

<p>Reference: 21/00931/FUL</p>	<p>Site: Thurrock Football Club Ship Lane Aveley Essex RM19 1YN</p>
<p>Ward: West Thurrock and South Stifford</p>	<p>Proposal: Retention of the former Thurrock Football Club Stadium for ongoing football use. Development of a vehicle Pre-Delivery Inspection (PDI) centre to comprise 1,224 parking spaces, PDI Building (1,199.6 sq.m GEA), new access to include HGV turnaround and bus lane, 2.4m boundary fence, landscaping, change of use of existing flat (Use Class C3) to part of clubhouse and associated works.</p>

Plan Number(s):		
Reference	Name	Received
AJ0029-SDA-00-00-DR-A-10001 Rev. P2	Location Plan	31.05.21
A1J0029-SDA-00-00-DR-A-10100 Rev. P1	Existing Site Plan	31.05.21
AJ0029-SDA-00-XX-DR-A-PL001 Rev. P15	Proposed Site Plan	31.05.21
AJ0029-SDA-01-00-DR-A-PL100 Rev. P5	Proposed Floor Plans	31.05.21
AJ0029-SDA-01-ZZ-DR-A-PL200 Rev. P03	Proposed Elevations	31.05.21
19037-13-T-E	Existing & Proposed Stadium Overview Plan	31.05.21
19037-13-B-G1	Existing & Proposed Floor Plan (Grandstand)	31.05.21
19037-13-B-G2	Existing & Proposed Floor Plan (Main Changing Rooms)	31.05.21
19037-13-B-G3	Existing & Proposed Floor Plan (North Stand)	31.05.21
19037-13-B-G4	Existing & Proposed Floor Plan (Junior Changing Rooms)	31.05.21
19037-13-B-G5	Existing & Proposed Floor Plan (West Stand)	31.05.21
19037-13-B-G6	Existing & Proposed Floor Plan (South Stand – Ship Lane)	31.05.21

19037-13-E-1	Existing & Proposed Elevations & Sections Changing Room (Main)	31.05.21
19037-13-E-2	Existing & Proposed Elevations (Ship Lane Stand)	31.05.21
19037-13-E-3	Existing & Proposed Elevations (Main Grandstand)	31.05.21
19037-13-E-4	Existing & Proposed Elevations & Sections (North Stand)	31.05.21
19037-13-E-5	Existing & Proposed Elevations (West Stand)	31.05.21
581-EX03	Sketch Scheme Club House Floor Plans As Existing	31.05.21
581-EX04	Planning Application Club House Elevations As Existing	31.05.21

The application is also accompanied by:

- Arboricultural Report
- Archaeological Desk Based Assessment
- Design & Access Statement
- Flood Risk Assessment & Surface Water Drainage Strategy
- Flooding Sequential Test Assessment
- Geo-Environmental Desk Study Report
- Noise Impact Assessment
- Planning Statement
- Preliminary Ecological Appraisal
- Reptile Survey Report
- Statement of Community Involvement
- Transport Statement
- Viability Assessment

Applicant:
Group 1 Automative

Validated:
4 June 2021
Date of expiry:
3 September 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 and constitutes a departure from the Development Plan (in accordance with Part 3 (b), Section 2 2.1 (a) of the Council's constitution). Furthermore, this application is similar to an application determined by the Planning Committee in February 2021.

1.0 BRIEF SUMMARY

1.1 This application involves two elements comprising:

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

1.2 This application follows the decision by the Planning Committee at its meeting on 25th February 2021 to refuse planning application reference 19/01418/FUL which proposed:

“Retention of the former Thurrock Football Club stadium for ongoing football use. Development of a vehicle Pre-Delivery Inspection (PDI) centre on the site of training / practice pitches to the north of the stadium to comprise 1,224 parking spaces, PDI Building (1,199.6 sq.m GEA), new access to include HGV turnaround, 2.4m high boundary fence, landscaping, change of use of existing flat (Use Class C3) to Use Class D2 and associated works”.

1.3 The reasons for refusal referred firstly to harm to the Green Belt (GB) and the lack of factors which would clearly outweigh the harm such that the very special circumstances (VSC) to justify inappropriate development existed and secondly to inadequate information to enable the local planning authority to undertake a sequential test for flood risk.

1.4 The current application is similar in nature to this earlier application and has been submitted by the applicant as an attempt to address the previous refusal.

2.0 DESCRIPTION OF PROPOSAL

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

Site Area	Total c.7 Ha
Area of Proposed PDI facility (including associated access & landscaping)	c.3.7 Ha
Area of retained football stadium & associated parking and ancillary areas	c.2.2 Ha (including a parking area of c.0.25 Ha)
Currently unused land to NE of stadium	c.1.1 Ha
Floorspace	c.1,200 sq.m comprising vehicle preparation areas with ancillary offices and welfare accommodation
Building Height	Maximum c. 7.1m
Jobs created	Up to 30
Parking	1,224 parking spaces for vehicle stock 30 spaces for employees 15 electric vehicle charging spaces 5 customer spaces Existing parking area for football stadium re-used

2.2 Proposed PDI Facility:

The northern part of the site, most recently used for training pitches / football practice would be developed as a PDI facility comprising stock parking for 1,224 vehicles, separate staff and customer parking, a PDI Centre building and revised access arrangements onto Ship Lane including a bus lane. The applicant (Group 1 Automotive) is a vehicle retailer group operating at over 70 locations in the south east of England comprising authorised dealerships for a number of vehicle manufacturers, including Audi, BMW and Ford. The group handles both new and used vehicles. In summary, the facility would receive, store, prepare and test vehicles prior to exportation to individual dealerships. A part two-storey PDI Centre building would be used to inspect, modify and generally prepare vehicles prior to export. No retailing of vehicles would be undertaken from the site.

2.3 The applicant’s Transport Statement (TS) confirms that cars would be transferred to the site from four UK ports comprising Sheerness (Kent), Halewood (Merseyside), Grimsby (Humberside) and Portbury (Bristol). The TS assumes that September will be the busiest month for the site as a result in new vehicle registrations. During this month the site would generate 187 daily vehicle movements (one-way), including 43 (one-way) transporter movements (3 and 10-car transporters. Trip movements

would reduce during other months to 115 (one-way) movements. After storage, inspection and testing at the site vehicles would be exported to c.22 dealerships located in Essex, Kent and south London. The TS suggests that import and export of vehicles would be via the strategic road network, i.e. junctions 30 and 31 of the M25. Individual vehicles would be road tested before export, consisting of a short round trip to a petrol filling station. On a typical day there would be 53 vehicle trips (one-way) associated with road testing and fuelling, although this total would increase during September to 88 daily trips (one-way).

- 2.4 Detailed inspection, valeting etc. of vehicles would take place within a part two-storey building to be located close to the southern boundary of the PDI facility. This building would include a number of vehicle bays along with ancillary office and welfare accommodation. A new access to serve the PDI facility would be formed from 'Southway', the existing spur road from Ship Lane which served the former football club site and the Thurrock Hotel. The new access arrangements include a proposed HGV turnaround provided to discourage HGVs from continuing northbound on Ship Lane and travelling through Aveley village and works within the public highway comprising a section of bus lane with camera enforcement and associated width restriction.
- 2.5 The PDI facility would be secured via a proposed 2.4m high metal palisade fence. No external floodlighting of the vehicle area is proposed. The use would create up to 30 new jobs and would operate between 0730-1800 hours.

2.6 Proposed ongoing football use:

The previous refused planning application (ref. 19/01418/FUL) proposed that the retained former Thurrock FC stadium would be 'gifted' to Grays Athletic FC. However, the applicant now proposes that the stadium would be:

"gifted to the local community who will undertake their own competitive process to allocate the stadium to a football club / body which meets the requirements of Sport England and any planning permission".

In addition to the 'gifting' of the football stadium, the applicant is offering a financial contribution of £500,000 to the Council towards mitigating the loss of the training pitches, to be secured through a s106 agreement.

- 2.7 It should be noted that although the description of development provided by the applicant refers to "*Retention of the former Thurrock Football Club Stadium for ongoing football use*" this element of the proposals would not require any form of planning permission, as no operational development or change of use is involved. In

this case, it is only the proposed PDI centre and change of use (detailed below) which requires planning permission.

- 2.8 The proposals also include the change of use of an existing residential flat located above the clubhouse to Use Class D2 (assembly and leisure). Although not mentioned in the current Planning Statement, the applicant's Planning Statement accompanying 19/01418/FUL advised that discussions with Essex FA had confirmed their wish to use the first floor flat for teaching purposes, meetings and conferences.

3.0 SITE DESCRIPTION

- 3.1 This proposal involves the site of the former Thurrock Football Club, located to the north of jct. 31 of the M25 motorway and in between Ship Lane (to the west) and the northbound slip road from jct. 31 to jct. 30 (to the east). The site comprises the following three main elements:

- (i) football stadium: located on the south and south-western part of the site and focused on a full-size and floodlit football pitch. An unmarked car parking area adjoins the pitch to the west. At the southern edge of this parking area is a club house building with bar, office, kitchen and toilets located at ground floor level with a residential flat above. At the western-end of the pitch and behind one of the goals is a covered spectator terrace with entrance turnstiles. This covered terrace extends the northern side of the pitch. To the south of the pitch is a covered and seated grandstand. At the south-eastern corner of the pitch is a single storey changing room building containing home, away and official's rooms. A covered terrace occupies the central space behind the eastern goal with junior changing rooms, toilets and ground maintenance equipment accommodated at the eastern end of pitch. The stadium has capacity for 3,500 spectators, including 524 seats.
- (ii) to the north of, and separated by a belt of trees from, the stadium is a level and open grassed area formerly used as a football practice / training area. Aerial photographs suggest that this area included two, full-size playing pitches.
- (iii) located to the east of the stadium and south of the practice pitches is an open and unused area of rough grassland with tree planting.

- 3.2 All of the site is located within the Metropolitan Green Belt (GB), as defined in the Core Strategy, which also defines the site of the training pitches as a Local Nature Reserve. The site of the practice pitches is within the high risk flood zone (Zone 3), although the football stadium and associated car park is at low risk of flooding (Zone 1). The northern boundary of the site immediately adjoins the Mardyke, defined by the Environment Agency as a 'main river'. Overhead electricity transmission lines

forming part of the National Grid pass east to west through the site, principally across the practice pitches. Two pylons associated with the overhead lines are positioned within the site, located adjacent to the M25 / A282 and Ship Lane frontages.

- 3.3 The site immediately adjoins an Air Quality Management Area (no. 9) which covers the site of the Thurrock Hotel and is designated due to its position adjacent to junction 31 of the M25. The site of the practice pitches and land to the east of the stadium is underlain by landfill deposited in the 1980s.

4.0 RELEVANT PLANNING HISTORY

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

Application Ref	Description of Proposal	Decision
75/00179/FUL	Infilling to suitable depth to provide workable top soil for vegetable production - Average additional depth approx. 8 ft. School Marsh bounded on West by Ship Lane	Approved
85/00867/FUL	Changing rooms	Approved
87/00461/FUL	Grandstand and floodlights	Approved
97/00843/FUL	Football club house	Approved
98/00466/FUL	Proposed roof cover to existing terracing, new stand, fencing, hardstanding, snack bar and overflow car park	Withdrawn
98/00685/FUL	Erection of covered seating	Refused
03/00872/FUL	Disabled access ramp	Approved
03/00948/FUL	Operational works to re-surface training ground for 5 junior football practice pitches	Approved
19/01586/SCR	Environmental Impact Assessment Screening Opinion pursuant to Part 3 (8) of the Town and Country Planning (Environmental Impact Assessment) Regulations 2017: Refurbishment of the former Thurrock Football Club stadium, to include replacement of existing stadium pitch with new all-weather 3G pitch for community football use. Development	EIA not required

	of a vehicle Pre-Delivery Inspection (PDI) centre on the site of training / practice pitches to the north of the stadium to comprise 1,224 parking spaces, PDI Building (1,199.6 sq.m GEA), new access to include HGV turnaround, 2.4m high boundary fence, landscaping, change of use of existing flat (Use Class C3) to Use Class D2 and associated works.	
19/01418/FUL	Retention of the former Thurrock Football Club stadium for ongoing football use. Development of a vehicle Pre-Delivery Inspection (PDI) centre on the site of training / practice pitches to the north of the stadium to comprise 1,224 parking spaces, PDI Building (1,199.6 sq.m GEA), new access to include HGV turnaround, 2.4m high boundary fence, landscaping, change of use of existing flat (Use Class C3) to Use Class D2 and associated works.	Refused

4.2 From the table above it can be noted that a similar planning application to the current proposal was refused planning permission at the Planning Committee meeting on 25th February 2021. This application (ref. 19/01418/FUL) proposed the PDI centre and retention of the football stadium and facilities for use by Grays Athletic FC. The application was refused planning permission for the reasons of (i) harm to the GB and (ii) inadequate information for the LPA to undertake a Sequential Test for flood risk.

5.0 CONSULTATIONS AND REPRESENTATIONS

5.1 PUBLICITY:

This application has been advertised by way of individual neighbour notification letters sent to c.150 surrounding occupiers, press advert and site notice. The application has been advertised as a departure from the Development Plan and a major development. 16 letters of objection have been received raising the following matters of concern:

- unsafe / inadequate access;
- increased traffic congestion;
- pollution and impact on air quality;

- harm to amenity;
- increased noise;
- loss of Green Belt; and
- flooding issues.

One letter of support has been received from a Ward Councillor of an adjoining Ward (Aveley & Uplands).

5.2 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

5.3 AVELEY AND KENNINGTONS COMMUNITY FORUM:

No response received.

5.4 ANGLIAN WATER:

Planning condition(s) are required to address foul water drainage.

5.5 ENVIRONMENT AGENCY:

No objection, providing that the LPA take into account flood risk considerations.

5.6 ESSEX COUNTY COUNCIL (ARCHAEOLOGY):

No objection, subject to conditions relating to site investigation / assessment.

5.7 ESSEX POLICE:

Provide advice referring to Secured by Design.

5.8 HIGHWAYS ENGLAND:

Recommend that conditions, relating to minimising impact on the strategic road network, should be attached to any planning permission that may be granted

5.9 NATIONAL GRID:

No response received.

5.10 SPORT ENGLAND:

No objection, subject to the proposed financial contribution to mitigate the impact of the development on the playing fields and the freehold transfer of the former Thurrock FC stadium being secured through a section 106 agreement and a planning condition being imposed relating to a community use agreement for the use of the stadium.

5.11 ENVIRONMENTAL HEALTH OFFICER:

No response received.

5.12 FLOOD RISK MANAGER

Agrees with the general principle of the surface water drainage strategy, however raises detailed queries.

5.13 HIGHWAYS

Further information required.

5.14 LANDSCAPE & ECOLOGY ADVISOR:

No response received.

5.15 RECREATION & LEISURE SERVICES:

Raises queries regarding ground grading, community use and investment.

6.0 POLICY CONTEXT

6.1 National Planning Policy Framework (NPPF)

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

- c) approving development proposals that accord with an up-to-date development plan without delay; or
- d) where there are no relevant development plan policies, or the policies which are most important for determining the application are out of date¹, granting permission unless:

- i. the application of policies in this Framework that protect areas or assets of particular importance provides a clear reason for refusing the development proposed²; or
- ii any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in this Framework taken as a whole.

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

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

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

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

6.2 National Planning Practice Guidance (NPPG)

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

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

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

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

Overarching Sustainable Development Policy:

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

Spatial Policies:

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

Thematic Policies:

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

Policies for the Management of Development

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

6.4 Thurrock Local Plan

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

6.5 Thurrock Design Strategy

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

7.0 **ASSESSMENT**

7.1 Procedure:

With reference to procedure, this application has been advertised (inter-alia) as being a departure from the Development Plan. Should the Planning Committee resolve to grant planning permission (contrary to recommendation), the application will first need to be referred to the Secretary of State under the terms of the Town and Country Planning (Consultation) (England) Direction 2009. The reason for the referral as a departure relates to the provision of a building where the floorspace to be created

exceeds 1,000 sq.m and the scale and nature of the development would have a significant impact on the openness of the GB. Therefore, the application will need to be referred under paragraph 4 of the Direction (i.e. GB development). The Direction allows the Secretary of State a period of 21 days within which to 'call-in' the application for determination via a public inquiry. In reaching a decision as to whether to call-in an application, the Secretary of State will be guided by the published policy for calling-in planning applications and relevant planning policies.

7.2 The assessment below covers the following areas:

- I. Green Belt considerations;
- II. Traffic impact, access and car parking;
- III. Design and layout;
- IV. Impact on ecology and biodiversity;
- V. Flood risk and drainage;
- VI. Effect on neighbouring properties;
- VII. Land contamination and ground conditions;
- VIII. Energy and sustainable buildings; and
- IX. Other Matters.

7.3 GREEN BELT CONSIDERATIONS:

As noted above, there are two key limbs to the proposals; firstly the re-use of the former football stadium and secondly the construction of the PDI Centre building, open vehicle storage and associated development connected with the proposed PDI facility. It is emphasised that although the applicant's description of the proposal refers to "*Retention of the former Thurrock Football Club Stadium for ongoing football use*", planning permission is not required for the retention of the stadium and its re-use as no operational development or change of use is involved.

7.4 Nevertheless, as all of the site is located within the GB, adopted Core Strategy policies CSSP4 and PMD6 apply to the proposals alongside part 13 of the NPPF (Protecting GB land). Under the heading of GB considerations it is necessary to refer to the following key questions:

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

7.5 i. whether the proposals constitute inappropriate development in the GB: Football Stadium

With regard to the proposed re-use of the football stadium, no new buildings are proposed and no operational development would occur. As noted above, the re-use of the vacant football stadium and associated facilities via the gifting to the local community does not involve 'development' (as defined in the Planning Act) and planning permission is not required for the retention of the stadium and its re-use. Consequently, the impact of the proposed re-use on the Green Belt is considered to be nil. An essential characteristic of the Green Belt, as defined by paragraph 133 of the NPPF, is openness and the proposed re-use would have no demonstrable impact on this characteristic.

7.6 Core Strategy Spatial Policy CSSP4 (Sustainable Green Belts) reflects the objective of national policy to maintain the "*purpose, function and open character of the Green Belt in Thurrock*". As noted above, the re-use of the football facilities would have no discernible effect on the open character of the Green Belt and consequently there is no conflict with Policy CSSP4. Core Strategy Policy PMD6 (Development in the Green Belt) states, inter-alia, that the Council "*will plan positively to enhance the beneficial use of the Green Belt by looking for opportunities to provide access to the countryside, provide opportunities for outdoor sport and recreation ...*". It is considered that the proposals could offer opportunities for outdoor sport in accordance with this element of PMD6. However, given the use of the stadium for football activities since the 1980s, this would not necessarily be a new or additional benefit.

7.7 The proposals would retain and re-use the existing football stadium buildings, comprising the club house, changing rooms, spectator terraces / seating etc. Paragraph 150 (d) of the NPPF confirms that the re-use of buildings, provided that the buildings are of permanent and substantial construction, is not inappropriate in the GB, provided the re-use preserves openness and does not conflict with the purposes of including land in the GB. A site visit in October 2019 confirmed that the stadium is in good condition and there is reason to suggest that the buildings have fallen into disrepair. As the various stadium buildings and structures already exist, their proposed re-use raises no conflict in principle with GB policy as expressed in the NPPF.

7.8 The final element of the football-related proposals is the proposed change of use of the existing first floor flat, located above the club house, to Class D2 (assembly and leisure) use. The applicant previously referred to discussions with Essex FA and the wish of the Association to use the existing flat as function rooms for teaching, meetings and conferences. In terms of the impact of this proposed change of use on the GB, paragraph 150 (d) applies. As the clubhouse building is of permanent and

substantial construction, the re-use as proposed raises no conflict in principle with the NPPF or Core Strategy policies in this respect.

7.9 Whether the proposals constitute inappropriate development in the GB: PDI Facility

Paragraph 137 of the NPPF confirms that the Government attaches great importance to GBs and states that the:

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

With regard to proposals affecting the GB, paragraph 147 states that:

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

Paragraph 148 goes on to state that local planning authorities should ensure that *“substantial weight”* is given to any harm to the GB and that ‘VSC’ will not exist unless the potential harm to the GB by way of inappropriateness, and any other harm resulting from the proposal, is clearly outweighed by other considerations.

7.10 With reference to proposed new buildings in the GB, paragraph 149 confirms that a local planning authority should regard their construction as inappropriate, with the following exceptions:

- a) buildings for agriculture and forestry;
- b) the provision of appropriate facilities (in connection with the existing use of land or a change of use) for outdoor sport, outdoor recreation, cemeteries and burial grounds and allotments; as long as the facilities preserve the openness of the GB and do not conflict with the purposes of including land within it;
- c) the extension or alteration of a building provided that it does not result in disproportionate additions over and above the size of the original building;
- d) the replacement of a building, provided the new building is in the same use and not materially larger than the one it replaces;
- e) limited infilling in villages;
- f) limited affordable housing for local community needs under policies set out in the development plan (including policies for rural exception sites); and
- g) limited infilling or the partial or complete redevelopment of previously developed land, whether redundant or in continuing use (excluding temporary buildings), which would:
 - not have a greater impact on the openness of the GB than the existing development; or

- not cause substantial harm to the openness of the GB, where the development would re-use previously developed land and contribute to meeting an identified affordable housing need within the area of the local planning authority.

7.11 The proposals for the PDI facility include a part two-storey PDI centre building to be used for commercial purposes. Clearly this element of the proposed development does not fall within any of the exceptions listed at (a) to (f) above. It is accepted that the former stadium would fall within the definition of previously developed land (as set out in the glossary to the NPPF). However, the proposals would have a greater impact on the openness of the GB than the existing stadium development and consequently this exception would not apply. The proposed PDI facility building is therefore inappropriate development.

7.12 The remaining element of the PDI facility is the proposed formation of a hardsurfaced storage area to accommodate 1,224 parking spaces, separate staff and customer parking, a turning area for car transporters and the HGV turning area. This area, apart from the HGV turning area would be enclosed by a 2.4m high palisade fence. The laying down of a hardstanding is normally defined as an 'engineering operation' and not a 'building operation'. Paragraph 150 of the NPPF states that certain other forms of development (apart from the building operations defined at paragraph 149 (a) to (g) are:

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

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

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

- maintain the permanence of the boundaries of the Green Belt;
- resist development where there would be any danger of coalescence; and

- maximise opportunities for increased public access, leisure and biodiversity.

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

7.15 ii. The effect of the proposals on the open nature of the GB and the purposes of including land within it

The analysis in the paragraphs above concludes that the re-use of the existing football stadium for football use raises no conflict in principle with national or local planning policies for the GB. However, it has been established that the proposed PDI facility is inappropriate development which is, by definition, harmful to the GB (NPPF para. 147). However, it is also necessary to consider whether there is any other harm (NPPF para. 148).

7.16 As noted above paragraph 137 of the NPPF states that the fundamental aim of GB policy is to prevent urban sprawl by keeping land permanently open; the essential characteristics of GBs being described as their openness and their permanence. With regard to the proposed PDI facility, it is clear from the submitted drawings that built development and accompanying hardstandings would occupy a considerable part of the site. The PDI proposals would therefore comprise a substantial amount of new built development and engineering operations in an area which is currently open. Advice published in NPPG (July 2019) addresses the role of the GB in the planning system and, with reference to openness, cites the following matters to be taken into account when assessing impact:

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

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

road testing and staff movements. This activity would also impact negatively on the openness of the GB.

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

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

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

In response to each of these five purposes:

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

The NPPF does not provide a definition of the term “*large built-up areas*”. In this part of the Borough the southern edge of the GB is formed by the A1306 with land at Purfleet, West Thurrock, Chafford Hundred and Grays forming a continuous built-up area south of the A1306. To the north of the A1306 land within the Mardyke, A13 and M25 corridors is also within the defined GB with the boundary drawn tightly around the edges of the built-up areas of Aveley and South Ockendon. It is considered that the urban area stretching between Purfleet and Grays south of the A1306 can reasonably be described as a ‘large built-up area’. The location of the proposed PDI facility is however detached from the A1306 and consequently the development would not result in any material harm to the purpose of the GB in checking the unrestricted sprawl of large built-up areas.

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

As described above, the site of the proposed PDI Centre facility would be located to the north of the A1306 and the built-up area extending from Purfleet in the west to Grays in the east. The settlements of Aveley and South Ockendon to the north are separated from this built-up area by the GB. If the settlements of Aveley / South Ockendon and Purfleet / West Thurrock are described as ‘towns’ then the development of the PDI Centre facility would result in a small degree of merging

between these settlements. Although it is accepted that this conclusion relies on some interpretation of whether the settlements and built-up areas are 'towns'.

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

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

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

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

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

In general terms, the development of the proposed PDI Centre could occur in the urban area and, in principle, there is no spatial imperative why GB land is required to accommodate this element of the proposals. Members will be aware that a new Local Plan for the Borough is being prepared and the release of some GB land is anticipated in order to meet future growth. Indeed, the existing adopted Core Strategy (policy CSSP4) recognises the scenario of some GB release. Although the new Local Plan may identify locations for the release of further GB land, the document and its accompanying evidence base is at an early stage and cannot be afforded weight in the decision-making process. Therefore, on first impression, the development of this GB site as proposed might discourage, rather than encourage urban renewal. Apart from a Sequential Test for flood risk the applicant has not provided any analysis demonstrating whether sites within the urban area are available for the commercial use proposed.

7.25 In conclusion under the headings (i) and (ii) it is considered that the proposed PDI facility would lead to harm to the GB by way of inappropriate development (i.e. definitional harm), would be harmful by way of loss of openness and would be harmful as a result of conflict to varying degrees with GB purposes b), c) and e). In accordance with paragraph 148 of the NPPF substantial weight should be afforded to this harm.

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

Paragraph 148 of the NPPF states that, when considering any planning application, local planning authorities

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

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

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

- a) the gifting of Thurrock stadium to a community partner for community football use;
- b) a financial contribution of £500,000 made to Thurrock Council towards mitigating the loss of the training pitches, to be secured through a Section 106 Agreement;
- c) the provision of a HGV turnaround facility, bus lane and enforcement camera to assist with HGV management on Ship Lane and to avoid the use of HGVs travelling through Aveley village centre;
- d) the introduction of an international automotive retailer to Thurrock with associated job creation, and
- e) the provision of a viable ‘fall back’ position.

- 7.29 In addition to the main points a) to e) above, the applicant also refers to various court cases, the Council's recent Strategic GB Assessment and their own assessment of the site against the purposes of the GB as described at paragraph 138 of the NPPF
- 7.30 The detail of the applicant's case under these headings and a consideration of the matters raised are provided in the paragraphs below.
- 7.31 *a) the gifting of Thurrock stadium to a community partner for community football use*

Applicant's case:

The applicant cites adopted Core Strategy policies CSTP9 (Well Being: Leisure and Sports) which, inter-alia, supports the delivery of high quality sports facilities and CSTP10 (Community Facilities). It is noted that the stadium has been unused since the end of the 2017/18 football season and that, up to now, no occupier has come forward with the intention of using the stadium for sports purposes. The applicant is willing to 'gift' the stadium to a community partner (comprising residents, Council Officer and Members) who will undertake a community competition to select a footballing partner to operate the site.

7.32 Assessment

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

- 7.33 Understandably the applicant promotes the re-use of the stadium as a benefit associated with the PDI proposals and there is the possibility that without the PDI coming forward for development the stadium would remain unused. This factor needs to be weighed in the planning balance. Nevertheless, the currently vacant stadium could be re-occupied by a footballing partner (such as a club) without any

planning 'event' such as an application for planning permission. Put simply, in the absence of any change of use or operational development, the stadium could be re-used immediately without any reference to the local planning authority.

- 7.34 The consultation response from Sport England requires a Community Use Agreement (CUA) for the stadium. Members of the Committee will be aware of the principle of CUAs which are routinely offered or sought in relation to new sports or community facilities. A CUA would be a new benefit in this case, as it is unlikely that the former Thurrock FC had community use secured through a planning mechanism. However, the benefit of potential wider community use should be balanced against the facilities 'on offer'. The football stadium comprises a single, adult-sized natural grass pitch, spectator stands, changing room and clubhouse. Being a natural grass surface, as opposed to an artificial 3G surface, the pitch has a more limited carrying capacity and during winter months (in the middle of the football season) and will deteriorate with over-use. It is considered unlikely that the pitch could tolerate more intensive community use throughout the year. Therefore, compared to a 3G pitch, community use of the existing playing pitch would offer limited benefit. Nevertheless, as the stadium is currently unused, the potential for use by the community is a benefit.
- 7.35 Clearly the spectator stands, seating and players / officials changing rooms are intimately associated with the use of the football pitch and therefore offer little opportunity for other types of community use. Nevertheless, the clubhouse, which can be accessed without the need to enter the football stadium, provides accommodation which could be used by the wider community for meetings, events etc. However, Members of the Committee will be aware that the purpose-built Aveley Community Hub has recently opened and is centrally located in Aveley. Any community use of the football stadium is welcomed, but perhaps of limited benefit compared to the new Hub.
- 7.36 In conclusion under this heading, the 'development' which attracts the requirement for planning permission in this case is the proposed PDI facility and change of use of the first floor of the clubhouse. The gifting of the football stadium to a community partner is not an activity requiring planning permission. Nevertheless, the stadium has been unused for three seasons and its re-use is broadly speaking desirable. Furthermore, the potential for wider community use of the pitch is a new benefit which, the applicant contends, can only be achieved through the current proposal. However, in terms of planning policies which clearly set out protection for the GB, the proposed re-use and re-occupation of a currently vacant stadium does not carry significant or compelling weight in favour of the development. Members are reminded that it is the PDI proposals which are the principal and indeed only 'development' in this case. For the reasons given above, it is considered that any benefits arising from a CUA for the re-use of the stadium would be limited. Therefore although positive weight can be afforded to this factor, it is a limited benefit.

7.37 *b) a financial contribution of £500,000 made to Thurrock Council towards mitigating the loss of the training pitches, to be secured through a Section 106 Agreement*

Applicant's case:

Mitigation for the loss of the two training pitches located to the north of the stadium would be provided in the form of a financial contribution of £500,000 to the Council to be used for the provision of replacement facilities. The applicant refers to discussions with Sport England and the contribution which the applicant's mitigation could make to the Council's Outdoor Sports Strategy. This is cited as a wider community benefit. The applicant refers to compliance with development plan policy and paragraph no. 97 of the NPPF (now paragraph no. 99).

7.38 Assessment:

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

- a financial contribution of £500,000 paid to Thurrock Council that would be used towards the delivery of new or enhanced football pitches at Thurrock Council's Belhus Park playing fields in nearby Aveley;
- the gifting of the former Thurrock FC stadium to a community sports partner (the applicant has currently selected Grays Athletic Football Club) through transferring the freehold of the stadium;
- the completion of a community use agreement for securing the wider community use of the stadium facilities beyond use by the community sports partner.

Sport England also refer to extensive discussions between the applicant, Sport England, the Football Foundation (who represent the FA and the Essex County FA) and Thurrock Council as part of the previous application (ref. 19/01418/FUL). Within their consultation response Sport England refer to paragraph no. 97 (now paragraph 99) of the NPPF which states that:

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

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

7.39 Core Strategy policy CSTP9 (Well-Being: Leisure and Sports) identifies Belhus Park as a key site for leisure and sports facilities. Therefore, in terms of location, Belhus Park is considered appropriate for replacement facilities which would be lost as a result of the PDI development. However, both the applicant and Sport England refer to the proposed financial contribution as “mitigation” for the loss of the two full-sized training pitches. As noted earlier in the report (paragraph 7.27) the mitigation of impact is unlikely to qualify as consideration, or indeed a benefit, which should be afforded positive weight in the balance of GB. In simple terms, the financial contribution could be used to provide replacement pitches at Belhus Park such that there is no overall loss in provision. In this context any like-for-like replacement cannot be seen as a benefit attracting significant positive weight. Although some weight should be attached to the wider community benefit of ‘public’ pitched which would replace what were essentially private sports pitches.

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

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

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

- a) necessary to make the development acceptable in planning terms;
- b) directly related to the development; and
- c) fairly and reasonably related in scale and kind to the development.

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

7.42 Despite the fact that the proposed financial contribution cannot be justified through the IRL, both the NPPF (paragraph 99) and Core Strategy policy (CSTP9 and PMD5) require the like-for-like replacement of sports pitches lost to development. Accordingly, there is a policy justification for replacement provision and a financial

contribution is the most appropriate mechanism for securing delivery in this case. However, it is emphasised that the contribution is to secure replacement playing pitches to mitigate the proposed loss of existing pitches on the site. The financial contribution cannot be considered as a benefit which would attract positive weight in the planning balance: rather it is a policy requirement.

- 7.43 *c) the provision of a HGV turnaround facility, bus lane and enforcement camera to assist with HGV management on Ship Lane and to avoid the use of HGVs travelling through Aveley village centre*

Applicant's case:

The applicant refers to the local community's aspiration to remove HGV's from Ship Lane and that this aspiration has not yet been achieved. The proposals include an 'HGV loop' within the site which would enable lorries travelling northbound on Ship Lane (from jct.31) to re-route back to jct.31 rather than continuing through Aveley village. In addition, a width restriction and bus-lane with camera are included in drawings accompanying the application. The applicant considers that amenity benefits would follow if HGV movements were removed from the village. The applicant refers to discussions with the local community and the Council's relevant portfolio holder. Reference is also made to the previous options consultation undertaken by the Highways Authority and it is suggested that there is no funding allocated for any highways improvements to address the issue. Therefore the applicant suggests that the only realistic method of addressing the issue is via this application.

- 7.44 Assessment:

For information, there is an issue arising from HGV's travelling from jct.31 northbound along Ship Lane and then negotiating the Ship Lane / High Street mini-roundabout and High Street before joining the B1335 (Aveley bypass). The preferred HGV route is via the A13 and B1335 (Sandy Lane / Aveley bypass). However, Ship Lane will appear as a shorter route on satellite navigation systems.

- 7.45 The issue is recognised on the Council's IRL which identifies "Measures to control HGV's in Aveley" as a project (ref. no. IRL0004), although the 'need classification' is described as 'necessary' and not 'critical' (the highest category). Highways officers undertook a public consultation (Ship Lane, Aveley HGV Movements Consultation) with local residents in January and February 2019. This consultation was comprehensive with over 4,000 properties consulted and 362 responses received. Five options to address the HGV issue, with estimated costs, were presented as part of the consultation comprising:

- i. new roundabout at the Thurrock Hotel entrance (i.e. adjacent to the current application site);
- ii. two-way width restriction on Ship Lane;
- iii. partial one-way routing;
- iv. partial road closure; and
- v. northbound bus lane.

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

- 7.46 Although the applicant is promoting a potential solution to the Ship Lane HGV issue, it is clear that the Council has already identified this as a matter to be addressed. Furthermore, options have been formulated and a public consultation exercise completed. If the Council (as local highways authority) progresses with a scheme to deliver one of the consultation options then it can be assumed that the issue will be dealt with, in which case the applicant's HGV turn around, bus lane etc. becomes largely superfluous. The consultation response from the Highways Officer confirms that

“the formation of a turning loop and bus lane is agreed in principle. The bus lane was an option previously proposed in the consultation. It must be made clear however that a roundabout remains the preference due to its conventional use, a detailed design of the turning loop will need to be agreed to ensure it is sufficient”.

- 7.47 A roundabout junction therefore remains the preference. In conclusion under this heading, the weight which can be afforded to this 'benefit' is a matter of judgement. The issue of HGVs routing through Aveley has been identified as an matter for action, but has not been flagged as 'critical' on the IRL and the applicant's proposal is not the optimum solution. In addition any enforcement of the bus lane via cameras would place a responsibility on the Council. Nevertheless the timescales for delivery of the Council's scheme is unknown and in this sense the applicant's proposal could be a positive benefit. But given the uncertainties only moderate positive weight can be attached to this factor.
- 7.48 *d) the introduction of an international automotive retailer to Thurrock with associated job creation*

Applicant's case:

The applicant (Group 1 Automotive) is an international automotive retailer and will create up to 30 full-time equivalent (FTE) jobs during operation. Construction phase

jobs will also be created. The applicant is prepared to accept a s106 obligation to promote local employment.

7.49 Assessment:

New jobs, both during the construction and operation of the development would contribute to the economic objective of sustainable development, referred to by paragraph 8 of the NPPF. However, development of a GB site is in conflict with the environmental objective of sustainable development and job creation on its own would not clearly outweigh GB harm to justify a departure from planning policies.

7.50 The applicant's Planning Statement suggests that up to 30 jobs would be created on-site during the operational phase of the development. It is difficult to make an assessment of whether the proposals represent an intensive employment density of the site, partly because the proposed PDI and associated parking area is not a standard employment use. The widely accepted guide to employment densities is the 'Employment Density Guide' (3rd Edition, 2015) produced by the Homes & Communities Agency (HCA). This Guide provides details of FTE jobs which could be expected by new floorspace for a range of employment uses. The proposed PDI does not fall comfortably into any of the Use Classes as there will be elements of light industrial, general industrial and storage use proposed. Based on the proposed floorspace of c.1,200 sq.m, the maximum employment figure of 30 suggested by the applicant is broadly consistent with the employment guide (25 jobs for light industrial use / 33 jobs for general industrial use).

7.51 However, a large part of the application site would be occupied for vehicle parking and in terms of employment generation, this is considered to be an inefficient use of the land. As an example, if the 3.7Ha site of the proposed PDI centre were to be redeveloped for Class B2 (industrial) purposes, a building with a plot ratio of c.50% could be expected. That is, a building occupying c.50% of the plot is a reasonable assumption, based on (for example) plot ratios achieved at London Gateway. This plot ratio would result in a building with c.18,500 sq.m floorspace. If the HCA Guide is applied for a warehouse building with this floorspace (such as a national distribution centre) then c.194 jobs could be expected. Accordingly, although the proposed up to 30 jobs are welcome, the proposals are not an efficient use of the land and more conventional employment uses would be expected to generate greater employment benefits. Put another way, if the site were to be part of a planned release of GB for employment uses, a higher employment generation figure would be expected for the amount of land involved.

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

7.53 *e) the provision of a viable 'fall back' position*

Applicant's case:

The applicant cites the Officer's report to Planning Committee for the recent Tilbury FC proposals (ref. 20/00242/FUL) where the football stadium was considered to comprise previously developed land (PDL). The applicant considers that the Thurrock FC site is PDL and that a PDI facility could be designed on the stadium site so as to be NPPF compliant (paragraph no. 149(g)). That is, a different proposal for a PDI facility on the stadium site could be designed to have no "*greater impact on the openness of the GB than the existing development*". This is considered to be a 'fall back' position. However, this fall back would not deliver the benefit of the HGV turnaround.

7.54 Assessment:

The Courts have held that a 'fallback' position may be a material planning consideration for an alternative development scheme. Fallback is usually referred to in the context of permitted development rights. In the case of *Mansell v Tonbridge And Malling Borough Council* [2017] EWCA Civ 1314 the legal considerations in determining the materiality of a fallback position as a planning judgement were:

- the basic principle is that for a prospect to be a "real prospect", it does not have to be probable or likely: a possibility will suffice;
- there is no rule of law that, in every case, the "real prospect" will depend, for example, on the site having been allocated for the alternative development in the development plan or planning permission having been granted for that development, or on there being a firm design for the alternative scheme, or on the landowner or developer having said precisely how he would make use of any permitted development rights available to him under the GPDO. In some cases that degree of clarity and commitment may be necessary; in others, not. This will always be a matter for the decision-maker's planning judgment in the particular circumstances of the case in hand.

7.55 In this case permitted development rights are not applicable. In addition, there is no alternative scheme, either in the form of a planning permission or pre-application submission. Therefore, a fallback position is not material in this case.

7.56 Green Belt Conclusions

The proposed PDI centre comprises inappropriate in the GB. Consequently, the development would be harmful by definition with reference to paragraph 147 of the NPPF. The proposals would reduce the openness of the GB and, with reference to

the purposes of the Green Belt defined by NPPF para. 138, would result in a degree of coalescence and encroachment contrary to purposes (b) and (c). In accordance with NPPF paragraph 144 “substantial” weight should be given to this harm.

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

Summary of GB Harm and Considerations Promoted by the Applicant			
Harm	Weight	Factors Promoted as clearly outweighing GB and other harm	Weight
Inappropriate development	Substantial	the gifting of Thurrock stadium to a community partner for community football use	Limited positive weight
Reduction in the openness of the Green Belt		a financial contribution of £500,000 made to Thurrock Council towards mitigating the loss of the training pitches, to be secured through a Section 106 Agreement	No weight
Conflict (to varying degrees) with a number of the purposes of including land in the Green Belt – purposes c and e.		the provision of a HGV turnaround facility, bus lane and enforcement camera to assist with HGV management on Ship Lane and to avoid the use of HGVs travelling through Aveley village centre	Moderate positive weight
	the introduction of an international automotive retailer to Thurrock with associated job creation	Limited positive weight	
	the provision of a viable ‘fall back’ position	No weight	

7.58 As ever in reaching a conclusion on GB 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 GB with reference to inappropriate development, loss of openness and some conflict with the purposes of the GB. Several factors have been promoted by the applicant as comprising benefits which could clearly outweigh the harm to the GB (and any other harm) so as to comprise the VSC necessary to approve inappropriate development. It is for the Committee to judge:

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

7.59 Members of the Planning Committee are reminded of the content of NPPF paragraph 148 which states:

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

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

II. TRAFFIC IMPACT, ACCESS & CAR PARKING

7.61 The planning application is accompanied by a Transport Statement (TS). As the application site is located a short distance to the north of the M25 jct.31 Highways England has been consulted due to the linkages between jct. 31 (which is a local highways authority asset) and jct. 30 (which is a Highways England asset).

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

7.63 With reference to the proposed PDI Centre, vehicles to be processed at the facility would be imported into the UK via four ports located at Sheerness (Kent), Halewood (Merseyside), Grimsby (Humberside) and Portbury (Bristol). After the vehicles are tested and prepared at the site, they would be exported to 22 dealerships located in

Essex, Kent and south London. The applicant's TS provides a break-down of anticipated HGV movements associated with the import and export of vehicles. The TS also considers the fluctuation in HGV movement associated with new vehicle registrations. The TS also refers to movements associated with the road-testing of vehicles prior to export, including an associated route.

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

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

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

7.65 The formal consultation response from Highways England recommends that planning conditions are attached to any grant of planning permission to address the following matters:

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

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

III. DESIGN & LAYOUT

- 7.66 The proposed PDI centre would involve the formation of a large area of hardstanding for vehicle parking extending to c.3.7 Ha in area and providing 1,224 parking spaces. This area would have a functional appearance and, due to the value of the cars on-site, would be secured with a 2.4m high security fence. Although the applicant has not referred to security lighting as part of the submission, the need for such lighting should not be discounted given the extent of the site and health and safety requirements.
- 7.67 A part two-storey building is proposed comprising 1,200sq.m to a height of 7.1m. The appearance of this building would be somewhat utilitarian with a shallow roof pitch and silver-grey coloured cladding. Although it is appreciated that this is a functional building, the design and appearance is not of the highest architectural interest.
- 7.68 To the north of the site on the northern side of the Mardyke is a recreational footpath through the Mardyke river valley. Although a landscape buffer is proposed along the northern boundary of the site which would potentially filter views towards the site when established, the proposed security fencing and building would appear as prominent to views from the footpath. The visual impact of the proposals does not weigh in favour of the proposals. Members of the Committee will be aware that the NPPF and the Council's own planning policies emphasise the importance of good design. It is considered that the proposed building would be visually prominent and would not be visually attractive. For information, paragraph no. 126 of the revised NPPF now states that:

“the creation of high quality, beautiful and sustainable buildings and places is fundamental to what the planning and development process should achieve”

The appearance of the development is not a positive factor in overall planning balance.

IV. IMPACT ON ECOLOGY & BIODIVERSITY

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

V. FLOOD RISK & DRAINAGE

- 7.70 The site is located within the high risk flood zone (3a) and is located adjacent to a main river. The consultation response from the Environment Agency does not object to the proposal, but reminds the local planning authority of its responsibilities in applying the Sequential Test. Paragraph no. 162 of the NPPF states:

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

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

“For individual planning applications ... where the use of the site being proposed is not in accordance with the development plan, the area to apply the Sequential Test across will be defined by local circumstances relating to the catchment area for the type of development proposed ... When applying the Sequential Test, a pragmatic approach on the availability of alternatives should be taken”

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

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

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

- alternative sites;
- estimates of alternative site capacity; and

- information about the Development Plan allocation, constraints etc. of alternative sites.

7.72 The previous application for the site (19/01418/OUT) included a Flood Risk Assessment and Surface Water Drainage Strategy, however these documents did not provide the information referred to above to enable the local planning authority to undertake the Sequential Test. The current application is accompanied by a Flooding Sequential Test Assessment which now includes the required information. Consequently, it is considered that Sequential Test is passed and the previous reason for refusal based on inadequate information has been addressed.

VI. EFFECT ON NEIGHBOURING PROPERTIES

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

VII. LAND CONTAMINATION & GROUND CONDITIONS

7.74 The site of the proposed PDI centre comprises made ground (landfill) dating from the 1980's and the submission is therefore accompanied by a ground conditions report (preliminary assessment). The Council's Environmental Health Officer considers that a ground condition survey should be undertaken to determine the extent of any potential contamination and establish the load bearing strength of the strata. A planning condition could be used to address this matter were the application recommended for approval.

VIII. ENERGY & SUSTAINABLE BUILDINGS

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

8.0 CONCLUSIONS AND REASONS FOR RECOMMENDATION

8.1 The principal issue for consideration in this case is the assessment of the proposals

against planning policies for the GB and whether there are consideration which clearly outweigh harm such that the VSC to justify a departure from normal policy exist. The proposals are 'inappropriate development' in the GB, would lead to the loss of openness and would cause some harm to the purposes of the Green Belt. Substantial weight should be attached to this harm in the balance of considerations. Although positive weight can be given to some of the benefits of the proposals, the identified harm must be clearly outweighed for VSC to exist. NPPF para. 147 sets the stringent policy test that harm must be clearly outweighed by other considerations for VSC to exist. In this case it is concluded that the identified harm is not clearly outweighed by other considerations and therefore a case for VSC does not exist.

- 8.2 The design of the proposed PDI building, although improved since the previous application, is disappointing and would be visible and particularly prominent to users of the nearby Mardyke Valley footpath. Subject to potential planning conditions there are no objections to the proposals with regard to highways issues, impact on ecology or other planning considerations. However, the GB issues remain the primary matter which is of paramount importance in the consideration of this case. Consequently, it is recommended that planning permission is refused.

9.0 RECOMMENDATION

- 9.1 The Committee is recommended to refuse planning permission for the following 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 b), c) and e) of the Green Belt, as set out by paragraph 138 of the NPPF. In particular, the appearance of the proposed PDI centre building and perimeter fencing would appear as visually intrusive feature to users of the Mardyke Valley footpath. It is considered that the identified harm to the Green Belt is not clearly outweighed by other considerations so as to amount to the very special circumstances required to justify inappropriate development. The proposals are therefore contrary to Part 13 of the NPPF and Policies CSSP4 and PMD6 of the adopted Thurrock Local Development Framework Core Strategy and Policies for the Management of Development (2015).

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

