

<p><b>Reference:</b> 20/00242/FUL</p>	<p><b>Site:</b> Tilbury Football Club St Chads Road Tilbury RM18 8NL</p>
<p><b>Ward:</b> Tilbury St Chads</p>	<p><b>Proposal:</b> Hybrid planning application: Detailed approval sought for the demolition and site clearance of the existing Tilbury FC Stadium (Chadfields) and the erection of a new stadium (clubhouse, stands, lighting, car park etc.) on the site of existing training pitches located to the north-east of the existing stadium. Outline approval sought for the erection of up to 112 new dwellings on the site of the existing stadium, with all matters reserved except for access.</p>

<b>Plan Number(s):</b>		
Reference	Name	Received
863.001 Rev. 03	Existing Site Location Plan	27 February 2020
863.200 Rev. 00	Site Master Plan	27 February 2020
863.201 Rev. 00	Detailed Layout Plan Football Club	27 February 2020
863.202 Rev. 00	Football Club Clubhouse Ground & First Floor Plans	27 February 2020
863.203 Rev. 00	Football Club Clubhouse Elevations	27 February 2020
863.204 Rev. 00	Football Club Clubhouse Roof Plan	27 February 2020
863.205 Rev. 00	Football Club Ancillary Buildings Floor Plans & Elevations	27 February 2020
863.206 Rev. 00	Football Club Streetscene & Site Section	27 February 2020
863.207 Rev. 00	Residential Proposed Storey Heights Plan	27 February 2020
863.208 Rev. 00	Residential - Streetscenes	27 February 2020
863.209 Rev. 00	Proposed Site Parking	27 February 2020
CS098911-01	Tree Retention and Removal Plan	27 February 2020
CS098911-02	Tilbury FC & Housing Landscape Strategy	27 February 2020
CS098911-03	Existing Football Club Character	27 February 2020
CS098911-04	Proposed Football Club Hard Landscape Palette	27 February 2020
CS098911-05	Proposed Football Club Soft Landscape Palette	27 February 2020
CS098911-06	Proposed Housing Hard Landscape Palette	27 February 2020
CS098911-07	Proposed Housing Soft Landscape Palette	27 February 2020
CS098911-101	Housing Landscape Masterplan	27 February 2020

CS098911-103	Chadfields Housing Fencing and Boundary Plan	27 February 2020
CS098911-201	Landscape Masterplan and Sections	27 February 2020
CS098911-202	Football Club Landscape Masterplan	27 February 2020
CS098911-203	Football Club Fencing & Boundary Plan	27 February 2020
CS098911-301	Hard & Soft Landscape Details Sheet 1	27 February 2020
CS098911-303	Hard & Soft Landscape Details Sheet 3	27 February 2020
CS098911-304	Site Furniture Details, Bollards, Litter Bins & Seating	
CS098911-305	Site Furniture Details Cycle Shelter & Cycle Rack	27 February 2020
CS098911-306	Fencing Details	27 February 2020
G-01 REV 1	Seating Plans	27 February 2020
G-02 REV 1	Seating Plans	27 February 2020
G-03 REV 1	Seating Plans	27 February 2020
183700-010	Concept Earthworks Model Sheet 1 of 2	

The application is also accompanied by:

- Air Quality Impact Assessment (updated);
- Arboricultural Impact Assessment;
- Archaeological Desk-Based Assessment;
- Contamination Phase 1 Report;
- Design & Access Statement;
- Financial Viability Assessment;
- Flood Risk Assessment & Drainage Strategy;
- Framework Construction Management Plan;
- Landscape & Visual Appraisal and Green Belt Assessment;
- Lighting Impact Assessment;
- Noise Assessment;
- Planning Statement;
- Reptile Mitigation Strategy;
- Residential Travel Plan;
- Sports Needs Assessment;
- Statement of Community Involvement;
- Supporters Travel Plan;

- Sustainability Statement;
- Transport Statement & Technical Note;
- Training Pitches Quality Assessment; and
- Draft Community Use Agreement

**Applicant:**  
Apex Platinum Investments Ltd

**Validated:**  
12 March 2020  
**Date of expiry:**  
11 January 2021

**Recommendation:** 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 In summary, this report considers a hybrid planning application which seeks outline planning permission for the redevelopment of the existing Tilbury F.C. stadium site with a residential scheme of up to 112 dwellings and full planning permission for a new football stadium on the site of the existing training pitches. The table below summarises some of the main points of detail contained within the development proposal:

Site Area	Total c.4.3 Ha, comprising existing stadium (c.2 Ha) and existing training pitches (c.2.3 Ha)
Number of Dwellings (maximum)	48 no. one-bedroom flats (indicative) 25 no. two-bedroom houses (indicative) 16 no. three-bed maisonettes (indicative) 23 no. three-bed houses (indicative)  Total 112 dwellings  No affordable housing is proposed
Non-Residential Floorspace	Total 1,851 sq.m – comprising:  • Clubhouse (1,192 sq.m)

	<ul style="list-style-type: none"> <li>Covered standing / seating areas, turnstiles, toilets, refreshment areas and storage (659 sq.m)</li> </ul>
Residential Floorspace (indicative)	One-bedroom flat: 50 sq.m Two-bedroom house: 70 sq.m Three-bedroom maisonette: 84 sq.m. Three-bedroom house: 93 sq.m.
Football Stadium Capacity (spectators)	Covered standing (terraces): 1,200 Covered seating: 858  Total covered 2,058  Total spectator capacity c. 3,000
Building Heights	Clubhouse (two-storey) c. 9.8m Residential: two and three-storey (indicative) maximum c.9.4m
Parking	Football stadium: <ul style="list-style-type: none"> <li>132 car parking spaces</li> <li>8 car parking spaces for disabled users</li> <li>1 coach parking space</li> <li>30 cycle parking spaces</li> <li>8 powered two-wheel parking spaces</li> </ul> Residential development: <ul style="list-style-type: none"> <li>192 car parking spaces (indicative)</li> </ul>
Residential Density	c. 56 dwellings per hectare

1.2 As noted above, this is a hybrid planning application which seeks outline planning permission for residential development on the existing football stadium site and full planning permission for a new football stadium on the site of the existing training pitches. These two elements are described in more detail below.

1.3 Residential Development

Outline permission is sought for a residential development of up to 112 dwellings comprising an indicative mix of two and three-bedroom houses, one-bedroom flats and three-bedroom maisonettes. Details of access are provided and this is a matter for consideration at this stage. However, details of appearance, landscaping, layout and scale are reserved for future approval, should outline planning permission be granted. Access to the proposed residential development would re-use the existing

vehicular access from Chadfields. In turn, Chadfields connects to the western side of St. Chad's Road (A126).

- 1.4 Although indicative drawings have been submitted showing a potential layout of the residential development, parking arrangements and buildings heights, these details are illustrative and simply provide an indication of how the site could be developed. Similarly, the applicant has submitted a schedule of residential accommodation indicating potential dwelling types, internal floorspace, car parking provision and amenity space. However, as above, these details are submitted for information only. No affordable housing is proposed.

1.5 Football Stadium Development

Full planning permission is sought for the development of a replacement football stadium and ancillary development to be located on the site of the existing training pitches to the north-east of the current stadium. The proposed playing surface would comprise a single all-weather and floodlit artificial grass pitch, measuring c.100m x 64m, with a north-south direction of play. A covered stand containing 622 seats would be located along the western side of the pitch, with dug-outs located either side of the half-way line. Covered standing areas (terraces) each with a capacity for 600 spectators would be positioned behind the goals on the northern and southern side of the pitch. On the eastern side of the pitch would be a clubhouse, including further seating for 236 spectators.

- 1.6 The clubhouse building would be a two-storey building. At ground floor level accommodation would comprise a multi-purpose hall, function room / bar with ancillary kitchen, store and cellar, a café / coffee shop, main 'home' and 'away' team changing rooms, two separate changing rooms, changing rooms for officials, kit room, physio room, first aid room and toilets. At first floor level the proposal includes a board room, director / player lounge (with bar), chairman's office, manager's office, press room, briefing / class room, gym with ancillary toilets, showers and storage. The clubhouse would be flanked to both the north and south by single storey buildings accommodating entrance turnstiles, toilets, refreshments and storage.
- 1.7 Vehicular access for the stadium would be from a new access onto St. Chads Road located a short distance to the north of the existing junction with Handel Crescent. Car parking for 92 vehicles together with a coach parking space would be positioned to the south of the pitch, with the remaining car and other parking areas positioned to the east of the pitch. Development associated with the stadium, comprising pitch and car park lighting, fencing, soft landscaping, a flood compensation area, an area for ecological mitigation and flood defence works are also proposed.

- 1.8 The applicant's Planning Statement notes that Tilbury FC currently compete in the Isthmian League North which is level 8 of the 'football pyramid', with the Premier League comprising level 1. This level also equates to 'Step 4' of the National League system, with Step 1 being the National League (level 5 of the football pyramid). The existing stadium is categorised as 'Grade D' on the Football Association's National Ground Grading Document. The club has an aspiration to play at Step 2 of the National League system (i.e. National League South) and to enable the club to compete at this level the proposed ground will need to be classified as 'Grade B'.

## 2.0 SITE DESCRIPTION

- 2.1 The site of Tilbury Football Club is generally located at the north-western edge of Tilbury, adjacent to Tilbury Marshes and totals c.4.3 Ha in area. There are two distinct elements to the site comprising the football stadium itself (also known as Chadfields) and training pitches located to the north-east of the stadium.

### 2.2 Tilbury FC site:

The football stadium comprises the southern part of the application site and covers an area of c.2 Ha. The stadium is arranged around a single grass pitch, with a north-south direction of play. Open standing areas for spectators (terraces) are located to the north and south of the pitch, i.e. behind the goals. On the eastern side of the pitch are further open standing areas and a centrally-located covered stand containing changing rooms at ground floor level with seating above. Various ancillary buildings including toilets, grounds maintenance storage etc. are also positioned to the east of the pitch. To the south of the pitch is a clubhouse building including a bar and function room. Finally to the west of the pitch is a covered terrace and covered seating area for spectators.

- 2.3 Access to the stadium for both vehicles and pedestrians is from Chadfields at the south-eastern corner of the site. Chadfields in-turn connects to St. Chads Road (A126). A car parking area is generally located south of the football pitch and to the east and west of the clubhouse building. Floodlighting columns are arranged on the eastern and western sides of the pitch, with 4 no. columns on each side.
- 2.4 To the east of the stadium are two-storey semi-detached residential properties located in Spindles. To the north and west of the stadium is open land forming part of Tilbury Marshes. South of the site is a travellers site. The stadium is within the Metropolitan Green Belt (GB) and is also within the high risk flood zone (Zone 3a), although the site benefits from flood defences. Finally the stadium site is located within SSSI Impact Risk Zones for the nearby Hangman's Wood & Deneholes SSSI and the Mucking Flats and Marshes SSSI, Thames Estuary & Marshes SPA and Thames Estuary & Marshes Ramsar site.

2.5 Training pitches site:

To the north-east of the stadium is an open grassed area used as a training area for the club and totalling c.2.3 Ha in area. The training area is connected to the stadium site at its south-western corner. This part of the site adjoins St. Chads Road to the east but it largely screened from the road by hedgerow planting. A field gate provides access onto the A126. The northern and southern boundaries of the training pitches are defined by planting, although the western boundary is largely open. The training pitches site is also located within SSSI Impact Risk Zones for the nearby Hangman’s Wood & Deneholes SSSI and the Mucking Flats and Marshes SSSI, Thames Estuary & Marshes SPA and Thames Estuary & Marshes Ramsar site.

2.6 This part of the application site also forms part of the GB. Furthermore the training pitches site forms part of the Tilbury Flood Storage Area, which is considered to be the functional floodplain (Zone 3b) and at the highest risk of flooding. For information, the Tilbury Flood Storage area, which extends across Tilbury Marshes in between the built-up areas of Tilbury and Chadwell St. Mary, is separated from adjoining land within Flood Zone 3a by a low earth bund.

**3.0 RELEVANT PLANNING HISTORY**

3.1 The following table provides the planning history:

<u>Ref.</u>	<u>Description</u>	<u>Decision</u>
55/00191/FUL	Use of land for residential purposes (training pitch site)	Refused
56/00195/FUL	Erection of clubhouse	Approved
56/00522/FUL	Clubhouse	Approved
61/00598/FUL	Committee room and store room	Approved
62/00400/FUL	New changing room	Approved
63/00308/FUL	Lavatory block	Approved
64/00214/FUL	Re-building tea rooms and press box	Approved
65/00814/FUL	8 no. 55’ floodlighting towers	Approved
65/00888/FUL	Electrical intake buildings and store	Approved
70/00595/FUL	New football stand	Approved
72/00224/FUL	New social club	Approved
72/00467/FUL	Retail market excluding fish and meat, including parking for vans and car park (training pitch site)	Refused
73/00576/FUL	Earth embankments and small concrete walls forming part of the Authority’s Tilbury Flood Relief Scheme (training pitch site)	Approved

76/00304/OUT	Superstore for retail purposes. Three squash courts and ancillary facilities. (Outline) (training pitch site)	Refused
77/00290/OUT	Shopping facilities, squash courts, play area and swimming pool. (Outline) (training pitch site)	Refused
77/01132/OUT	Bulk buy centre and retail store (Outline) (training pitch site)	Refused
80/00306/FUL	Friday market comprising 99 traders stalls, total trading frontage 302 metres, approx. 60 traders on concrete paved site road and tarmac paved area at southern end of football ground, including traders van park and public car park, market to operate each Friday	Refused
81/00235/FUL	Friday market comprising 79 traders' stalls, total trading frontage 241 metres approx. 40 traders on concrete paved site road and tarmac paved area at the southern end of the football ground, including traders van park and public car park. Market to open to the public each Friday and public Bank Holidays 10 a.m. to 4 p.m. Present use, site access, parking and circulation areas.	Refused
83/00292/FUL	Change of use to a Sunday open air market	Refused
84/00935/FUL	Sunday morning open market	Refused
92/00224/FUL	Change of use to football practice field including floodlights and fencing (training pitch site)	Refused
95/00446/FUL	Ball court	Approved
19/00922/SCR	Request for Environmental Impact Assessment (EIA) Screening Opinion - proposed residential development of 120 homes on the current site of the Tilbury Football Club stadium and relocation of football pitch, clubhouse, stadium etc. to adjacent training ground.	EIA not required

3.2 It is clear from the above table that the football stadium has occupied this site since the 1950s and an Ordnance Survey map of the area dating from the early 1950s shows a football ground with a stand and other ancillary structures located on the eastern side of the pitch. Over the decades development of the stadium has included the construction of a clubhouse etc. as indicated in the planning history above.

## 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 sent to c.148 surrounding occupiers, press advert and public site notices which have been displayed nearby. The application has been advertised and publicised as both a major development and a departure from the Development Plan

4.3 Three letters of objection have been received raising the following concerns:

- inadequate / unsafe access to the site;
- additional traffic;
- environmental pollution;
- development would be out of character;
- overlooking property;
- noise generation; and
- sale of alcohol would cause disturbance.

A letter has also been received from the planning agent representing the Port of Tilbury. This letter refers to London Distribution Park site (occupied by Amazon, Travis Perkins etc.) located c.500m from the application site and promotion of further port-related development land at Tilbury Marshes, adjacent to the football club site. The agent queries whether the development currently proposed could prejudice any future port-related development and suggests that planning conditions attached to any planning permission for the football club should future-proof the development.

4.4 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):

### 4.5 ANGLIAN WATER:

No objection. Suggested informatives regarding sewerage.

### 4.6 CADENT:

Advise of the proximity of the site to gas infrastructure locally.

4.7 ENVIRONMENT AGENCY:

No objection, subject to a planning condition requiring a management plan for the flood wall.

4.8 ESSEX COUNTY COUNCIL (ARCHAEOLOGY):

No objection.

4.9 EDUCATION:

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

4.10 EMERGENCY PLANNING:

Refer to the Environment Agency's original holding objection (dated April 2020) – n.b. this objection has now been removed (subject to condition).

4.11 ENVIRONMENTAL HEALTH:

No objection, subject to conditions for a CEMP, Noise Management Plan and lighting/contamination in accordance with submitted information.

4.12 FLOOD RISK MANAGER

No objection, subject to conditions addressing surface water drainage.

4.13 HIGHWAYS:

No objection subject to conditions.

4.14 HOUSING:

Note that no affordable housing offered and consequently the application does not contribute towards the current demand for affordable housing.

4.15 LANDSCAPE AND ECOLOGY:

Subject to the proposed mitigation measures being delivered it is considered that the proposed scheme would not have any significant ecological impacts. A RAMS mitigation payment is required.

The development of the new stadium would result in adverse effects on the landscape character and loss of openness within the expansive marshland landscape.

4.16 NHS:

No objection, subject to £43,700 contribution towards local healthcare provision.

4.17 ESSEX POLICE:

Recommend a planning condition to address secure by design.

4.18 RECREATION AND LEISURE:

No objection.

4.19 SPORT ENGLAND:

No objection, subject to conditions.

4.20 PUBLIC HEALTH:

Recognise that the proposal could deliver benefits and opportunities to the area in terms of additional homes, jobs and improved sporting facilities.

## 5.0 POLICY CONTEXT

### 5.1 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:

5. Delivering a sufficient supply of homes;
6. Building a strong, competitive economy;
8. Promoting healthy and safe communities;

9. Promoting sustainable communities;
12. Achieving well-designed places;
13. Protecting Green Belt land;
14. Meeting the challenge of climate change, flooding and coastal change; and
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:

- Air quality
- Climate change
- Design: process and tools
- Determining a planning application
- Flood risk and coastal change
- Green Belt
- Healthy and safe communities
- Light pollution
- Natural environment
- Noise
- Open space, sports and recreation facilities, public rights of way and local green space
- Planning obligations
- Renewable and low carbon energy
- Travel Plans, Transport Assessments and Statements
- Use of planning conditions
- Viability

## 5.3 Local Planning Policy: Thurrock Local Development Framework (2015)

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

### OVERARCHING SUSTAINABLE DEVELOPMENT POLICY

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

## SPATIAL POLICIES

- CSSP1 (Sustainable Housing and Locations)
- CSSP4 (Sustainable Green Belt)
- CSSP5 (Sustainable Greengrid)

## THEMATIC POLICIES

- CSTP1 (Strategic Housing Provision)
- CSTP2 (The Provision Of Affordable Housing)
- CSTP9 (Well-being: Leisure and Sports)
- CSTP10 (Community Facilities)
- CSTP14 (Transport in the Thurrock Urban Area)
- CSTP18 (Green Infrastructure)
- CSTP19 (Biodiversity)
- CSTP20 (Open Space)
- CSTP22 (Thurrock Design)
- CSTP25 (Addressing Climate Change)
- CSTP26 (Renewable or Low-Carbon Energy Generation)
- CSTP27 (Management and Reduction of Flood Risk)

## POLICIES FOR MANAGEMENT OF DEVELOPMENT

- PMD1 (Minimising Pollution and Impacts on Amenity)
- PMD2 (Design and Layout)
- PMD5 (Open Spaces, Outdoor Sports and Recreational Facilities)
- PMD6 (Development in the Green Belt)
- 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)
- 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**

### 6.1 Procedure:

With reference to procedure, this application has been advertised as a major development and as being a departure from the Development Plan. Should the Planning Committee resolve to grant planning permission, 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 Green Belt development and therefore the application will need to be referred under paragraph 4 of the Direction. 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.

6.2 The main issue for consideration in this case is the assessment of compliance with planning policies for and impact on the GB. The assessment below therefore covers the following areas:

- I. Principle of the development and the impact on the GB;
- II. Design and layout issues;
- III. Landscaping and visual impact;
- IV. Traffic impact, access and car parking;
- V. Flood risk and drainage;
- VI. Effect on neighbouring occupiers;
- VII. Ecology and biodiversity;
- VIII. Noise;
- IX. Land contamination;
- X. Energy and sustainable buildings; and
- XI. Viability and planning obligations.

### 6.3 I. PRINCIPLE OF THE DEVELOPMENT AND THE IMPACT ON THE GB

It is considered that there are two distinct, though closely related, elements of the proposals: firstly the residential development on the existing stadium site; and secondly the proposed replacement stadium located on the site of existing training pitches. As the entire 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). The Green Belt designation engages adopted Core Strategy policies as follows:

#### Core Strategy Spatial Policy CSSP4 (Sustainable Green Belt)

##### **1. Balancing competing demands on the Thurrock Green Belt**

*The Council's policy is to maintain the purpose, function and open character of the Green Belt in Thurrock in accordance with the provisions of PPG2 for the plan period.*

*The Council will:*

- i. Maintain the permanence of the boundaries of the Green Belt, excepting the proposed Urban Extension Broad Locations Identified in this policy, Policy CSSP 1 and as shown on the Proposals Map.*
- ii. Resist development where there would be any danger of coalescence.*
- iii. Maximise opportunities for increased public access, leisure and biodiversity.*

##### **2. Locating sustainable development at Broad Locations adjoining the Thurrock Urban Area and Outlying Settlements.**

*The Council will direct development to the following Urban Extension Broad Locations subject to the provisions of policies CSSP1, CSSP2, CSSP3, CSTP1 and the provisions set out below:*

###### *i. Opportunities for Leisure and Sport in the Green Belt*

- i. The Council's policy is that the constructive and positive use of the Green Belt for sports and leisure purposes is an essential component of the Thurrock Spatial Strategy that will underpin the sustainable development and regeneration of Thurrock to the long-term benefit of local people.*
- ii. The Council will actively encourage the pursuit of leisure and sports activities appropriate to the Green Belt by improving connectivity between Thurrock's Urban Areas and the Green Belt to promote this asset for the enjoyment and well being of Thurrock's communities.*
- iii. In particular, the Council will support the development of Sports Hubs in Green Belt land at North East Grays and at Belhus (shown on the Key Diagram and*

*included in the Adopted Site Specific Allocations and Policies DPD and identified on the Proposals Map).*

- 6.4 Part 1. of this Spatial Policy sets out the Council's objective of maintaining the *"purpose, function and open character of the Green Belt in Thurrock in accordance with the provisions of (the former) PPG2"*. The "Urban Extension Broad Locations" mentioned at part 2. of this policy do not identify Tilbury as a location. A policy of *"constructive and positive use of the Green Belt for sports and leisure purposes"* is referred to by CSSP4 alongside the *"pursuit of leisure and sports activities appropriate to the Green Belt"*. Policy CSSP4 goes on to state that the development of sports hubs on the Green Belt at north-east Grays and Belhus (Aveley) will be supported.
- 6.5 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.
- 6.6 i. whether the proposals constitute inappropriate development in the GB:

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.

#### 6.7 Proposed Residential Development:

It is considered that the proposed development of up to 112 dwellings does not fall within any of the exceptions to the definition of inappropriate development set out by paragraphs (a) to (f) above. With regard to paragraph 145(g) the existing football stadium contains a number of permanent structures (clubhouse, spectator stands, changing rooms etc.) together with associated fixed surface infrastructure (floodlight columns, fencing, car parking etc.). A number of demountable temporary buildings are also present on-site. Therefore, the football stadium could be considered to fall within the definition of previously developed land (PDL) as defined at Annex 2 of the NPPF. Nevertheless, paragraph 145(g) notes that the limited infilling or the partial or complete redevelopment of PDL is only an exception to inappropriate development where it would “*not have a greater impact on the openness of the Green Belt than the existing development*”. In this case it is considered that the development of up to 112 dwellings, with associated vehicular / pedestrian access and residential curtilages etc. would have a significantly greater impact on the spatial and visual aspects of openness than the existing football stadium. As an example, the applicant’s Planning Statement refers to the existing built form on the stadium totalling c.1,260 sq.m. (gross internal area), whereas the proposed residential development would total c.7,600 sq.m. floorspace. Consequently the residential development cannot be considered as an exception under paragraph 145(g) and is therefore inappropriate development.

#### 6.8 Proposed New Stadium Development:

As above, paragraph 145 of the NPPF is relevant to the proposed stadium buildings as follows:

*“a local planning authority should regard the construction of new buildings as inappropriate in the Green Belt. Exceptions to this are:*

- b) the provision of appropriate facilities (in connection with the existing use of land or a change of use) for outdoor sport, outdoor recreation ... as long as the facilities preserve the openness of the Green Belt and do not conflict with the purposes of including land within it;”*

- 6.9 Paragraph 145(b) therefore applies two tests apply for development under this heading to qualify as an exception to inappropriate development –
- (1) the provision of appropriate (emphasis applied) facilities for outdoor sport; and
  - (2) provided those (appropriate) facilities preserve the openness of the Green Belt and do not conflict with the purposes of including land within it.
- 6.10 Although the NPPF provides no interpretation of “*appropriate facilities*” a view could be taken that such facilities are those which function primarily support the outdoor sport use. On this point, and although now replaced by the NPPF, the former PPG2 (Green Belts) (January 1995, amended March 2001) referred at paragraph 3.4 to “*essential facilities for outdoor sport and outdoor recreation*”. At paragraph 3.5 the former PPG2 stated that “*Essential facilities should be genuinely required for uses of land which preserve the openness of the Green Belt and do not conflict with the purposes of including land in it*”.
- 6.11 It should be noted that the NPPF refers to “*appropriate facilities*” whereas the former PPG2 referred to “*essential facilities*” and it could be argued that the NPPF is not as stringent and implies that there should be only be a suitable link between the facilities and the outdoor sport use. However, it would be relevant for the local planning authority to consider whether elements of the proposals (such as the café / coffee shop, multi-purpose hall, function room / bar areas) can be genuinely defined as “*appropriate facilities*” for outdoor sport.
- 6.12 The Football Association’s ‘National Ground Grading’ categories provide some guidance for the facilities necessary at a football ground relevant to position in the National League System (NLS). The football club currently compete at Step 4 of the NLS (Isthmian League – North) and has an aspiration to play at Step 2 (i.e. National League South). A comparison between ground grading categories D (Step 4) and B (Step 2) suggests that the only material differences relate to spectator capacity and how those spectators are accommodated. A Category B ground requires a minimum capacity of 3,000, with minimum covered accommodation for 500 including 250 seats. The application includes provision for 858 covered seats and covered terracing for 1,200, giving a total covered accommodation for 2,058 spectators. This is comfortably in excess of both the FA’s minimum requirements and recent attendances at the ground (2018/9 season average attendance c.145 spectators). It is also notable that the proposed stadium would result in a substantial increase in built floorspace (c.1,850 sq.m) compared to the existing stadium (c. 1,260 sq.m).
- 6.13 The second test set out at paragraph 145(b) of the NPPF refers to the need for appropriate outdoor sports facilities to “*preserve the openness of the Green Belt and not conflict with the purposes of including land within it*”. Under the chapter heading of Green Belt, Planning Practice Guidance (PPG) includes reference to the factors

which can be taken into account when considering the potential impact of development on openness. PPG confirms that openness is capable of having both spatial and visual aspects. As the northern land parcel is currently free of any built development, it is inevitable that the proposed clubhouse, stands, auxiliary buildings, turnstiles, floodlighting columns and pitch / security fencing will have an impact on openness. Consequently, the proposed football stadium does not benefit from the exception at paragraph no. 145(b) and is therefore inappropriate development. Although the replacement of a building is cited by paragraph 145 (d) as an exception to inappropriate development, the replacement should not be materially larger than the one it replaces. As noted in the paragraph above, the proposed stadium would be c.600 sq.m larger in floorspace than the current stadium buildings and this exception does not apply.

6.14 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 residential and replacement stadium development is inappropriate development. NPPF para. 143 confirms that inappropriate development is, by definition, harmful to the GB. However, it is also necessary to consider whether there is any other harm (NPPF para. 144). 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 Belt s being described as their openness and their permanence.

6.15 Proposed Residential Development:

Although outline planning permission only is sought for the proposed residential development, with details of layout reserved, it is apparent from the submitted indicative drawings that built development and accompanying curtilages etc. would occupy a large part of the site. The proposals would comprise a substantial amount of new built development on the current football stadium site and would increase the amount of built floorspace from c.1,260 sq.m. to c.7,600 sq.m. Two and three-storey residential development is indicated and it is considered that these storey heights distributed across the existing stadium site would increase the bulk and mass of built development, harming the openness of the Green Belt compared to the existing development. 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.

- 6.16 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.
- 6.17 Paragraph no. 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 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
- 6.18 In response to these five purposes although the NPPF does not define the term, it is considered that the town of Tilbury does comprise a "large built up area". The site of the existing football club is located at the north-western edge of Tilbury, adjacent to the open area of Tilbury Marshes. Consequently, it is considered that the proposed residential development would, to a degree, harm the Green Belt purpose of checking the unrestricted sprawl of Tilbury. Tilbury is separated from Grays to the west and Chadwell St. Mary to the north by open Green Belt land. Therefore, it is considered that, to a limited degree, the proposed residential development would harm the Green Belt purpose of preventing neighbouring towns from merging. As the existing football stadium site is partly developed it is considered that the proposed residential development would not cause harm to Green Belt purpose (c) which is to assist in safeguarding the countryside from encroachment. The residential development would not result in harm to Green Belt purpose (d). Regarding purpose (e) the proposed residential development is closely linked to the replacement football stadium and is promoted by the applicant as 'enabling development'. In these circumstances it would be unreasonable to expect the residential development to occur within the built-up area and there would be no demonstrable harm to this purpose of the Green Belt.
- 6.19 In summary under this heading it is considered that the proposed residential development would cause some harm to the openness of the Green Belt and would

harm Green Belt purposes (a) and (b). In accordance with paragraph no. 144 of the NPPF substantial weight should be accorded to this harm.

#### 6.20 Proposed New Stadium Development:

Full planning permission is sought for the proposed replacement football stadium and the details of the proposed buildings, car parking and ancillary development are provided in the 'Description of Development' above. The stadium would be located on the site of the existing training pitches, which is an area of open land with no built form. The proposed development of permanent stadium buildings comprising the clubhouse, turnstiles, refreshment areas and covered spectator stands would introduce built form onto open Green Belt land. The introduction of c.1,850 sq.m of floorspace, with buildings up to 9.8m in height, together with associated fencing (up to 10m in height), floodlighting columns (up to c.16m high) and the car parking area would harm the openness of the Green Belt. As above, 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.

6.21 It is considered that the proposed football stadium 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 stadium would be a number of decades. The intended permanency of the development would therefore impact upon openness. Finally, the stadium would generate traffic movements and this activity would also impact negatively on the openness of the Green Belt.

6.22 With regard to the impact of the new stadium on the purposes of including land within the Green Belt, and similar to the considerations associated with the proposed residential element of the scheme it is considered that the proposal would cause some harm to GB purposes (a) and (b). However, as the football stadium would be built on land which is currently open, there would be harm to the purpose (c) of the Green Belt in safeguarding the countryside from encroachment.

6.23 In summary under this heading, it is considered that the proposed stadium development would cause harm to the openness of the Green Belt and would harm Green Belt purposes (a), (b) and (c). In accordance with paragraph no. 144 of the NPPF substantial weight should be accorded to this harm.

6.24 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

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

6.25 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 Green Belt. 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.

6.26 The Planning Statement and additional representations submitted by the applicant to accompany the application sets out the applicant's case for VSC under the following main headings:

- i. the application will secure the long term future of Tilbury Football Club and will ensure that it continues to serve the residents of Tilbury;
- ii. the provision of outdoor sports and recreational facilities is appropriate development within the Green Belt;
- iii. the residential development is an enabling development that will directly fund the new stadium and its facilities and is supported by a full viability statement that demonstrates this relationship;
- iv. there is currently a significant shortage of community facilities serving the residents of Tilbury. The provision of a comprehensive community facility, in this accessible location will have significant wider benefits for the community;
- v. the scheme will have a positive impact on health and wellbeing of the residents of Tilbury and the wider area through the provision of first class, modern health and fitness facilities that will be made available to them; and
- vi. in the absence of an up to date Local Plan, and a demonstrable 5 year housing land supply position, the scheme will deliver 112 new homes at a sustainable

location.

The detail of the applicant's case under these headings and an assessment of the matters raised is provided in the paragraphs below.

6.27 *i. the application will secure the long term future of Tilbury Football Club and will ensure that it continues to serve the residents of Tilbury*

Applicant's Case:

The club has an ambition to secure promotion through the football leagues and reference is made to the 'National Ground Grading' categories set out by the FA. The club consider that its future lies in demolition and redevelopment of the stadium and that the residential development is required to enable the new football facilities. Tilbury FC is considered to be a community asset and in a climate where some long-established football clubs have ceased to exist, the proposals would secure the long-term future of the club. In order to maintain its links with the local community the replacement stadium must be within Tilbury, however there are no other sites within the built-up area of Tilbury that could accommodate the proposals.

6.28 Assessment:

It is understandable that any football club, including Tilbury F.C. would wish to secure their financial future, especially considering the low gate income associated with small spectator attendances. Similarly, as football is a competitive game, it is natural that any football club, not just Tilbury FC, would wish to compete at a higher level. The ambition of competing at a higher level and ensuring financial stability are natural aspirations for any football club, but in terms of land use planning it is not considered that these ambitions are compelling arguments which would justify inappropriate development in the Green Belt. The club considers that it is 'community asset' and in this regard Tilbury FC is similar to many lower and non-league football clubs, where the club runs a number of junior and youth football teams in addition to the first team. The wider community benefits of the development are considered in more detail below. The applicant considers that the relocated stadium should be within Tilbury and this aim is understandable. Although the application is not supported by a 'sequential test' to demonstrate whether other non- Green Belt sites are available for the development, it is clear that the built-up area of Tilbury is generally bounded by Green Belt land to the north and Tilbury Docks to the south. The only possible sites within Tilbury for a re-located stadium are existing open spaces such as King George's Field, which are not within the control of the applicant. The applicant's wish to re-provide the football stadium on an adjacent site within its control is natural, but does not necessarily provide a compelling argument to justify inappropriate Green Belt development. Similarly the ambition of the club to compete at a higher level and

secure its financial future is understandable, but not exceptional.

6.29 *ii. the provision of outdoor sports and recreational facilities is appropriate development within the Green Belt*

6.30 Applicant's Case:

The applicant considers that a large proportion of the development is in compliance with Green Belt policy and refers to paragraph 145(b) of the NPPF (appropriate facilities for outdoor sport). The applicant contends that all of the proposed stadium facilities are appropriate, proportionate and necessary to meet FA requirements. However, the applicant notes that the proposed flexible community space requires further justification (as it does not directly serve the club and is not a FA ground regulations requirement). The applicant considers that the wider community benefits of the flexible space outweigh any Green Belt harm. In relation to the proposed residential development, the applicant states that the new housing will pay for the stadium and that wider benefits outweigh harm. The applicant also refers to NPPF paragraph 145(g) which states that the limited infilling or the partial or complete redevelopment of previously developed land is an exception to inappropriate development. The applicant considers that the NPPF would 'allow' some form of redevelopment on the stadium site and that the harm to the Green Belt is outweighed by other considerations.

6.31 Assessment:

Consideration of whether the proposals qualify from the exceptions to inappropriate development for new buildings under NPPF paragraph no. 145 is provided in the paragraphs above. To recap, paragraph 145(b) sets the following exception to inappropriate development:

*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 Green Belt and do not conflict with the purposes of including land within it*

This exception could only conceivably apply to the new stadium development as it is beyond doubt that the accompanying residential development is inappropriate development.

6.32 Paragraph 145(b) essentially applies two tests apply for development under this heading to qualify as an exception to inappropriate development –

(1) the provision of appropriate facilities for outdoor sport; and

(2) provided those appropriate facilities preserve the openness of the Green Belt and do not conflict with the purposes of including land within it.

6.33 The term “appropriate facilities” is not defined by the NPPF but can be reasonably interpreted as there being a suitable link between the proposed built facilities and the outdoor sport use. In order to operate as a football club and meet the FA’s National Ground Grading requirements, a level of built floorspace / development is required comprising in summary:

- floodlighting
- covered spectator accommodation, including seats
- refreshment facilities
- dressing rooms
- toilets
- adequate car parking.

6.34 The proposals include the above elements and thus are, in principle, appropriate development in the Green Belt. However, the proposed clubhouse building also includes a multi-purpose hall, which the applicant concedes does not directly serve the club. It must also be questioned whether a proposed café / coffee shop within the clubhouse is suitably linked to the outdoor sport use, especially when other refreshment facilities would be provided within the stadium. These elements of the proposals are considered to be beyond the scope of ‘suitably linked’ to footballing activities and therefore must be considered as inappropriate. It has already been noted above that the proposed capacity of covered spectator accommodation, including seats, is 2,058. Club attendances for the 2018/19 season averaged c.145 spectators and although the club understandably wish to ‘future-proof’ the ground for any future promotion, the proposed spectator accommodation, and hence built development in the Green Belt, far exceeds recent attendances. As there are elements of the proposed stadium which are not suitably linked to football activities it must follow that those elements are inappropriate.

6.35 The second test set out at paragraph 145(b) of the NPPF refers to the need for appropriate outdoor sports facilities to “*preserve the openness of the Green Belt and not conflict with the purposes of including land within it*”. Under the chapter heading of ‘Green Belt’, Planning Practice Guidance (PPG) includes reference to the factors which can be taken into account when considering the potential impact of development on openness. PPG confirms that openness is capable of having both spatial and visual aspects. As the proposed site of the replacement stadium is

currently free of any built development, it is inevitable that the proposed clubhouse, stands, auxiliary buildings, turnstiles, floodlighting columns and pitch / security fencing will have an impact on openness. Consequently, the proposed football stadium does not benefit from the exception at paragraph no. 145(b) and is therefore inappropriate development.

- 6.36 The applicant also refers to NPPF paragraph no. 145(g) which provides the following exception to inappropriate Green Belt development comprising new buildings:

*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 Green Belt than the existing development; or*
- *not cause substantial harm to the openness of the Green Belt, 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.*

- 6.37 The definition of previously developed land (PDL) includes land which is occupied by *a permanent structure ... and any fixed surface infrastructure*. As set out earlier in this report, the existing football stadium site can be considered to qualify as PDL. However, it is considered that the proposed residential development would have a greater impact on the openness of the Green Belt, for the reasons given above. Furthermore, as no affordable housing is proposed, the second limb of paragraph 145(g) as an argument that the residential development is appropriate.

- 6.38 In conclusion under this heading, there is no dispute that the proposals include facilities which are necessary for the operation of the football club. However, the applicant concedes that the 'flexible community space' does not directly serve the club and is not an FA requirement. Furthermore the exception at NPPF para. 145(b) requires that the outdoor sports facilities "*preserve the openness of the Green Belt and do not conflict with the purposes of including land within it*". The proposed replacement stadium would not pass this test and is therefore inappropriate development. It has already been concluded that the residential development does not benefit from any of the exceptions at NPPF para. 145 and is also inappropriate development. The applicant's case under this heading does not weigh in favour of the proposal.

- 6.39 *iii. the residential development is an enabling development that will directly fund the new stadium and its facilities and is supported by a full viability statement that*

demonstrates this relationship

6.40 Applicant's Case:

It is considered that the existing stadium is 'run-down'. The proposed new stadium relies on the residential development to generate the funds and 'enable' the new football facilities, which will have wider community benefit. A financial viability assessment demonstrates that the 112 dwellings will pay for the new stadium, although the provision of 40% affordable housing will leave the scheme with a negative residual land value and therefore unviable, whereas a solely market housing scheme is economically viable. As the club own all of the site and could not bear the costs of acquisition of a different site, this application secures the long term future of the club.

6.41 Assessment:

The application has been presented on the basis that the redevelopment of the existing stadium for residential purposes will generate the funds to pay for the new stadium and this intention is not questioned. The matter of financial viability and potential s106 obligations is separately considered elsewhere in this report. In summary, the proposals are accompanied by a viability appraisal which has been independently assessed. The 'executive summary' of the independent assessment (which can be made publicly available) concludes that, with a revised build cost of c.£5.97 million for the replacement football stadium, the residual land value of the development is minus c.£418,000 after an allowance has been made for s106 financial contributions. The overall development is therefore financially unviable and cannot support the provision of any affordable housing.

6.42 The financial viability of the development proposals has therefore been 'agreed' between the applicant and the Council-appointed independent assessor. However, the position on viability can be considered to be a technical exercise which would apply to any development proposal and is not necessarily a crucial matter in the key policy test of whether other considerations combine to clearly outweigh Green Belt harm such that VSC exist. The matter of financial viability and the relationship between the proposed residential development as enabling development to facilitate the replacement stadium are factors which would come into play whether the site was located in the Green Belt or not. It is considered that the applicant's case under this heading does not provide a compelling case to demonstrate that harm to the Green Belt is clearly outweighed. The understandable desire of the club to relocate onto an adjacent site within their control is considered, in relation to Green Belt policy, earlier in this report.

6.43 iv. there is currently a significant shortage of community facilities serving the

*residents of Tilbury. The provision of a comprehensive community facility, in this accessible location will have significant wider benefits for the community*

6.44 Applicant's Case:

The application is supported by a 'Sports Pitch Needs Assessment' which concludes that there is a need for new pitches in Tilbury. The proposed all-weather pitch will serve Tilbury F.C. and Hashtag United primarily, but will also serve the Tilbury F.C. junior and youth sides. Other clubs and teams have also expressed an interest in using the facilities, including Gateway Academy who are interested in using the proposed gym and flexible community space floorspace (multi-purpose hall). The applicant notes that The Martial Academy, currently based in the Civic Square are in need of new accommodation. The applicant considers that the stadium facilities can be put to wider community use.

6.45 Assessment:

The application site currently contains two full-sized football pitches (one within the stadium and one training pitch), plus other areas for training within the northern land parcel. If approved, the development would actually lead a net loss in pitches, however an all-weather playing surface can clearly be used more intensively than a natural grass surface.

6.46 The Council's 'Open Spaces Strategy 2006-2011', 'Community Needs and Open Spaces Study' and 'Outdoor Sports Strategy', which were published to support the Core Strategy all suggest a shortfall in football pitch provision, especially for junior football, in the Tilbury area. These studies also identify a range in the quality of outdoor pitches. The proposed all-weather pitch would clearly represent an improvement in the quality of pitch provision in the area, with the artificial surface and floodlighting allowing for more intensive use compared to a grass pitch. The Council's Recreation & Leisure Services Manager notes that the 3G pitch will increase the capacity and opportunity for training. Sport England raises no objection to the proposals, subject to conditions. Consequently there is no dispute that the proposed playing pitch represents an improvement in quality and carrying capacity on the current situation. The pitch would also add to the existing all-weather pitch provision in the area, which currently comprises a full-size floodlight pitch marked-out for football and hockey, which is located at The Gateway Academy, a short distance to the north.

6.47 In order to secure the wider use of the facilities at the proposed stadium, the applicant has submitted a draft Community Use Agreement (CUA) which sets out a framework for use of stadium facilities by the wider community. This draft agreement, which has not been subject to detailed scrutiny by officers, follows the 'standard' agreement

formulated by Sport England and identifies the Martial Academy, Gateway Academy, Council and applicant as parties. The basic aim of all CUAs is to identify those proposed facilities which will be made available for wider use, including the days and times of community use. It is common for such agreements to establish a management committee in order to set a pricing regime etc. In terms of the proposed facilities which will be 'offered' for community use, it is assumed that the all-weather pitch, associated changing rooms, multi-purpose hall (ground floor of clubhouse) and gym (first floor of clubhouse) will be made available. However, at present the day / times of community use and charging rates for the facilities are not known. The draft CUA includes the Gateway Academy as a party and includes provisions where the Academy will make facilities available to applicant. The Academy has not provided comments to the local planning authority and any such arrangements between the Academy and Tilbury F.C. must be kept separate from a CUA, which can only address those proposed new facilities. Sport England has commented to this effect and the link with the Gateway Academy should not form part of the current planning consideration. In any case, the planning permission for Gateway Academy (ref. 04/01363/TBC) was subject to a planning condition requiring a CUA and research suggests that the fitness suite, gym, sports hall and 3G pitch are available for the community to book.

- 6.48 Anecdotally it has been recently reported in the local press that the Martial Academy is seeking new premises and their inclusion in the draft CUA is welcomed. As noted above the sporting facilities at the Gateway Academy are already available for community use. However, the addition of further facilities for wider community use is welcomed and is a factor which weighs in favour of the proposals.
- 6.49 *v. the scheme will have a positive impact on health and wellbeing of the residents of Tilbury and the wider area through the provision of first class, modern health and fitness facilities that will be made available to them*

6.50 Applicant's Case:

The applicant refers to social and demographic data which record that Tilbury is relatively deprived compared to Thurrock as a whole. Reference is made to the following statistics for Tilbury:

- higher proportion of children / younger people;
- higher premature mortality rate; and
- higher adult obesity.

Similar to the 'community facilities' considerations promoted above, the applicant considers that the all-weather pitch, gym and multi-purpose hall will provide healthcare benefits to local residents and will encourage participation in sport and

healthy lifestyles.

6.51 Assessment:

The Council's Public Health Team refers to data for the Tilbury St. Chads ward which confirms the following range of socio-economic factors:

- higher percentage are children aged 0-15 years when compared to Thurrock and England;
- most deprived Ward in Thurrock;
- child poverty higher than the Thurrock and England averages;
- level of council rented homes higher than the Thurrock and England averages;
- overcrowding higher than the Thurrock and England averages;
- child obesity higher than the Thurrock and England averages;
- life expectancy is 3 years lower than the rest of Thurrock and England, with mortality rates from circulatory disease, cancer, coronary heart disease and respiratory disease all higher; and
- unemployment is higher than the Thurrock and England averages.

6.52 It is considered that the issues of potential benefits to the local community (considered above) and benefits to health outcomes are closely related. Although the proposals would have no effect on the age profile, deprivation, poverty, housing tenure, overcrowding or unemployment in Tilbury, it is considered that providing facilities which are made available to the wider community could assist in increased participation in more active lifestyles. Members will be aware of the emerging proposals for an integrated medical centre in central Tilbury which will provide a health 'hub' for a range of healthcare services. However, it may be some time before the new medical centre is delivered and, until it is, residents of the proposed new housing will put additional pressure on existing healthcare infrastructure. The consultation response from the NHS notes that 3 of the 4 healthcare practices located within 2km of the site are already over capacity and so a financial contribution is sought to mitigate the impact of the development. The Applicant is agreeable to payment of the healthcare contribution.

6.53 In conclusion under this headline, subject to a suitable CUA it is considered that the facilities within the stadium (pitch, gym and multi-purpose hall) have the potential to improve access to more active lifestyles. Increased participation in physical exercise could help to address some of the health-related problems listed above. The issues of community use and health are intrinsically related, in that wider community use of

the facilities can lead to better health outcomes. This factor weighs in favour of the proposals.

6.54 vi. In the absence of an up to date Local Plan, and a demonstrable 5 year housing land supply position, the scheme will deliver 112 new homes at a sustainable location

6.55 Applicant's Case:

The applicant considers that, as the Council has no up to date local plan policies and cannot demonstrate a five-year housing land supply, the presumption in favour of sustainable development must carry significant weight. Reference is also made to the allocation of the site in early drafts of the site allocations document. The Council's policies are considered to be out of date.

6.56 Assessment:

The existing football stadium site and the site of the adjacent training pitches were both identified within the 'Core Strategy and Policies for the Management of Development Focused Review: Broad Locations and Strategic Sites – Issues and Options' published in January 2013. This consultation document followed the adoption of the original Core Strategy in 2011 and sought to identify potential sites which could deliver community benefits, via infrastructure and facilities, and facilitate a continuing five-year housing land supply. However, as the Council took the decision to embark on the preparation of a new Local Plan in early 2014, work on the Core Strategy Broad Locations and Strategic Sites document was suspended indefinitely. Reference to this document should carry no positive weight in the planning balance.

6.57 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 Green Belt designation after they have been shown to satisfy GB 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 officers consider 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.

6.58 Green Belt Conclusions:

Officers conclude that the proposals for residential development on the site of the existing stadium comprise inappropriate development as the exception at paragraph. 145(g) of the NPPF does not apply as the development exceeds the existing. With regard to the proposed new football stadium, the exception at para. 145(b) of the NPPF sets out the tests of ‘appropriateness and preserving openness along with lack of conflict with the purposes of the Green Belt. Although the majority of the football stadium proposals can be considered ‘appropriate’ for outdoor sport, some elements fall outside this scope. The proposals would also cause some harm to the openness and the purposes of the Green Belt. Consequently, the development would be harmful by definition with reference to paragraph 143. The proposals would reduce the openness of the Green Belt and, with reference to the purposes of the Green Belt defined by NPPF para. 134, would result in a degree of sprawl, coalescence and encroachment contrary to purposes (a), (b) and (c). In accordance with NPPF paragraph 144 “substantial” weight should be given to this harm.

6.59 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 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 Very Special Circumstances</b>	<b>Weight</b>
Inappropriate development	Substantial	Securing the long term future of Tilbury Football Club	Little weight
Reduction in the openness of the Green Belt			
Conflict (to varying degrees) with a number of the purposes of including land in the Green Belt – purposes c and e.		Appropriate development	No weight
		Enabling development	Little weight
		Community benefits	Moderate weight
		Health and wellbeing benefits	Moderate weight
	Five year housing supply	Significant weight	

6.60 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.

6.61 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.”*

6.62 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 contribution towards housing land supply (albeit with no affordable housing provision) and the linked community and healthcare benefits are material considerations which weigh strongly in favour of the proposals. However, these benefits must be weighed against the harm to the Green Belt set out above. It is concluded that the Green Belt arguments are finely balanced. However, the policy 'test' at para. 144 is that harm must be clearly outweighed. For this application it is considered that the benefits of the proposals, although laudable, do not clearly outweigh the Green Belt harm and as a consequence VSC do not apply.

## 6.63 II. DESIGN AND LAYOUT ISSUES

In addition to the NPPF, which emphasises the importance of good design, Core Strategy policy CSTP22 (Thurrock Design) requires proposals to have, inter-alia, a 'positive response to the local context', and policy CSTP23 (Thurrock Character & Distinctiveness) seeks inter-alia to 'protect, manage and enhance the character of

*Thurrock to ensure improved quality and strengthened sense of place'. Policy PMD2 states 'Development must contribute positively to the character of the area in which it is proposed, and to surrounding areas that may be affected by it. It should seek to contribute positively to local views....and natural features'.*

- 6.64 The Thurrock Design Strategy was adopted as a supplementary planning document in addition to the above policies and endorsed as a material consideration in the determination of planning applications in March 2017. Section 3 of the Guide (titled 'Designing in Context') requires applicants to appraise a development site by taking the following considerations into account:
- understanding the place;
  - working with site features;
  - making connections; and
  - building in sustainability.
- 6.65 The layout of the proposed stadium would have the all-weather pitch to the centre with covered seating or standing areas to the north, south and west of the pitch and a two-storey clubhouse to the east of the pitch, which also has covered seating to the front. There would be parking areas to the south and east of the pitch and a flood compensation and reptile refuge area to the north-west corner of the site. As explained above, the improved pitch and facilities would enable the club to have the ability to move from Category D to Category B of the FA requirements, subject of course to promotion.
- 6.66 The new clubhouse would have a monopitch roof which would increase in height into the site. The building would be of a modern appearance and would appear visually more attractive when compared with the current facilities. The clubhouse building would have a frontage on to St Chads Road which would elevate the visibility of the club as they are presently largely hidden from public vantage points.
- 6.67 The proposed housing in the southern half of the site is submitted in outline form, with details reserved for future approval except for access. Nonetheless, an indicative layout has been provided with the application. The layout demonstrates a development which would have a mix of houses and flats with a children's play area and public open space indicated to the central southern section of the housing. This meets the recommendations of Natural England for developments of over 100 dwellings provide additional measures to enhance open space or green infrastructure provision in the vicinity of the development. Core Strategy policy PMD5 also requires new development to provide areas of public open space on-site.
- 6.68 Overall, the proposed development is considered to be acceptable in design terms having regard to the Thurrock Design Strategy SPD, policies CSTP22, CSTP23 and

PMD2, alongside the requirements of the NPPF and PPG. No objections are raised to the detailed design of the stadium, which is largely defined by FA guidance, or the indicative details of the residential development.

### 6.69 III. LANDSCAPE & VISUAL IMPACT

The northern parcel of the site is positioned on open marshland landscape. The Council's Landscape Capacity Study (2005) designates the northern part of the site as within the 'C5 – 'Tilbury Marshes' landscape character area. The key landscape characteristics of this character area are:

- low lying, level landscape
- horizontal landform
- large scale landscape
- network of linear ditches
- southern skyline of dock cranes, chimneys, pylons and power lines
- close proximity of residential areas.

6.70 A Landscape and Visual Impact Appraisal submitted with the application recognises that the development of the stadium would have adverse effects on landscape character. Nevertheless, the overall effects are considered lower due to the presence of the Gateway Academy to the north. The proposed clubhouse would be c.9m tall and there will be floodlight columns around the pitch. Therefore, the development of the new stadium in the northern field would alter the character of this open landscape, resulting in only a narrow strip of open land remaining between the urban edge of Tilbury and the Gateway Academy. A detailed landscape scheme has been provided which shows that some ornamental and groundcover planting will be provided to enhance the new entrance and car park. The access to the rear of the site will use grass reinforcement to lessen the amount of hard surfacing around the development.

6.71 The southern section of the site is outside of the character area mentioned above and is previously developed land. It is not considered the current football ground makes a particularly positive contribution to the local landscape character. The proposed housing scheme has the potential to enhance visual amenity through improving boundary treatments and landscaping. The housing scheme is outline form except for access; however a detailed landscape scheme has been provided. In principle, this scheme is considered appropriate.

6.72 It is considered that the proposed new stadium would have adverse landscape and visual effects, being out of character with the marshland landscape and reducing the sense of openness on this part of Tilbury Marshes. However, this impact must be balanced with other developments within the character area. Additionally, the design

of the clubhouse will reduce the impacts as seen from St Chads Road.

6.73 In conclusion, it is considered that the development of the new stadium would result in adverse effects on the landscape character and loss of openness within the expansive marshland landscape. The significance of the effects is however reduced by other large scale development within the vicinity, particularly the Gateway Academy building. The Council's Landscape and Ecology advisor, on balance, does not object on the potential landscape and visual impact and therefore the proposal is considered to be acceptable having regard to Core Strategy policies CSTP22, CSTP23 and PMD2.

#### 6.74 IV. TRAFFIC IMPACT, ACCESS AND CAR PARKING

The stadium and associated facilities would be served by a new crossover on to St Chads Road (A126). The housing development would be accessed through the existing access within Chadfields, which in turn accesses onto the A126. The new stadium entrance will mean a bus stop would need to be moved, which the Council's Highways Officer does not object to.

6.75 In terms of the overall effect of the proposals on highways, the Highways Officer has stated they do not consider that the proposal would have a significant highways impact. Paragraph 109 of the NPPF states that development should only be prevented or 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.

6.76 Proposed car parking provision for the stadium would be 132 spaces, with a further including 8 spaces for disabled users, and 1 coach parking space. The Council's Draft Parking Standards and Good Practice document (2012) suggests maximum car parking provision of 20 spaces per pitch plus 1 space per 10 spectator seats for outdoor sports pitches, giving a recommended maximum figure of 106 spaces. The proposed provision of 140 spaces comfortably exceeds this figure and the extent of the car parking area has implications for impact on the Green Belt which are considered above. However, in purely highway terms an 'oversupply' of car parking could accommodate occasions when the football pitch and gymnasium etc. are fully occupied. FA guidance recommends a level of car parking 'adequate' for the facility, which is perhaps of little use to the consideration of highways matters. The Council's Highways Officer has confirmed they consider the parking is appropriate and it is considered that the number of spaces and parking layout are acceptable for the stadium and associated facilities.

6.77 The housing site is located within a 'medium accessibility' area and as an outline submission, the details of the layout of the roads and parking would be agreed within

a future reserved matters submission, if outline permission were to be granted.

6.78 As the Council's Highways Officer has confirmed that the proposal would not severely adversely affect the local highway network the proposal complies with paragraph 190 of the NPPF and policies PMD8 and PMD9 of the Core Strategy.

#### 6.79 V. FLOOD RISK AND DRAINAGE

The northern part of the site where the proposed stadium would be located lies within the Tilbury Flood Storage Area, which is as designated as at the highest risk of flooding (Flood Zone 3b) and forms part of the functional floodplain. The proposed housing site to the south of the site is located within the Flood Zone 3a, defined by Environment Agency (EA) as having a high probability of flooding.

6.80 When consulted, the EA expressed initial concerns regarding the loss of flood storage capacity and issues related to the design of a new proposed flood wall and its ongoing maintenance. There would be a loss of flood storage of c.680m<sup>3</sup> due to the impact of the stadium proposal. This is because of changes of ground levels and the construction of buildings and hardstandings. However, the proposal offers a net gain in the capacity of the Tilbury Flood Storage Area of c.1,025m<sup>3</sup>, this is due to the alterations to the embankment and new flood wall. The EA have confirmed that the proposals are feasible and would ensure there will be no loss of flood storage volume as a result of the proposals. To ensure the long term management of the flood storage area a condition regarding flood wall maintenance is necessary and relevant to the proposal. Therefore, in terms of flood storage capacity the proposal is acceptable, subject to condition.

6.81 Table 2 of PPG (Paragraph: 066 Reference ID: 7-066-20140306) comprises a 'Flood Risk Vulnerability Classification' for different types of development which, in combination with the flood zone classification, determines whether development is appropriate, should not be permitted or should be subject to the Exception and/or Sequential Tests.

6.82 In terms of the proposed stadium, Table 2 of PPG confirms that 'outdoor sports and recreation and essential facilities, such as changing rooms' can be considered as 'water compatible' development. There are elements of the proposed football stadium development which could be described as 'less vulnerable development', or 'more vulnerable', such as the function room and gym. However, in terms of the overall stadium development, it is considered that it comprises a water compatible use that is appropriate development within flood zone 3b.

6.83 The housing element of the proposal, whilst not within the flood storage area, is located within the high risk flood zone (3a). The proposed residential development

comprises 'more vulnerable' development with reference to Table 2. Table 3 of PPG comprises a 'Flood Risk Vulnerability and Flood Zone Compatibility' table which states 'more vulnerable' residential development should be subject to an Exception Test. In addition to the Exception Test, the development proposals are also subject to the requirements of the Sequential Test, which aims to steer new development to areas with the lowest risk of flooding.

#### 6.84 Sequential / Exception Test

The Thurrock Strategic Flood Risk Assessment (SFRA) has applied the Sequential and Exception tests to the Borough's broad regeneration and growth areas, including the Tilbury urban area. However, this is a Green Belt site outside the urban area and PPG advises for individual planning applications that *'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'*. For individual applications like this, a pragmatic approach needs to be taken to Sequential Testing as all of the Tilbury broad regeneration area (to the south) and land surrounding the site to the north, east and west, as the catchment area, is also located within in the high risk flood zone. It is considered that there are no alternative available sites identified in the Development Plan within this catchment area that could accommodate the proposed development in a lower flood zone. For these reasons the proposal is considered to pass the Sequential Test.

- 6.85 For the 'Exception Test' to be passed, the proposed development needs to provide *'wider sustainability benefits to the community that outweigh flood risk'*, and demonstrate that the development will be *'safe for its lifetime'*. In addition to the reasons stated in the 'Sequential Test' assessment (which also apply here) and based on the site's location, the development is considered to provide *'wider sustainability benefits to the community that outweigh flood risk'*. Paragraph 8 of the NPPF sets out three dimensions to sustainable development, namely economic, social and environmental. The NPPF definition of the economic role includes reference to *"building a strong, responsive and competitive economy ... ensuring sufficient land is available to support growth"*. The definition of the social role of sustainable development includes reference to *"providing the supply of housing required to meet the needs of present and future generations"*. Judged against these definitions of sustainable development, the proposals are considered to pass the first limb of the Exception Test (i.e. there are wider sustainability benefits which outweigh flood risk).
- 6.86 The submitted FRA and associated addendum demonstrates that the development will be *'safe for its lifetime'*. The proposed development will not result in a significant increase in flood risk elsewhere. Flood storage compensation, maintenance of the storage area, finished floor levels, resistance and resilience measures and safe

access and egress have all been designed to incorporate climate change allowances. Safe refuge will be provided above the 1 in 1000 year plus climate change breach level as required by the EA.

6.87 Subject to relevant planning conditions, there are no flood risk or drainage objections to the application.

#### 6.88 VI. EFFECT ON NEIGHBOURING OCCUPIERS

The proposed stadium would be relocated and therefore the disturbance to residents within Spindles from the existing stadium would be potentially reduced in terms of noise and disturbance from football crowds. There would be proposed housing on the existing stadium site, but it is considered unlikely that this would cause the same level of concentrated noise or activity currently experienced at certain times. The levels of activity and vehicle movement associated with a residential use would be different and potentially improved in comparison. Therefore, for those adjoining residents the proposal would generally provide benefit to amenity. The proposed replacement stadium would be brought closer to residents across St Chads Road in Millas Place and Handel Crescent to the east. These properties are set with their flank walls to the road and therefore to the stadium site. The proposed siting of the stadium would generally be further from neighbouring residential properties compared to the exiting situation. The application is accompanied by a lighting assessment which considers the impacts of floodlighting. Subject to suitable conditions it is considered that the effects of light spillage etc. could be adequately controlled.

6.89 The proposed housing layout is indicative only, but there is currently no reason to suggest that the amenities of adjoining residents could not be adequately safeguarded.

6.90 In conclusion under this heading, the proposals would not raise any demonstrable harm to neighbouring residential amenity in terms of Core Strategy policy PMD1.

#### 6.91 VIII. ECOLOGY AND BIODIVERSITY

The site does not form part of a designated site for nature conservation interest (on either a statutory or non-statutory basis). An Ecological Impact Assessment was submitted alongside detailed species surveys undertaken for great crested newts, bats and reptiles. The Ecological Impact Assessment contains proposed mitigation measures that have been incorporated into the landscape scheme. The Council's Landscape and Ecology Advisor has confirmed that, subject to the proposed mitigation measures being secured and delivered by planning condition, the proposed scheme would not have any significant ecological impacts.

## 6.92 IX. NOISE

The Council's Environmental Health Officer has no objections subject to the proposed noise mitigation, as set out in the Noise Report, being secured through condition, alongside a site specific management plan regarding noise from the stadium.

6.93 As noted earlier in this report, a letter has also been received from the planning agent representing the Port of Tilbury. This letter refers to the promotion of further port-related development land at Tilbury Marshes, adjacent to the football club site. The agent queries whether the development currently proposed could prejudice any future port-related development and suggests that planning conditions attached to any planning permission for the football club should future-proof the development. In response any port-related expansion onto Tilbury Marshes adjacent to the current site will most likely be promoted through the emerging Local Plan. In these circumstances it is considered unreasonable for the residential element of the development to exceed 'normal' noise insulation requirements.

## 6.94 X. LAND CONTAMINATION

The applicant has submitted a ground conditions report and the Council's Environmental Health Officer has reviewed this report. The EHO concurs with the recommendations made, that an intrusive investigation should be undertaken in order to clarify the geotechnical and geo-environmental issues pertaining to redevelopment of the site and a ground gas assessment should be undertaken to characterise the site's ground gas regime. Such measures could be controlled through the use of a suitable planning condition, having regard to the requirements of the Core Strategy policy PMD1.

## 6.95 XI. ENERGY AND SUSTAINABLE BUILDINGS

Policy PMD12 (Sustainable Buildings) of the adopted Core Strategy is applicable to the non-residential element of the proposal and requires a BREEAM 'outstanding' standard, unless it has been demonstrated that this requirement would render the scheme economically unviable. The application is accompanied by a 'Sustainability Statement' which does not commit to a BREEAM rating, but notes that the buildings will:

- minimise water consumption;
- minimise energy use;
- utilise recycled or responsibly sourced materials;

- minimise construction waste; and
- encourage recycling during operation.

6.96 The applicant's financial viability appraisal does not refer to the requirements of policy PMD12 as a factor. Therefore, a planning condition could be used to ensure that the relevant BREEAM standard met for the clubhouse building. The requirements of this policy relating to the Code for Sustainable Homes are no longer relevant as the Code was suspended by the Government a number of years ago.

6.97 Policy PMD13 (Decentralised, Renewable and Low-Carbon Energy Generation) is also relevant to both the residential and football stadium elements of the proposals and requires 20% of energy needs to be generated on-site from these sources, unless unviable. As above, the applicant's financial viability appraisal does not refer to the requirements of policy PMD13 as a factor. Therefore, a planning condition could be used to ensure that the development is policy compliant.

## 6.98 XII. VIABILITY AND PLANNING OBLIGATIONS

The Council's planning policy for the provision of affordable housing (CSTP2) seeks 35% affordable housing. However, part (2.)(ii) of the policy states that the affordable housing requirement will be subject to "*the economics of providing affordable housing*". Part (3.) of policy CSTP2 also recognises that housing land supply on previously developed land is often subject to a variety of physical constraints. Consequently, the "*capacity of a site to deliver a level of Affordable Housing that can be supported financially will be determined by individual site 'open book' economic viability analysis*". As noted earlier in this report, the proposals are accompanied by a viability appraisal which has been independently assessed. The 'executive summary' of the independent assessment concludes that the residual land value of the development is minus c.£418,000 after an allowance has been made for s106 financial contributions. The overall development is therefore financially unviable and cannot support the provision of any affordable housing. Whilst it is disappointing that the development could not support any affordable housing and will not make any contribution to reducing the Council's housing waiting list, adopted Core Strategy policy nevertheless allows for this scenario.

6.99 With regard to potential planning obligations, Part 4 (Decision-making) of the NPPF includes reference to planning conditions and obligations and paragraph 56 states that planning obligations must only be sought where all of the following tests are met:

- necessary to make the development acceptable in planning terms;
- directly related to the development; and

- fairly and reasonably related in scale and kind to the development.

6.100 Core Strategy policy PMD16 (Developer Contributions) is the Council's relevant adopted development plan policy and part (1.) of this policy states that the Council will seek to secure planning obligations under s106 "*where needs would arise as a result of the development*". Part (2.) of this policy notes that through obligations the Council will seek to ensure that development proposals:

- i. where appropriate contribute to the delivery of strategic infrastructure to enable the cumulative impact of development to be managed.
- ii. meet the reasonable cost of new infrastructure made necessary by the proposal.
- iii. mitigate or compensate for the loss of any significant amenity or resource.
- iv. provide for the ongoing maintenance of facilities provided as a result of the development.

6.101 Finally PMD16 refers to a wide range of matters that may be covered by planning obligations including housing, education and training, transport infrastructure, community, cultural and social infrastructure, built environment, environmental sustainability and utilities. In order to inform potential planning obligations for development proposals, and pending the production of the new Local Plan, the Council uses an Infrastructure Requirement List (IRL). The IRL is essentially a list of individual physical, social and green infrastructure schemes on a Borough-wide and Ward-level geographical scale which can potentially be applied to a range of residential and commercial development scenarios.

6.102 Consultation responses received from the NHS and the Council's Education and Landscape & Ecology officers confirm that financial contributions are required to mitigate the impact of the proposed residential development. These contributions would comprise:

Education (nursery, primary and secondary provision) - £433,712.05

Healthcare provision - £43,700

Essex Coast RAMS contribution - £14,064.96

6.103 The education and healthcare contributions listed above are identified on the IRL and the Essex Coast RAMS has been identified by Natural England as a necessary mitigation. It is therefore considered that these financial contributions meet the relevant policy tests.

## **7.0 CONCLUSIONS AND REASON(S) FOR APPROVAL/REFUSAL**

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. Substantial weight should be attached to this harm in the balance of considerations. Although both significant and moderate weight can be given to some of the benefits of the proposals, the identified harm must be clearly outweighed for VSC to exist. It is considered that the 'harm v. benefit' judgement is finely balanced. However, NPPF para. 144 sets the stringent policy test that harm must be clearly outweighed by other considerations for VSC to exist. If the Green Belt considerations are finely balanced, as is the case here, then a case for VSC does not exist.

- 7.2 Subject to potential planning obligations and conditions there are no objections to the proposals with regard to highways issues, impact on ecology, noise, flood risk or other planning considerations. However, the Green Belt 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.

## **8.0 RECOMMENDATION**

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

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 a), b) and c) 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).

### Positive and Proactive Statement

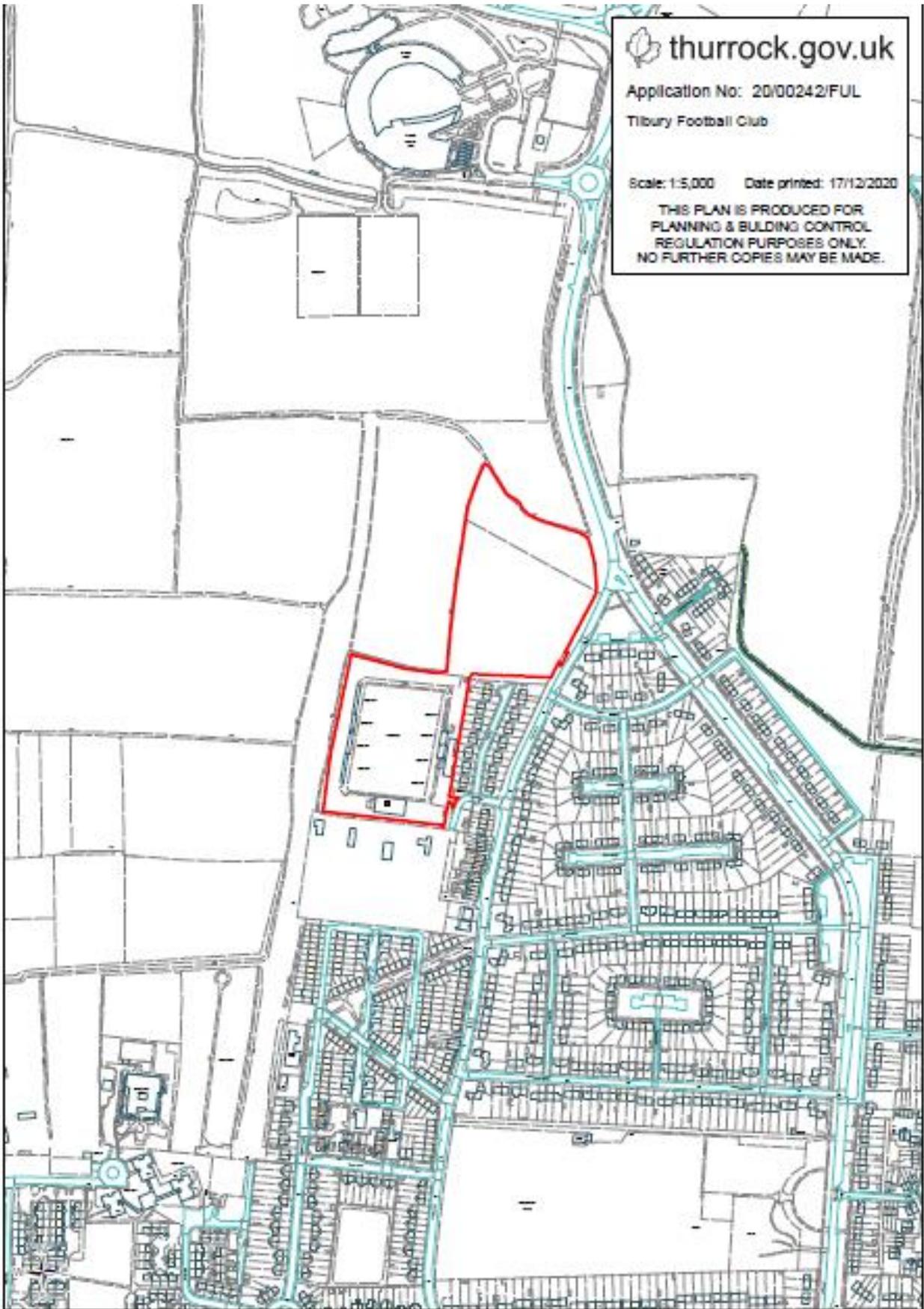
The local planning authority has acted positively and proactively in determining this application by identifying matters of concern with the proposal and discussing with the Applicant/Agent. However, the issues are so fundamental to the proposal that it

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)



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Tilbury Football Club  
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