surfaced (3G) playing pitch, located on land south of the Impulse leisure centre and north of an existing single-storey changing room block. The playing surface would measure 100m x

70m and the submitted plans show the area marked out for use as either two or four playing pitches. Run-off areas adjacent to the playing pitches would be provided, along with recesses for storage of goalposts etc. A 'ball-stop and pitch perimeter' fence is proposed to enclose the playing surface to a maximum height of 4.5m. No details are provided of the colour or detailed design of the fence have been provided, although the submitted drawings indicate a 'weldmesh' security-style. A 'spectator area' is indicated outside of the perimeter fence.

- 2.2 The applicant's covering letter states that the proposal is linked to planning application ref. 22/01672/FUL (submitted by the same applicant) and that the full justification is set out in the linked application.

3.0 SITE DESCRIPTION

- 3.1 The application site is located entirely within the Green Belt (GB) and also on an area designated as Existing Open Space by the adopted Core Strategy. The site is within Belhus Park which appears on the Register of Historic Parks and Garden (Grade II).
- 3.2 The area which the proposed pitch would occupy is an open and flat grassed area located in between the leisure centre car park and a changing room building. The latest aerial photography suggests that the proposal would partly encroach onto one pitch marked for use as mini-soccer. Although the application form suggests that no trees would be affected by the proposals, aerials photographs suggest that one mature tree would need to be removed to accommodate the pitch.
- 3.3 The application site is in the ownership of the Council.

4.0 RELEVANT PLANNING HISTORY

- 4.1 The site of the proposed playing pitches has a site history dating from the 1950's associated with the extraction of minerals and subsequent infilling. Planning permission was granted in 2013 for "Use of land to provide additional football pitches, together with new changing facilities and other associated works" on a larger site including land north of the Aveley bypass and south of the Impulse leisure centre (ref. 13/00340/FUL). This permission was never implemented.

5.0 CONSULTATIONS AND REPRESENTATIONS

PUBLICITY:

- 5.1 This application has been advertised by way of individual neighbour notification letters sent to 5 surrounding occupiers, press advert and site notices. The

application has been advertised as a departure from the Development Plan and a major development.

Eight (8) representations have been received comprising 1 letter of support (relating to the provision of a new pitch and the Council's Active Play Policy) and 7 objections referring to:

- limited benefit given the presence of Aveley FC nearby;
- absence of floodlights;
- visual impact of proposed fencing;
- queries regarding future maintenance.

CONSULTATION RESPONSES:

- 5.2 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

SPORT ENGLAND:

- 5.3 Raise a holding objection, on the ground that there is insufficient information to enable Sport England to adequately assess the proposal or to make a substantive response. If the Council is minded to determine the application in advance of the requested information being provided then Sport England's position would be an objection because based on the limited information provided to date the sport related benefits of the proposed 3G pitch would not be considered to outweigh the detriment caused by the impact on the playing field. Should the local planning authority be minded to grant planning permission for the proposal, contrary to Sport England's holding objection, then the Town and Country Planning (Consultation) (England) Direction 2021, requires the application to be referred to the Secretary of State, via the National Planning Casework Unit (because the site is land of a local authority).

HERITAGE ADVISOR:

- 5.4 No objections to the proposed 3G pitch. However, the proposed fence would have a negative impact on the heritage asset although the harm would be 'less than substantial' and would need to be weighed against any public benefits of the proposals.

HISTORIC ENGLAND:

- 5.5 Raises concerns as there would be some harm to the significance of the registered park and garden. This harm is assessed as being located at the lower end of the range of 'less than substantial harm'. The LPA should undertake the required balancing exercise set out in the NPPF.

HIGHWAYS:

- 5.6 Further information required – a Transport Statement is required to assess the highways and parking impact of the proposal.

ENVIRONMENTAL HEALTH OFFICER:

- 5.7 A planning condition is recommended limiting any hours of construction.

6.0 POLICY CONTEXT

6.1 National Planning Policy Framework (NPPF)

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

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

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

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

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

8. Promoting healthy and safe communities;
12. Achieving well-designed places;
13. Protecting GB land; and
16. Conserving and enhancing the historic environment

6.2 National Planning Practice Guidance (NPPG)

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

- Determining a planning application;
- Green Belt;
- Historic environment;
- Open space, sports and recreation facilities, public rights of way and local green space; and
- Use of planning conditions.

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

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

Overarching Sustainable Development Policy:

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

Thematic Policies:

- CSTP9: Well-being: Leisure and Sports;
- CSTP20: Open Space

Policies for the Management of Development

- PMD1: Minimising Pollution and Impacts on Amenity;
- PMD2: Design and Layout;
- PMD4: Historic Environment; and
- PMD6: Development in the GB.

6.4 Thurrock Local Plan

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

6.5 Thurrock Design Strategy

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

7.0 **ASSESSMENT**

The principal issues to be considered in this case are:

- I. Principle of development and Green Belt implications;
- II. Impact on the Registered Park and Garden;
- III. Highway issues;
- IV. Other matters.

I. PRINCIPLE OF DEVELOPMENT AND GREEN BELT IMPLICATIONS

- 7.1 The proposed formation of additional football pitches raises no material conflict with either national or local Green Belt planning policies. Paragraph no. 145 of the NPPF states that:

“Once Green Belts have been defined, local planning authorities should plan positively to enhance their beneficial use, such as looking for opportunities to provide access; to provide opportunities for outdoor sport and recreation ...”

- 7.2 Although the proposed perimeter fencing would have an impact on the visual component of GB openness, this impact should be balanced against the benefit of an all-weather playing surface, which can be used more intensively than a natural grass surface.
- 7.3 Core Strategy policy CSTP9 (Well-Being: Leisure and Sports) generally supports the safeguarding of existing sports facilities and the provision of new facilities. This policy identifies Belhus as a key site for ‘flagship leisure and sports facilities’. In broad terms a new 3G pitch would accord with the aims of this thematic policy.
- 7.4 Core Strategy policy CSTP20 (Open Space) is applicable to the site and this policy refers (inter-alia) to recreational spaces to meet the needs of local communities. Similarly policy PMD5 (Open Spaces, Outdoor Sports & Recreational Facilities) generally protects existing facilities and seeks the provision of new sports and recreational infrastructure.
- 7.5 The applicant’s justification and reasoning for the proposed 3G pitch is provided in the Planning Statement accompanying the linked application (22/01673/FUL) as follows:

“... further ongoing discussions with Sport England have occurred, which have also involved discussions between Sport England and Thurrock Council (Recreation and Leisure Services) and the Football Foundation. Accordingly, it is now proposed that mitigation for the loss of the natural turf training pitches on the application site (Thurrock FC site) would principally be made off-site in the form of 3G pitch to the value of £500,000 towards enhanced football at Belhus Park. This application (22/01673/FUL) has been worked up in consultation with Impulse Leisure and Velocity Sports Limited and proposed a 3G football pitch in an agreed location, at an agreed costing which accords with the applicant’s previously suggested contribution of £500,000 as agreed with Sport England. This is, therefore, a worked up and deliverable proposal.”

- 7.6 The consultation response from Sport England (dated 16.03.23) places a holding objection and requests that additional information is provided on the following matters:
- proposed pitch layouts;
 - playing surface specifications;

- pedestrian and maintenance access; and
- floodlighting.

Although it is possible that the applicant will be able to respond to these queries, at the time of writing the holding objection applies. If the Committee were minded to approve the application in advance of the requested information being provided, Sport England's position would one of objecting to the application. In which case any resolution to grant planning permission would be subject to referral to the Secretary of State.

- 7.7 However, of more concern is the mechanism for delivering the proposed 3G pitch. Although the planning application has been submitted by Group 1 Automotive and Grays Athletic Football Club, the land on which the pitch would be located is in the ownership of the Council. The applicant has no legal interest in the site and therefore cannot be bound by any obligation to deliver the facility. The application does not explain how, if planning permission is granted, the 3G pitch would be provided. Clearly if the applicant has no interest in the site they could not guarantee that the pitch would be provided, which rather weakens the argument that the 3G pitch provides both mitigation and a benefit for the loss of the pitches at the Thurrock FC site. The Council could not bind itself to a legal agreement to deliver the pitch on behalf of the applicant. This is because as a matter of contract law, the Council (as landowner) cannot enter into an agreement with the Council (as local planning authority) since they are not separate legal entities. Accordingly, as the proposed 3G pitch is 'linked' to the proposals at the Thurrock FC (recommended for refusal), as there is no mechanism promoted to deliver the facility and as there is a holding objection from Sport England the proposals cannot be supported.

II. IMPACT ON THE REGISTERED PARK & GARDEN

- 7.8 As identified earlier in the report the site is within the Grade II Belhus Park Registered Park and Garden which extends to include land east and west of the M25 motorway between Aveley / Kennington and South Ockendon. Belhus Park is therefore a 'Heritage Asset' to which Chapter 16 of the NPPF applies. As required by paragraph no. 194 of the NPPF, the application is accompanied by a Heritage Statement. Paragraph no. 199 generally requires that when considering the impact of a proposed development on the significance of a designated heritage asset, great weight should be given to the asset's conservation (and the more important the asset, the greater the weight should be). This is irrespective of whether any potential harm amounts to substantial harm, total loss or less than substantial harm to its significance.

- 7.9 Both Historic England and the Council's Heritage Advisor have concluded that the proposal would cause some harm to the heritage asset. However, the level of harm would be 'less than substantial'. In these circumstances paragraph no. 202 of the NPPF applies which requires the harm to be weighed against the public benefits of the proposals. A new 3G pitch could result in benefits related to participation in sport and associated public health benefits. However, as noted above, the mechanism for delivering the pitch (if approved) is uncertain and has not been explained by the applicant. In these circumstances, a conclusion that the public benefits of the 3G pitch outweigh the harm to the heritage asset cannot be reached.

III. HIGHWAY MATTERS

- 7.10 The consultation response from the Council's Highways Officer requests further information regarding parking and potential traffic impact. It is recognised that the 3G pitch would be located within an existing park containing sports pitches with existing car parking available adjacent to the leisure centre and along its access road (Park Lane). In these circumstances the implications for parking and traffic impact are negligible and it is not considered necessary to require further information.

IV. OTHER MATTERS

- 7.11 Although the application form states that there are no trees within the site, there is a single mature tree within the southern part of the site which would have to be removed to accommodate the pitch. No objection is raised on this basis. A replacement could be considered if permission were to be granted.

8.0 CONCLUSIONS & REASONS FOR RECOMMENDATION

- 8.1 The land use principle of a 3G pitch at Belhus Park is generally supported by planning policies for the Green Belt. However from Sport England have issued a holding objection to the proposals on the basis that further information is required. In addition, as the applicant has no legal interest in the application site and the Council cannot bind itself by obligation; a mechanism for delivering the pitch (if approved) has not been demonstrated. Furthermore, as the delivery of the pitch is uncertain, the local planning authority cannot conclude on the balance between harm to the heritage asset and any public benefits arising from the proposal. For these reasons it is recommended that planning permission is refused.

9.0 RECOMMENDATION

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

- 1 The application is not accompanied by sufficient detail regarding proposed pitch layouts, pitch design specifications, details of pedestrian and maintenance access and floodlighting to enable the local planning authority and Sport England to make an adequate assessment of whether the proposals provide adequate mitigation for the proposed loss of existing playing fields at the former Thurrock Football Club site. Consequently, the proposals are contrary to paragraph no. 99 of the NPPF and policies CSTP20 and PMD5 of the Thurrock Core Strategy and Policies for the Management of Development 2015.
- 2 As no mechanism has been provided by the application which guarantees the delivery of the proposed 3G pitch, the local planning authority cannot conclude whether any public benefits of the proposals outweigh the identified harm to the Grade II Belhus Park Registered Park and Garden. The proposal is therefore contrary to paragraph no. 202 of the NPPF.

Informative:

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

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

Documents:

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

www.thurrock.gov.uk/planning

