

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

## Extraordinary Planning Committee

The meeting will be held at **6.00 pm** on **25 February 2021**

**Due to government guidance on social-distancing and COVID-19 virus the Extraordinary Planning Committee on 25 February 2021 will be held virtually online.**

**Arrangements have been made for the press and public to watch the meeting live via the Council's online webcast channel at [www.thurrock.gov.uk/webcast](http://www.thurrock.gov.uk/webcast)**

### Membership:

Councillors Tom Kelly (Chair), Mike Fletcher (Vice-Chair), Gary Byrne, Colin Churchman, Angela Lawrence, David Potter, Gerard Rice, Sue Sammons and Sue Shinnick

Steve Taylor, Campaign to Protect Rural England Representative

### Substitutes:

Councillors Qaisar Abbas, Abbie Akinbohun, Chris Baker, Daniel Chukwu, Garry Hague, Victoria Holloway and Susan Little

---

### Agenda

Open to Public and Press

Page

**1 Apologies for Absence**

**2 Item of Urgent Business**

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.

**3 Declaration of Interests**



## Information for members of the public and councillors

### Access to Information and Meetings

Due to current government guidance on social-distancing and the COVID-19 virus, council meetings will not be open for members of the public to physically attend. Arrangements have been made for the press and public to watch council meetings live via the Council's online webcast channel: [www.thurrock.gov.uk/webcast](http://www.thurrock.gov.uk/webcast)

Members of the public have the right to see the agenda, which will be published no later than 5 working days before the meeting, and minutes once they are published.

### Recording of meetings

This meeting will be live streamed and recorded with the video recording being published via the Council's online webcast channel: [www.thurrock.gov.uk/webcast](http://www.thurrock.gov.uk/webcast)

If you have any queries regarding this, please contact Democratic Services at [Direct.Democracy@thurrock.gov.uk](mailto:Direct.Democracy@thurrock.gov.uk)

### Guidelines on filming, photography, recording and use of social media at council and committee meetings

The council welcomes the filming, photography, recording and use of social media at council and committee meetings as a means of reporting on its proceedings because it helps to make the council more transparent and accountable to its local communities.

### Thurrock Council Wi-Fi

Wi-Fi is available throughout the Civic Offices. You can access Wi-Fi on your device by simply turning on the Wi-Fi on your laptop, Smartphone or tablet.

- 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.

The ICT department can offer support for council owned devices only.

## Evacuation Procedures

In the case of an emergency, you should evacuate the building using the nearest available exit and congregate at the assembly point at Kings Walk.

### How to view this agenda on a tablet device



You can view the agenda on your [iPad](#), [Android Device](#) or [Blackberry Playbook](#) with the free modern.gov app.

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:

- Access the modern.gov app
- 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

# Agenda Item 6

Planning Committee 25 February 2021	Application Reference: 20/01394/OUT
-------------------------------------	-------------------------------------

<b>Reference:</b> 20/01394/OUT	<b>Site:</b> Kemps Farm Dennises Lane South Ockendon RM15 5SD
<b>Ward:</b> Ockendon	<b>Proposal:</b> Outline planning permission for the construction of 27 custom-build dwellings (Use Class C3), with all matters reserved with the exception of access.

Plan Number(s):		
Reference	Name	Received
2404-04 F	Proposed Plans	16th October 2020
2404-04 F	Proposed Plans	16th October 2020
2404-05	Existing Site Layout	16th October 2020
2404-10 REV. D	Proposed Plans	16th October 2020
2404-11 C	Proposed Plans	16th October 2020
2404-12 C	Proposed Plans	16th October 2020
2404-13	Proposed Plans	16th October 2020

The application is also accompanied by: <ul style="list-style-type: none"> <li>- Air Quality Assessment</li> <li>- CGI 1</li> <li>- CGI 2</li> <li>- Custom Build Needs Assessment</li> <li>- Design and Access Statement: Parts 1-6</li> <li>- Ecological Assessment</li> <li>- Flood Risk Assessment &amp; Sustainable Drainage Strategy</li> <li>- Heritage Assessment</li> <li>- Legal Opinion</li> <li>- Noise Assessment</li> <li>- Planning Statement</li> <li>- Sustainability and Energy Statement</li> <li>- Transport Note</li> <li>- Transport Statement: Parts 1-3</li> </ul>	
<b>Applicant:</b> Mr Lee Felstead	<b>Validated:</b> 15 October 2020  <b>Date of expiry:</b> 1 March 2021 (Extension of Time as agreed by applicant)
<b>Recommendation:</b> Refuse planning permission	

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

## **1.0 DESCRIPTION OF PROPOSAL**

1.1 The application seeks outline planning permission, with all matters reserved except access, for the construction of 27 custom-build dwellings. For information, the glossary at Annex 2 of the NPPF defines self-build and custom-build housing as:

*“Housing built by an individual, a group of individuals, or persons working with or for them, to be occupied by that individual. Such housing can be either market or affordable housing ...”*

1.2 An indicative masterplan has been provided indicating that the plots would form a crescent around the existing pond and would also be situated to the north east of the existing development eleven dwellings approved by planning permission ref. 12/00871/FUL and south of the development of seven dwellings which has recently been completed (planning reference 15/00135/FUL).

1.3 The proposal would indicatively comprise four distinctive, customisable house types, although details of the appearance and scale is reserved for future approval. Details of access are for consideration as part of this submission and it proposed to gain temporary construction access from Dennis Road close to the northern boundary of the site, with operational access via a continuation of the existing access serving the dwellings recently constructed on-site. As per the existing 'Kemps Farm Mews' development, the proposal is for a 'gated' residential development.

## **2.0 SITE DESCRIPTION**

2.1 The application site is an irregular shaped site to the north of South Ockendon. The site lies between Dennises Lane to the east and the M25 motorway to the west.

2.2 Adjacent to the site are the recently constructed dwellings. The Grade II Listed Kemp's Farm is centrally located within the site and Kemp's Farm Cottage, also Grade II Listed, is a short distance to the west of the site.

2.3 Access to the site is from a spur road off Dennises Lane. The site lies within the Metropolitan Green Belt (GB). The majority of the Kemp's Farm site is visible from the M25 which is elevated on an embankment in this location.

## **3.0 RELEVANT HISTORY**

3.1 The following table provides the planning history:

Application Reference	Description of Proposal	Decision
12/00871/FUL	Conversion and restoration of existing curtilage listed buildings into 11 homes (3 x 1 bed; 4 x 2 bed and 4 x 3 bed) with associated parking and amenity areas, demolition of one building, and provision of new 5m bunding to northern boundary of the site, including enhanced landscaping.	Approved
13/00829/LBC	Listed Building consent for the conversion and restoration of existing curtilage Listed Buildings into 11 homes and associated parking and amenity areas, demolition of one building, and provision of new 5m bunding to the north of the site, including enhanced landscaping.	Approved
14/00109/FUL	Redevelopment of land for the provision of 11 new dwellings with associated access, parking provision and amenity space.	Refused
15/00135/FUL	Redevelopment of land for the provision of 7 new dwellings with associated access, parking provision and amenity space.	Approved
15/01369/CV	Variation of condition 5 [Removal of wording "Furthermore, and notwithstanding the details shown on the plans no habitable accommodation shall be formed within the roof areas of the dwellings hereby permitted without the prior written permission of the Local Planning Authority"] from approved planning application 15/00135/FUL	Approved
16/00607/NMA	Non material amendments to planning application 15/00135/FUL; Relocation of Gate House.	Approved

#### 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 advert and public site notice which has been displayed nearby. The application has been advertised and publicised as a major development, a departure from the Development Plan and as affecting the setting of listed buildings. No comments have been received.

4.3 ANGLIAN WATER:

No objections.

4.4 ARCHAEOLOGY:

Trial trenching and excavation recommended.

4.5 EDUCATION:

Request a financial contribution to mitigate the impacts of the residential development on nursery and secondary education.

4.6 ESSEX POLICE:

Secured by Design accreditation recommended.

4.7 ESSEX & SUFFOLK WATER:

No comments received.

4.8 EMERGENCY PLANNING

No objections.

4.9 ENVIRONMENT AGENCY:

No comments received.

4.10 ENVIRONMENTAL HEALTH:

No objections, subject to conditions.

4.11 FLOOD RISK MANAGER:

Holding objection issued, based on outstanding surface water drainage issues.

#### 4.12 HERITAGE ADVISOR:

Objects on the grounds of harm to the setting of the adjacent Listed Buildings.

#### 4.13 HIGHWAYS:

Recommend refusal on basis of intensification of an existing junction in a rural location, poor accessibility and the lack of public transport facilities.

#### 4.14 HIGHWAYS ENGLAND:

No objections.

#### 4.15 LANDSCAPE AND ECOLOGY:

Detailed landscape scheme recommended.

### 5.0 POLICY CONTEXT

#### **National Planning Guidance**

##### 5.1 National Planning Policy Framework (NPPF)

The revised NPPF was published on 19 February 2019. 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:

5. Delivering a sufficient supply of homes;
12. Achieving well-designed places;
13. Protecting Green Belt land;
15. Conserving and enhancing the natural environment.

##### 5.2 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:

- Appropriate Assessment
- Before submitting an application
- Design
- Determining a planning application
- Effective use of land
- Fees for planning applications
- Green Belt
- Housing needs of different groups
- Making an application
- Natural environment
- Rural housing
- Self-build and custom housebuilding
- Use of planning conditions

### 5.3 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)

Spatial Policies:

- CSSP1 (Sustainable Housing and Locations)
- CSSP4 (Sustainable Green Belt)

Thematic Policies:

- CSTP1 (Strategic Housing Provision)
- CSTP2 (The Provision Of Affordable Housing)
- CSTP22 (Thurrock Design)
- CSTP23 (Thurrock Character and Distinctiveness)
- CSTP24 (Heritage Assets and the Historic Environment)

## Policies for the Management of Development

- PMD1 (Minimising Pollution and Impacts on Amenity)
- PMD2 (Design and Layout)
- PMD4 (Historic Environment)
- PMD6 (Development in the Green Belt)
- PMD8 (Parking Standards)
- PMD9 (Road Network Hierarchy)
- PMD12 (Sustainable Buildings)
- 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.

### 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.

## 6.0 **ASSESSMENT**

### Procedure:

- 6.1 With reference to procedure, this application has been advertised (inter-alia) as being a departure from the Development Plan. Should the Planning Committee resolve to

grant planning permission (contrary to recommendation), the application will first need to be referred to the Secretary of State under the terms of the Town and Country Planning (Consultation) (England) Direction 2009. The reason for the referral as a departure relates to the provision of buildings where the floorspace to be created exceeds 1,000 sq.m and the scale and nature of the development would have a significant impact on the openness of the GB. Therefore, the application will need to be referred under paragraph 4 of the Direction (i.e. GB development). The Direction allows the Secretary of State a period of 21 days within which to 'call-in' the application for determination via a public inquiry. In reaching a decision as to whether to call-in an application, the Secretary of State will be guided by the published policy for calling-in planning applications and relevant planning policies.

The principal issues to be considered in the determination of this application are:

- I. Principle of development and impact on the Green Belt;
- II. Access, traffic impact and parking;
- III. Heritage impacts;
- IV. Ecology;
- V. Surface water drainage;
- VI. Developer contributions; and
- VII. Other matters.

#### I. PRINCIPLE OF DEVELOPMENT AND IMPACT ON THE GREEN BELT:

6.2 Under this heading, it is necessary to refer to the following key questions:

1. Whether the proposals constitute inappropriate development in the Green Belt;
2. The effect of the proposals on the open nature of the Green Belt and the purposes of including land within it; and
3. Whether the harm to the Green Belt is clearly outweighed by other considerations so as to amount to the very special circumstances (VSC) necessary to justify inappropriate development.

#### 1. Whether the proposals constitute inappropriate development in the Green Belt

6.3 The site is identified on the Core Strategy Proposals Map as being within the Green Belt where policies CSSP4 and PMD6 apply. Policy CSSP4 identifies that the Council will '*maintain the purpose function and open character of the Green Belt in Thurrock*', and Policy PMD6 states that the Council will '*maintain, protect and enhance the open*

*character of the Green Belt in Thurrock*'. These policies aim to prevent urban sprawl and maintain the essential characteristics of the openness and permanence of the Green Belt to accord with the requirements of the NPPF.

- 6.4 Paragraph 133 within Chapter 13 of the NPPF states that the Government attaches great importance to Green Belts and that the *“fundamental aim of Green Belt policy is to prevent urban sprawl by keeping land permanently open; the essential characteristics of Green Belt are their openness and their permanence.”* Paragraph 143 states that *“inappropriate development is, by definition, harmful to the Green Belt and should not be approved except in very special circumstances.”* At paragraph 145 the NPPF sets out a limited number of exceptions where the construction of new buildings could be acceptable. The site is currently devoid of built form and consists of an area of open land. The proposal for residential development would not fall within any of the exceptions to the presumption against inappropriate development in the Green Belt. Consequently, it is a straightforward matter to conclude that the proposals comprise inappropriate development with reference to the NPPF and Core Strategy policy.

## 2. The effect of the proposals on the open nature of the Green Belt and the purposes of including land within it

- 6.5 Having established that the proposals are inappropriate development, it is necessary to consider the matter of harm. Inappropriate development is, by definition, harmful to the Green Belt, but it is also necessary to consider whether there is any other harm to the Green Belt and the purposes of including land therein. As noted above, paragraph 133 of the NPPF states that the fundamental aim of Green Belt policy is to prevent urban sprawl by keeping land permanently open; the essential characteristics of Green Belts being described as their openness and their permanence.
- 6.6 Although only outline planning permission (including from access) is sought for the proposed residential development it is apparent from the submitted indicative drawings that built development and accompanying curtilages, parking etc. would occupy a large part of the site. The proposals would comprise a substantial amount of new built development on predominantly open Green Belt land. Consequently, there would be clear harm to openness. Advice published in NPPG (July 2019) addresses the role of the Green Belt in the planning system and, with reference to openness, cites the following matters to be taken into account when assessing impact:
- openness is capable of having both spatial and visual aspects;
  - the duration of the development, and its remediability; and
  - the degree of activity likely to be generated, such as traffic generation.

- 6.7 It is considered that the proposed residential development would have a detrimental impact on both the spatial and visual aspects of openness (i.e. an impact as a result of the footprint of development and building volume). The applicant has not sought a temporary planning permission and it must be assumed that the design-life of the residential development would be a number of decades. The intended permanency of the development would therefore impact upon openness. Finally, the proposed dwellings would generate traffic movements and this activity would also impact negatively on the openness of the Green Belt. As a consequence the loss of openness, which is contrary to the NPPF, should be accorded substantial weight in the consideration of this application.
- 6.8 Paragraph 134 of the NPPF sets out the five purposes which the Green Belt serves as follows:
- a. to check the unrestricted sprawl of large built-up areas;
  - b. to prevent neighbouring towns from merging into one another;
  - c. to assist in safeguarding the countryside from encroachment;
  - d. to preserve the setting and special character of historic towns; and
  - e. to assist in urban regeneration, by encouraging the recycling of derelict and other urban land.

In response to each of these five purposes:

*a. to check the unrestricted sprawl of large built-up areas*

- 6.9 The site is located within a rural area outside the main settlement of South Ockendon. For the purposes of the NPPF, the site is considered to be outside of any 'large built up areas'. At a broader geographic scale the nearest large built-up areas are located at Upminster to the north-west and South Ockendon to the south-east. The proposed development would represent the addition of significant new urban form on the site, but it is not considered that the proposals would significantly harm the purpose of the Green Belt in checking the unrestricted sprawl of large built-up areas.

*b. to prevent neighbouring towns from merging into one another*

- 6.10 As noted above, the site is located outside of South Ockendon and broadly in between South Ockendon and Upminster to the north-west. Therefore and albeit to a limited degree the proposals would incrementally merge the two towns.

*c. to assist in safeguarding the countryside from encroachment*

6.11 With regard to the third Green Belt purpose, the proposal would involve built development on what is currently an open and undeveloped site. The term “countryside” can conceivably include different landscape characteristics (e.g. farmland, woodland, marshland etc.) and there can be no dispute that the site comprises “countryside” for the purposes of applying the NPPF policy test. It is therefore considered that the proposal would constitute an encroachment of built development into the countryside in this location. The development would consequently conflict with this Green Belt purpose.

*d. to preserve the setting and special character of historic towns*

6.12 The proposals do not conflict with this defined purpose of the Green Belt.

*e. to assist in urban regeneration, by encouraging the recycling of derelict and other urban land*

6.13 In general terms, the development could occur in the urban area and, in principle; there is no spatial imperative why Green Belt land is required to accommodate the proposals. The proposed development is inconsistent with the fifth purpose of the GB. Therefore, the development of this Green Belt site as proposed might discourage, rather than encourage urban renewal.

6.14 In light of the above analysis, it is considered that the proposals would clearly be harmful to openness and would be contrary in varying degrees to purposes (b), (c) and (e) of the above listed purposes of including land in the Green Belt. Substantial weight should be afforded to these factors.

3. Whether the harm to the Green Belt is clearly outweighed by other considerations so as to amount to the very special circumstances necessary to justify inappropriate development

6.15 Neither the NPPF nor the Adopted Core Strategy provide guidance as to what can comprise ‘very special circumstances’, either singly or in combination. However, some interpretation of very special circumstances (VSC) 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’. In considering whether ‘very special circumstances’ exist, factors put forward by an applicant which are generic or capable of being easily replicated on other sites, could be used on different sites leading to a decrease in the openness of the GB. The provisions of very special circumstances which are specific

and not easily replicable may help to reduce the risk of such a precedent being created. Mitigation measures designed to reduce the impact of a proposal are generally not capable of being 'very special circumstances'. Ultimately, whether any particular combination of factors amounts to very special circumstances will be a matter of planning judgment for the decision-taker.

6.16 With regard 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 planning 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*".

6.17 The applicant has put forward the following case for very special circumstances within the Planning Statement submitted with this application:

*a) The delivery of custom-build housing and the lack of five year housing supply*

6.18 The applicant has put forward that the NPPF makes it clear that LPAs should plan for people who want to build their own homes; that in the UK custom house building is relatively low; that government targets for 100,000 self-build homes in 10 years equates to 107 per LPA for the next 5 years and that the proposal is uncommon, with only one other custom-build site in Thurrock. They continue that as of April 2016 there were 63 people on the register for the custom build houses in the Borough and there is no provision in the current Core Strategy for custom build. The applicant indicates significant weight should be provided in the determination of the application. The applicant provides details from a range of sites, including a site in Great Dunmow (appeal ref: APP/C1570/A/14/2223280) where the Inspector in allowing the appeal noted there had been "little opportunity for self-builders in recent years" and that demand existed for self-build evidenced by the self-build register maintained by the Council. And further, accordingly, "the provision of custom/self – build housing [should be afforded] significant weight".

6.19 The applicant has also put forward the lack of a five year housing supply in Thurrock.

Consideration

6.20 Given that both these cases relate to provision of housing, they will be considered as a joint justification.

- 6.21 The provision of custom-build homes is a specific market area which government guidance seeks to develop and it is acknowledged that the Core Strategy does not presently provide any sites specifically for this purpose.
- 6.22 The Council is currently preparing a new Local Plan which will factor this type of housing as part of the allocations. It is not clear whether the developer has considered any other sites prior to putting this one forward; however, given the recent appeal decisions in similar, local planning authorities, the government drive to encourage varied forms of housing and the lack of a 5 year supply, it is considered that this matter can be attributed significant weight in the determination of the application.
- 6.23 The issue of housing land supply has been considered by the Committee regularly for planning applications within the Green Belt. The housing land supply consideration carries significant positive weight for planning applications within the Borough. However, the NPPF's presumption in favour of sustainable development (para. 11) is only engaged for sites or locations with a GB designation after they have been shown to satisfy Green Belt tests (either of being appropriate development or demonstrating VSC). If Green Belt policy provides a clear reason for refusing permission, there is no scope for the presumption to apply. It is clear from the NPPF (para. 133) that the permanence of the Green Belt is one of its essential characteristics, and this is inevitably eroded if Green Belt land is released to meet a shortfall in the five year housing supply or affordable housing needs, and in that context it is considered that the contribution of the proposals towards five year housing land supply is not a sufficiently strong factor to justify a departure from normal planning policies.

*b) Zero carbon;*

- 6.24 The applicant has put forward that Policy CSTP25 seeks to reduce emissions and introduce low carbon technologies, and that furthermore the Planning White Paper states that from 2025 new homes should be producing 75-80 less CO<sub>2</sub> emissions. The carbon dioxide emissions reduction strategy for the proposals aims to reduce carbon emissions from the development to net-zero, greatly exceeding policy position and responding positively to the Climate Emergency declared by Thurrock Council in October 2019.

Consideration

- 6.25 Policy CSTP25 seeks to reduce emissions and introduce low carbon technologies. The NPPF also highlights the importance of supporting a transition towards a low-carbon future.

- 6.26 Given the expectations of local and national policy, any proposal should meet these requirements. However in this case and despite the case presented for VSC, no detailed reports have been provided to justify or evidence how this development would achieve a zero carbon rating. The application is for outline consent with all matters reserved, except for access, and therefore no specific details for the development are provided. Similarly, the dwellings are proposed to be custom build and as such there is a degree of flexibility for each owner.
- 6.27 Accordingly, this factor is afforded no weight in the consideration of the proposal.

*c) The site's positioning in a national growth area;*

- 6.28 The Planning Statement identifies the site as positioned within a national growth area, but provides no further explanation or justification.

Consideration

- 6.29 Thurrock is widely recognised as a growth area within the Thames Gateway, however this refers to the Borough in its entirety and should not be interpreted as justification for ad hoc development in the Green Belt. This factor is not unique to the application site and does not temper the harm to the Green Belt, nor demonstrate any spatial imperative why Green Belt land is required to accommodate the proposals.
- 6.30 Accordingly, this factor is afforded no weight in the consideration of the proposal.

*d) Providing a high-quality design / placemaking;*

- 6.31 The applicant states that the proposals seek to build on the high-quality design principles of Phase 1. Although in outline form, the submitted 'Design Code' (which would be a condition in the event of permission being granted) would ensure that features such as boundary treatments, landscaping, frontage arrangements and materials would ensure the development when built would be high quality and that the large building plots would provide a mix of housing that is not well provided for in the Borough.

Consideration

- 6.32 The Council's Design Strategy and Residential Alterations and Extensions guide put good design at the heart of all development proposals. The NPPF also highlights good design as being indivisible from good planning. Good design should be a given in any proposal. In any event in this case, the design of the development is a reserved matter which is not able to be fixed at this stage.

6.33 Accordingly, this factor is afforded no weight in the consideration of the proposal.

e) *The role of the application site in the Green Belt;*

Consideration

- 6.34 The matter of the value of the site in contributing to the purposes of the Green Belt has been addressed above. The applicant maintains the application site does not make a significant contribution to the purposes of the Green Belt and cites ‘The Thurrock Strategic Green Belt Assessment Stages 1a and 1b (January 2019) to justify their position. The Thurrock Strategic Green Belt Assessment Stages 1a and 1b was produced by the Council in January 2019 and forms part of the suite of documents supporting the new Local Plan. This document identifies strategic parcels of land within the Green Belt in terms of their ‘contribution’ to three of the five Green Belt purposes. The site is identified as forming part of strategic parcel no. 31 and paragraph 6.1.13 (conclusions) includes this parcel in a recommendation for more detailed scrutiny and assessment. Furthermore, the Thurrock Local Plan Issues & Options (Stage 2) consultation also refers to the Thurrock Green Belt Assessment Stages 1a and 1b as a technical document that “...*does not specifically identify any sites or broad areas of Green Belt for development as any decision on the need to amend the boundary of the Green Belt in Thurrock must be taken as part of the wider plan-making and evidence development process...*”.
- 6.35 Consequently, the conclusions of the Green Belt Assessment have only very limited weight in the consideration of this case. As set out above, it is considered that the development of the site as proposed would be harmful to a number of the purposes of including land in the Green Belt.
- 6.36 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	Provision of custom-build housing; Ability to positively contribute towards housing land supply	Significant weight
Reduction in the openness of the Green Belt		Zero Carbon	No weight

Conflict (to varying degrees) with a number of the purposes of including land in the Green Belt – purposes c and e.		The sites positioning in a national growth area	No weight
		High quality design and place-making	No weight
		Role of the application site in the Green Belt	Very limited weight

6.37 As ever, 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. In this case there is harm to the Green Belt with reference to both inappropriate development and loss of openness. However, this is not considered to be the full extent of the harm; the other harm is considered further in this report. Several factors have been promoted by the applicant as ‘Very Special Circumstances’ and the matter for judgement is:

- i. the weight to be attributed to these factors;
- ii. whether the factors are genuinely ‘very special’ (i.e. site specific) or whether the accumulation of generic factors combines at this location to comprise ‘very special circumstances’.

6.38 Where a proposal represents inappropriate development the applicant must demonstrate Very Special Circumstances which clearly outweigh the harm to the Green Belt. The applicant has not advanced factors which would 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. There are no planning conditions which could be used to make the proposal acceptable in planning terms. The proposal is clearly contrary to Policies CSSP4, PMD6, PMD2 and CSTP22 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 2019.

II. ACCESS, TRAFFIC IMPACT AND PARKING

6.39 The highway considerations are assessed against a number of Core Strategy policies including CSTP15 (Transport in Greater Thurrock), PMD8 (Parking Standards), PMD9 (Road Network Hierarchy), PMD10 (Transport Assessments and Travel Plans) and the guidance in Chapter 9 of the NPPF and PPG.

6.40 When considering development proposals, paragraph 108 of the NPPF should be taken into account; it seeks to ensure that: (a) appropriate opportunities to promote

sustainable transport can be taken up; (b) safe and suitable access to the site can be achieved for all users; and (c) significant impacts on the transport network (capacity and congestion) or highways safety can be mitigated to an acceptable degree. Development should only be refused on highways grounds if there would be an unacceptable impact on highway safety or the residual cumulative impacts on the road network would be severe.

- 6.41 The application site is located in an unsustainable location (with regard to accessibility by walking, cycling and public transport) accessed via Denises Road, which is a country road. There are no footways on either side of the road to provide pedestrian access to and from the site at the existing site entrance, nor are there footways along the main route of Denises Road. Other footpaths in the area are located away from the site and involve paths crossing fields and woodlands, which are unsuitable in hours of darkness and when weather conditions are poor. There are no cycle routes serving this area, the nearest signed cycle route is located to the West of the M25. In terms of access to public transport there are no bus routes along Denises Road and the nearest bus routes serves South Ockendon, to which there are no sustainable transport links. Both Upminster railway station, to the north-west, and Ockendon would require vehicle usage to access.
- 6.42 Reference is made in the applicant's Transport Note to the possible provision of a footpath connecting the site to public footpath 139, southbound via Denisses Road. However this cannot be guaranteed as it falls beyond the redline boundary for the application site and is beyond the applicant's control.
- 6.43 Taking into account these considerations it is more likely that the proposal would result in a high dependency on private car use. Denisses Road is a fast, (60mph) rural road, narrow in places with no footways to encourage walking to and from the site. Therefore it would be difficult for future residents and users of the site to access the site and the wider area through alternative sustainable transport modes such as walking, cycling and public transport.
- 6.44 As the site is located in an unsustainable location it is likely to be highly dependent on private vehicle usage contrary to the requirements of the paragraphs 102 and 103, and 108 – 111 of the NPPF, which seek to support opportunities for the use of sustainable transport modes and minimise the need to travel in rural areas. The proposal is contrary to Policies CSSP1, CSSP4 and PMD2 of the adopted Core Strategy and Policies for the Management of Development (2015) and Chapter 2 of the NPPF in this regard.

### III. HERITAGE IMPACTS

- 6.45 The application site is within the setting of two Grade II Listed designated heritage

assets, Kemps (List UID: 1111627) and Kemps Cottage (List UID: 1308865). The Listed buildings represent the surviving elements of an historic farmstead and the historic rural setting of these assets has already been harmed by the residential development to the east and the presence of the M25 Motorway to the west.

- 6.46 Policy PMD4 states *'the Council will follow the approach set out in the NPPF in the determination of applications affecting Thurrock's built or archaeological heritage assets'*. When assessing the impact upon a designated heritage asset the NPPF advises on differing levels of assessment, these are 'total loss of the heritage asset', 'substantial harm' and 'less than substantial harm'.
- 6.47 The further development of the site as proposed would result in the cumulative escalation of harm to the setting of the designated heritage assets. The scheme has not considered the orientation of the historic farmstead and the Council's Historic Buildings and Conservation Advisor considers that this harm could not be mitigated through any appropriate design approach, or the use of traditional materials and indeed the principle behind the development of the site is problematic. The magnitude of change to the setting of the listed buildings is far too great and the result would be to isolate the historic farmstead within an urbanised housing estate
- 6.48 The Council's Historic Buildings and Conservation Advisor is concerned that *"The scheme would eradicate the character of the surviving historic setting of the Listed, contrary to Section 66(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990"* and advises, in regard to the NPPF tests that the impact falls within the 'less than substantial harm' test. When assessed against the criteria of the NPPF paragraph 196 states *'where a development proposal will lead to less than substantial harm to the significance of a designated heritage asset, this harm should be weighed against the public benefits of the proposal including, where appropriate, securing its optimum viable use'*
- 6.49 The assessment is a matter of judgement. The only factor which can be considered a public benefit is the ability to positively contribute towards housing land supply, however given that no affordable housing is proposed this weighting would be limited.
- 6.50 On balance, it is considered that the benefits of the scheme would not outweigh the 'less than substantial harm' impact upon the two designated heritage assets. As a result the proposal would be contrary to policies PMD4 and CSTP24 of the Core Strategy 2015 and paragraphs 193 and 197 of the National Planning Policy Framework 2019.

#### IV. ECOLOGY

- 6.51 The site comprises mainly recently disturbed ground with the vegetation dominated

by ruderals and species poor grassland. There is a small fishing lake stocked with carp within the western part of the site. Tree belts and hedges are confined to the site perimeter. The site is bounded by the M25, Dennises Lane and arable farmland.

- 6.52 The application is supported by an ecological assessment, which concludes that the site has limited ecological value at present and that the proposed development offers potential to deliver biodiversity enhancements.
- 6.53 Although the plans submitted at this outline stage are indicative, the Council's Ecology Advisor has raised concerns that the level of development indicated would provide little space for additional landscape enhancement measures although the acoustic bund around the northern and western boundaries will be retained and provides the main opportunity of landscape enhancement. Furthermore, the boundary vegetation beside Dennises Lane appears to require removal to allow the construction of the some units. This would open up views into the site which are currently well-screened; this would not be an ideal resolution.
- 6.54 An image within the Design and Access Statement shows some dwellings extending out over what is currently the fishing lake. In principle this is considered acceptable given its current low ecological and amenity value, however, were permission granted it would be important that a detailed scheme for landscaping and maintaining the lake is developed which will not only consider how it is landscaped but will ensure that there are not water quality issues in the future.
- 6.55 Planning conditions could be used to secure the proposed mitigation measures and consequently there are no objections to the proposals on ecological grounds.

## V. FLOOD RISK AND SITE DRAINAGE

- 6.56 At the time of writing, there is an outstanding holding objection from the Flood Risk Manager, based on the following:
- Discharge rates;
  - Whether there are any ditches/waterbodies which can be discharged into;
  - Urban creep allowance;
  - Surface water treatment;
  - Where the drain discharges to, and who owns the drain.
- 6.57 Were permission to be granted, it would be possible to address these concerns through further negotiation or relevant planning conditions.

## VI. DEVELOPER CONTRIBUTIONS

- 6.58 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.
- 6.59 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.
- 6.60 The Infrastructure Requirement List (IRL) 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.
- 6.61 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*
- 6.62 Through the consultation process to this application and assessing the information contained within the Council's IRL the proposal would fall within the category H1 scenario for housing development [between 11-50 dwellings]. The following planning obligations have been identified for this proposal:
- Education - A financial contribution of £108,926.31 towards Nursery and Secondary education.
- 6.63 If the planning application were to be considered acceptable, as submitted, then the planning obligations would be necessary to comply with paragraph 56 of the NPPF.

## VII. OTHER MATTERS

- 6.64 The Council's Environmental Health Officer has recommended conditions relating to noise mitigation, air quality and a Construction and Environmental Management Plan (CEMP).

## **7.0 CONCLUSIONS AND REASONS FOR RECOMMENDATION**

- 7.1 The principal issue for consideration in this case is the assessment of the proposals against planning policies for the Green Belt and whether there are very special circumstances which clearly outweigh harm such that a departure from normal policy can be justified. The proposals are 'inappropriate development' in the Green Belt, would lead to the loss of openness and would cause some harm to the purposes of the Green Belt. The proposal is therefore objectionable in principle and very special circumstances are required to be demonstrated to clearly outweigh harm. The applicant's case for very special circumstances has been carefully considered but does not clearly outweigh the significant harm to the Green Belt.
- 7.2 The site is located in a particularly rural part of the Borough and is unsustainable in terms of its location, which is distant from local facilities, community services, essential support facilities and a choice of transport modes. In this regard, the proposal runs contrary to policies CSSP1, CSSP4 and PMD2 and Chapter 2 of the NPPF.
- 7.3 The application site is also within the setting of two Grade II Listed designated heritage assets. It is considered that the proposal would unacceptably impact upon these heritage assets. In this regard, the proposal runs contrary to policies PMD4 and CSTP24 and paragraphs 193 and 197 of the NPPF. This harm would not be outweighed by the limited benefits offered by the scheme in terms of housing provision.

## **8.0 RECOMMENDATION**

- 8.1 The Committee is recommended to refuse planning permission for the following reasons:
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 c) and e) of the Green Belt, as set out by paragraph 134 of the NPPF. 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).

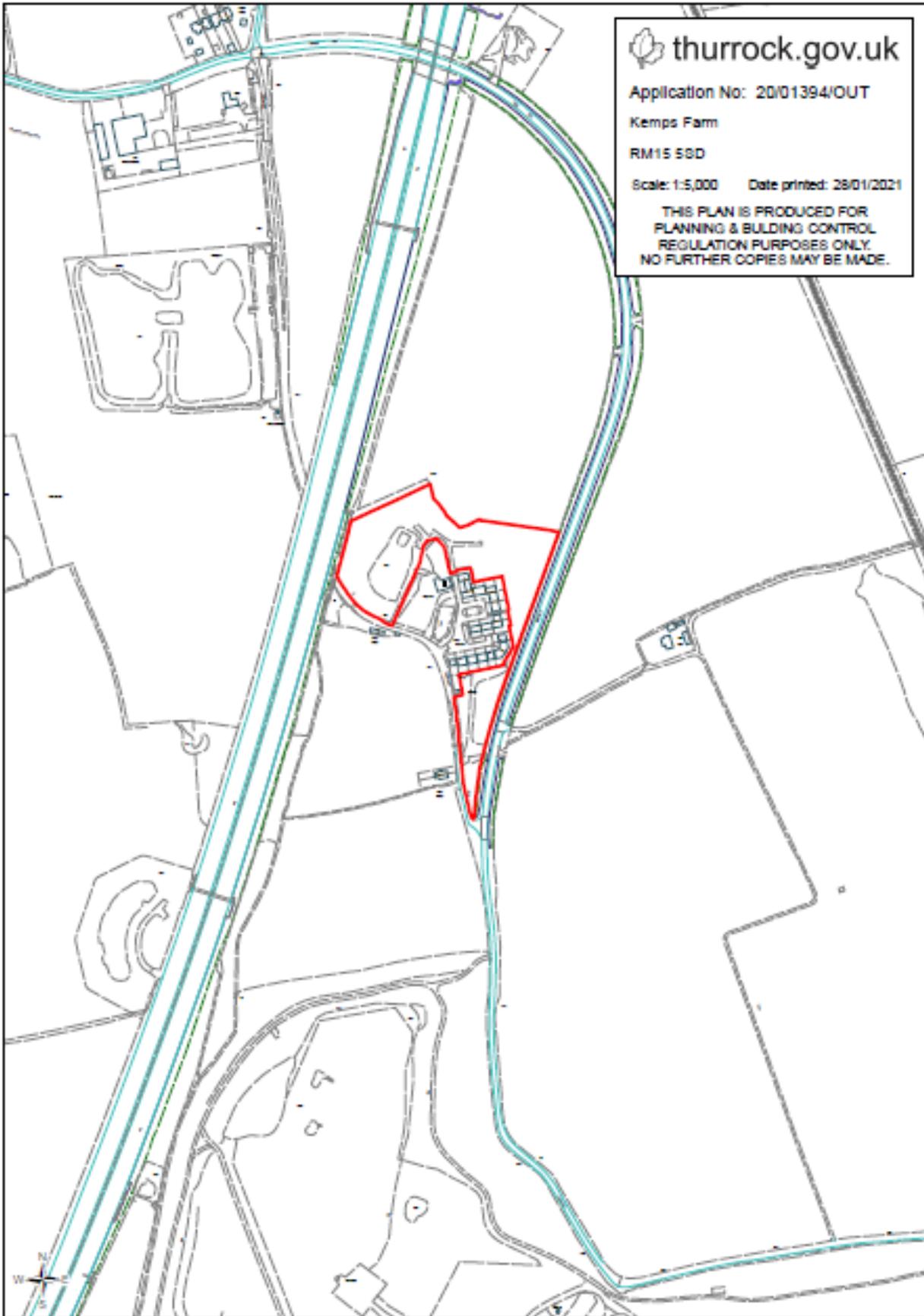
2. The proposal would create an isolated residential development at a site that is located in an unsustainable location, distant from community services, essential support facilities and a choice of transport modes. As such the proposal would represent an unsustainable form of development in an unsustainable location, contrary to policies CSSP1, CSSP4 and PMD2 of the adopted Core Strategy and Policies for the Management of Development (2015) and Chapter 2 of the NPPF
3. The development, would, by reason of its siting, and scale in close proximity to designated heritage assets, be harmful to the setting of these assets. This harm would not be outweighed by the limited benefit of the scheme in terms of the provision of an additional residential unit. As a result the proposal would be contrary to policies PMD4 and CSTP24 of the Core Strategy 2015 and paragraphs 193 and 197 of the NPPF.

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



© Crown copyright and database rights 2021 Ordnance Survey 100025457

This page is intentionally left blank

# Agenda Item 7

Planning Committee 25 February 2021

Application Reference: 19/01418/FUL

<p><b>Reference:</b> 19/01418/FUL</p>	<p><b>Site:</b> Thurrock Football Club Ship Lane Aveley RM19 1YN</p>
<p><b>Ward:</b> West Thurrock and South Stifford</p>	<p><b>Proposal:</b> Retention of the former Thurrock Football Club stadium for ongoing football use. Development of a vehicle Pre-Delivery Inspection (PDI) centre on the site of training / practice pitches to the north of the stadium to comprise 1,224 parking spaces, PDI Building (1,199.6 sq.m GEA), new access to include HGV turnaround, 2.4m high boundary fence, landscaping, change of use of existing flat (Use Class C3) to Use Class D2 and associated works.</p>

<b>Plan Number(s):</b>		
Reference	Name	Received
AJ0029-SDA-00-00-DR-A-10001 Rev. P2	Location Plan	16.09.19
A1J0029-SDA-00-00-DR-A-10100 Rev. P1	Existing Site Plan	16.09.19
AJ0029-SDA-00-XX-DR-A-PL001 Rev. P13	Proposed Site Plan	22.10.20
AJ0029-SDA-01-00-DR-A-PL100 Rev. P4	Proposed Floor Plans	16.09.19
AJ0029-SDA-01-ZZ-DR-A-PL200 Rev. P2	Proposed Elevations	16.09.19
19037-13-T-E	Existing & Proposed Stadium Overview Plan	16.09.19
19037-13-B-G1	Existing & Proposed Floor Plan (Grandstand)	16.09.19
19037-13-B-G2	Existing & Proposed Floor Plan (Main Changing Rooms)	16.09.19
19037-13-B-G3	Existing & Proposed Floor Plan (North Stand)	16.09.19
19037-13-B-G4	Existing & Proposed Floor Plan (Junior Changing Rooms)	16.09.19
19037-13-B-G5	Existing & Proposed Floor Plan (West Stand)	16.09.19
19037-13-B-G6	Existing & Proposed Floor Plan (South Stand – Ship Lane)	16.09.19

19037-13-E-1	Existing & Proposed Elevations & Sections Changing Room (Main)	16.09.19
19037-13-E-2	Existing & Proposed Elevations (Ship Lane Stand)	16.09.19
19037-13-E-3	Existing & Proposed Elevations (Main Grandstand)	16.09.19
19037-13-E-4	Existing & Proposed Elevations & Sections (North Stand)	16.09.19
19037-13-E-5	Existing & Proposed Elevations (West Stand)	16.09.19
581-EX03	Sketch Scheme Club House Floor Plans As Existing	16.09.19
581-EX04	Planning Application Club House Elevations As Existing	16.09.19

<p>The application is also accompanied by:</p> <ul style="list-style-type: none"> <li>• Arboricultural Report</li> <li>• Archaeological Desk Based Assessment</li> <li>• Design &amp; Access Statement</li> <li>• Flood Risk Assessment &amp; Surface Water Drainage Strategy</li> <li>• Geo-Environmental Desk Study Report</li> <li>• Noise Impact Assessment</li> <li>• Planning Statement</li> <li>• Preliminary Ecological Appraisal</li> <li>• Reptile Survey Report</li> <li>• Statement of Community Involvement</li> <li>• Transport Statement</li> </ul>	
<p><b>Applicant:</b> Group 1 Automotive</p>	<p><b>Validated:</b> 22<sup>nd</sup> October <b>Date of expiry:</b> 31<sup>st</sup> March 2021 (Extension of time agreed)</p>
<p><b>Recommendation:</b> Refuse planning permission</p>	

This application is scheduled for determination by the Council's Planning Committee because the application is considered to have significant policy or strategic

implications and constitutes a departure from the Development Plan (in accordance with Part 3 (b), Section 2 2.1 (a) of the Council’s constitution).

**1.0 BRIEF SUMMARY**

1.1 This application involves two elements comprising:

- i. Retention of the existing football stadium and associated facilities, which would be gifted to Grays Athletic Football Club (GAFC). Change of use of an existing first floor flat above the club house to Use Class D2 (assembly and leisure);
- ii. Development of a pre-delivery inspection (PDI) facility for vehicles on the site of the existing football training pitches located to the north of the football stadium. The PDI to comprise a building of c.1,200 sq.m floorspace, parking spaces for 1,224 vehicles and revised access arrangements.

**2.0 DESCRIPTION OF PROPOSAL**

2.1 The table below summarises some of the main points of detail contained within the development proposal:

Site Area	Total c.7 Ha
Area of Proposed PDI facility (including associated access & landscaping)	c.3.7 Ha
Area of retained football stadium & associated parking and ancillary areas	c.2.2 Ha (including a parking area of c.0.25 Ha)
Currently unused land to NE of stadium	c.1.1 Ha
Floorspace	c.1,200 sq.m comprising vehicle preparation areas with ancillary offices and welfare accommodation
Building Height	c. 8.1m
Jobs created	15-30 (estimate)
Parking	1,224 parking spaces for vehicle stock 13 spaces for employees (including 2 spaces for disabled users) Existing parking area for football stadium re-used

2.2 Proposed PDI Facility:

The northern part of the site, most recently used for training pitches / football practice would be developed as a PDI facility comprising stock parking for 1,224 vehicles, separate staff parking, a PDI Centre building and revised access arrangements onto

Ship Lane. The applicant (Group 1 Automotive) is a vehicle retailer group operating at over 70 locations in the south east of England comprising authorised dealerships for a number of vehicle manufacturers, including Audi, BMW and Ford. The group handles both new and used vehicles. In summary, the facility would receive, store, prepare and test vehicles prior to exportation to individual dealerships. A part two-storey PDI Centre building would be used to inspect, modify and generally prepare vehicles prior to export. No retailing of vehicles would be undertaken from the site.

- 2.3 The applicant's Transport Statement (TS) confirms that cars would be transferred to the site from four UK ports comprising Sheerness (Kent), Halewood (Merseyside), Grimsby (Humberside) and Portbury (Bristol). The TS assumes that September will be the busiest month for the site as a result in new vehicle registrations. During this month the site would receive 237 loads, the majority of which would be received from Sheerness. The TS estimates that 7-8 transporter loads would visit the site per day during September, reducing to 3 loads per day for other months. After storage, inspection and testing at the site vehicles would be exported to 22 dealerships located in Essex, Kent and south London. During September export movements are estimated to be 17 transporter movements and 6 individual car movements daily. The TS suggests that import and export of vehicles would be via the strategic road network, i.e. junctions 30 and 31 of the M25. Individual vehicles would be road tested before export, consisting of a short round trip to a petrol filling station. On a typical day 26 vehicles would be road tested, although this total would increase during September.
- 2.4 Detailed inspection, valeting etc. of vehicles would take place within a part two-storey building to be located close to the southern boundary of the PDI facility. This building would include a number of vehicle bays along with ancillary office and welfare accommodation. A new access to serve the PDI facility would be formed from 'Southway', the existing spur road from Ship Lane which served the former football club site and the Thurrock Hotel. The new access arrangements include a proposed HGV turnaround provided to discourage HGVs from continuing northbound on Ship Lane and travelling through Aveley village.
- 2.5 The PDI facility would be secured via a proposed 2.4m high metal palisade fence. No external floodlighting of the vehicle area is proposed. The use would create between 15 and 30 new jobs and would operate between 0730-1800 hours.
- 2.6 Proposed ongoing football use:

The original description of the development (submitted in September 2019) referred to 'refurbishment of the former Thurrock FC stadium' principally involving the replacement of the existing full size (c.100m x 60m) grass pitch with an artificial 3G playing surface and the retention of the remaining elements of the football stadium

(changing rooms, spectator terraces and seating areas, club house and floodlights) which would be 'gifted' to a third party in order for the football facilities to be used for a community use.

- 2.7 However, following discussions with Sport England, the applicant now proposes the retention of the football stadium in its current form and its 'gifting' to GAFC. In addition to the 'gifting' of the football stadium, the applicant is offering a financial contribution of £500,000 towards the provision of new or enhanced playing pitch provision at Belhus Park, Aveley. The applicant also refers to a Community Use Agreement (CUA) to manage how the football facilities will be used and mitigate the loss of the existing practice pitches. It should be noted that any relocation of GAFC from their current home ground (at Aveley FC) to the site would not require any form of planning permission, as no operational development or change of use is involved.
- 2.8 The proposals also include the change of use of an existing residential flat located above the clubhouse to Use Class D2 (assembly and leisure). Paragraph 7.18 of the Planning Statement advises that discussions with Essex FA have confirmed their wish to use the first floor flat for teaching purposes, meetings and conferences.

### **3.0 SITE DESCRIPTION**

- 3.1 This proposal involves the site of the former Thurrock Football Club, located to the north of jct. 31 of the M25 motorway and in between Ship Lane (to the west) and the northbound slip road from jct. 31 to jct. 30 (to the east). The site comprises the following three main elements:
- (i) football stadium: located on the south and south-western part of the site and focused on a full-size and floodlit football pitch. An unmarked car parking area adjoins the pitch to the west. At the southern edge of this parking area is a club house building with bar, office, kitchen and toilets located at ground floor level with a residential flat above. At the western-end of the pitch and behind one of the goals is a covered spectator terrace with entrance turnstiles. This covered terrace extends the northern side of the pitch. To the south of the pitch is a covered and seated grandstand. At the south-eastern corner of the pitch is a single storey changing room building containing home, away and official's rooms. A covered terrace occupies the central space behind the eastern goal with junior changing rooms, toilets and ground maintenance equipment accommodated at the eastern end of pitch. The stadium has capacity for 3,500 spectators, including 524 seats.
  - (ii) to the north of, and separated by a belt of trees from, the stadium is a level and open grassed area formerly used as a football practice / training area. Aerial photographs suggest that this areas included two, full-size playing pitches.

(iii) located to the east of the stadium and south of the practice pitched is an open and unused area of rough grassland with tree planting.

- 3.2 All of the site is located within the Metropolitan Green Belt (GB), as defined in the Core Strategy, which also defines the site of the training pitches as a Local Nature Reserve. The site of the practice pitches is within the high risk flood zone (Zone 3), although the football stadium and associated car park is at low risk of flooding (Zone 1). The northern boundary of the site immediately adjoins the Mardyke, defined by the Environment Agency as a ‘main river’. Overhead electricity transmission lines forming part of the National Grid pass east to west through the site, principally across the practice pitches. Two pylons associated with the overhead lines are positioned within the site, located adjacent to the M25 / A282 and Ship Lane frontages.
- 3.3 The site immediately adjoins an Air Quality Management Area (no. 9) which covers the site of the Thurrock Hotel and is designated due to its position adjacent to junction 31 of the M25. The site of the practice pitches and land to the east of the stadium is underlain by landfill deposited in the 1980s.

**4.0 RELEVANT PLANNING HISTORY**

4.1 The site of the former Thurrock FC stadium originally formed part of the grounds of the Aveley County Secondary School which was built in the 1930’s. The school building was later used as an annex to Thurrock Technical College and was converted to its current use as a hotel in the late 1980’s. Thurrock FC (originally named Purfleet FC) played at the site from the mid-1980’s until the resignation of the club from competition at the end of the 2017/18 football season. The recent relevant planning history of the former football club site, including the practice pitches, is set out in the table below:

Application Ref.	Description of Proposal	Decision
75/00179/FUL	Infilling to suitable depth to provide workable top soil for vegetable production - Average additional depth approx. 8 ft. School Marsh bounded on West by Ship Lane	Approved
85/00867/FUL	Changing rooms	Approved
87/00461/FUL	Grandstand and floodlights	Approved
97/00843/FUL	Football club house	Approved
98/00466/FUL	Proposed roof cover to existing terracing, new stand, fencing, hardstanding, snack bar and overflow car park	Withdrawn
98/00685/FUL	Erection of covered seating	Refused
03/00872/FUL	Disabled access ramp	Approved

03/00948/FUL	Operational works to re-surface training ground for 5 junior football practice pitches	Approved
19/01586/SCR	Environmental Impact Assessment Screening Opinion pursuant to Part 3 (8) of the Town and Country Planning (Environmental Impact Assessment) Regulations 2017: Refurbishment of the former Thurrock Football Club stadium, to include replacement of existing stadium pitch with new all-weather 3G pitch for community football use. Development of a vehicle Pre-Delivery Inspection (PDI) centre on the site of training / practice pitches to the north of the stadium to comprise 1,224 parking spaces, PDI Building (1,199.6 sq.m GEA), new access to include HGV turnaround, 2.4m high boundary fence, landscaping, change of use of existing flat (Use Class C3) to Use Class D2 and associated works.	EIA not required

**5.0 CONSULTATIONS AND REPRESENTATIONS**

**5.1 PUBLICITY:**

This application has been advertised by way of individual neighbour notification letters sent to 95 surrounding occupiers, press advert and site notices. The application has been advertised as a departure from the Development Plan and a major development.

5.2 Ten individual letters of objection have been received together with 51 pro forma letters also objecting to the application. The following matters of concern have been raised:

- unsafe / inadequate access;
- increased traffic congestion;
- pollution and impact on air quality;
- harm to amenity;
- increased noise;
- loss of Green Belt;
- flooding issues; and
- impact on sewage infrastructure.

Two letters have been received both from the Vice Chairman of Grays Athletic Football Club expressing support for the retention of the football facilities for community use.

### 5.3 CONSULTATION RESPONSES:

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)

### 5.4 AVELEY & KENNINGTONS COMMUNITY FORUM:

Object to the application on the grounds of highways impact, impact on air quality, loss of Green Belt and uncertainty over public benefits.

### 5.5 ESSEX COUNTY COUNCIL (ARCHAEOLOGY):

Recommend that a planning condition is attached to any grant of planning permission requiring a programme of archaeological work, prior to commencement, in accordance with a written scheme of investigation.

### 5.6 ANGLIAN WATER:

No objections.

### 5.7 ESSEX COUNTY FIRE & RESCUE SERVICES:

No response received.

### 5.8 ESSEX POLICE:

Offer recommendations relating to Secured by Design, safer parking and fencing.

### 5.9 ESSEX & SUFFOLK WATER:

No response received.

### 5.10 HIGHWAYS ENGLAND:

No objection subject to conditions.

### 5.11 NATIONAL GRID:

Exercises its right to place a holding objection to the above proposal which is in close proximity to a high voltage transmission overhead line and electricity tower.

5.12 ENVIRONMENT AGENCY:

No objection, provided that the local planning authority take into account its flood risk responsibilities, including application of the Sequential Test.

5.13 SPORT ENGLAND:

No objection, subject to the proposed planning obligation and a condition relating to a CUA.

5.14 ENVIRONMENTAL HEALTH OFFICER:

Contaminated land – Agree with the recommendations of the applicant's desk study regarding site investigation, soil and groundwater testing and ground gas monitoring.

Noise – the development should not adversely affect the amenity of the nearest noise sensitive receptors

5.15 FLOOD RISK MANAGER:

No objections, subject to conditions.

5.16 HIGHWAYS:

No objections, subject to conditions.

5.17 LANDSCAPE & ECOLOGY:

No reply received.

5.18 SPORT & LEISURE:

Confirm that the new approach of the applicant is positive. However, support of the mitigation measures should not be seen as support for the scheme or any named community groups as part of the bid.

**6.0 POLICY CONTEXT**

6.1 National Planning Policy Framework (NPPF)

The revised NPPF was published on 19<sup>th</sup> February 2019. 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:

6. Building a strong, competitive economy;
8. Promoting healthy and safe communities;
9. Promoting sustainable transport;
12. Achieving well-designed places;
13. Protecting GB land;
14. Meeting the challenge of climate change, flooding and coastal change; and
15. Conserving and enhancing the natural 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:

- Air quality;
- Climate change;
- Design: process and tools;
- Determining a planning application;
- Flood risk and coastal change;
- Green Belt;
- Land affected by contamination;
- Natural environment;
- Open space, sports and recreation facilities, public rights of way and local green space;
- Transport evidence bases in plan making and decision taking;
- Travel Plans, Transport Assessments and Statements; 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).

Spatial Policies:

- CSSP2: Sustainable Employment Growth;
- CSSP4: Sustainable GB; and
- CSSP5: Sustainable Greengrid

Thematic Policies:

- CSTP6: Strategic Employment Provision;
- CSTP9: Well-being: Leisure and Sports;
- CSTP14: Transport in the Thurrock Urban Area: Purfleet to Tilbury;
- CSTP16: National and Regional Transport Networks;
- CSTP18: Green Infrastructure;
- CSTP19: Biodiversity;
- CSTP22: Thurrock Design;
- CSTP25: Addressing Climate Change;
- CSTP26: Renewable or Low-Carbon Energy Generation; and
- CSTP27: Management and Reduction of Flood Risk

Policies for the Management of Development

- PMD1: Minimising Pollution and Impacts on Amenity;
- PMD2: Design and Layout;
- PMD6: Development in the GB;
- PMD7: Biodiversity, Geological Conservation and Development;
- PMD8: Parking Standards;
- PMD9: Road Network Hierarchy;
- PMD10: Transport Assessments and Travel Plans;
- PMD12: Sustainable Buildings;
- PMD13: Decentralised, Renewable and Low Carbon Energy Generation;
- PMD15: Flood Risk Assessment; and
- PMD16: Developer Contributions

#### 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**

### 7.1 Procedure:

With reference to procedure, this application has been advertised (inter-alia) as being a departure from the Development Plan. Should the Planning Committee resolve to grant planning permission (contrary to recommendation), the application will first need to be referred to the Secretary of State under the terms of the Town and Country Planning (Consultation) (England) Direction 2009. The reason for the referral as a departure relates to the provision of a building where the floorspace to be created exceeds 1,000 sq.m and the scale and nature of the development would have a significant impact on the openness of the GB. Therefore, the application will need to be referred under paragraph 4 of the Direction (i.e. GB development). The Direction allows the Secretary of State a period of 21 days within which to 'call-in' the application for determination via a public inquiry. In reaching a decision as to whether to call-in an application, the Secretary of State will be guided by the published policy for calling-in planning applications and relevant planning policies.

### 7.2 The assessment below covers the following areas:

- I. Green Belt considerations;
- II. Traffic impact, access and car parking;
- III. Design and layout;
- IV. Impact on ecology and biodiversity;
- V. Flood risk and drainage;
- VI. Effect on neighbouring properties;

- VII. Land contamination and ground conditions;
- VIII. Energy and sustainable buildings; and
- IX. Other Matters

## I. GREEN BELT CONSIDERATIONS

7.3 As noted above, there are two key limbs to the proposals; firstly the re-use of the former football stadium; and secondly the construction of the PDI Centre building, open vehicle storage and associated development connected with the proposed PDI facility. As all of the site is located within the Green Belt, adopted Core Strategy policies CSSP4 and PMD6 apply to the proposals alongside part 13 of the NPPF (Protecting GB land). Under the heading of Green Belt considerations it is necessary to refer to the following key questions:

- i. whether the proposals constitute inappropriate development in the Green Belt;
- ii. the effect of the proposals on the open nature of the Green Belt and the purposes of including land within it; and
- iii. whether the harm to the Green Belt is clearly outweighed by other considerations so as to amount to the very special circumstances (VSC) necessary to justify inappropriate development.

7.4 i. whether the proposals constitute inappropriate development in the Green Belt: Football Stadium

With regard to the proposed re-use of the football stadium, no new buildings are proposed and no operational development would occur. As noted above, the re-use of the vacant football stadium and associated facilities by GAFC does not involve 'development' (as defined in the Planning Act). Although the applicant's description of the proposal includes reference to "*retention of the former Thurrock Football Club stadium for ongoing football use*" planning permission is not required for the retention of the stadium and its re-use by GAFC. Consequently, the impact of the proposed re-use on the Green Belt is considered to be nil. An essential characteristic of the Green Belt, as defined by paragraph 133 of the NPPF, is openness and the proposed re-use would have no demonstrable impact on this characteristic.

7.5 Core Strategy Spatial Policy CSSP4 (Sustainable Green Belts) reflects the objective of national policy to maintain the "*purpose, function and open character of the Green Belt in Thurrock*". As noted above, the re-use of the football facilities would have no discernible effect on the open character of the Green Belt and consequently there is no conflict with Policy CSSP4. Core Strategy Policy PMD6 (Development in the Green Belt) states, inter-alia, that the Council "*will plan positively to enhance the beneficial use of the Green Belt by looking for opportunities to provide access to the countryside, provide opportunities for outdoor sport and recreation ...*". It is

considered that the proposals could offer opportunities for outdoor sport in accordance with this element of PMD6. However, given the use of the stadium for football activities since the 1980s, this would not necessarily be a new or additional benefit.

- 7.6 The proposals would retain and re-use the existing football stadium buildings, comprising the club house, changing rooms, spectator terraces / seating etc. Paragraph 146 (d) of the NPPF confirms that the re-use of buildings, provided that the buildings are of permanent and substantial construction, is not inappropriate in the Green Belt, provided the re-use preserves openness and does not conflict with the purposes of including land in the Green Belt. According to the applicant's Planning Statement (para. 7.16) reports have confirmed that the stadium is in good condition and at a site visit in October 2019 there was no reason to suggest that the buildings have fallen into disrepair. As the various stadium buildings and structures already exist, their proposed re-use raises no conflict in principle with Green Belt policy as expressed in the NPPF.
- 7.7 The final element of the football-related proposals is the proposed change of use of the existing first floor flat, located above the club house, to Class D2 (assembly and leisure) use. The applicant refers to discussions with Essex FA and the wish of the Association to use the existing flat as function rooms for teaching, meetings and conferences. In terms of the impact of this proposed change of use on the Green Belt, paragraph 146 (d) applies. As the clubhouse building is of permanent and substantial construction the re-use as proposed raises no conflict in principle with the NPPF or Core Strategy policies in this respect.
- 7.8 Whether the proposals constitute inappropriate development in the Green Belt: PDI Facility

Paragraph 133 of the NPPF confirms that the Government attaches great importance to GBs and states that the:

*“fundamental aim of Green Belt policy is to prevent urban sprawl by keeping land permanently open; the essential characteristics of Green Belt are their openness and their permanence”.*

With regard to proposals affecting the Green Belt, paragraph 143 states that

*“Inappropriate development is, by definition, harmful to the Green Belt and should not be approved except in VSC”.*

Paragraph 144 goes on to state that local planning authorities should ensure that *“substantial weight”* is given to any harm to the Green Belt and that ‘VSC’ will not

exist unless the potential harm to the Green Belt by way of inappropriateness, and any other harm resulting from the proposal, is clearly outweighed by other considerations.

7.9 With reference to proposed new buildings in the Green Belt, paragraph 145 confirms that a local planning authority should regard their construction as inappropriate, with the following exceptions:

- a) buildings for agriculture and forestry;
- b) the provision of appropriate facilities (in connection with the existing use of land or a change of use) for outdoor sport, outdoor recreation, cemeteries and burial grounds and allotments; as long as the facilities preserve the openness of the GB and do not conflict with the purposes of including land within it;
- c) 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;
- d) the replacement of a building, provided the new building is in the same use and not materially larger than the one it replaces;
- e) limited infilling in villages;
- f) limited affordable housing for local community needs under policies set out in the development plan (including policies for rural exception sites); and
- g) limited infilling or the partial or complete redevelopment of previously developed land, whether redundant or in continuing use (excluding temporary buildings), which would:
  - not have a greater impact on the openness of the GB than the existing development; or
  - not cause substantial harm to the openness of the GB, where the development would re-use previously developed land and contribute to meeting an identified affordable housing need within the area of the local planning authority.

7.10 The proposals for the PDI facility include a part two-storey PDI centre building to be used for commercial purposes. Clearly this element of the proposed development does not fall within any of the exceptions listed at (a) to (g) above and therefore constitutes inappropriate development.

7.11 The remaining element of the PDI facility is the proposed formation of a hardsurfaced storage area to accommodate 1,224 parking spaces, separate staff parking, a turning area for car transporters and the HGV turning area. This area, apart from the HGV turning area would be enclosed by a 2.4m high palisade fence. The laying down of a hardstanding is normally defined as an 'engineering operation' and not a 'building operation'. Paragraph 146 of the NPPF states that certain other forms of development (apart from the building operations defined at paragraph 145 (a) to (g) are:

*“not inappropriate in the Green Belt provided they preserve its openness and do not conflict with the purposes of including land within it”.*

In this case, it is considered that the formation of such a large area of hardstanding, extending to c. 3Ha in area, and the associated 2.4m high palisade fence would materially reduce the openness of the Green Belt at this location. Consequently, it is considered that the vehicle storage area, parking area, turning areas and perimeter fencing, in addition to the proposed PDI Centre building, are also inappropriate development.

7.12 Development plan policy, as expressed in the Core Strategy and Policies for the Management of Development (as amended 2015) is consistent with national policy on Green Belt matters. Core Strategy policy CSSP4 sets out the objective of maintaining the purpose, function and open character of the Green Belt. In order to implement this policy, the Council will:

- maintain the permanence of the boundaries of the Green Belt;
  - resist development where there would be any danger of coalescence; and
  - maximise opportunities for increased public access, leisure and biodiversity.

7.13 In addition, Core Strategy policy PMD6 states that, inter-alia, planning permission will only be granted for new development in the Green Belt provided it meets, as appropriate, the requirements of the NPPF. Consequently, it is a straightforward matter to conclude that the proposals for the PDI facility, comprising the building, associated hardstandings and perimeter fence constitute inappropriate development in the Green Belt.

7.14 ii. The effect of the proposals on the open nature of the Green Belt and the purposes of including land within it

The analysis in the paragraphs above concludes that the re-use of the existing football stadium for football use raises no conflict in principle with national or local planning policies for the GB. However, it has been established that the proposed PDI facility is inappropriate development which is, by definition, harmful to the GB (NPPF para. 143). However, it is also necessary to consider whether there is any other harm (NPPF para. 144).

7.15 As noted above paragraph 133 of the NPPF states that the fundamental aim of GB policy is to prevent urban sprawl by keeping land permanently open; the essential characteristics of GBs being described as their openness and their permanence. With regard to the proposed PDI facility, it is clear from the submitted drawings that

built development and accompanying hardstandings would occupy a considerable part of the site. The PDI proposals would therefore comprise a substantial amount of new built development and engineering operations in an area which is currently open. Advice published in NPPG (July 2019) addresses the role of the GB in the planning system and, with reference to openness, cites the following matters to be taken into account when assessing impact:

- openness is capable of having both spatial and visual aspects;
- the duration of the development, and its remediability; and
- the degree of activity likely to be generated, such as traffic generation.

7.16 It is considered that the proposed PDI facility would have a detrimental impact on both the spatial and visual aspects of openness, i.e. an impact as a result of the footprint of development and building volume. The applicant has not sought a temporary planning permission and it must be assumed that the design-life of the development would be a number of decades. The intended permanency of the development would therefore impact upon openness. Finally, the development would generate traffic movements associated with the import and export of vehicles, road testing and staff movements. This activity would also impact negatively on the openness of the GB.

7.17 Therefore, it is considered that the amount and scale of development proposed would significantly reduce the openness of the site. As a consequence the loss of openness, which is contrary to the NPPF, should be accorded substantial weight in the consideration of this application.

7.18 Paragraph 134 of the NPPF sets out the five purposes which the GB serves as follows:

- a) to check the unrestricted sprawl of large built-up areas;
- b) to prevent neighbouring towns from merging into one another;
- c) to assist in safeguarding the countryside from encroachment;
- d) to preserve the setting and special character of historic towns; and
- e) to assist in urban regeneration, by encouraging the recycling of derelict and other urban land.

In response to each of these five purposes:

7.19 a) *to check the unrestricted sprawl of large built-up areas*

The NPPF does not provide a definition of the term “*large built-up areas*”. In this part of the Borough the southern edge of the GB is formed by the A1306 with land at Purfleet, West Thurrock, Chafford Hundred and Grays forming a continuous built-up

area south of the A1306. To the north of the A1306 land within the Mardyke, A13 and M25 corridors is also within the defined GB with the boundary drawn tightly around the edges of the built-up areas of Aveley and South Ockendon. It is considered that the urban area stretching between Purfleet and Grays south of the A1306 can reasonably be described as a 'large built-up area'. The location of the proposed PDI facility is however detached from the A1306 and consequently the development would not result in any material harm to the purpose of the GB in checking the unrestricted sprawl of large built-up areas.

7.20 *b) to prevent neighbouring towns from merging into one another*

As described above, the site of the proposed PDI Centre facility would be located to the north of the A1306 and the built-up area extending from Purfleet in the west to Grays in the east. The settlements of Aveley and South Ockendon to the north are separated from this built-up area by the GB. If the settlements of Aveley / South Ockendon and Purfleet / West Thurrock are described as 'towns' then the development of the PDI Centre facility would result in a small degree of merging between these settlements. Although it is accepted that this conclusion relies on some interpretation of whether the settlements and built-up areas are 'towns'.

7.21 *c) to assist in safeguarding the countryside from encroachment*

With regard to the third Green Belt purpose, the proposal would involve built development on what is currently open land. The term "countryside" can conceivably include different landscape characteristics (e.g. farmland, woodland, marshland, grassland etc.) and there can be little dispute that the site comprises "countryside" for the purposes of applying the NPPF policy test. It is considered that the proposals would constitute an encroachment of built development into the countryside at this location, causing some harm to the third purpose for including land in the Green Belt.

7.22 *d) to preserve the setting and special character of historic towns*

As there are no historic towns in the immediate vicinity of the site, the proposals do not conflict with this defined purpose of the Green Belt.

7.23 *e) to assist in urban regeneration, by encouraging the recycling of derelict and other urban land*

In general terms, the development of the proposed PDI Centre could occur in the urban area and in principle, there is no spatial imperative why Green Belt land is required to accommodate this element of the proposals. Members will be aware that a new Local Plan for the Borough is being prepared and the release of some Green Belt land is anticipated in order to meet future growth. Indeed, the existing adopted

Core Strategy (policy CSSP4) recognises the scenario of some Green Belt release. Although the new Local Plan may identify locations for the release of Green Belt land, the document and its accompanying evidence base is at an early stage and cannot be afforded weight in the decision-making process. Therefore, on first impression, the development of this Green Belt site as proposed might discourage, rather than encourage urban renewal. The applicant has not provided any analysis demonstrating whether sites within the urban area are available for the commercial use proposed.

7.24 In conclusion under the headings (i) and (ii) it is considered that the proposed PDI Centre would lead to harm to the GB by way of inappropriate development (i.e. definitional harm), would be harmful by way of loss of openness and would be harmful as a result of conflict to varying degrees with GB purposes b), c) and e). In accordance with paragraph 144 of the NPPF substantial weight should be afforded to this harm.

7.25 iii. Whether the harm to the GB is clearly outweighed by other considerations so as to amount to the VSC necessary to justify inappropriate development

Paragraph 144 of the NPPF states that, when considering any planning application, local planning authorities

*“should ensure that substantial weight is given to any harm to the Green Belt. VSC will not exist unless the potential harm to the GB by reason of inappropriateness, and any other harm, is clearly outweighed by other considerations”.*

7.26 Neither the NPPF nor the Adopted Core Strategy provide guidance as to what can comprise VSC, either singly or in combination. However, some interpretation of VSC 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 VSC (i.e. ‘very special’ is not necessarily to be interpreted as the converse of ‘commonplace’). However, the demonstration of VSC is a ‘high’ test and the circumstances which are relied upon must be genuinely ‘very special’. In considering whether VSC exist, factors put forward by an applicant which are generic or capable of being easily replicated on other sites, could be used on different cases leading to a decrease in the openness of the GB. The provisions of VSC which are specific and not easily replicable may help to reduce the risk of such a precedent being created. Mitigation measures designed to reduce the impact of a proposal are generally not capable of being VSC. Ultimately, whether any particular combination of factors amounts to VSC will be a matter of planning judgment for the decision-taker.

7.27 The Planning Statement (as updated) submitted by the applicant to accompany the application sets out the applicant's case for consideration which could amount to VSC under the following main headings:

- a) the gifting of Thurrock FC to a third party to ensure its use for community football use in perpetuity;
- b) a financial contribution of £500,000 made to Thurrock Council towards mitigating the loss of the training pitches, to be secured through a Section 106 Agreement and used towards the delivery of potential football projects at Belhus Park, Aveley;
- c) the provision of a HGV turnaround facility to assist with HGV management on Ship Lane and to avoid the use of HGVs travelling through Aveley village centre; and
- d) the introduction of an international automotive retailer to Thurrock with associated job creation.

In addition to the main points a) to d) above, the applicant also refers to various court cases, the Council's recent Strategic GB Assessment and their own assessment of the site against the purposes of the GB as described at paragraph 134 of the NPPF.

7.28 The detail of the applicant's case under these headings and a consideration of the matters raised are provided in the paragraphs below.

7.29 *a) the gifting of Thurrock FC to a third party to ensure its use for community football use in perpetuity*

Applicant's case:

The applicant cites adopted Core Strategy both policies CSTP9 (Well Being: Leisure and Sports which, inter-alia, supports the delivery of high quality sports facilities and CSTP10 (Community Facilities). It is noted that the stadium has been unused since the end of the 2017/18 football season and that, up to now, no occupier has come forward with the intention of using the stadium for sports purposes. Following discussions with Sport England and the Essex FA, GAFC have been identified as a 'partner' and the applicant intends to gift the football stadium to GAFC, who are described as a community sports partner. The applicant also refers to a Community Use Agreement (CUA).

7.30 Assessment:

For clarity, it is considered that the applicant's reference to Core Strategy policy CSTP10 is not particularly relevant and that CSTP9 is more pertinent as it specifically refers to leisure and sports. With reference to new and existing sports and leisure facilities, Policy CSTP9 states (inter-alia) that the Council will safeguard existing and future provision of leisure, sports and open space facilities and will only allow the loss of a particular facility where appropriate alternative provision can be made elsewhere. In this case although the football stadium is not identified by the proposals map as an 'open space', the proposals would nevertheless involve the continuing use of an existing sports facility. This fact does not weigh against the proposals, but it should not necessarily be concluded that positive planning weight should be placed on the re-use of the stadium. Although the description of the proposals includes reference to the "*retention of the former Thurrock Football Club stadium for ongoing football use*" no development is associated with this element of the scheme and the re-use of the stadium by GAFC does not generate the need for planning permission.

- 7.31 Understandably the applicant promotes the re-use of the stadium as a benefit associated with the PDI proposals. But the currently vacant stadium could be re-occupied by GAFC without any planning 'event' such as an application for planning permission. Put simply, the stadium could be re-used without any reference to the local planning authority.
- 7.32 The applicant is offering a CUA which is cited as potentially offering health and well-being benefits to the local community. Members of the Committee will be aware of the principle of CUAs which are routinely offered or sought in relation to new sports or community facilities. A CUA would be a new benefit in this case, as it is unlikely that the former Thurrock FC had community use secured through a planning mechanism. However, the benefit of potential wider community use should be balanced against the facilities 'on offer'. The football stadium comprises a single, adult-sized natural grass pitch, spectator stands, changing room and clubhouse. Being a natural grass surface, as opposed to an artificial 3G surface, the pitch has a limited carrying capacity and during winter months (in the middle of the football season) will deteriorate with use. It is considered unlikely that the pitch could tolerate more intensive community use beyond the 'primary' use by the GAFC first team. Therefore, compared to a 3G pitch, community use of the existing playing pitch would offer very little benefit.
- 7.33 Clearly the spectator stands, seating and players / officials changing rooms are associated with the use of the football pitch and therefore offer little opportunity for other community use. Nevertheless, the clubhouse, which can be accessed without the need to enter the football stadium, provides accommodation which could be used by the wider community for meetings, events etc. However, Members of the Committee will be aware that the purpose-built Aveley Community Hub has recently opened and

is centrally located in Aveley. Any community use of the football stadium is welcomed, but perhaps of limited benefit.

7.34 In conclusion under this heading, the 'development' which attracts the requirement for planning permission in this case is the proposed PDI facility and change of use of the first floor of the clubhouse. The gifting of the football stadium to GAFC is not an activity requiring planning permission. It is understandable that the applicant would wish to rely on the gifting as a benefit when it is considered that GAFC do not have a home ground of their own and indeed have been promoting a new stadium in north Grays for some time. The stadium has been vacant for over two seasons and its re-use is broadly speaking desirable. However, in terms of planning policies which clearly set out protection for the GB, the proposed re-use and re-occupation of a currently vacant stadium does not carry significant or compelling weight in favour of the development. Members are reminded that it is the PDI proposals which are the principal development in this case. For the reasons given above, it is considered that any benefits arising from a CUA for the re-use of the stadium would be limited.

7.35 *b) a financial contribution of £500,000 made to Thurrock Council towards mitigating the loss of the training pitches, to be secured through a Section 106 Agreement and used towards the delivery of potential football projects at Belhus Park, Aveley.*

Applicant's case:

Mitigation for the loss of the two training pitches located to the north of the stadium would be provided in the form of a financial contribution to the Council to be used for the provision of replacement facilities. Football pitch provision at Belhus Park has been identified as a suitable project. This is cited as a wider community benefit.

7.36 Assessment:

The consultation response received from Sport England (who are a statutory consultee in this case) raises no objection to the application, subject to subject to:

- a financial contribution to mitigate the impact of the development on the playing fields (via s106 agreement) and;
- the freehold transfer of the former Thurrock FC stadium being secured (via a s106 agreement); and
- a planning condition relating to a CUA for the use of the stadium.

Within their response Sport England refer to paragraph no. 97 of the NPPF which states that:

*“Existing open space, sports and recreational buildings and land, including playing fields, should not be built on unless (inter-alia):*

*b) the loss resulting from the proposed development would be replaced by equivalent or better provision in terms of quantity and quality in a suitable location”*

7.37 Core Strategy policy CSTP9 (Well-Being: Leisure and Sports) identifies Belhus Park as a key site for leisure and sports facilities. Therefore, in terms of location, Belhus Park is considered appropriate for replacement facilities which would be lost as a result of the PDI development. However, both the applicant and Sport England refer to the proposed financial contribution as “mitigation” for the loss of the two full-sized training pitches. As noted earlier in the report (paragraph 7.26) the mitigation of impact is unlikely to qualify as consideration, or indeed a benefit, which should be afforded positive weight in the balance of GB. In simple terms, the financial contribution could be used to provide replacement pitches at Belhus Park such that there is no overall loss in provision. In this context any like-for-like replacement cannot be seen as a benefit attracting positive weight.

7.38 Members will be aware that Core Strategy policy PMD16 addresses developer contributions which will be sought:

*“... in accordance with the NPPF ...to mitigate or compensate for the loss of any significant amenity or resource ...”*

Paragraph 56 of the NPPF states that planning obligations must only be sought where they meet all of the following tests:

- 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.

7.39 In order to justify planning obligations to meet these tests the Council has an Infrastructure Requirement List (IRL) which identifies a range of infrastructure projects which would engage dependent on the nature of a development proposal. In this case, at the time of writing, the IRL identifies project references 0446, 0454 and 0456 respectively for a full-size 3G football pitch, youth football pitch and mini football pitch all located at Belhus Park. However, these projects are included in the IRL to meet the likely increase in demand for leisure and recreation created by population growth from new residential development. As such, the Council could only reasonably request financial contributions for these projects where new residential development is proposed. This is not the case here as commercial development is involved.

7.40 Despite the fact that the proposed financial contribution cannot be justified through the IRL, both the NPPF (paragraph 97) and Core Strategy policy (CSTP9 and PMD5) require the like-for-like replacement of sports pitches lost to development. Accordingly, there is a policy justification for replacement provision and a financial contribution is the most appropriate mechanism for securing delivery in this case. However, it is emphasised that the contribution is to secure replacement playing pitches to mitigate the proposed loss of existing pitches on the site. The financial contribution cannot be considered as a benefit which would attract positive weight in the planning balance: rather it is a policy requirement.

7.41 *c) the provision of a HGV turnaround facility to assist with HGV management on Ship Lane and to avoid the use of HGVs travelling through Aveley village centre*

Applicant's case:

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.

7.42 Assessment:

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.

7.43 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' will be dependent on available funding, so at this time a potential delivery date for a new roundabout is not known.

7.44 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. Consequently only limited positive weight should be afforded to the applicant's proposed HGV turn-round.

7.45 *d) the introduction of an international automotive retailer to Thurrock with associated job creation*

Applicant's case:

The applicant (Group 1 Automotive) is an international automotive retailer and will create between 15 – 30 full-time equivalent (FTE) jobs during operation. Construction phase jobs will also be created. The applicant is prepared to accept a s106 obligation to promote local employment.

7.46 Assessment:

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 in conflict with the environmental objective of sustainable development and job creation on its own would not clearly outweigh GB harm to justify a departure from planning policies.

7.47 The applicant's Planning Statement suggests that between 15 and 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. The widely accepted guide to employment densities is the 'Employment Density Guide' (3<sup>rd</sup> 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 sq.m, 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).

7.48 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. 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. Accordingly, although the proposed 15-30 jobs are welcome, the proposals are not an efficient use of the land and more conventional employment uses would be expected to generate greater employment benefits.

7.49 In these circumstances only limited positive weight is applied to this factor.

Green Belt Conclusions:

7.50 The proposed PDI centre comprises inappropriate in the GB. Consequently, the development would be harmful by definition with reference to paragraph 143 of the NPPF. The proposals would reduce the openness of the GB and, with reference to the purposes of the Green Belt defined by NPPF para. 134, would result in a degree of coalescence and encroachment contrary to purposes (b) and (c). In accordance with NPPF paragraph 144 “substantial” weight should be given to this harm.

7.51 With reference to the applicant’s case for other considerations, an assessment of the factors promoted is provided in the analysis above. However, for convenience, the weight which can be attached to the factors promoted by the applicant and the GB harm can be briefly summarised as:

<b>Summary of Green Belt Harm and Very Special Circumstances</b>			
<b>Harm</b>	<b>Weight</b>	<b>Factors Promoted as comprising Very Special Circumstances</b>	<b>Weight</b>
Inappropriate development	Substantial	The gifting of Thurrock FC to a third party to ensure its use for	Limited Weight

		community football use in perpetuity	
Reduction in the openness of the Green Belt		A financial contribution of £500,000 made to Thurrock Council towards mitigating the loss of the training pitches, to be secured through a Section 106 Agreement and used towards the delivery of potential football projects at Belhus Park, Aveley	No Weight
Conflict (to varying degrees) with a number of the purposes of including land in the Green Belt – purposes c and e.		The provision of a HGV turnaround facility to assist with HGV management on Ship Lane and to avoid the use of HGVs travelling through Aveley village centre	Limited Weight
		The introduction of an international automotive retailer to Thurrock with associated job creation	Limited Weight

7.52 As ever in reaching a conclusion on Green Belt issues, a judgement as to the balance between harm and whether the harm is clearly outweighed by other considerations, including the benefits of the development, must be reached. In this case there is harm to the Green Belt with reference to inappropriate development, loss of openness and some conflict with the purposes of the Green Belt. Several factors have been promoted by the applicant as comprising benefits which could clearly outweigh the harm to the GB Green Belt (and any other harm) so as to comprise the VSC necessary to approve inappropriate development. It is for the Committee to judge:

- i. the weight to be attributed to these factors;
- ii. whether the factors are genuinely ‘very special’ (i.e. site specific) or whether the accumulation of generic factors combine at this location to comprise VSC.

7.53 Members of the Planning Committee are reminded of the content of NPPF paragraph 144 which states:

*“Very Special Circumstances will not exist unless the potential harm to the Green Belt by reason of inappropriateness, and any other harm resulting from the proposal, is clearly (emphasis added) outweighed by other considerations.”*

7.54 Therefore, and although every case falls to be determined on its own merits, the benefits of the proposals must clearly outweigh the harm for VSC to exist. If the balancing exercise is finely balanced, then VSC will not exist. In this case it is considered that the limited benefits of the proposals do not clearly outweigh the substantial harm to the GB and as a consequence VSC do not exist.

## II. TRAFFIC IMPACT, ACCESS & CAR PARKING

7.55 The planning application is accompanied by a Transport Statement (TS) and, following a series of discussions between the applicant, local highways authority officers and Highways England, this Statement has been supplemented by a series of technical notes, further data and a road safety audit. As the application site is located a short distance to the north of the M25 jct.31 Highways England have been consulted due to the linkages between jct. 31 (which is a local highways authority asset) and jct. 30 (which is a Highways England asset).

7.56 With regard to the impact of the proposals on traffic generation, as mentioned earlier in this report the re-use of the football stadium is not development requiring planning permission. In any case the existing stadium is served by a hardsurfaced although un-marked car parking area. Bus service no. 372 also routes along Ship Lane and there are bus stops close to the entrance to the football stadium. The no. 372 service provides either 2 or 3 buses per hour (Monday to Saturday). In light of the existing car parking facilities and access to bus services it is concluded that re-use of the football stadium would have no implications for trip generation.

7.57 With reference to the proposed PDI Centre, vehicles to be processed at the facility would be imported into the UK via four ports located at Sheerness (Kent), Halewood (Merseyside), Grimsby (Humberside) and Portbury (Bristol). After the vehicles are tested and prepared at the site, they would be exported to 22 dealerships located in Essex, Kent and south London. The applicant's TS (amended) provides a break-down of anticipated HGV movements associated with the import and export of vehicles. The TS also considers the fluctuation in HGV movement associated with new vehicle registrations. The TS indicates a likely average of 210 movements, including 44 HGV movements per day. The TS also refers to movements associated with the road-testing of vehicles prior to export, including an associated route.

7.58 The Council's Highways Officer has considered applicant's TS and concluded that its content is acceptable. Subject to mitigation measures to be secured via planning conditions, the impact of the proposals on the local highways network and junction capacity is accepted. Accordingly, planning conditions, were permission to be granted, are suggested to address:

- maximum number of daily HGV movements;

- records of HGV movements;
- times of HGV movements;
- maximum number of roads tests;
- hours of road tests;
- submission of details of the proposed HGV turning loop; and
- a vehicle booking system.

A number of 'standard' highways planning conditions are also recommended.

7.59 The formal consultation response from Highways England (received December 2020) recommends that planning conditions are attached to any grant of planning permission to address the following matters:

- submission of a vehicle imports strategy;
- submission of a delivery and servicing management plan; and
- submission of a Travel Plan.

7.60 Therefore the conclusions of both the local and strategic highways authorities are that, subject to mitigations to be secure by planning conditions, there are no planning objections to the application.

### III. DESIGN & LAYOUT

7.61 The proposed PDI centre would involve the formation of a large area of hardstanding for vehicle parking extending to c.3.7 Ha in area and providing 1,224 parking spaces. This area would have a functional appearance and, due to the value of the cars on-site, would be secured with a 2.4m high security fence. Although the applicant has not referred to security lighting as part of the submission, the need for such lighting should not be discounted given the extent of the site and health and safety requirements.

7.62 A part two-storey building is proposed comprising 1,200sq.m to a height of 8.1m. The appearance of this building would be somewhat utilitarian with a shallow roof pitch and silver-grey coloured cladding. Although it appreciated that this is a functional building, the design and appearance displays little architectural interest.

7.63 To the north of the site on the northern side of the Mardyke is a recreational footpath through the Mardyke river valley. Although a landscape buffer is proposed along the

northern boundary of the site which would potentially filter views towards the site when established, the proposed security fencing and building would appear as prominent to views from the footpath. The visual impact of the proposals does not weigh in favour of the proposals. Members of the Committee will be aware that the NPPF and the Council's own planning policies emphasise the importance of good design. It is considered that the proposed building would be visually prominent and would not be visually attractive as required by paragraph 127 of the NPPF.

#### IV. IMPACT ON ECOLOGY & BIODIVERSITY

- 7.64 The application is accompanied by a Preliminary Ecological Appraisal (PEA) and Reptile Survey Report. The conclusions of the PEA recommend a series of mitigation measures to address potential impacts on protected / importance species and habitats on-site. The majority of land required for the development of the PDI centre currently comprises open, short-mown grass which is considered to be of little ecological value. As mentioned above, new landscaping is proposed along the northern site boundary. An area of unused land east of the stadium would not be affected by the proposals. Consequently, it is concluded that, subject to mitigation to be secured by planning conditions, there are no objections to the proposals on ecological grounds.

#### V. FLOOD RISK & DRAINAGE

- 7.65 The site is located within the high risk flood zone (3a) and is located adjacent to a main river. The consultation response from the Environment Agency does not object to the proposal, but reminds the local planning authority of its responsibilities in applying the Sequential Test. Paragraph no. 158 of the NPPF states:

*“The aim of the sequential test is to steer new development to areas of lowest risk of flooding. Development should not be allocated or permitted if there are reasonably available sites appropriate for the proposed development in areas with a lower risk of flooding ...”*

- 7.66 A Strategic Flood Risk Assessment (SFRA) (2010) was undertaken on behalf of the Council in 2010 with the purpose of informing the Core Strategy and this document applied the sequential test to the identified 'broad areas for regeneration' in the Borough. Consequently, for development proposals within these broad areas the sequential test is passed via application of the SFRA. Guidance within NPPG states that:

*“For individual planning applications ... where the use of the site being proposed is not in accordance with the development plan, the area to apply the Sequential Test across will be defined by local circumstances relating to the catchment area for the*

*type of development proposed ... When applying the Sequential Test, a pragmatic approach on the availability of alternatives should be taken”*

Under the heading of ‘Who is responsible for deciding whether an application passes the Sequential Test?’ NPPG advises:

*“It is for local planning authorities, taking advice from the Environment Agency as appropriate, to consider the extent to which Sequential Test considerations have been satisfied, taking into account the particular circumstances in any given case. The developer should justify with evidence to the local planning authority what area of search has been used when making the application.”* (emphasis added)

Further advice on the process of undertaking the Sequential Test is available from the Environment Agency who advise that developers should provide information about:

- alternative sites;
- estimates of alternative site capacity; and
- information about the Development Plan allocation, constraints etc. of alternative sites.

The applicant has submitted a Flood Risk Assessment and Surface Water Drainage Strategy, however this document does not provide the information referred to above to enable the local planning authority to undertake the Sequential Test. Therefore it cannot be demonstrated that there are no reasonable alternative sites located in an area with a lower risk of flooding which could accommodate the development proposals. The requirements of Core Strategy PMD15 and relevant parts of the NPPF are not satisfied.

## VI. EFFECT ON NEIGHBOURING PROPERTIES

- 7.67 The closest sensitive receptors to the site are potential guests at the Thurrock Hotel located to the south of the site on the southern side of the stadium. Activities at the proposed PDI centre would principally involve car and HGV movements associated with the delivery, export and testing of vehicles. Any potentially noisy activities associated with the preparation of vehicles would occur inside the PDI building. Consequently it is considered that the PDI centre would not result in any significant harm to the amenity of hotel guests.

## VII. LAND CONTAMINATION & GROUND CONDITIONS

- 7.68 The site of the proposed PDI centre comprises made ground (landfill) dating from the 1980’s and the submission is therefore accompanied by a ground conditions report (preliminary assessment). The Council’s Environmental Health Officer considers that

a ground condition survey should be undertaken to determine the extent of any potential contamination and establish the load bearing strength of the strata. A planning condition could be used to address this matter were the application recommended for approval.

## VIII. ENERGY & SUSTAINABLE BUILDINGS

- 7.69 As the proposed PDI centre building exceeds 1,000 sq.m in floorspace, policies PMD12 and PMD13 of the adopted Core Strategy require compliance with specified BREEAM standards and generation of on-site electricity from renewable or other sustainable sources. Although the application is not accompanied by any energy or sustainability statement confirming intended standards, planning condition could be used to address this matter were the application recommended for approval.

### 8.0 CONCLUSIONS AND REASONS FOR RECOMMENDATION

- 8.1 The principal issue for consideration in this case is the assessment of the proposals against planning policies for the GB and whether there are very special circumstances which clearly outweigh harm such that a departure from normal policy can be justified. The proposals are 'inappropriate development' in the GB, would lead to the loss of openness and would cause some harm to the purposes of the Green Belt. Substantial weight should be attached to this harm in the balance of considerations. Although positive weight can be given to some of the benefits of the proposals, the identified harm must be clearly outweighed for VSC to exist. NPPF para. 144 sets the stringent policy test that harm must be clearly outweighed by other considerations for VSC to exist. In this case it is concluded that the identified harm is not clearly outweighed by other considerations and therefore a case for VSC does not exist.
- 8.2 The design of the proposed PDI building is disappointing and would be highly visible and particularly prominent to users of the nearby Mardyke Valley footpath. Subject to potential planning conditions there are no objections to the proposals with regard to highways issues, impact on ecology or other planning considerations. However, the GB issues remain the primary matter which is of paramount importance in the consideration of this case. Consequently, 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 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 134 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. The submitted Flood Risk Assessment and Surface Water Drainage Strategy does not contain the information necessary for the local planning authority to undertake a Sequential Test to establish whether reasonable alternative sites with a lower risk of flooding are available to accommodate the development proposals. The application is therefore contrary to Policy PMD15 of the Thurrock Local Development Framework Core Strategy and Policies for the Management of Development (2015) and paragraphs 155 and 158 of the NPPF.

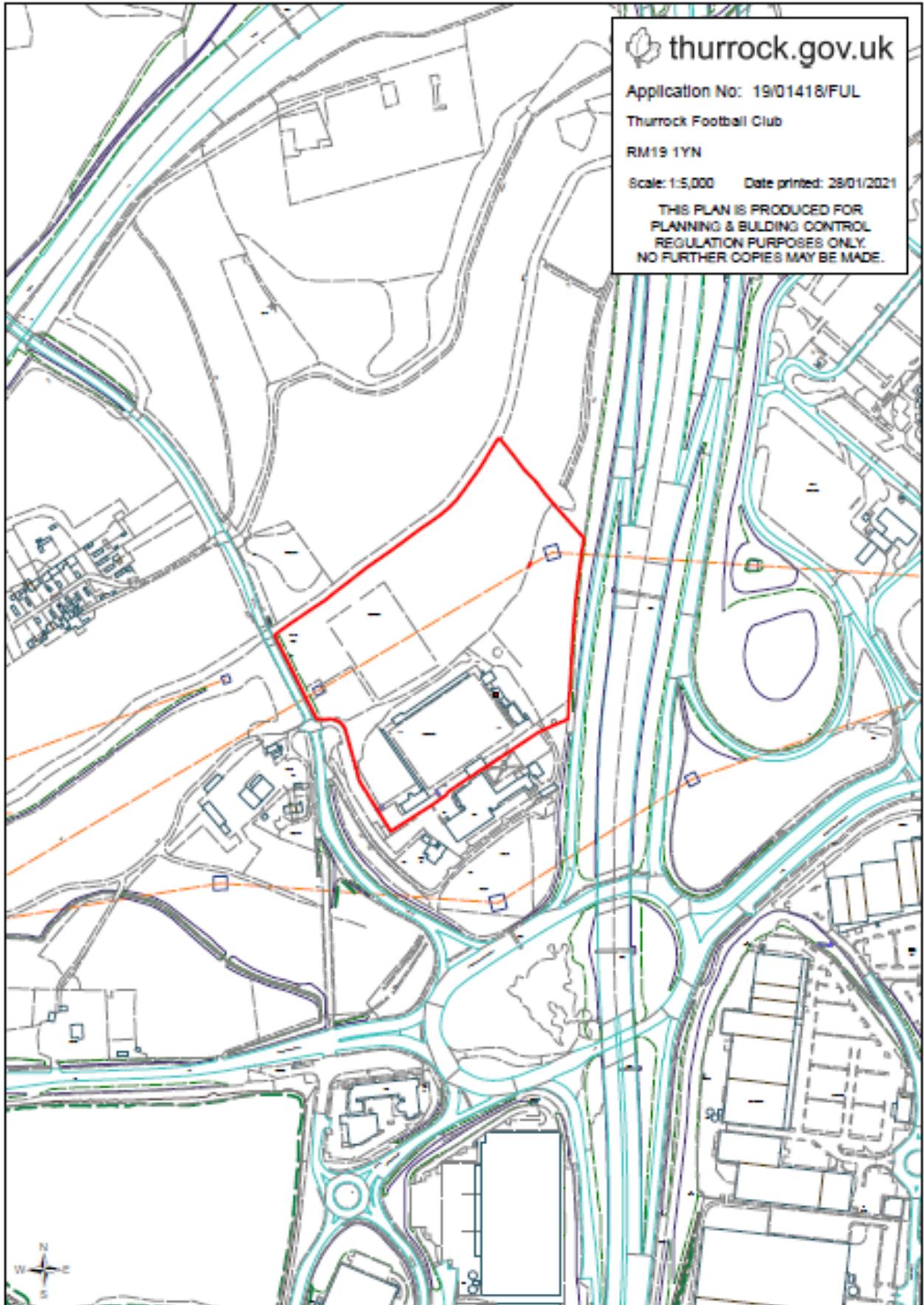
#### Positive and Proactive Statement

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 for the refusal, approval has not been possible.

#### **Documents:**

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

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



© Crown copyright and database rights 2021 Ordnance Survey 100025457

# Agenda Item 8

<b>Reference:</b> 20/01318/FUL	<b>Site:</b> 32 Lancaster Road Chafford Hundred Grays Essex RM16 6BB
<b>Ward:</b> South Chafford	<b>Proposal:</b> Demolition of existing double garage, subdivision of existing plot and the construction of a new detached dwelling, including off-street parking, private garden amenity space and associated development.

Plan Number(s):		
Reference	Name	Received
19-017-200-07	Proposed Site Layout	2nd October 2020
19-017-201-05	Proposed Plans	2nd October 2020
19-017-202-05	Sections	2nd October 2020
19-017-203-05	Site Layout	2nd October 2020
24010EA-01	Location Plan	2nd October 2020

The application is also accompanied by: <ul style="list-style-type: none"> <li>- Design and Access Statement</li> <li>- Planning Statement</li> </ul>	
<b>Applicant:</b> Havering Building & Landscapes Ltd	<b>Validated:</b> 6 October 2020  <b>Date of expiry:</b> 1 March 2021 Extension of Time as agreed by applicant
<b>Recommendation:</b> Refusal	

This application is scheduled for determination by the Council's Planning Committee because the application was called in by Cllr M. Fletcher, Cllr J. Potheary, Cllr. M. Kerin, Cllr S. Shinnick and Cllr G. Rice in accordance with Part 3 (b) 2.1 (d)(ii) of the Council's constitution to consider the proposal against the character of the area.

## 1.0 DESCRIPTION OF PROPOSAL

- 1.1 The application seeks permission for the subdivision of an existing plot, demolition of the existing double garage and construction of a new 2-bedroom dwelling, including private amenity space and off-street parking. The dwelling would be two storey with a pitched roof and of a traditional design.
- 1.2 The application is a revised scheme following the refusal of previous applications:
- 19/00783/FUL in September 2019
  - 20/00251/FUL in August 2020

## 2.0 SITE DESCRIPTION

- 2.1 The application site is a largely triangular shaped plot on the north-western side of Lancaster Road and is bordered to the west by a wooded area subject to a Tree Preservation Order (11/2000).
- 2.2 The site comprises a detached 4-bedroom property and a detached double garage. The land is within a residentially allocated area in the Core Strategy.

## 3.0 RELEVANT HISTORY

Application Reference	Description of Proposal	Decision
20/00251/FUL	Demolition of existing double garage, and subdivide existing plot to construct new dwelling, including associated development and off-street parking	Refused and dismissed on appeal
19/00783/FUL	Demolition of existing double garage, and subdivide existing plot to construct new dwelling, including associated development and off-street parking	Refused
19/01001/HHA	Two storey side extension.	Approved
00/00443/FUL	82 no. dwellings, parking and roads	Approved

## 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)

PUBLICITY:

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

4.3 ENVIRONMENTAL HEALTH:

No objection subject to conditions.

4.4 EMERGENCY PLANNING:

No objections.

4.5 HIGHWAYS

No objection subject to conditions.

4.6 LANDSCAPE AND ECOLOGY

No objection subject to conditions.

**5.0 POLICY CONTEXT**

**National Planning Guidance**

5.1 National Planning Policy Framework (NPPF)

The NPPF was published on 27 March 2012 and amended on 19 February 2019. Paragraph 10 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 11 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:

- 5. Delivering a sufficient supply of homes
- 11. Making effective use of land
- 12. Achieving well-designed places
- 15. Conserving the enhancing the natural environment

## 5.2 Planning Practice 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 number of 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
- Housing supply and delivery
- Tree Preservation Orders and trees in conservation areas

### **Local Planning Policy**

## 5.3 Thurrock Local Development Framework (as amended) 2015

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:

- CSSP1 (Sustainable Housing and Locations);

Thematic Policies:

- CSTP1 (Strategic Housing Provision)
- 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)
- PMD8 (Parking Standards)
- PMD9 (Road Network Hierarchy)

### 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 the Local Plan.

### Thurrock Design Strategy

- 5.5 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**

### BACKGROUND

- 6.1 In February 2020 an application (20/00251/FUL) was submitted, seeking planning permission for the demolition of the existing double garage and subdivision of the existing plot to construct new 2-bedroom dwelling. The application was refused for the following reason:

- 1 The proposed new dwelling by reason of its siting, forward projection and scale would lead to cramped form of development within close proximity to the highway and would have an over-dominant and overbearing impact upon the street scene significantly forward of existing dwellings on this side of the road. As such the proposal would be out of character with the appearance of the streetscene. Furthermore, the proposal would result in a poor layout of private amenity space for the proposed dwelling, detrimental to the living conditions of future occupiers. For these reasons the proposal is considered to constitute overdevelopment and is therefore contrary to policies PMD1, PMD2, CSTP22, and CSTP23 of the adopted Thurrock Core Strategy and Policies for Development DPD (as amended) 2015 and the National Planning Policy Framework 2019.*

- 6.2 The current application has been submitted in an attempt to overcome the previous reason for refusal by relocating the proposed dwellinghouse further towards the rear of the application site.

- 6.3 Members will probably recall reading the Appeal Summaries on 11<sup>th</sup> February 2021 Planning Committee Agenda. These summaries included the summary of the appeal against the refusal of the above application. The appeal was dismissed. For clarity the summary is reproduced below:

*The Inspector considered the main issues to be the effect of the proposal on the character and appearance of the area and the living conditions of future occupiers with particular regard to private amenity space.*

*The Inspector found that the scale and positioning of the dwelling within the proposed plot left very little space about the building and that the scale and siting of the proposal in relation to the plot size and its positioning close to its rear boundary would lead to the development having a somewhat cramped and discordant appearance.*

*The Inspector considered the location of the majority of the garden space to the side of the dwelling would further emphasise the limited depth of the plot and the cramped appearance of the proposed dwelling and that the siting of the dwelling in such a tight plot would appear at odds with the prevailing more open form of development within the vicinity, and thus would cause harm to the character and appearance of the area, which would be clearly visible from users of the footpath and from Lancaster Road.*

*In addition the private amenity space was found to lack sufficient depth to provide an adequate and attractive area for future occupants to utilise as a private garden area.*

*The quality of the amenity space would be further reduced through the land rising towards the footpath at the rear, the presence of mature trees within the site and its use for the storage of refuse bins. This led the Inspector to conclude that the private amenity space would be a rather enclosed area that would be neither an adequate nor attractive space for future occupiers of the proposed dwelling.*

*Thus the Inspector found the development would result in harm to the character and appearance of the area and the living conditions of future occupiers. It would be in conflict with the Core Strategy and the NPPF which seek, amongst other things, to ensure that developments contribute positively to the character of an area and provide a high standard of amenity for future users.*

*Although the proposal would boost housing supply, it would only be by one unit and the harm to the character and appearance of the area and the living*

*conditions of possible occupiers was serious and outweighs the benefits of the scheme when assessed against the policies in the NPPF taken as a whole. As such the presumption in favour of sustainable development as envisaged by the NPPF does not apply in this case.*

*For the reasons given above, and having regard to the development plan when read as a whole, the appeal was dismissed.*

- 6.4 In comparison with the previous scheme the dwelling is proposed to be 0.67m further to the rear of the site.

The assessment below covers the following areas:

- I. Principle of the Development
- II. Design and Layout
- III. Traffic Impact, Access and Car Parking
- IV. Impacts upon Amenity
- V. Impact upon Ecology and Biodiversity

#### I. PRINCIPLE OF THE DEVELOPMENT

- 6.5 The site is located within a residential area and currently forms part of the residential curtilage of the existing property. There are no objections in principle to accommodating a dwelling on the site, subject to the development being in compliance with all relevant development management policies.

#### II. DESIGN AND LAYOUT

- 6.6 The National Planning Policy Framework (NPPF) emphasises that good design is a key aspect of sustainable development, is indivisible from good planning, and should contribute positively to making places better for people. It is important to plan positively for the achievement of high quality and inclusive design for all development, including individual buildings, public and private spaces and wider area development schemes.
- 6.7 Policy CSTP22 of the Core Strategy 2015 highlights the importance of good design and indicates that development proposals must demonstrate high quality design founded on an understanding of, and response to the local context.
- 6.8 Policy PMD2 of the Core Strategy 2015 requires that all design proposals should

respond to the sensitivity of the site and its surroundings and must contribute positively to the character of the area in which it is proposed and should seek to contribute positively to local views, townscape, heritage assets and natural features and contribute to the creation of a positive sense of place.

- 6.9 The existing, single-storey garage is located further forwards towards the highway than the residential properties within the streetscene but this is seen as a subservient building to the property and is well screened by existing trees and vegetation.
- 6.10 The proposal would see the existing garage demolished and replaced with a two storey detached dwelling. The proposed dwelling has been relocated closer towards the rear boundary of the application site than in previous schemes, however it would still be located very close to the pavement, in comparison with the other dwellings on this side of Lancaster Road, which would be uncharacteristic. This clearly does not overcome the harm identified by the Inspector.
- 6.11 The location of the dwelling would be at a point where the plot tapers considerably, meaning the dwelling would appear cramped on an uncharacteristically small plot, a matter that was considered relevant by the Inspector when he dismissed the appeal. The changes to the location of the dwelling compared to the previous scheme are very minor in nature and the proposed dwelling by reason of its siting and scale would lead to cramped form of development within close proximity to the highway which would have an over-dominant and overbearing impact upon the street scene significantly forward of existing dwellings on this side of the road. As such the proposal would be out of character with the appearance of the streetscene.
- 6.12 Due to the irregular shape of the site, the proposed dwelling would have the majority of its private amenity space to its flank, on a non-private side of the dwelling. Members will note that the Inspector found this to be a reason for dismissing the appeal. Where the space would be provided to the rear, it would be on average 2.5m deep. This layout would again be uncharacteristic within the wider area, appearing cramped, overdeveloped and out of keeping with the prevailing character of the area. Owing to the limited depth of the garden it is considered the proposal and would fail to ensure a suitable outdoor living environment for occupiers of the dwelling, a matter identified as harmful by the planning Inspector.
- 6.13 The revisions to the scheme are very minor in nature, do not overcome the harm identified by officers in the previously refusal nor the comments made by the Inspector in dismissing the subsequent appeal. In light of the above, the proposal is contrary to policies CSTP22 and PMD2 of the adopted Core Strategy and the NPPF.

### III. TRAFFIC IMPACT, ACCESS AND CAR PARKING

- 6.14 The current vehicle access would be used for accessing both the existing property and the proposed dwelling. The plans show sufficient off street parking provision for both the existing properties and the access arrangements are also acceptable, from a technical highway perspective.
- 6.15 The Council's Highways Officer has raised no objection to the proposal, but has recommended conditions, if permission were to be granted, requiring the parking area to be completed and sight splays provided prior to occupation. Therefore in respect of highways matters the proposal complies with policies PMD2, PMD8 and PMD9 of the Core Strategy.

#### IV. IMPACTS UPON AMENITY

- 6.16 The proposed dwelling would be sited a suitable distance from the nearest residential neighbour located on the opposite side of Lancaster Road such that there would not be a significant loss of light, overbearing impact or loss of privacy to neighbours.

#### V. IMPACTS UPON ECOLOGY AND BIODIVERSITY

- 6.17 The trees to the rear of the application site are covered by a Tree Preservation Order 11/2000. As such, the previous application (19/00783/FUL) was supported by an arboricultural method statement to which the Council's Landscape and Ecology consultant raised no objection, provided the approved method statement was adhered to and necessary root protection measures were secured through planning condition.
- 6.18 No such method statement has been provided to support the current application, however as recommended by the Council's Landscape and Ecology consultant, were permission to be granted an Arboricultural Method Statement and Landscape Scheme would need to be approved in writing by the Local Authority

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

- 7.1 The changes to the proposal since the previous refusal are very minor and do not address the reasons for refusal, neither do they address the comments made by the Planning Inspector in dismissing the appeal.
- 7.2 The proposed dwelling would appear cramped on an uncharacteristically small plot, resulting in an over-dominant and overbearing impact upon the streetscene
- 7.3 The proposed rear garden would be very shallow, appearing cramped and

overdeveloped within the surrounding area and the proposal would result in an unsuitable habitable environment for future occupiers.

- 7.4 The proposal is contrary to Policies PMD2 and CSTP22 of the Core Strategy and the National Planning Policy Framework 2019.

## 8.0 RECOMMENDATION

- 8.1 Refuse planning permission for the following reason(s):

- 1 The proposed new dwelling by reason of its siting, forward projection and scale would lead to a cramped form of development within close proximity to the highway and would have an over-dominant and overbearing impact upon the street scene significantly forward of existing dwellings on this side of the road. As such the proposal would be out of character with the appearance of the streetscene.

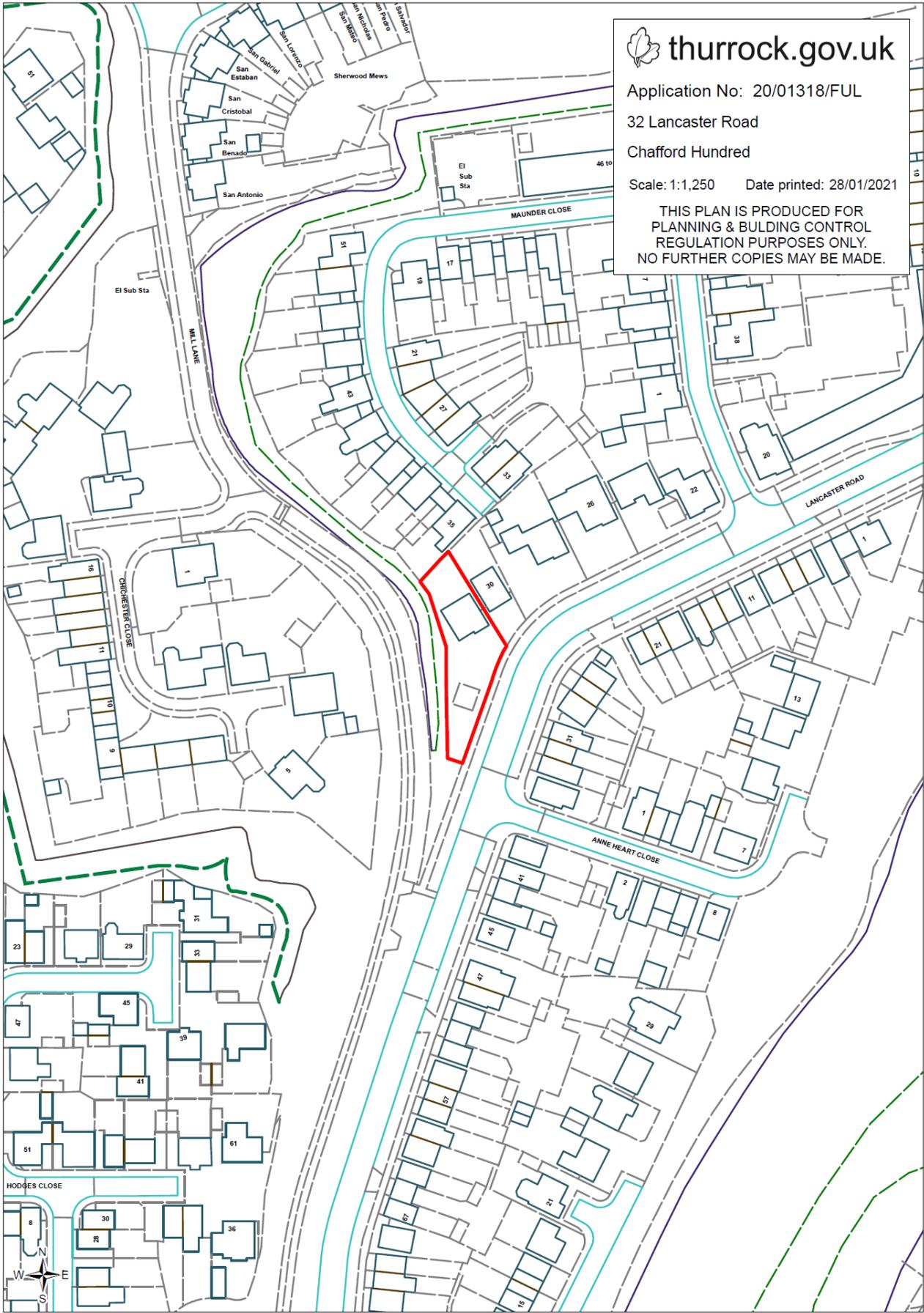
Furthermore, the proposal would result in a poor layout of private amenity space for the proposed dwelling, detrimental to the living conditions of future occupiers.

For these reasons the proposal constitutes overdevelopment and is contrary to Policies PMD2 and CSTP22 of the Thurrock Core Strategy 2015 and the National Planning Policy Framework 2019.

### **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: 20/01318/FUL  
32 Lancaster Road  
Chafford Hundred  
Scale: 1:1,250    Date printed: 28/01/2021  
THIS PLAN IS PRODUCED FOR  
PLANNING & BUILDING CONTROL  
REGULATION PURPOSES ONLY.  
NO FURTHER COPIES MAY BE MADE.

© Crown copyright and database rights 2021 Ordnance Survey 100025457

This page is intentionally left blank