

<b>Reference:</b> 20/00430/FUL	<b>Site:</b> Coach Park Pilgrims Lane North Stifford Grays Essex RM16 5UZ
<b>Ward:</b> Chafford And North Stifford	<b>Proposal:</b> Retrospective application for the temporary change of use of the existing coach /car park to a contractors' compound (day and night) for five years for works associated with the proposed Lower Thames Crossing and associated highway and infrastructure works on the Essex side of the crossing.

<b>Plan Number(s):</b>		
Reference	Name	Received
DHA_14112_10	Site Location Plan	9 <sup>th</sup> April 2020
DHA_14112_11	Existing Site Layout Plan	9 <sup>th</sup> April 2020
DHA_14112_12	Proposed Site Layout Plan	9 <sup>th</sup> April 2020

<p>The application is also accompanied by:</p> <ul style="list-style-type: none"> <li>• Letter Dated 5 March 2021 Seeking to change the terms of the Application.</li> <li>• Planning Statement – Received 9 April 2020;</li> <li>• Phase 1 Contamination Assessment – Received 9 April 2020;</li> <li>• Transport Assessment – Received 9 April 2020; and</li> <li>• Transport Technical Note – Received 26 October 2020</li> </ul>	
<b>Applicant:</b> Mr Danny Andrews (VIP Investments Ltd)	<b>Validated:</b> 15 April 2020 <b>Extension of Time Agreed:</b> 26 April 2021
<b>Recommendation:</b> Approve, subject to conditions.	

This application is scheduled for determination by the Council's Planning Committee because it has been Called In by Councillors Rice, Fletcher, C Kent, Worrall and Chukwu (in accordance with Part 3 (b) 2.1 (c) of the Council's constitution) because the proposal is a major development and constitutes a departure from the Development Plan.

## **1.0 DESCRIPTION OF PROPOSAL**

- 1.1 The proposal seeks approval for a temporary change of use of the land at the application site from coach/car park use to a contractor's compound associated with the proposed Lower Thames Crossing and associated highway and infrastructure works. Permission is sought for a temporary period of 5 years.
- 1.2 The applicant initially sought temporary permission for a 3 year period with an expectation that there would be a requirement for the use to extend beyond that time. However, the terms of the application have subsequently been altered and an additional phase of public consultation has been undertaken on that basis.
- 1.3 No physical alterations to the site are proposed and the applicant's submissions show that permission is only sought for the change of use of land at the site. Whilst temporary structures have been introduced to the site, the application before the Council does not include those structures and, as such, the focus of this application is on the use of land only. The applicant has advised that these will be addressed under the terms of a future application once the use of the site for the purposes described above has been resolved.
- 1.4 The applicant has stated that the site is required by Highways England and its contractors, such as Balfour Beatty who currently use the site, due to their ongoing activities nearby connected with site investigations and works in connection with the proposed Lower Thames Crossing and the associated road and other infrastructure works.

## **2.0 SITE DESCRIPTION**

- 2.1 The site lies on the northern side of the A1306 and to the south of the A13. It is bounded by Pilgrims Lane to the east beyond which is a caravan site. To the south of the A1306 lies a Sainsbury Superstore as well as other commercial premises. To the west is a sports ground. The closest dwellinghouses to the site are those of Grifon Road, approximately 100 metres to the south east of the application site.
- 2.2 The site is covered in hardstanding and the abovementioned temporary buildings that are not the subject of this application. The applicant wishes to submit an application to address those buildings separately and has indicated that an application will be submitted imminently. Whilst some of this hardstanding appears to have been covered with soil and grass for the majority of a period of approximately 15 years between 2004 and 2019, that material has been cleared to reveal and reinstate the use of the hardstanding that is understood to have remained in place throughout. There are security fences at the boundaries of the site and a belt of trees and hedges adjacent to the majority of those fences. The site lies within the Green Belt as designated in the Core Strategy Policies Map.
- 2.3 Recently installed gates at the frontage of the site that faces Pilgrims Lane are the subject of a separate application (19/01858/FUL).

### 3.0 RELEVANT HISTORY

3.1 The following table provides the relevant planning history:

Application Ref.	Description of Proposal	Decision
19/01858/FUL	Installation of security gates	Pending decision
11/50283/TTGFUL	Change of use from coach park to caravan and leisure vehicle storage park for a 3 year period	Approved
08/00349/TTGFUL	Temporary change of use for 3 years for a Sunday morning market with opening hours of 09.00 to 13.00 hours only.	Refused
04/01447/TBC	Temporary use for 5 years as a lorry park, including conversion of an existing building to provide toilets, washing/shower facilities on ground floor and offices above.	Approved
00/01052/FUL	Provision of an enclosed all weather ball court surface with floodlights plus additional car parking to take account of additional usage. Landscaping on two sides to provide partial obscurement.	Withdrawn
91/00792/FUL	Use of car/coach park as Sunday Market	Withdrawn
90/00664/FUL	3 No. Pitched Roof Bus Shelters.	Approved
90/00208/FUL	Coach car park & football pitches pavilion and management building	Approved
89/00190/FUL	Playing Field Pavilion. Management Building. Overflow Car Park and Coach Park for the Lakeside Shopping Centre.	Approved
79/01270/FUL	Relocation of old refuse in adjoining land, burial and restoration to arable land (approx 30,000m <sup>3</sup> ) (Additional plans received 25.10.79).	Approved
67/00349/FUL	Limited Industrial Rubbish Tipping	Refused
64/00850/FUL	Petrol Service Station	Refused
49/00109/FUL	Overhead Lines	Approved

### 4.0 CONSULTATIONS AND REPRESENTATIONS

#### PUBLICITY:

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

Eight objections have been received along with an objection from the Thames Crossing Action Group which raise objections on the following grounds:

- The effect on the local highway network including increased congestion which would be greater than was previously found unacceptable in relation to other proposals at the site;
- Increased air and noise pollution;
- Inappropriate to approve works associated with the Lower Thames Crossing which, itself, has not been approved;
- Insufficient and inconsistent information has been provided in relation to the name of the applicant and occupier of the site;
- The application is retrospective, with the use having commenced earlier than stated, and additional buildings have been erected at the site;
- Allegations relating to the actions of contractors, including not following Covid-19 restrictions;
- The applicant's submissions misrepresent the number of vehicle movements that would occur and the size of those vehicles, provides inadequate details of the time when the site would be operational and, in contrast with the evidence submitted within previous applications, exaggerates the level of employment at the site;
- The application should not be considered while Covid 19 has altered the procedures of the Council;
- The site would be better used as housing;
- The effect on biodiversity has not been adequately explored.

#### 4.2 CONSULTATION RESPONSES:

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

#### 4.3 ANGLIAN WATER:

No comment

#### 4.4 CADENT GAS:

No objection.

#### 4.5 EMERGENCY PLANNING:

No objection.

4.6 ENVIRONMENT AGENCY:

No Response

4.7 ENVIRONMENTAL HEALTH:

No objection subject to the imposition of a condition to control the effect of noise on residential properties.

4.8 ESSEX COUNTY COUNCIL SUDs TEAM:

No objection.

4.9 HIGHWAYS:

No objection subject to a condition to address the routing of HGVs.

4.10 HIGHWAYS ENGLAND:

Having requested the submission of additional information and clarification, no objection is raised subject to a condition relating to the preparation and implementation of a travel plan.

4.11 LANDSCAPE AND ECOLOGY:

A small area of grassed land has been removed at the southern part of the site and a line of small trees has been removed. No assessment of the ecological value of the site has been provided. A condition should be imposed to require the reinstatement of the area of grassed land.

## 5.0 POLICY CONTEXT

### 5.1 National Planning Policy Framework (NPPF)

The revised NPPF was published on 24<sup>th</sup> July 2018 (and subsequently updated with minor amendments on 19<sup>th</sup> February 2019). The NPPF sets out the Government's planning policies. Paragraph 11 of the Framework expresses a presumption in favour of sustainable development. This paragraph goes on to state that for decision taking this means:

*c) approving development proposals that accord with an up-to-date development plan without delay; or*

- d) *where there are no relevant development plan policies, or the policies which are most important for determining the application are out of date<sup>1</sup>, granting permission unless:*
- i. *the application of policies in this Framework that protect areas or assets of particular importance provides a clear reason for refusing the development proposed<sup>2</sup>; or*
  - ii *any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in this Framework taken as a whole.*
- <sup>1</sup> *This includes, for applications involving the provision of housing, situations where the local planning authority cannot demonstrate a five year supply of deliverable housing sites.*
- <sup>2</sup> *The policies referred to are those in this Framework relating to: habitats sites and/or SSSIs, land designated as Green Belt, Local Green Space, AONBs, National Parks, Heritage Coast, irreplaceable habitats, designated heritage assets and areas at risk of flooding or coastal change.*

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

2. Achieving Sustainable Development;
4. Decision-making;
9. Promoting sustainable communities;
12. Achieving well-designed places;
13. Protecting Green Belt land;
15. Conserving and enhancing the natural environment;

## 5.2 National Planning Practice Guidance (NPPG)

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

- Air quality

- Before submitting an application
- Consultation and pre-decision matters
- Design
- Determining a planning application
- Fees for planning applications
- Flood risk and coastal change
- Green Belt
- Land affected by contamination
- Light pollution
- Making an application
- Natural environment
- Noise
- Transport evidence bases in plan making and decision taking
- Travel Plans, Transport Assessments and Statements
- Use of planning conditions

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

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

Overarching Sustainable Development Policy:

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

Spatial Policies:

- CSSP3: Sustainable Infrastructure
- CSSP4: Sustainable Green Belt

Thematic Policies:

- CSTP14: Transport in the Thurrock Urban Area: Purfleet to Tilbury
- CSTP15: Transport in Greater Thurrock
- CSTP16: National and Regional Transport Networks
- CSTP19: Biodiversity
- CSTP22: Thurrock Design
- CSTP23: Thurrock Character and Distinctiveness
- CSTP27: Management and Reduction of Flood Risk

## Policies for the Management of Development

- PMD1: Minimising Pollution and Impacts on Amenity
- PMD2: Design and Layout
- PMD6: Development in the Green Belt
- PMD7: Biodiversity, Geological Conservation and Development
- PMD8: Parking Standards
- PMD9: Road Network Hierarchy
- PMD10: Transport Assessments and Travel Plans
- PMD15: Flood Risk Assessment

### 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 The assessment below covers the following areas:

- I. Principle of the Development and impact on the Green Belt.
- II. Traffic Impact, Access and Car Parking
- III. Design and Layout
- IV. Other Matters

### I. PRINCIPLE OF THE DEVELOPMENT

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



1. Whether the proposals constitute inappropriate development in the Green Belt;
  2. The effect of the proposals on the open nature of the Green Belt and the purposes of including land within it; and
  3. Whether the harm to the Green Belt is clearly outweighed by other considerations so as to amount to the very special circumstances (VSC) necessary to justify inappropriate development.
4. Whether the proposals constitute inappropriate development in the Green Belt
- 6.3 The site is identified on the Core Strategy Proposals Map as being within the Green Belt where policies CSSP4 and PMD6 apply. Policy CSSP4 identifies that the Council will 'maintain the purpose function and open character of the Green Belt in Thurrock', and Policy PMD6 states that the Council will 'maintain, protect and enhance the open character of the Green Belt in Thurrock'. These policies aim to prevent urban sprawl and maintain the essential characteristics of the openness and permanence of the Green Belt to accord with the requirements of the NPPF.
- 6.4 Paragraph 133 within Chapter 13 of the NPPF states that the Government attaches great importance to Green Belts and that the "fundamental aim of Green Belt policy is to prevent urban sprawl by keeping land permanently open; the essential characteristics of Green Belt are their openness and their permanence." Paragraph 143 states that "inappropriate development is, by definition, harmful to the Green Belt and should not be approved except in very special circumstances."
- 6.5 Paragraph 146e) of the NPPF identifies that developments involving the material change of use of land are not inappropriate development in the Green Belt subject to the development not having a greater impact on the openness of the Green Belt. Policy PMD6 aligns with the NPPF and sets out further requirements for particular developments which are not directly relevant to this proposal. Consequently, the use of those parts of the site that have retained hardstanding at all times, albeit covered with soil and grass for some time, as a contractor's compound does not represent inappropriate development in the Green Belt provided that the openness of the Green Belt is preserved.
- 6.6 Consequently, subject to an assessment of the effect of the development on the openness of the Green Belt and whether the proposal aligns with the purposes of the Green Belt, it can be deemed that the development is not inappropriate development in the Green Belt.
2. The effect of the proposals on the open nature of the Green Belt and the purposes of including land within it.
- 6.7 The planning history of the site indicates that the site has formerly been used for the parking of vehicles of various sizes and, although aerial photographs indicate that an area of grassed land was introduced between 2003 and 2005, the whole of the site has previously been developed and laid to hardstanding. Although the site appears to have been used at a limited intensity, the site can be used lawfully for the parking of cars and coaches and, as such, vehicles and associated facilities could spread

across the site. Although it is understood that the site has rarely been used intensively for those purposes, that remains the lawful use of the site and, in comparison, the use of the site as a constructor's compound has little effect on the spatial openness of the Green Belt.

- 6.8 The site is bordered by tall soft landscaping at its boundaries but this does not prevent views into the site being possible from the public domain. Although some items kept at the site may be visible from public vantage points, these views would be limited and, as such, the effect on the visual openness of the Green Belt would also be minimal in comparison to the how the site could lawfully be used.
- 6.9 In this regard, it is appropriate to reiterate that the temporary structures that have been installed at the site are not part of this application and, as such, any consideration of their effect on openness should be reserved for that time when an application is made in respect of those structures. As the contractors utilising the site may change, the structures required at the site may change. In this regard, the applicant has verbally advised that intend to submit an application as soon as possible and it is anticipated that an update on this will be able to be provided prior to the determination of the application.

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

- 6.10 For the reasons set out above, it is considered that the development does not constitute inappropriate development in the Green Belt, does not cause an increased effect on openness in comparison to the lawful use of the site and does not bring about harm that would conflict with the purposes served by the Green Belt. Accordingly, it is not necessary to assess whether very special circumstances exist.

## II. TRAFFIC IMPACT, ACCESS AND CAR PARKING

- 6.11 The applicant has provided a Transport Technical Note which identifies that the lawful use of the site for purposes akin to a park and ride system would have enabled a potential 380 and 406 vehicle trips in the morning and evening peaks and 1,714 trips between 07.00 and 19.00. The applicant undertook traffic counts when the site was operational at 40% of its potential capacity and it was found that there were 29 and 37 vehicle movements in the morning and evening peaks and 343 vehicle movements between 07.00 and 19.00. Expanding this level of use to a potential situation where the current use occurs at its capacity, the applicant has identified that this could cause 73 and 93 vehicle trips in the morning and evening peaks and 858 movements between 07.00 and 19.00.
- 6.12 Highways England have been consulted in relation to the effect of the development on the Strategic Road Network and they have identified that, subject to the imposition of a condition requiring the agreement and implementation of a travel plan, the proposal would not have a detrimental effect on that network. Moreover, Thurrock

Council's Highway Engineers have identified that a condition can be imposed to ensure that the routing of the traffic associated with the use would not have an unacceptable effect on the local road network. The imposition of such a condition and the temporary nature of the proposal, are considered to be satisfactory grounds to conclude that the proposal would not have an unacceptable effect on traffic flow or highway safety.

- 6.13 For these reasons, the effect on the highway network is considered to be acceptable. The development, therefore, accords with policies CSTP14, CSTP16, PMD9 and PMD10 of the Core Strategy and paragraph 109 of the NPPF which 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.

### III. DESIGN AND LAYOUT

- 6.14 Permission is not sought for any building or engineering operations. In this regard, the additional temporary structures that have been erected at the site and the installation of gates at the site frontage can be assessed under the terms of separate applications. The applicant has indicated that different contractors may have differing requirements in respect of the buildings and therefore intends to address them separately. As set out above, the applicant has advised that an application for the existing structures at the site will be forthcoming imminently.
- 6.15 When assessed in isolation, the use of the site has no effect on the character and appearance of the area other than through the presence of vehicles and construction materials at the site. As set out above, the effect of this on the character and appearance of the site would be reduced by the screening at the boundaries of the site. Therefore, from the surrounding public highways, the effect on the visual amenity of the wider area is minimal. The development, therefore, accords with policies CSTP22, CSTP23 and PMD2 of the Core Strategy and paragraphs 124 and 127 of the NPPF.

### IV. EFFECT ON RESIDENTIAL AMENITY

- 6.16 As set out above, the site is a substantial distance from the nearest residential properties and the Council's Environmental Health Officer has raised no objection subject to the imposition of a condition relating to the effect of noise generated by traffic movements associated with the use of the site. However, it is not considered that the traffic generated by the use of the site would be unusual in comparison to the traffic that already utilises the roads around site and, as such, it would not be reasonable or enforceable to impose a condition to that effect. The development proceeding without such a condition would not result in noise being imposed upon

nearby residents to an extent that would be unacceptable or provide reasonable grounds for the refusal of the application. The proposal would have no other effects on the living conditions of nearby residents that would justify the refusal of the application.

## V. OTHER MATTERS

- 6.17 The Council's Landscape and Ecology Advisor has identified that the clearance of grassed land at the site, thereby reinstating the hardsurfacing which existed at the site prior to 2004, has caused a reduction of biodiversity and ecological value at the site as well as the loss of a sting of a small trees that are of minimal visual amenity value. Although an assessment of the ecological value of the site has not been provided, neither is there any evidence available that the site was of value in these respects. Furthermore, there is no evidence available that demonstrates that the clearance of the grass and soil above the hardstanding required works that constituted an engineering operation as opposed to site clearance and, as such, it is not apparent that these works could not have occurred without the need for planning permission. For the same reasons, it is not considered necessary to require the reinstatement of the grassed area after the permission has expired.
- 6.18 Given the extensive area of hardstanding that has existed at the site for a substantial period, it is not considered that the change of use of the site has increased the risk of flooding at the site or within the wider area. Furthermore, as the use is of a temporary nature, it is considered that it would be unreasonable to require any surface water drainage improvements to be introduced to the site.

## 8.0 CONCLUSIONS AND REASONS FOR RECOMMENDATION

- 8.1 For the reasons set out above, it is considered that the proposal would not represent inappropriate development and, whilst the vehicle movements associated with the use would be likely to have an effect on the local and strategic highway network, those movements are likely to occur in the network whether or not this application is approved and it is considered that this site being used as a base for the contractors of Highway England would have a limited impact in all respects in comparison to the potential use of other sites within the Borough. Consequently, it is considered that the use can be found acceptable on a temporary basis.

## 9.0 RECOMMENDATION

- 9.1 The Committee is recommended to grant planning permission subject to the following planning conditions:

### TEMPORARY PLANNING PERMISSION

1. The use hereby permitted shall be discontinued and the land restored to its condition immediately prior to the development authorised by this permission on or before 22 April 2027 in accordance with a scheme of work previously submitted to and approved in writing by the local planning authority on or before 22 April 2026 unless before that date a formal planning application for the continuation of such use has been approved by the local planning authority.

**Reason:** To reflect the terms of the permission, ensure that the effects of the development on the Green Belt, local and strategic highway network and general amenity of the area are temporary in nature and to ensure that the site is restored to its former condition.

### **TRAVEL PLAN**

2. The use hereby permitted shall cease and all equipment and materials brought onto the land for the purposes of such use shall be removed within 28 days of the date of failure to meet any one of the requirements set out in (i) to (iv) below:-
  - i. within 2 months of the date of this decision a Workplace Travel Plan shall have been submitted for the written approval of the local planning authority. This shall include details of who shall be the Travel Plan co-ordinator, evidence of Travel Surveys having been undertaken and to be undertaken subsequently, details of measures to be taken to encourage walking, cycling, use of public transport and reduce car travel by staff, details of the monitoring and review of the Travel Plan and a programme for implementation.
  - ii. if within 6 months of the date of this decision the local planning authority refuse to approve the scheme or fail to give a decision within the prescribed period, an appeal shall have been made to, and accepted as validly made by, the Secretary of State.
  - iii. if an appeal is made in pursuance of (ii) above, that appeal shall have been finally determined and the submitted scheme shall have been approved by the Secretary of State.
  - iv. the approved scheme shall have been carried out and completed in accordance with the approved timetable.

**Reason:** To encourage the use of sustainable modes of transport and reduce the effect of the development on local and strategic highway network as far as practical for the duration of the permission in accordance with Policies CSTP14, CSTP16, PMD9 and PMD10 of the Thurrock Local Development Framework Core Strategy and Policies For Management of Development (as amended) 2015.

### **HGV ROUTING**

3. The use hereby permitted shall cease and all equipment and materials brought onto the land for the purposes of such use shall be removed within 28 days of the date of failure to meet any one of the requirements set out in (i) to (iv) below:-

- i. within 2 months of the date of this decision a scheme detailing the routing of HGV movements and the minimisation of the use of local roads by HGVs shall have been submitted for the written approval of the local planning authority.
- ii. if within 6 months of the date of this decision the local planning authority refuse to approve the scheme or fail to give a decision within the prescribed period, an appeal shall have been made to, and accepted as validly made by, the Secretary of State.
- iii. if an appeal is made in pursuance of (ii) above, that appeal shall have been finally determined and the submitted scheme shall have been approved by the Secretary of State.

The approved scheme shall have been carried out and completed in accordance with the approved timetable.

**Reason:** To minimise the effect of traffic associated with the development on the local highway network as far as practical for the duration of the permission in accordance with Policies CSTP14, PMD9 and PMD10 of the Thurrock Local Development Framework Core Strategy and Policies For Management of Development (as amended) 2015.

**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)



