

<p>Reference: 23/01150/FUL</p>	<p>Site: Bumbles Yard St Chads Road Tilbury Essex</p>
<p>Ward: Tilbury St Chads</p>	<p>Proposal: Demolition of existing structures and construction of foodstore with associated vehicle access, car parking, landscaping, engineering and drainage works</p>

Plan Number(s):		
Reference	Name	Received
PL-01 Rev D	Location Plan	19 September 2023
PL-02 Rev C	Existing Site Plan	19 September 2023
PL-03 Rev N	Proposed Site Plan	19 September 2023
PL-04 Rev B	Proposed Building Plan	19 September 2023
PL-05 Rev C	Proposed Roof Plan	19 September 2023
PL-06 Rev D	Proposed Elevations	19 September 2023
J0076176-23-01_Issue01	External Elevations	14 November 2023
J0076176-23-04_Issue02	External Elevations	14 November 2023
J0076176-23-02_Issue01	External Elevations	14 November 2023
JSL4782-RPS-XX-EX-DR-L-9001 Rev P05	Soft Landscape: Strategic Proposals	19 September 2023
JSL 4782-RPS-XX-EX-DR-L-9002 Rev P05	Soft Landscape: Detailed Proposals	19 September 2023
0050 Rev P2	Proposed Drainage Strategy	19 September 2023
20909	Topographical Survey	14 November 2023
SK-11	Proposed Site Sections	24 March 2024

The application is also accompanied by:

- Design and Access Statement (Whittam Cox Architects)
- Energy and Sustainability Statement (Dave Dickinson & Associates Limited)
- Flood Risk Assessment and Drainage Strategy (BCAL Consulting)
- Ground Investigation Reports (Remada)

- Health Impact Assessment (CarneySweeney)
- Landscape and Visual Appraisal (Tir Collective)
- Lighting Scheme (Signify)
- Noise Impact Assessment (Hoare Lee)
- Planning and Retail Statement (CarneySweeney)
- Preliminary Ecological Assessment (RPS)
- Statement of Community Involvement (Royal Pilgrim Communications)
- Transport Statement (SCP Transport)
- Travel Plan (SCP Transport)
- Tree Survey and Arboricultural Report (RPS)

Applicant:

Lidl Great Britain Limited

Validated:

6 November 2023

Date of expiry:

6 June 2024 (extension of time agreed with applicant)

Recommendation: Grant Planning Permission subject to conditions

This application has been scheduled for determination by the Council's Planning Committee because the application represents a departure from the Development Plan which would require referral to the Secretary of State (in accordance with Chapter 5, Part 3 (2) 2.1 of the Council's Constitution).

1.0 DESCRIPTION OF PROPOSAL

1.1 This application seeks full planning permission for the construction of a food store/supermarket (Class E) with car parking, landscaping and associated engineering and drainage works. The single storey food store would have a gross external area of 2,269sqm and would be located to the south of the site. The food store building would be 7.1m high reducing to 5.7m where it slopes downwards to the south. The entrance canopy would be 4.9m high. Solar PV panels are proposed to the store's roof to provide some renewable electricity to the food store.

1.2 The existing vehicle access to the site would be improved leading to a car park with 123 spaces including 6 disabled, 9 parent child spaces and 2 electric charging bays. The car park would be wrapped around the building with the largest area of parking to the north of the proposed food store. The car park would have lighting turned on during store opening hours. Twelve cycle parking spaces would be located under the canopy at the front of the food store. The delivery loading and unloading bays would be located to the eastern side of food store and would include a 1.8m high acoustic fence. A plant area

containing 3 condensing units, 2 dry air coolers and 2 heat pumps would be located at the south-eastern corner of the building and this would be secured within a compound with a 2.5m solid barrier fence. There would be soft landscaping to the boundaries of the site.

- 1.3 The food store proposes opening hours of Monday to Sunday 07:00 to 23:00 (although Sundays are controlled by Sunday trading laws – a store of this floor area would only be allowed to trade for up to 6 hours).

2.0 SITE DESCRIPTION

2.1 The application site covers 1.2ha and is currently occupied by Bumbles Yard Livery Stables with associated paddocks and menage. Several buildings are located on the site, amounting to floorspace of approximately 805sqm. The existing buildings are mainly located in the western half of the site. The menage has a further footprint of 1,644sqm. The site’s boundary comprises some trees, hedges and fences.

2.2 The site is bounded by the A126 (St Chads Road) to the west, which forms the route northwards from Tilbury to Chadwell St Mary. There is a shared footway / cycleway passing along the A126, linking the site to Tilbury and Chadwell St Mary. Residential properties on Feenan Highway and Lawrence Gardens lie to the immediate south of the site, with farmland to the north and east, separated from the site by a flood bank. A traveller’s site lies to the north along St. Chads Road. To the west is the site of the new Tilbury football ground, which is under construction.

- 2.3 The site is within Green Belt and in ‘high risk’ flood zone 3.

3.0 RELEVANT HISTORY

Application Reference	Description of Proposal	Decision
73/00576/FUL	Earth embankments and small concrete walls forming part of the Authority's Tilbury Flood Relief Scheme	Approved
84/00299/FUL	New Livery Stables Buildings - New Feed Store Building & Resiting Existing Stable Building	Approved
84/00309/FUL	Livery Stable Building	Approved

4.0 CONSULTATIONS AND REPRESENTATIONS

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

PUBLICITY:

- 4.2 This application has been advertised by way of individual neighbour notification letters, press advert and public site notice which has been displayed nearby. There were 191 representations received, all of which support the proposal, apart from one from another retail supermarket in the area who identify that the proposal is inappropriate development in the Green Belt and very special circumstances do not exist.

4.3 ARCHAEOLOGY:

No objections, subject to a condition for archaeological trial trenching and excavation.

4.4 EMERGENCY PLANNING:

No objections, subject to compliance with a Flood Warning Emergency Plan (FWEP).

4.5 ENVIRONMENT AGENCY:

No objections, subject to a condition to monitor and manage the impact of the development on the Tilbury Flood Storage area.

4.6 ENVIRONMENTAL HEALTH:

No objections, subject to conditions for noise and a Construction Environment Management Plan (CEMP).

4.7 HIGHWAYS:

No objections, subject to conditions for a s278 to secure the new access from St Chads Road, a new roundabout on the junction of St Chads Road and Feenan Highway and two new bus stops and shelters.

4.8 LANDSCAPE AND ECOLOGY:

No objections, subject to conditions for hard landscaping, boundary treatments, further surveys for bats and a CEMP condition (biodiversity).

4.9 LEAD LOCAL FLOOD AUTHORITY:

No objections, subject to a condition for a surface water management plan.

4.10 POLICE:

No objections, recommend Secured by Design be incorporated.

4.11 TRAVEL PLAN:

No objections subject to the requirement of a monitoring fee of £3,600 for a five year period.

4.12 URBAN DESIGN:

Object as it is considered that the site is inappropriate for this development, inconvenient in terms of its location and would cause harm to the area.

5.0 POLICY CONTEXT

National Planning Guidance

National Planning Policy Framework (NPPF)

5.1 The revised NPPF was published on 20 December 2023 and sets out the Government's planning policies. Paragraph 2 of the Framework confirms the tests in s.38 (6) of the Planning and Compulsory Purchase Act 2004 and s.70 of the Town and Country Planning Act 1990 and that the Framework is a material consideration in planning decisions. Paragraph 11 states that in assessing and determining development proposals, local planning authorities should apply the presumption in favour of sustainable development. The following headings and content of the NPPF are relevant to the consideration of the current proposals.

- 2. Achieving sustainable development
- 6. Building a strong, competitive economy
- 7. Ensuring the vitality of town centres
- 8. Promoting healthy and safe communities
- 9. Promoting sustainable transport
- 11. Making effective use of land
- 12. Achieving well-designed places

- 13. Protecting Green Belt land
- 14. Meeting the challenge of climate change, flooding and coastal change
- 15. Conserving and enhancing the natural environment
- 16. Conserving and enhancing the historic environment

National Planning Practice Guidance (PPG)

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

- Climate change
- Design: process and tools
 - Determining a planning application
- Effective use of land
- Flood Risk and Coastal Change
- Green Belt
- Historic environment
- Land affected by contamination
- Light pollution
- Natural Environment
- Noise
- Renewable and low carbon energy
- Town centres and retail
- Transport evidence bases in plan making and decision taking
- Travel plans, transport assessments and statements in decision-taking
- Use of Planning Conditions

Local Planning Policy

Thurrock Local Development Framework (as amended) 2015

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

OVERARCHING SUSTAINABLE DEVELOPMENT POLICY:

- OSDP1: Promotion of Sustainable Growth and Regeneration in Thurrock

SPATIAL POLICIES:

- CSSP4: Sustainable Green Belt

THEMATIC POLICIES:

- CSTP7: Network of Centres
- CSTP8: Viability and Vitality of Existing Centres
- CSTP14: Transport in the Thurrock Urban Area: Purfleet to Tilbury
- CSTP19: Biodiversity
- CSTP22: Thurrock Design
- CSTP23: Thurrock Character and Distinctiveness
- CSTP24: Heritage Assets and the Historic Environment
- CSTP27: Management and Reduction of Flood Risk

POLICIES FOR THE MANAGEMENT OF DEVELOPMENT

- PMD1: Minimising Pollution and Impacts on Amenity
- PMD2: Design and Layout
- PMD4: Historic Environment
- PMD6: Development in the Green Belt
- PMD7: Biodiversity, Geological Conservation and Development
- PMD8: Parking Standards
- PMD9: Road Network Hierarchy
- PMD10: Transport Assessments and Travel Plans
- PMD12: Sustainable Buildings
- PMD13: Decentralised, Renewable and Low Carbon Energy Generation
- PMD15: Flood Risk Assessment
- PMD16: Developer Contributions

Thurrock Local Plan

- 5.4 In February 2014 the Council embarked on the preparation of a new Local Plan for the Borough. Between February and April 2016, the Council consulted formally on an Issues and Options (Stage 1) document and simultaneously undertook a 'Call for Sites' exercise. In December 2018 the Council began consultation on an 'Issues and Options' (Stage 2 Spatial Options and Sites) document, this consultation has now closed, and the responses have been considered and reported to Council. On 23 October 2019 the Council agreed the publication of the Issues and Options 2 Report of Consultation on the Council's website and agreed the approach to preparing a new Local Plan. In December 2023 the Council began Initial Proposals Consultation (Regulation 18).

6.0 ASSESSMENT

6.1 Procedure:

With reference to procedure, this application has been advertised as a major development and as being a departure from the Development Plan. Should the Planning Committee resolve to grant planning permission, the application will first need to be referred to the Secretary of State under the terms of the Town and Country Planning (Consultation) (England) Direction 2024. The reason for the referral as a departure relates to Green Belt development which is a retail development which is out of town and therefore the application will need to be referred under both paragraph 4 and 5 of the Direction. The Direction allows the Secretary of State a period of 21 days within which to 'call-in' the application for determination via a public inquiry. In reaching a decision as to whether to call-in an application, the Secretary of State will be guided by the published policy for calling-in planning applications and relevant planning policies.

6.2 The assessment below covers the following areas:

- I. Principle of the development - Impact upon the Green Belt and retail assessment
- II. Layout and design
- III. Highway considerations
- IV. Flood risk and drainage
- V. Archaeology
- VI. Air quality and noise
- VII. Effect on neighbouring properties
- VIII. Ecology and biodiversity
- IX. Land contamination and ground works
- X. Energy and sustainable buildings
- XI. Sustainability

I. THE PRINCIPLE OF THE DEVELOPMENT – IMPACT ON GREEN BELT AND RETAIL ASSESSMENT

Green Belt Assessment

6.3 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 necessary to justify inappropriate development.

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

6.4 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.

6.5 Paragraph 142 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 152 states that "*inappropriate development is, by definition, harmful to the Green Belt and should not be approved except in very special circumstances.*". At paragraph 154 the NPPF sets out a limited number of exceptions where the construction of new buildings could be acceptable, this includes:

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 Green Belt than the existing development; or

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

6.6 It is considered that the land is partly previously developed. The present buildings at the site are mainly within the western half of the site. There are several buildings located on the site, amounting to an approximate footprint of 805sqm. The menage has a further footprint of 1,644sqm, although this is not considered to constitute PDL. The proposed supermarket would have an external footprint of 2,269sqm. Therefore, this is a considerable increase of

built form at the site in terms of footprint and the proposed food store would have a much larger impact in terms of its volume of built form compared to the existing development on site. Whilst there would be benefits to amalgamation of the buildings at the site, it is not considered the development proposal would fall within the exception above. As the development would have a greater impact on openness than the existing development. The current proposal for development does not fall within the categories which are exceptions to the presumption against inappropriate development. Consequently, it is concluded that the proposals comprise inappropriate development with reference to the NPPF and Core Strategy policy and should be afforded substantial weight in this assessment.

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

- 6.7 Having established that the proposals are inappropriate development, it is necessary to consider the matter of harm. Inappropriate development is, by definition, harmful to the Green Belt, but it is also necessary to consider whether there is any other harm to the Green Belt and the purposes of including land therein.
- 6.8 As noted above, paragraph 142 of the NPPF states that the fundamental aim of Green Belt policy is to prevent urban sprawl by keeping land permanently open; the essential characteristics of Green Belts being described as their openness and their permanence. The proposals would comprise a substantial amount of new built development in an area which is predominantly open. Therefore, it is considered that the amount and scale of development proposed would 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.
- 6.9 Paragraph 143 of the NPPF sets out the five purposes which the Green Belt serves as follows:
- a. to check the unrestricted sprawl of large built-up areas;
 - b. to prevent neighbouring towns from merging into one another;
 - c. to assist in safeguarding the countryside from encroachment;
 - d. to preserve the setting and special character of historic towns; and
 - e. to assist in urban regeneration, by encouraging the recycling of derelict and other urban land.
- 6.10 In response to each of these five purposes:
- a. to check the unrestricted sprawl of large built-up areas*

6.11 The application site falls within an area of land described within the Thurrock Strategic Green Belt Assessment (Strategic Parcel No. 33) as 'fundamental' in checking the unrestricted sprawl of the large built areas. Tilbury is a town and the proposal is on the edge of the settlement, albeit adjacent to residential development which is considered to form part of the main urban area of Tilbury. The proposal would result in development to the north the existing settlement and the proposed amount of built form would appear to project further into the countryside than the current built form observed on site. It is considered the proposal would result in harm in terms of the purpose of the Green Belt in checking the unrestricted sprawl of large built-up areas. In this case the proposal would extend development north and therefore close to the settlement of Chadwell St Mary. Nonetheless, it is important to note that the proposed layout of the development has been carefully considered with the proposed building sited as close to the southern boundary of the site as possible to allow for the rest of the site to remain generally open in its appearance, albeit occupied by a car park. The proposed layout and siting reduces the harm to this purpose to some extent, however it is considered that the proposal is contrary to this purpose.

b. to prevent neighbouring towns from merging into one another

6.12 Thurrock Strategic Green Belt Assessment sets out that Strategic Parcel No. 33 is 'major' in preventing neighbouring towns from merging into one another. This parcel of Green Belt separates the built-up areas of Chadwell St Mary to the north and Tilbury to the south of the site. The proposal would result in development progressing north towards Chadwell St Mary. Whilst the site forms only a small section of the Green Belt parcel, separating the two settlements, the development proposals would result in harm to the purpose of the Green Belt by extending Tilbury further north than its existing settlement boundary.

c. to assist in safeguarding the countryside from encroachment

6.13 The Thurrock Strategic Green Belt Assessment sets out that Strategic Parcel No. 33 is 'fundamental' in safeguarding the countryside from encroachment. The site is located outside of the settlement area of Tilbury on the Proposals Map and within the Green Belt. Whilst the land is partially developed, it is considered that the site is located within the countryside. The proposal would not safeguard the countryside from encroachment as the proposal would result in built form and hardstanding car park sprawling over the majority of the site, in areas where there is currently no development. This would lead to harm with regard to this purpose.

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

6.14 The application site does not fall within a historic town with special character. Therefore, the proposal would not conflict with this defined purpose of the Green Belt.

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

6.15 In general terms, the development could occur in the urban area and, in principle; there is no spatial imperative why Green Belt land is required to accommodate the proposals. The proposed development is inconsistent with the fifth purpose of the Green Belt.

6.16 In light of the above analysis, it is considered that the proposals would clearly be harmful to openness and would be contrary, to different extents, to purposes a), b), c) and e) of the above listed purposes of including land in the Green Belt. Substantial weight should be afforded to these considerations.

3. Whether the harm to the Green Belt is clearly outweighed by other considerations so as to amount to the Very Special Circumstances necessary to justify inappropriate development

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

6.18 With regard to the NPPF, paragraph 152 states that '*inappropriate development is, by definition, harmful to the Green Belt and should not be approved except in very special circumstances*'. Paragraph 153 goes on to state that, when

considering any planning application, local planning authorities “*should ensure that substantial weight is given to any harm to the Green Belt. Very special circumstances will not exist unless the potential harm to the Green Belt by reason of inappropriateness, and any other harm, is clearly (emphasis added) outweighed by other considerations*”.

6.19 The Planning and Retail Statement sets out the applicant’s factors which they consider demonstrate VSC which are listed below and then assessed:

- a) Genuine need for a discount food store in Tilbury
- b) Increase in local employment
- c) Encouraging sustainable transport
- d) Immediate investment into Tilbury
- e) Improved visual appearance

a) Genuine need for a discount food store in Tilbury

Applicant’s Case:

6.20 The Asda store at Thurrock Park Way is assessed to be trading above its company benchmark position by c.£4m. The Aldi store, in Grays, (a Limited Assortment Discounter or LAD) is trading above its company benchmark position by c.£16m; it is trading over double its expected turnover. To provide some context, the level of convenience over-trading at Aldi is more than the total convenience turnover of the proposed Lidl store (£10.3m). This provides further stark indication of the need for additional local LAD convenience provision. The store will improve choice and competition and ‘decongest’ existing local stores.

6.21 The degree of overtrading at the existing Aldi store is evidence of the a) popularity in qualitative terms of LAD discount food retailers, and b) need for additional provision to meet local demand. It has been established that LAD retailers fulfil a clear role, separate to mainstream supermarkets, and can often act as a complementary offer, rather than direct competition. The limited LAD product range does distinguish Lidl from other retailers including main grocers (Asda, Morrison’s, Tesco, Sainsbury’s, Waitrose), freezer centres (Iceland) and multiple and independent convenience stores. In allowing a planning appeal for a Lidl foodstore in Huntingdon, the Inspector concluded that: “*as it would represent a specialist discount foodstore, I find that there is insufficient evidence to show that it would cause any significant harm to this vitality and viability, particularly as it would not compete directly with the retail premises and would be complementary to the activities within the Town Centre*” (para 25).

- 6.22 In addition, Tilbury Football Club, opposite the application site, has outline planning permission for up to 112 new dwellings. The population growth associated with this committed development will place significant additional demand on existing convenience retail outlets in the catchment area in future years, further intensifying the need for a new food store in Tilbury.
- 6.23 The applicant has established that there are no sequentially preferable sites to accommodate such development in Tilbury. In conclusion, quantitative and qualitative need for the foodstore is established.

Assessment:

- 6.24 The proposal would represent an out-of-centre proposal for a main town centre use. This is resisted by Policy CSTP8, if suitable sites are available within, or failing that, adjacent to these centres. At paragraph 005, Planning Practice Guidance (PPG) sets out that it may not be possible to accommodate all the forecast needs for a town, within the town centre and planning authorities should plan positively to identify the most appropriate alternative strategy for meeting the identified need for main town centre uses, having regard to the sequential and impact tests. This should ensure that those uses are in the best locations to support the vitality and vibrancy of town centres.
- 6.25 The NPPF makes it clear that where proposals are received for such uses beyond the town centre, planning authorities should apply a sequential test to determine whether such locations are appropriate. Where town centre sites are not available consideration may be given to proposals in edge of centre locations. Only if suitable sites are not available (or expected to become available within a reasonable period) should out of centre sites be considered.
- 6.26 A retail consultant has provided independent advice on the retail planning policy merits of the proposal. Regarding the approach to the applicant's sequential test, the search criteria lack flexibility and the approach to availability is too short to meaningfully allow for a town centre site to come forward. The Lidl business model does not offer flexibility. Nonetheless, it does not appear that any sites have been missed within the analysis or being dismissed solely for these reasons. The consultant reviewed the sites assessed within the sequential test, in their judgement there are no sites that would be sequentially preferable to the application site. They concluded that despite reservations on the flexibility of the search criteria and the approach to availability, they consider that the sequential test is passed. Therefore, there would be no sites that would be sequentially preferable for this development other than this application site.
- 6.27 The floor area of the proposal falls below the threshold set within the NPPF which requires any out of town retail proposal to provide a Retail Impact

Assessment if the floorspace created would be greater than 2,500sqm. However, in this instance the applicant decided to provide an assessment.. In terms of the impact to the town centre, whilst there could be some impacts to Tilbury Town Centre smaller convenience stores, which is unfortunate, it is recognised that the Aldi in Grays is trading strongly and there is an opportunity to improve choice at a much more local level. The independent retail consultant concluded that this adverse impact would not be significantly adverse to warrant a refusal on retail impact alone.

- 6.28 As stated above, there is a quantitative and qualitative need for a new food store in the Tilbury area. Residents in Tilbury and Chadwell St Mary do have access to food stores, but not with the same range of choice of residents of Grays for example. It is considered that in this case, on balance, the retail need weighs in favour of the proposal.
- 6.29 The applicant states there is a genuine need for a discount food store in Tilbury and has evidenced this with information provided with the application. In respect of retail need as a factor for VSC, they conclude there is a quantitative and qualitative need for a new foodstore in the Tilbury area. The proposal would provide residents of Tilbury and Chadwell St Mary access to more choice of food stores. In retail terms this would present a clear opportunity to take back trade and reduce the overtrading of the Aldi store in Grays. Therefore, it is considered they is a retail need for this type of food store in the locality and that no other sequentially better sites are available. This is further assessed below. It is considered that this factor should be afforded significant weight towards VSC for allowing this development in the Green Belt.

b) Increase in Local Employment

Applicant's Case:

- 6.30 The proposed food store will generate 40 new jobs (Full Time Equivalent) with a combination of full and part time roles; 80% of which will be employed from the immediate surrounding area. The proposal therefore provides a strong economic benefit for the local economy and jobs market in Tilbury primarily, as well as surrounding areas.
- 6.31 In addition to 40 direct jobs, significantly more indirect jobs will be provided by the development. This directly contributes towards meeting the LPA's target additional 26,000 no. jobs in Thurrock, (including a target 1,600-3,800 jobs in Tilbury) over the Plan period as per Core Strategy Policy CSSP2. This benefit is also particularly important in the local context, whereby the unemployment levels in Thurrock are higher than the regional and national average, at 3.7% compared to 2.8% (East of England) and 3.6% (Great Britain).

Assessment:

- 6.32 It is considered that job creation which would be likely to employ local people is positive for an area which has higher unemployment levels than the Thurrock and England averages. It is considered this can be afforded some weight as a factor towards VSCs.

c) Encouraging sustainable transport

Applicant's Case:

- 6.33 At present, residents of Tilbury must travel to Grays in order to access a discount food store. The nearest being Aldi on London Road, Grays, which is approximately a 10km round-trip from the site, if travelling by car. Meanwhile the nearest Lidl is an approximately 18km round trip by car. This situation fundamentally conflicts with a key objective of the planning system and Thurrock's Local Planning Policy, which is to support and encourage sustainable transport.

Assessment:

- 6.34 There is no other discount food store within Tilbury and therefore to benefit from these facilities residents of Tilbury presently would need to travel a 10km trip to get there and back. It is considered that having a store which Tilbury residents can walk to or entails a much shorter journey by public transport/vehicle would encourage more sustainable travel. Sustainable travel is strongly supported by local and national policies. For these reasons it is considered this can be afforded some weight as a factor towards VSCs.

d) Immediate investment into Tilbury

Applicant's Case:

- 6.35 Through the proposed development, Lidl will invest approximately £10 million in Tilbury, representing a substantial and significant investment into the town and its economy. Furthermore, the food store could be delivered within just 1 year of planning permission being granted, ensuring that the direct and indirect benefits of the development come into effect for the local community as soon as practicable.
- 6.36 Policy CSTP5 identifies Tilbury and Chadwell St Mary as focus areas for regeneration and improvement, given the levels of relative deprivation these areas face including in terms of access to services and facilities. The proposed

development will bring inward investment, associated job opportunities, and improved local consumer choice to Tilbury, which assists in addressing these issues and improving the local economy.

Assessment:

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

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

6.38 Therefore, a significant investment that is likely to be delivered swiftly is welcomed. This complies with the aims and objectives of CSTP5, by securing investment and a facility that could improve employment to local people. Therefore, it is considered this factor can be afforded some weight towards VSCs.

e) Improved visual appearance

Applicant's Case:

6.39 The site is presently comprised of various separate buildings scattered across the site, of varying scale, size and design, as associated with the current livery, paddocks, menage, siting of caravans and vehicle repair use. The proposed development will bring a single, modern building to the site with the addition of an appropriate landscaping scheme that reflects the local context, as detailed within the supporting Landscape Strategy. The overall appearance of the site will be improved and more cohesive, when viewed with the surrounding residential context to the south.

Assessment:

6.40 As mentioned above, the site is presently in a visually unattractive state due to the existing uses on the site. Whilst the proposed development would secure a tidier, more aesthetically pleasing site on the edge of Tilbury it would still have a significant impact upon the Green Belt in this location with a building much larger than those that current exists on site. Therefore, it is considered this factor is afforded no weight towards VSCs.

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

Summary of Green Belt Harm and Very Special Circumstances			
Harm	Weight	Factors Promoted as Very Special Circumstances	Weight
Inappropriate development	Substantial	a) Genuine need for a discount food store in Tilbury	Significant weight
Reduction in the openness of the Green Belt			
Conflict (to varying degrees) with a number of the purposes of including land in the Green Belt – purposes a, b c and e.		b) Increase in local employment	Some weight
		c) Encouraging sustainable transport	Some weight
		d) Immediate investment into Tilbury	Some weight
		e) Improved visual appearance	No weight

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

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

6.43 This is a finely balanced case with regard to the principle of the development and this Green Belt assessment. In this case it is considered that the mix of factors towards VSC, on balance, outweigh the harm. Therefore, the benefits of the proposal mean that the principle of the development is acceptable.

II. LAYOUT AND DESIGN

6.44 The application site is set just outside the settlement location of Tilbury, which is bordered by open countryside to the north and east of the site, with residential properties to the south. The Council's Urban Design Officer objects more on the basis of this site being inappropriate for this development but it needs to be recognised that Tilbury Football Club have planning permission for a development to the western side of St Chads Road in this location which is underway. The proposed retail unit and associated car park would represent an increase in built form at the site in terms of its scale, height and visual appearance. The proposal has been improved in design terms from earlier iterations of the scheme. The changes to the location of the building itself to assimilate better with the adjacent built form means the car park would be an open hardstanding area located closer to the adjacent fields which lessens the overall visual effects on the Green Belt openness. In layout and design terms the proposed development is considered acceptable.

6.45 A Landscape and Visual Assessment (LVIA) was submitted with the application. This confirms that the effects on landscape character and visual amenity have been scored and it has been concluded that there would be a 'small adverse' effect, with the most significant effects (moderate) being experienced during construction by the residents immediately south of the site. This Assessment has been considered by the Council's Landscape and Ecology Advisor who does not object to the scheme on landscape and visual impact grounds.

6.46 Therefore, it is considered that the proposal complies with CSTP22, CSTP23 and PMD2 and the design and layout are acceptable.

III. HIGHWAY CONSIDERATIONS

6.47 In terms of the vehicle access to the site, there is a replacement access proposed, so there would be no additional increases in the number of accesses

serving the site. The new access would be slightly further to the north and further from the junction with Feenan Highway. It is considered to result in a much improved access arrangement in terms of size and visibility. There is a presumption against intensification of access onto St Chads Road, as it is a Level 1 Route under PMD9. The access is presently well used and whilst there could be more vehicle movements this will be mitigated. For highway improvements a new turning lane would be provided on St Chads Road alongside formalised access and egress. The Council's Highway Officer also requires a mini roundabout added at the junction of St Chads Road and Feenan Highway for highway improvements in the area and this will be secured through a planning condition.

- 6.48 In terms of pedestrian and cycle access, the site has a segregated footway and cycleway alongside Feenan Highway that links to Chadwell. Therefore, the site is well served for pedestrian and cycle access.
- 6.49 The Council's Parking Design and Development Standards set out that foodstores should provide 1 car parking space per 14sqm. The GIA of the proposed building at 2,172sqm would result in a requirement of 155 car parking spaces. The proposed number of parking spaces to be provided at the site is 123. Whilst this is a shortfall, it is considered that a car park management condition would mitigate any issues. There is also a Travel Plan for the site, which has measures and procedures to reduce reliance on private motor vehicles. The development also includes cycle parking facilities on site. The site is located along a bus route and is within walking distance of large parts of Tilbury. The applicant has agreed to provide two additional bus stops and shelters, which would be secured through a planning condition and is required by the Council's Highways Officer.
- 6.50 The Council's Highway Officer considers that a number of planning conditions are necessary to mitigate the impact of the development. Overall, the access, traffic impacts, connectivity, parking and mitigation measures are considered acceptable in regard to the relevant policies and the NPPF. Where identified mitigation measures will be secured through planning conditions.

IV. FLOOD RISK AND DRAINAGE

- 6.51 The site is located within the highest risk flood zone (flood zone 3a) as identified on the Environment Agency flood maps and as set out in the PPG's '*Table 1 - Flood Zones*'. Based on the PPG's '*Table 2 – Flood Risk Vulnerability Classification*' the proposal is considered as a '*less vulnerable*' use and would be '*appropriate*' in this flood zone. The development must satisfy the Sequential Test, an assessment of reasonably available alternative sites has been considered in the Tilbury area within the retail sequential assessment and these

sites have also been considered for the sequential test for flood risk. The whole of the Tilbury urban area is within the same flood zone. The proposed development site has equal or lower flood risk than the other options considered and therefore passes the sequential test.

- 6.52 The Environment Agency have confirmed that they have considered the details provided and undertaken a site visit to assess the impact of the development on the wall of the Tilbury Flood Storage Area. The Environment Agency are satisfied with the plans and do not object. This is subject to a condition regarding monitoring and management of the Tilbury Flood Storage Area.
- 6.53 The Local Lead Flood Authority has no objections subject to a condition regarding surface water drainage. Therefore, in terms of flood risk and drainage matters, these are acceptable subject to planning conditions.

V. ARCHAEOLOGY

- 6.54 The proposed development lies in a potentially sensitive area of archaeological deposits. The Essex Historic Environment Record (EHER) that the site is a former military camp which would have been surrounded by anti-glider ditches. The EHER also records a spigot mortar site within the development area, the remains of which may survive. Aerial photographic and historic cartographic evidence also show a trackway running from Biggin Lane in the north towards Tilbury in the south. This trackway could be medieval or earlier and may be associated with salt making on the marshes to the south. Therefore, a pre-commencement condition is required for archaeological trial trenching and excavation.

VI. AIR QUALITY AND NOISE

- 6.55 The applicant's Noise Impact Assessment has assessed the background noise measurements for the day and nighttime periods for a 'worst case scenario' assessment. The background noise measurements were taken to be 35 dB and 30 dB during the day and night respectively. There is a requirement for all plant to accord with BS 4142. The assessment determines a rating level of -6 dB below the background during the day and -1 dB below the background during the nighttime period. These results would indicate a 'low impact' at the nearest residential properties to the south for both daytime and nighttime with the provision of the proposed solid fencing.
- 6.56 The predicted noise levels from deliveries would be 4 dB below the background noise levels and as such indicates a 'low impact' at the noise sensitive receptors. The report also determines the noise levels in internal and external amenity will be in line with criteria established in BS 8233.

- 6.57 The Council's Environmental Health Officer has confirmed that subject to the mitigation outlined in section 9 of the submitted Noise Impact Assessment being carried out they are satisfied that the proposed mitigation measures will ensure the existing dwellings are not adversely affected by the supermarket. This will be subject to a planning condition.
- 6.58 The site is not located within or adjacent to an Air Quality Management Area. Therefore, there are no air quality mitigation measures required.

VII. EFFECT ON NEIGHBOURING PROPERTIES

- 6.59 There are residential properties adjacent to the south of the application site on Feenan Highway and Lawrence Gardens. The nearest adjacent property most likely to be affected is at 4 Feenan Highway, with the rear gardens of six other properties sharing a rear boundary with the site.
- 6.60 There would be a buffer and managed planting between the south elevation of the food store and southern boundary. This along with south elevation of the building's lowest part of the roof would not lead to any adverse impacts upon residential amenity of neighbouring residential properties which have good sized rear gardens backing onto the site. A 2.5m acoustic fence is proposed around the plant in the south-east corner of the site, to provide noise and visual screening. There would be a 1.8m fence along the south-western part of the car park to provided screening. The design of the building has no windows on the southern elevation, so there would be no issues with privacy or overlooking and any light pollution
- 6.61 It is considered that the effect to neighbouring properties would be acceptable and meets the aims and objectives of PMD1.

VIII. ECOLOGY AND BIODIVERSITY

- 6.62 An Arboricultural Assessment submitted with the application identifies seven individual trees comprising 5 cypresses, 1 cabbage palm and 1 small blackthorn, all assessed as Category C – Low Value. None of these trees would be directly impacted by the proposal. A soft landscape strategy has been submitted with the application and the Council's Landscape and Ecology Advisor considers this is acceptable. The soft landscape proposals are considered sufficient not to require a landscape condition, other than compliance. However, the hard landscape and boundary materials can be secured by condition.

- 6.63 An Ecological Assessment has identified the potential for some of the existing buildings to provide roosts for bats, and for terrestrial habitat to support great crested newts or reptiles. It is necessary that emergence surveys for roosting bats are undertaken to confirm presence/absence and determine whether a licence is required. This will be secured by condition.
- 6.64 Whilst additional surveys are proposed for great crested newts, the Council's Landscape and Ecology Advisor has advised it is possible to opt to enter the District Level Licence scheme, rather than undertake the surveys. The CEMP condition requiring biodiversity to be included, to draw together the relevant ecological method statements and set out who is responsible for their implementation.
- 6.65 Subject to the conditions there are no objections to the proposal on landscape or ecology grounds.

IX. LAND CONTAMINATION AND GROUND WORKS

- 6.66 A Phase 1 Site Investigation & Preliminary Risk Assessment and Phase 2 Ground Investigation report were submitted with the application. The site is contaminated but the Council's Environmental Health Officer has confirmed that as long as the recommendations within the reports are followed = notably that a suspended floor slab is needed in the final building design - then they have no objections regarding contamination risks.
- 6.67 In terms of ground works, it is noted that existing site levels range from 0.1 and 1.0m AOD. (see Topographical Survey at Appendix C of the FCA and para 2.3.2 of the FCA). The proposed building floor level would be 1.5m AOD (para 4.2.5 of FCA).

X. ENERGY AND SUSTAINABLE BUILDINGS

- 6.68 Policy PMD13 requires a minimum of 20% of predicted energy from decentralised and renewable or low carbon sources for all uses associated with the proposed development. Paragraphs 162 and 163 of the NPPF and guidance within the PPG are relevant to the energy and sustainability considerations.
- 6.69 The applicant's Energy and Sustainability Assessment states that the applicant is committed to meeting the Council's policies in respect of minimising energy and water consumption, promoting sustainable design and construction techniques and renewable energy use. Solar photovoltaics would be installed on the roof, alongside natural daylighting through careful building and glazing

orientation. This will offer a reduced dependency on electric lighting through the contribution of natural lighting to achieve the required Lux levels. There would be enhanced fabric efficiencies and thermal mass have been allowed for to help stabilise any temperature fluctuations within the building reducing heat gains and/or losses. The provision of renewable and low carbon energy sources would achieve the policy requirements of a minimum of 20% energy provision from renewable or low carbon sources.

- 6.70 Policy PMD12 requires non-residential developments of over 1000sqm to achieve BREEAM Outstanding. The applicant has confirmed the development will meet this standard. This will be secured by condition.

XI. SUSTAINABILITY

- 6.71 As part of the planning balance, consideration has to be given to the Environmental, Social and Economic objectives as outlined in paragraph 8 of the NPPF with all three needing to be satisfied to achieve sustainable development and for the 'presumption in favour of sustainable development' to apply, as set out in paragraph 11 of the NPPF. It therefore needs to be demonstrated through any future submission that sustainable development is achieved.
- 6.72 For the economic objective, the proposal would create employment opportunities in both the construction and operational phase. The development would represent a significant investment into an area which is the most deprived ward in Thurrock. When the development is operational, the development would lead to residents spending money within the local economy.
- 6.73 For the social objective, the development would help create a new local facility for the community at this site which would reduce the need to travel by car, bus and train to other store locations.
- 6.74 For the environmental objective, the proposed developments would deliver a quality designed development. Energy efficient measures are proposed through this application and would also be secured through the Building Regulations. The development would be built to surface water management measures to reduce flooding.
- 6.75 It is therefore considered that the development can meet the Environmental, Social and Economic objectives as outlined in paragraph 8 of the NPPF.

7.0 CONCLUSIONS AND REASON(S) FOR APPROVAL

- 7.1 The principle of the development has two key considerations in this case; these

are the site being within Green Belt and retail development which is outside the town centre. It is considered that the planning merits of the application are finely balanced but on assessment are acceptable in this instance with the factors put forward as VSCs outweighing the harm. All other material considerations would not result in any significant harms and overall the proposed development is considered to be acceptable, subject to the imposition of appropriate planning conditions.

8.0 RECOMMENDATION

8.1 Approve for the reasons given in this report and delegate authority to the Chief Planning Officer to grant planning permission subject to the following:

- i) Referral to the Secretary of State and subject to the application not being called in.
- ii) the following planning conditions:

TIME LIMIT

1 The development hereby permitted shall be begun before the expiration of three years from the date of this permission.

Reason: To comply with Section 91(1) of The Town & Country Planning Act 1990 as amended by Section 51 of the Planning and Compulsory Purchase Act 2004.

PLANS LIST

2 The development hereby permitted shall be carried out in accordance with the following approved plans:

Plan Number(s):		
Reference	Name	Received
PL-01 Rev D	Location Plan	19 September 2023
PL-02 Rev C	Existing Site Plan	19 September 2023
PL-03 Rev N	Proposed Site Plan	19 September 2023
PL-04 Rev B	Proposed Building Plan	19 September 2023
PL-05 Rev C	Proposed Roof Plan	19 September 2023
PL-06 Rev D	Proposed Elevations	19 September 2023
J0076176-23-01_Issue01	External Elevations	14 November 2023

J0076176-23-04_Issue02	External Elevations	14 November 2023
J0076176-23-02_Issue01	External Elevations	14 November 2023
JSL4782-RPS-XX-EX-DR-L-9001 Rev P05	Soft Landscape: Strategic Proposals	19 September 2023
JSL 4782-RPS-XX-EX-DR-L-9002 Rev P05	Soft Landscape: Detailed Proposals	19 September 2023
0050 Rev P2	Proposed Drainage Strategy	19 September 2023
20909	Topographical Survey	14 November 2023
SK-11	Proposed Site Sections	24 March 2024

Reason: For the avoidance of doubt and to ensure that the development is carried out in accordance with the details as approved with regard to policies PMD1 and PMD2 of the adopted Thurrock LDF Core Strategy and Policies for the Management of Development [2015].

CONSTRUCTION ENVIRONMENTAL MANAGEMENT PLAN [CEMP]

- 3 No demolition or construction works shall commence until a Construction Environmental Management Plan [CEMP] has been submitted to and approved in writing by the local planning authority in writing. The CEMP should contain or address the following matters:

- (a) Hours of use for the construction of the development
- (b) Hours and duration of any piling operations
- (c) Vehicle haul routing in connection with construction, remediation and engineering operations
- (d) Wheel washing and sheeting of vehicles transporting loose aggregates or similar materials on or off site
- (e) Details of construction any access or temporary access, and details of temporary parking requirements
- (f) Road condition surveys before demolition and after construction is completed; with assurances that any degradation of existing surfaces will be remediated as part of the development proposals. Extents of road condition surveys to be agreed as part of this CEMP.
- (g) Location and size of on-site compounds [including the design layout of any proposed temporary artificial lighting systems].
- (h) Details of any temporary hardstandings.
- (i) Details of temporary hoarding.

- (j) Details of the method for the control of noise with reference to BS5228 together with a monitoring regime.
- (k) Measures to reduce vibration and mitigate the impacts on sensitive receptors together with a monitoring regime.
- (l) Measures to reduce dust with air quality mitigation and monitoring.
- (m) Measures for water management including waste water and surface water discharge.
- (n) A method statement for the prevention of contamination of soil and groundwater and air pollution, including the storage of fuel and chemicals.
- (o) Details of a procedure to deal with any unforeseen contamination, should it be encountered during development.
- (p) Details of security lighting layout and design.
- (q) Contact details for site managers including information about community liaison including a method for handling and monitoring complaints.
- (r) A biodiversity plan to draw together the relevant method statements as identified in the Preliminary Ecological Assessment (RPS) and set out who is responsible for their implementation.

Works on site shall only take place in accordance with the approved CEMP.

Reason: In order to minimise any adverse impacts arising from the construction of the development in accordance with policy PMD1 of the adopted Thurrock LDF Core Strategy and Policies for the Management of Development [2015].

SURFACE WATER DRAINAGE SCHEME

- 4 Prior to commencement of development (excluding demolition and enabling works) a surface water drainage scheme for the development, based on the submitted sustainable drainage strategy, shall be submitted to and approved in writing by the Local Planning Authority. The details shall include:
1. Full details of all components of the proposed surface water drainage system including dimensions, locations, gradients, invert levels, cover levels and relevant construction details.
 2. Supporting calculations confirming compliance with the Non-statutory Standards for Sustainable Drainage, and the agreed discharge rate of 2l/ s and the attenuation volumes to be provided.
 3. Details of the maintenance arrangements relating to the proposed surface water drainage system, confirming who will be responsible for its maintenance and the maintenance regime to be implemented.
 4. Infiltration tests to be carried out in line with BRE365 for the locations where SUDS are proposed.

The surface water drainage system shall be implemented and maintained in accordance with the approved details at all times thereafter.

Reason: To ensure the incorporation of an appropriate drainage scheme and to avoid pollution of the water environment and to minimise flood risk in accordance with policies PMD1 and PMD15 of the adopted Thurrock LDF Core Strategy and Policies for the Management of Development [2015].

ARCHAEOLOGICAL TRIAL TRENCHING AND EXCAVATION

5 A. No development or preliminary groundworks of any kind shall take place until a programme of archaeological investigation has been secured in accordance with a written scheme of investigation which has been submitted to and approved in writing by the local planning authority.

B. No development or preliminary groundworks of any kind shall take place until the completion of the programme of archaeological investigation identified in the WSI defined in 1 above.

C. The applicant shall submit a final archaeological report or (if appropriate) a Post Excavation Assessment report and an Updated Project Design which has been approved in writing by the Local Planning Authority. This shall be done within 6 months of the date of completion of the archaeological fieldwork. This will result in the completion of post excavation analysis, preparation of a full site archive and report ready for deposition at the local museum, and submission of a publication report.

Reason: To ensure appropriate assessment of the archaeological implications of the development and the subsequent mitigation of adverse impacts in accordance with Policy PMD4 of the adopted Thurrock LDF Core Strategy and Policies for the Management of Development [2015].

BATS SURVEYS

6 No demolition or construction works shall commence on site until emergence surveys for roosting bats to confirm the presence/absence of bats has been submitted to and approved in writing by the local planning authority. This information shall determine whether a licence is required. Any agreed mitigation shall be implemented as approved prior to construction commencing and shall be maintained throughout the duration of the construction period.

Reason: In order to ensure that the interests of ecology and biodiversity or protected species are addressed in accordance with policy PMD7 of the

adopted Thurrock LDF Core Strategy and Policies for the Management of Development [2015].

DETAILS OF MATERIALS

- 7 Notwithstanding the information on the approved plans, no development shall commence above ground level until written details of all materials to be used in the construction of the external surfaces of the development hereby permitted have been submitted to and approved in writing by the local planning authority. The development shall be carried out using the materials and details as approved.

Reason: In the interests of visual amenity and to ensure that the proposed development is integrated with its surroundings in accordance with policy PMD2 of the adopted Thurrock LDF Core Strategy and Policies for the Management of Development [2015].

FLOOD WARNING AND EVACUATION PLAN [FWEP]

- 8 Use of the site must comply with the Flood Evacuation Plan, BCAL Consulting, dated August 2023, which must be brought to the attention of all users and be permanently available to inspect at the site.

Reason: To ensure that adequate flood warning and evacuation measures are available for all users of the development in accordance with policy PMD15 of the adopted Thurrock LDF Core Strategy and Policies for the Management of Development [2015].

TILBURY FLOOD STORAGE AREA

- 9 Within three months of completion of the development, details, including a plan to show how the impact of the development on Tilbury Flood Storage area would be monitored and managed shall be submitted to and approved in writing by the local planning authority. The plan must be produced under the guidance of a QCE and agreed by the Environment Agency. The plan shall include annual monitoring of the embankment of the Tilbury flood storage area, at the development site, by a QCE and the results of these must be shared with the Environment Agency. The frequency of inspections may be changed by agreement of the Environment Agency. Any damage caused, as a result of the development, shall be repaired and reinstated under the guidance of the Environment Agency by the applicant / future owners of the site, at their own expense.

Reason: To ensure the future functioning and integrity of the Tilbury Flood Storage Area, as this is designated a High Risk Large Raised Reservoir under the Reservoirs Act 1975 and in accordance with policy PMD15 of the adopted Thurrock LDF Core Strategy and Policies for the Management of Development [2015]. It is therefore a requirement of the Reservoir Act that a QCE is appointed to oversee any work related to the storage area.

HARD LANDSCAPING AND BOUNDARY TREATMENT SCHEME

- 10 No development above ground level shall take place until full details of both hard landscape works and boundary treatments to be carried out have been submitted to and approved in writing by the local planning authority. These details shall include the layout of the hard landscaped areas and the boundary treatments with the materials and finishes to be used.

The hard landscape works and boundary treatments shall be carried out as approved prior to first use of the development hereby approved and retained unless otherwise agreed.

Reason: To secure appropriate hard landscaping and boundary treatment at the site in the interests of visual amenity, the character of the area, to ensure that the proposed development in the Green Belt does not have a detrimental effect on the environment and to safeguarding neighbouring residential amenity in accordance with policies CSTP18, PMD1, PMD2 and PMD6 of the adopted Thurrock LDF Core Strategy and Policies for the Management of Development [2015].

SOFT LANDSCAPING

- 11 The soft landscape works shall be carried out as detailed within the following documents:

JSL4782-RPS-XX-EX-DR-L-9001 Rev P05	Soft Landscape: Strategic Proposals	19 September 2023
JSL 4782-RPS-XX-EX-DR-L-9002 Rev P05	Soft Landscape: Detailed Proposals	19 September 2023

The soft landscape works shall be carried out as approved within the first available planting season (October to March inclusive) following the commencement of the development.

If within a period of five years from the date of the planting of any tree or plant, or any tree or plant planted in its replacement, is removed, uprooted, destroyed, dies, or becomes, in the opinion of the local planning authority, seriously damaged or defective, another tree or plant of the same species and size as that originally planted shall be planted in the same place, unless the local planning authority gives its written consent to any variation.

Reason: To secure appropriate landscaping of the site in the interests of visual amenity and the character of the area and to ensure that the proposed development in the Green Belt does not have a detrimental effect on the environment in accordance with policies CSTP18, PMD2 and PMD6 of the adopted Thurrock LDF Core Strategy and Policies for the Management of Development [2015].

BUS SHELTERS

- 12 Prior to the commencement of development details of the proposed two new bus stop and shelters including a layout plan to show their location, layout and elevation plans, and all signage shall be submitted to and approved in writing by the local planning authority. The applicant shall enter into and complete a section 278 Agreement under the Highways Act 1980 to ensure proposed bus stop and shelters are installed as approved prior to the occupation of the development and permanently retained at all times thereafter.

Reason: To reduce reliance on private cars in the interests of sustainability, highway safety and amenity in accordance with Policy PMD10 of the adopted Thurrock LDF Core Strategy and Policies for the Management of Development [2015].

MINI ROUNDABOUT

- 13 Prior to the commencement of development details of the proposed mini roundabout at the junction of St Chads Road and Feenan Highway, including a layout plan to show the location, layout and elevation plans, and all signage shall be submitted to and approved in writing by the local planning authority. The applicant shall enter into and complete a section 278 Agreement under the Highways Act 1980 to ensure proposed roundabout is installed as approved prior to the occupation of the development and permanently retained at all times thereafter.

Reason: In the interests of highway safety and amenity in accordance with policies PMD2 and PMD9 of the adopted Thurrock LDF Core Strategy and Policies for the Management of Development [2015].

VEHICLE ACCESS

- 14 Prior to the commencement of development details of the vehicle access and any associated improvement requirements to the highway, including a layout plan to show the location, layout and elevation plans, and all signage shall be submitted to and approved in writing by the local planning authority. In addition all access points into and out of the site and onto the internal roadway, road layout, traffic calming, one way operation and parking along with construction details, roadway geometry and visibility sight splay details. The applicant shall enter into and complete a section 278 Agreement under the Highways Act 1980 to ensure proposed access is installed as approved prior to the occupation of the development and permanently maintained and retained at all times thereafter.

Reason: In the interests of highway safety and amenity in accordance with policies PMD2 and PMD9 of the adopted Thurrock LDF Core Strategy and Policies for the Management of Development [2015].

INTERNAL LAYOUT

- 15 Prior to first use of the development the service road(s), footway(s), loading, parking and turning areas shown on the plan PL-03 Rev N Proposed Site Plan accompanying the application shall be constructed in accordance with the approved plans. These will be maintained by the operator of the site for as long as the development hereby approved is in use.

Reason: In the interests of highway safety and amenity in accordance with policies PMD2 and PMD9 of the adopted Thurrock LDF Core Strategy and Policies for the Management of Development [2015].

PARKING

- 16 The development hereby permitted shall not be first occupied until such time as the vehicle parking area shown on the approved plans, including any parking spaces for the mobility impaired, has been hard surfaced, sealed and marked out as shown on the approved plans/in parking bays. The vehicle parking area(s) shall be retained in this form at all times thereafter. The vehicle parking area(s) shall not be used for any purpose other than the parking of vehicles that are related to the use of the approved development.

Reason: In the interests of highway safety and to ensure that adequate car parking provision is available in accordance with policies PMD8 and PMD9 of

the adopted Thurrock LDF Core Strategy and Policies for the Management of Development (2015).

TRAVEL PLAN

- 17 The measures and procedures set out within the submitted Travel Plan (SCP Transport) dated February 2024 shall be implemented during the construction and operational phases of the development and maintained throughout the lifetime of the development.

Reason: To reduce reliance on private cars in the interests of sustainability, highway safety and amenity in accordance with Policy PMD10 of the adopted Thurrock LDF Core Strategy and Policies for the Management of Development [2015].

DELIVERY, SERVICING AND WASTE MANAGEMENT PLAN (DSWMP)

- 18 Prior to first operation of the development hereby permitted, a Delivery, Servicing and Waste Management Plan shall be submitted to, and approved in writing, by the Local Planning Authority. The Plan shall set out operational proposals for servicing and deliveries, including hours for deliveries, proposed HGV routing, and proposals for the storage, transfer and collection of waste. The strategy shall be subsequently implemented in accordance with the approved details and maintained thereafter.

Reason: In order to minimise any adverse impacts arising from the construction of the development in accordance with policy PMD1 of the adopted Thurrock LDF Core Strategy and Policies for the Management of Development [2015].

NOISE

- 19 Operational use of the development hereby permitted shall not commence until the mitigation measures within Noise Impact Assessment (Hoare Lee) dated 17 August 2023 have been installed and are ready for operational working. This mitigation shall be retained as such thereafter.

Reason: In the interests of amenity and to mitigate the impact of development in accordance with by policy PMD1 of the adopted Thurrock LDF Core Strategy and Policies for the Management of Development [2015].

HOURS OF USE

- 20 The site shall not be open to the public otherwise than between the hours of 7.00am to 22.00pm; Mondays to Saturday, between the hours of 9am to

18.00pm Sundays and between the hours of 9am to 20.00pm on National Holidays.

Reason: In the interests of amenity and to ensure that the development remains integrated with its surroundings as required by policy PMD1 of the adopted Thurrock LDF Core Strategy and Policies for the Management of Development [2015].

ENERGY MEASURES

- 21 Prior to the first use of the development hereby permitted, the approved details and energy saving measures detailed within the Energy and Sustainability Statement (Dave Dickinson & Associates Limited) dated 20 August 2023 shall be implemented and permanently maintained thereafter.

Reason: To ensure that development takes place in an environmentally sensitive way in accordance with policies PMD12 and PMD13 of the adopted Thurrock LDF Core Strategy and Policies for the Management of Development [2015].

BREEAM

- 22 The development hereby permitted shall be built to the Outstanding level under the Building Research Establishment Environmental Assessment Method [BREEAM].

Prior to first use of the commercial building hereby permitted a copy of the Post Construction Completion Certificate for the building verifying that the relevant BREEAM rating has been achieved shall be submitted to the Local Planning Authority.

Reason: In order to reduce carbon dioxide emissions in the interests of sustainable development, as required by policy PMD12 of the adopted Thurrock LDF Core Strategy and Policies for the Management of Development [2015].

NO ADDITIONAL LIGHTING – UNLESS OTHERWISE AGREED

- 23 No additional means of external illumination other than that within Lighting Scheme (Signify) of the site shall be installed unless otherwise agreed in writing by the local planning authority. The external illumination shall be maintained and retained in accordance with the approved details thereafter.

Reason: In the interests of highway safety, amenity, ecology and biodiversity and to ensure that the development can be integrated within its immediate surroundings in accordance with Policies PMD1 and PMD2 and PMD7 of the adopted Thurrock LDF Core Strategy and Policies for the Management of Development [2015].

CONTAMINATED LAND

- 24 The measures and procedures set out within the submitted Ground Investigation Reports (Remada) shall be implemented during the construction and operational phases of the development and maintained throughout the lifetime of the development.

Reason: To ensure that risks from land contamination to the future users of the land and neighbouring land are minimised, together with those to controlled waters, property and ecological systems, and to ensure that the development can be carried out safely without unacceptable risks to workers, neighbours and other offsite receptors in accordance with policy PMD1 of the adopted Thurrock Core Strategy and Policies for the Management of Development [2015].

SECURED BY DESIGN

- 25 Prior to the construction above ground level, information shall be submitted to and approved in writing by the local planning authority detailing how the development would adhere to the principles of Secured by Design. The development shall be carried out and maintained in accordance with the agreed details.

Reason: To ensure that the development meets Secure by Design principles as required by policy PMD2 of the adopted Thurrock LDF Core Strategy and Policies for the Management of Development (2015).

Informative:

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

The Local Planning Authority has acted positively and proactively in determining this application by identifying matters of concern within the

application (as originally submitted) and negotiating, with the Applicant/Agent, acceptable amendments to the proposal to address those concerns. As a result, the Local Planning Authority has been able to grant planning permission for an acceptable proposal, in accordance with the presumption in favour of sustainable development, as set out within the National Planning Policy Framework.

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

