

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

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

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

<p>The application is also accompanied by:</p> <ul style="list-style-type: none"> • Arboricultural Report; • Archaeological Desk Based Assessment; • Design & Access Statement; • Flood Risk Assessment & Surface Water Drainage Strategy; • Flooding Sequential Test Assessment; • Geo-Environmental Desk Study Report; • Noise Impact Assessment; • Planning Statement; • Preliminary Ecological Appraisal; • Reptile Survey Report; and • Transport Statement • Community Benefits, Grays Athletic Community Football Club & Ship Lane 	
<p>Applicant: Group 1 Automative and Grays Athletic Football Club</p>	<p>Validated: 20 December 2022 Date of expiry: 14.07.2023 (Extension of time agreed)</p>
<p>Recommendation: Refuse planning permission</p>	

1.0 BACKGROUND

- 1.1 At the meeting of the Planning Committee held on 6 April 2023 Members of the Planning Committee considered a report assessing the above application. The Committee voted to undertake a site visit to better understand the proposal.

- 1.2 The site visit was undertaken on 5 July 2023.
- 1.3 At the Planning Committee meeting held on 13 July 2023 Members were minded to grant planning permission, contrary to the Officer recommendation, based on the following reasons:
- i. significant weight in the Green Belt (GB) balancing exercise should be given to the benefit of the introduction of an international automotive retailer to Thurrock with associated job creation;
 - ii. the reference within the Thurrock Economic Development Needs Assessment (EDNA) (March 2023) to employment sites in the west of the Borough;
 - iii. the reference to West Thurrock and Purfleet in the adopted Development Plan as economic hubs;
 - iv. significant weight in the Green Belt (GB) balancing exercise should be given to the benefit of the provision of a HGV turnaround;
 - v. the location of the site adjacent to the strategic road network; and
 - vi. the absence of highways objections.
- 1.4 In accordance with Part 3(b) – Planning Committee Procedures, and in particular Paragraphs 7.2 and 7.3 of the Constitution, the Committee also agreed that the item should be deferred to enable a further report outlining the implications of making a decision contrary to the Planning Officer’s recommendation to be brought to Members. This report also assesses the reasons for approving the application formulated by the Committee
- 1.5 A copy of the report presented to the April and July Committee meetings are attached as appendices.

2.0 PLANNING ASSESSMENT & LEGAL IMPLICATIONS

- 2.1 As required by the Constitution, an outline of the implications of making a decision contrary to the Officer recommendation is provided below. The recommended reasons for refusal from the April and July 2023 Planning Committee reports is set out in italics below, with the implications considered subsequently.
- 2.2 **REASON 1: REASON 1: PRINCIPLE OF DEVELOPMENT AND HARM TO THE GB**
1. *The application site is located within the Green Belt, as identified on the Policies Map accompanying the adopted Thurrock Local Development Framework Core Strategy and Policies for the Management of Development (2015). National and local planning policies for the Green Belt set out within the NPPF and Thurrock Local Development Framework set out a presumption*

against inappropriate development in the Green Belt. The proposals are considered to constitute inappropriate development with reference to policy and would, by definition, be harmful to the Green Belt. It is also considered that the proposals would harm the openness of the Green Belt and would be contrary to purposes b), c) and e) of the Green Belt, as set out by paragraph 138 of the NPPF. In particular, the appearance of the proposed PDI centre building and perimeter fencing would appear as visually intrusive feature to users of the Mardyke Valley footpath. It is considered that the identified harm to the Green Belt is not clearly outweighed by other considerations so as to amount to the very special circumstances required to justify inappropriate development. The proposals are therefore contrary to Part 13 of the NPPF and Policies CSSP4 and PMD6 of the adopted Thurrock Local Development Framework Core Strategy and Policies for the Management of Development (2015).

2.3 Implications of approving the application contrary to recommendation

As noted in the previous reports, in the opinion of Officers the proposals do not accord with relevant policies in the Core Strategy and NPPF. Consequently, the application has been advertised as a departure from the development plan. If the Committee resolve to grant planning permission the provisions of the Town and Country Planning (Consultation) (England) Direction 2021 would engage. In particular, the description of the development falls within the ambit of paragraph 4 of the Direction. Therefore, prior to the local planning authority (LPA) issuing any formal decision on the application, the relevant Secretary of State (SOS) via the Planning Casework Unit would be consulted pursuant to paragraph 10 of the Direction. In consulting with the SOS the LPA is required to provide copies of the following:

- a copy of the application, drawings and supporting information;
- a copy of statutory notices;
- copies of representations received;
- a copy of the Officer's report: and
- unless included in the Officer's report, a statement of the material considerations which the LPA consider indicate the application should be determined otherwise than in accordance with s.38(6) of the Planning and Compulsory Purchase Act 2004.

2.4 As expressed in National Planning Practice Guidance (NPPG) the purpose of the Direction is to give the SOS an opportunity to consider using the power to call-in an application under section 77 of the Town and Country Planning Act 1990. If a planning application is called-in, the decision on whether or not to grant planning permission will be taken by the SOS, usually after a public inquiry, rather than the LPA. NPPG goes on to state that in considering whether to call-in a planning

application, the SOS is generally concerned with whether the application involves planning issues of more than local importance that warrant the decision being made by him rather than the LPA. However each case will be considered on its merits. The call-in policy was updated on 26 October 2012 in a written ministerial statement. This Statement, inter-alia, notes that:

“The SOS will, in general, only consider the use of his call-in powers if planning issues of more than local importance are involved. Such cases may include, for example, those which in his opinion:

- *may conflict with national policies on important matters;*
 - *may have significant long-term impact on economic growth and meeting housing needs across a wider area than a single local authority;*
 - *could have significant effects beyond their immediate locality;*
 - *give rise to substantial cross-boundary or national controversy;*
 - *raise significant architectural and urban design issues; or*
- may involve the interests of national security or of foreign Governments.*

However, each case will continue to be considered on its individual merits”.

- 2.5 Officers consider that the proposals conflict with national policies on important matters (i.e. GB). If the application were to be called-in by the SOS a public inquiry would be held where the LPA would be represented. As Officers have recommended the application for refusal, there may a practical issue in allocating staff to participate in the Inquiry. This is because some staff members are also chartered members of the Royal Town Planning Institute and the Institute’s Code of Professional Conduct (para. 12) states that:

Members must not make or subscribe to any statements or reports which are contrary to their own genuine professional opinions ...

- 2.6 A further practical implication of any resolution to grant planning permission is the potential for the local planning authority to be able to resist similar proposals involving inappropriate development in the GB. Paragraph 47 of the NPPF (2023) states that:

“Planning law requires that applications for planning permission are determined in accordance with the development plan, unless material considerations indicate otherwise.”

- 2.7 The *“planning law”* referred by in paragraph 47 comprises s70 (2) of the Town and Country Planning Act 1990 and s38 (6) of the Planning and Compulsory Purchase Act 2004, which are reproduced below for ease of reference:

s70 (2) Town and Country Planning Act 1990 -

In dealing with an application for planning permission or permission in principle the authority shall have regard

(a) the provisions of the development plan, so far as material to the application

S38 (6) Planning and Compulsory Purchase Act 2004 -

If regard is to be had to the development plan for the purpose of any determination to be made under the planning Acts the determination must be made in accordance with the plan unless material considerations indicate otherwise

2.8 Although each planning application must be judged on its individual merits, it is the firm opinion of Officers that there are no material considerations, (i.e. no considerations which would clearly outweigh the identified harm so as to amount to the very special circumstances (VSC)) which would warrant a decision being taken otherwise than in accordance with the development plan.

2.9 Assessment of the Committee's reasons for being minded to grant permission

The following list of matters were raised by Members as reasons to approve the application. These items are considered in more detail below and are assessed as whether they comprise the VSC necessary for approving inappropriate development in the GB.

2.10 **Reason i – significant weight in the Green Belt (GB) balancing exercise should be given to the benefit of the introduction of an international automotive retailer to Thurrock with associated job creation:**

As noted in the report to the April 2023, the applicant's case is that (Group 1 Automotive) is an international automotive retailer and will create up to 30 full-time equivalent (FTE) jobs during operation. Short-term construction phase jobs will also be created. The applicant is prepared to accept a s106 obligation to promote local employment.

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

2.12 The applicant's Planning Statement suggests that up to 30 jobs would be created on-site during the operational phase of the development. It is difficult to make an assessment of whether the proposals represent an intensive employment density of

the site, partly because the proposed PDI and associated parking area is not a standard employment use (such as warehousing or general industrial use). The widely accepted guide to employment densities is the 'Employment Density Guide' (3rd Edition, 2015) produced by the Homes & Communities Agency (HCA). This Guide provides details of FTE jobs which could be expected by new floorspace for a range of employment uses. The proposed PDI does not fall comfortably into any of the Use Classes as there will be elements of light industrial, general industrial and storage use proposed. Based on the proposed floorspace of c.1,200 sqm, the maximum employment figure of 30 suggested by the applicant is broadly consistent with the employment guide (25 jobs for light industrial use / 33 jobs for general industrial use).

2.13 However, a large part of the application site would be occupied for vehicle parking and in terms of employment generation, this is considered to be an inefficient use of the land. As an example, if the 3.7Ha site of the proposed PDI centre were to be redeveloped for Class B2 (industrial) purposes, a building with a plot ratio of c.50% could be expected. That is, a building occupying c.50% of the plot is a reasonable assumption, based on (for example) plot ratios achieved at London Gateway logistics park. This plot ratio would result in a building with c.18,500 sq.m floorspace. If the HCA Guide is applied for a warehouse building with this floorspace (such as a national distribution centre) then c.194 jobs could be expected. As a further example, the current Mardyke Park planning application located immediately to the west of this site would (if approved) deliver c.700 FTE jobs on a larger c.13.2Ha site at a ratio approximately 128 FTE jobs per hectare. Compared to the Mardyke Park proposal, the proposed PDI centre would deliver a low number of FTE jobs per hectare. Accordingly, although the proposed up to 30 jobs is of some benefit, the proposals are not an efficient use of the land and more conventional employment uses would be expected to generate greater employment benefits. Put another way, if the site were to be part of a planned release of GB for employment uses, a higher (and hence more efficient) employment generation figure would be expected for the amount of land involved.

2.14 In relation to the size of the proposed PDI site, the development would actually deliver a low ratio of operational jobs. For this reason, Officers conclude that only limited positive weight is applied to this factor.

2.15 **ii – the reference within the Thurrock Economic Development Needs Assessment (EDNA) (March 2023) to employment sites in the west of the Borough**

For information, the Employment Land Availability Study (ELA) (February 2023) produced as part of the evidence base to support the future Local Plan includes maps of existing and potential employment areas (at Appendix 1). The application

site is not identified in this document as a 'Potential Employment Site'. The Thurrock Economic Development Needs Assessment (EDNA) (March 2023) which should be read alongside the ELA has the key objectives to:

- define the Functional Economic Market Area (FEMA) for Thurrock;
- provide an understanding of trends and the current socio-economic baseline position within the context of Thurrock and the FEMA;
- provide an assessment of the potential future requirement for floorspace and land to meet economic development needs taking into account the role of town centres as well as the impact of strategic sites and projects including the Freeport and Lower Thames crossing (LTC); and
- make recommendations for how Thurrock can support the growth of key sectors and ensure that the supply of strategic employment land is aligned with demand.

2.16 The EDNA does not seek to bring forward potential development sites and clearly the ELA does not identify the application site as a potential employment site. Officers consider that this consideration can carry no positive weight in the planning balance.

2.17 **iii – the reference to West Thurrock and Purfleet in the adopted Development Plan as economic hubs**

The current development Plan (Core Strategy and Policies for the Management of Development (as amended) 2015) identifies large areas of Purfleet-on-Thames and West Thurrock as 'Primary Industrial and Commercial Areas'. Policies CSSP2 (Sustainable Employment growth) and CSTP6 (Strategic Employment Provision) apply to these areas. However, this allocation does not extend north of the A1306 and does not include the application site, which is clearly within the GB. This factor is not relevant and cannot attract any positive weight in the planning balance.

2.18 **iv – significant weight in the GB balancing exercise should be given to the benefit of the provision of a HGV turnaround**

The applicant refers to the Council's aspiration to remove HGV's from Ship Lane and that this aspiration has not yet been achieved. The proposals include an 'HGV loop' within the site which would enable lorries travelling northbound on Ship Lane (from jct.31) to re-route back to jct.31 rather than continuing through Aveley village. A proposed traffic island within the Ship Lane carriageway would prevent HGVs leaving the site from travelling towards Aveley village. The applicant considers that amenity benefits would follow if HGV movements were removed from the village.

2.19 For information, there is an issue arising from HGV's travelling from jct.31

northbound along Ship Lane and then negotiating the Ship Lane / High Street mini-roundabout and High Street before joining the B1335 (Aveley bypass). The preferred HGV route is via the A13 and B1335 (Sandy Lane / Aveley bypass). However, Ship Lane will appear as a shorter route on satellite navigation systems etc.

- 2.20 This issue has been recognised by Highways Officers and a public consultation (Ship Lane, Aveley HGV Movements Consultation) with local residents was undertaken by the Council in January and February 2019. This consultation was comprehensive with over 4,000 properties consulted and 362 responses received. Five options to address the HGV issue, with estimated costs, were presented as part of the consultation comprising:
- i. new roundabout at the Thurrock Hotel entrance (i.e. adjacent to the current application site);
 - ii. two-way width restriction on Ship Lane;
 - iii. partial one-way routing;
 - iv. partial road closure; and
 - v. northbound bus lane.

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

- 2.21 Although the applicant is promoting a potential solution to the Ship Lane HGV issue, it is clear that the Council has already identified this as a matter to be addressed. Furthermore, options have been formulated and a public consultation exercise completed. If the Council (as local highways authority) progresses with a scheme to deliver one of the consultation options then it can be assumed that the issue will be dealt with, in which case the applicant's HGV turn around becomes largely superfluous. The consultation response from the Highways Officer confirms that a roundabout junction remains the preference. The weight which can be afforded to this 'benefit' is a matter of judgement. The issue of HGVs routing through Aveley has been identified as an matter for action, but has not been flagged as 'critical' on the Infrastructure Requirement List and the applicant's proposal is not the optimum solution. However, the timescales for delivery of the Council's scheme is unknown and in this sense the applicant's proposal could be of some positive benefit. But given the uncertainties only limited positive weight can be attached to this factor. It is also the case that a simple priority junction between the site and Ship Lane would, in highways terms, satisfy the access / egress needs of the development. Therefore the s106 'offer' from the applicant to provide the turn-around would be unlikely to meet the tests for planning obligations listed at paragraph no. 57 of the NPPF.

2.22 v. – the location of the site adjacent to the strategic road network

Although ease of access to the strategic road network would doubtless be a strong locational factor for the potential operator of the development, this factor does not supersede planning policies protecting the GB. No positive weight can be applied to this factor.

2.23 vi – the absence of highways objections

The absence of an objection from a statutory consultee should not be considered as a positive factor weighing in support of a development proposal. No weight should be applied.

3.0 CONCLUSIONS

As required by the Constitution, the implications of the Committee approving this application, which is a departure from national and local planning policies, are set out above. This report goes on to analyse the reasons for approving the application contrary to recommendation provided by the Committee. These reasons, to a degree, reflect the benefits of the scheme promoted by the applicant. It is not considered that these reasons clearly outweigh the identified harm to the GB and therefore the reasons for refusal have not been addressed sufficiently for the development to be considered acceptable. The Officer recommendation to refuse planning permission remains.

6.0 RECOMMENDATION

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

The application site is located within the Green Belt, as identified on the Policies Map accompanying the adopted Thurrock Local Development Framework Core Strategy and Policies for the Management of Development (2015). National and local planning policies for the Green Belt set out within the NPPF and Thurrock Local Development Framework set out a presumption against inappropriate development in the Green Belt. The proposals are considered to constitute inappropriate development with reference to policy and would by definition be harmful to the Green Belt. It is also considered that the proposals would harm the openness of the Green Belt and would be contrary to purposes b), c) and e) of the Green Belt, as set out by paragraph 138 of the NPPF. In particular, the appearance of the proposed PDI centre building and perimeter fencing would appear as visually intrusive feature to users of the Mardyke Valley footpath. It is considered that the

identified harm to the Green Belt is not clearly outweighed by other considerations so as to amount to the very special circumstances required to justify inappropriate development. The proposals are therefore contrary to Part 13 of the NPPF and Policies CSSP4 and PMD6 of the adopted Thurrock Local Development Framework Core Strategy and Policies for the Management of Development (2015).

Informative(s)

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

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

Documents:

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

www.thurrock.gov.uk/planning

