



Appeal Decision

Inquiry held on 13-15 and 19-20 May 2026

Site visits made on 12, 13 and 19 May 2026

by Matthew Jones BA(Hons) MA MRTPI

an Inspector appointed by the Secretary of State

Decision date: 9th July 2026

Appeal Ref: 6003807

Former London Fire Brigade Sports & Social Club, Purfleet Road, Aveley, Thurrock RM15 4DT

- The appeal is made under section 78 of the Town and Country Planning Act 1990 (as amended) against a refusal to grant planning permission.
 - The appeal is made by Mountpark Properties Limited and Arterial Hub LLP against the decision of Thurrock Borough Council.
 - The application Ref is 24/00332/FUL.
 - The development proposed is the demolition of existing buildings and structures and redevelopment of the site to provide 43,640 sqm employment development (flexible B2/B8 use with ancillary B1 office); provision of new vehicular, cycle and pedestrian access routes; staff and HGV parking and associated infrastructure.
-

Decision

1. The appeal is allowed and planning permission is granted for the demolition of existing buildings and structures and redevelopment of the site to provide 43,640 sqm employment development (flexible B2/B8 use with ancillary B1 office); provision of new vehicular, cycle and pedestrian access routes; staff and HGV parking and associated infrastructure at Former London Fire Brigade Sports & Social Club, Thurrock RM15 4DT in accordance with the terms of the application, Ref 24/00332/FUL, subject to the conditions in the attached schedule.

Applications for Costs

2. An application for costs made by Mountpark Properties Limited and Arterial Hub LLP against Thurrock Borough Council is the subject of a separate decision.

Preliminary Matters

3. Between December 2025 and March 2026, the Government consulted on proposed amendments to the National Planning Policy Framework (the Framework). The proposed revisions could be subject to substantial changes following the consultation period, so carry little weight in the determination of this appeal.
4. After the Inquiry had closed a completed planning agreement (the S106) was submitted. It seeks to secure obligations in relation to the delivery of offsite highway works, for mitigatory/enhanced sports provision at Belhus Park, a construction training and employment plan, and a separate commuted sum towards lawn bowl provision. It also seeks to secure a plan to ensure the delivery of sustainable transport movement patterns, and the provision and monitoring of Biodiversity Net Gain (BNG), including on RSPB land offsite at nearby Rainham Marshes. I turn to the S106 and the obligations it contains later in this decision.

Main Issues

5. The main issues are:

- the effect of the proposal on the character and appearance of the area, with reference to the setting of the Grade II Listed building Fanns Farmhouse; and
- whether the proposal would be inappropriate development in the Green Belt having regard to the Framework and relevant development plan policies.

Reasons

Background

6. The appeal site extends to around 15.55 hectares and comprises land formerly used by the London Fire Brigade as a private sports and social club. This activity has long ceased, and the now moribund clubhouse stands silently at the north end of the site, aside a site access, a disused bowls lawn and an area of degraded hardstanding. The rest of the site largely amounts to the former playing fields within identifiable land parcels, bound by avenues of trees and vegetation.
7. Arterial Road passes along much of the west boundary. It connects the settlement of Purfleet-on-Thames (PoT) to the south with the Purfleet Industrial Park (PIP), which is clustered around the west and north sides of the appeal site. Aside the site Arterial Road has a junction with New Tank Hill Road, which rises away from the appeal site, crosses high over the River Mardyke and two railway lines, and offers a separate route down into PoT. The rear gardens of a ribbon of dwellings fronting Arterial Road/London Road also partly back onto the site in this area.
8. To the north the appeal site is enclosed by Purfleet Road, and more specifically, a lane behind a row of housing which fronts that highway. The A13 dual carriageway passes the site within a cutting to the east, with Purfleet Road crossing over the dual carriageway and into the settlement of Aveley beyond it. To the north of Purfleet Road is a large industrial unit housing an Ocado distribution centre.
9. The site is wholly within the Metropolitan Green Belt. A short distance to the south of the site, around 30m at the closest point, is the Grade II Listed building Fanns Farmhouse. The closest of the proposed industrial units to the farmhouse would be Units 4 and 7. To the immediate south of Fanns Farmhouse is Public Right of Way 145 (the PRow), which takes one from Aveley over the A13 and across to Arterial Road in an irregular south westerly direction. In 2015 the Secretary of State refused permission for a large scheme comprising 501 homes, commercial and community uses and associated infrastructure on the appeal site (the 2015 decision). The 2015 decision is an important material consideration, to which I have had full regard.

Character and Appearance - Fanns Farmhouse

10. Fanns Farmhouse was constructed in the late 18th century. Its significance largely lies in its historic fabric and elegant architectural detailing, which is best enjoyed in its more immediate, intimate grounds. Its holding was once larger and extended to incorporate the appeal site as farmland. However, the sport and leisure use visually and functionally severed that relationship. Whilst intervisibility is possible, it is only in tiny glimpses through dense greenery at the site's south boundary. The site very much reads as an abandoned sports facility and offers only a tenuous visual link to its agricultural past simply by being verdant and open. The 1839 Tithe map is now

- the primary source to understand the historic association. All told, the site makes a small contribution to the significance that Fanns Farmhouse draws from its setting
11. In addition, the intermediate and wider setting of Fanns Farmhouse has undergone a process of significant industrialisation through the development of the PIP. The former farmstead to the north of the dwelling has itself been repurposed for industrial uses. The significant highway and railway infrastructure that has developed around the area, with the associated, overt visual and noise effects, has further displaced the farmhouse from its historically more tranquil, agrarian setting.
 12. Units 4 and 7 would likely appear through and above intervening vegetation and proposed landscaping and impose upon the setting of the listed building, as would their associated light and noise effects. The site's verdant aesthetic would be significantly lessened as a whole, but the Tithe map would still evidence its previous role as farmland. It follows that the scheme would cause less than substantial harm to the significance of Fanns Farmhouse. With the existing and proposed landscaping, and given the manner in which the setting of Fanns Farmhouse has already been industrialised, the harm would place at the lower end of a sliding scale of less than substantial harm.
 13. Even so, the Framework states that great weight should be given to a heritage asset's conservation and that any harm to heritage assets requires clear and convincing justification. Where less than substantial harm would occur, this should be weighed against the public benefits of a scheme. In this case, that exercise takes place in the context of s.66 of the Planning (Listed Buildings and Conservation Areas) Act 1990. It states that, when considering whether to grant permission for a scheme which affects a listed building's setting, the decision maker shall have special regard to the desirability of preserving that setting. It sets a strong presumption against permission for a development that would harm that setting.
 14. The proposed units would be largely 'mid-range' and targeted at industrial and logistics (I&L) uses focused on the regional market, or 'FEMA' to provide its technical term. The evidence before the Inquiry unequivocally demonstrates an unmet need for industrial units in Thurrock, and that a degree of unmet need exists is not now¹ disputed by the Council. Whilst interested parties have noted vacant units that are currently on the market, this is not analogous with an absence of unmet need. For instance, the availability of housing for rent or purchase in an area does not equate to an absence of overall unmet need for said housing in that area.
 15. In the appellant's evidence and at the Inquiry the extent of unmet need has been more fully explored. I particularly note that much of the identified or planned commercial land in Thurrock is on dockland sites, where the value of those sites, their connectivity and their strategic location, lend them to larger, indeed international profile, users, to the logical exclusion of the mid-range type of I&L units proposed. The need for the proposal is therefore likely to be higher than as set out in the Thurrock Economic Development Needs Assessment and more akin to that ascertained by Mr Powney. The economic benefits of the scheme, and the associated job creation, would be a significant benefit in favour of the proposal.
 16. The Framework states that planning decisions should recognise and address the specific locational requirements of different sectors. The site would be very well placed for future I&L businesses, given the surrounding transport infrastructure and

¹ As reflected in the signed Statement of Common Ground

easy access to the wider highway network. The site is in fact so accessible to the strategic network, that heavy goods vehicle movements through settlements could be avoided. The units would be sustainably located, with reasonable access to services and facilities, and it is likely that the estimated 500 FTE future employees, and also existing residents, would avail themselves of the enhanced local bus, pedestrian and cycle network that would be delivered by the development.

17. The construction phase would be utilised as an opportunity to train and employ local people. There would be biodiversity benefits, including to RSPB Rainham Marshes, and enhancements to a Local Wildlife Site that touches upon the appeal site's southern area. I also view it as a public benefit that the scheme would mitigate for the loss of the site for sport and recreation insofar as it would offer enhanced provision in qualitative terms at the more accessibly located Belhus Park. In my view, the public benefits of the proposal would be compelling and present a clear and convincing justification for the less than substantial harm that would arise to the significance of Fanns Farmhouse through the harm to its setting.
18. Accordingly, the proposal would have an acceptable effect on the character and appearance of the area, with reference to the setting of Fanns Farmhouse. It would accord with Policies CSTP23, CSTP24 and PMD4 of the Core Strategy and Policies for Management of Development (adopted 2015) (the CSPMD) and the Framework insofar as they seek for development to protect designated heritage assets in a manner consistent with their significance.

Whether inappropriate development in the Green Belt

19. The Framework states that the fundamental aim of Green Belt policy is to prevent urban sprawl by keeping land permanently open and the essential characteristics of Green Belts are their openness and their permanence. Paragraph 143 lists the various purposes of the Green Belt. Paragraph 153 goes on to state that inappropriate development is harmful to the Green Belt and should not be approved except in very special circumstances. This is subject to certain, given exceptions.
20. Paragraph 155 offers one such exception, in instances where the development would utilise 'grey belt' land and would not fundamentally undermine the purposes, taken together, of the remaining Green Belt across the plan area. There must be a demonstrable unmet need for the development, and it must be in a sustainable location. The main parties agree that the proposal would meet the latter two requirements. As articulated above, this aligns with my own conclusions.
21. The Framework defines 'grey belt' as land in the Green Belt that does not strongly contribute to any of purposes (a), (b), or (d) in Paragraph 143. Grey belt excludes land where the application of the policies relating to the areas or assets in footnote 7 (other than Green Belt) would provide a strong reason for refusing or restricting development. On the latter point, I have already identified that the harm to Fanns Farmhouse would not provide a strong reason to dismiss this appeal. The only other element of footnote 7 which is potentially applicable is that related to flood risk. However, whilst a small part of the site is within Flood Zone 3, the site benefits from suitable defences so flood risk is not a strong reason for dismissal either.
22. The main parties further agree that the appeal site does not strongly contribute to purposes (a) or (d), as do I; the PIP is not a large built-up area, and the site is not within the setting of any historic town. This just leaves the Green Belt's purpose (b), which is to prevent neighbouring towns merging into one another.

Towns and villages

23. PoT is the west part of a conurbation which extends eastwards for quite some distance and incorporates several other coalesced settlements. Given its sprawling scale, this conurbation should be considered a town for Green Belt purposes.
24. I do not, however, find that this conurbation extends to incorporate the PIP. Along Arterial Road there is a clear separation between PoT and the PIP provided by the Mardyke Valley within the Green Belt. The railway lines and open land beneath and around New Tank Hill Road provide a quite dramatic break between PoT and the PIP. This is owing to the height and steep angle of the bridge over the railway lines, which accentuate the sky and give a clear break and sense of moving between two discrete locations. The PIP is an industrial estate, save for the two ribbons of housing, which themselves appear to have been built isolated from any settlement. Critically, the Ocado development has reinforced its industrial character. The PIP, as I experienced it, is a separate place. It is not a town nor part of PoT or Aveley.
25. In terms of Aveley being a town or village for the purposes of policy, the balance falls in favour of it being a town. This is because it is excluded from the Green Belt, whereas the villages of Thurrock are washed over by the designation. Paragraph 3.3 of the CSPMD states that Thurrock has a number of main settlements, naming some, together with a number of villages in the Green Belt. The list of main settlements is not exhaustive, whereas Thurrock's villages are, by my reading, wholly identifiable through their location within the Green Belt. Aveley is excluded from the Green Belt, and so logically is not a village in the CSPMD's terms.
26. I place greater emphasis on the CSPMD rather than the various landscape and design studies/guides before the Inquiry, because part of the remit of the CSPMD would have been to reinforce what is a village, and what is not, for the purpose of making Green Belt related planning decisions. Being Green Belt specific, the Council's 2019 Thurrock Strategic Green Belt Assessment Stages 1a and 1b report (the GBA) is the next best source, and it also describes Aveley as a town.
27. Moreover, having visited, I am taken by Aveley's scale. Its core may have the limited services of a village, but the settlement has clearly undergone extensive expansion, particularly to the north and east, and has a fairly sprawling character around a network of roads. This is to such extent that it has outgrown village status and has more the character of a small town. It should be said that I arrive at this conclusion for the single purpose of deciding this appeal, without prejudice to the views of some of the local community, who consider Aveley as their village.
28. I also place great stock in the views of the Inspector related to the 2015 decision. Despite the odd errant reference to Aveley as a village, in their reasoning the Inspector unequivocally deals with purpose (b) on the basis that Aveley is a town. There has been no substantive change in national planning policy wording in respect of this specific purpose to justify any departure from the Inspector's treatment of Aveley as a town. That is the approach I maintain here.

Purpose (b) - to prevent neighbouring towns merging into one another

29. The GBA places Thurrock's Green Belt into separate land parcels. The section of Green Belt between Aveley and the conurbation including PoT falls within Parcels 22 and 39. The appeal site falls within Parcel 39, whereas Parcel 22 occupies the land closer to Aveley to the other side of the A13. The GBA finds Parcel 39 to be of

- ‘major’ importance to purpose (b). Terminology wise, this is different to the approach within the Planning Practice Guidance (the PPG), which adopts ‘strong’, ‘moderate and ‘weak or none’. In my view ‘major’, as it is used in the GBA, logically aligns best with the term ‘strong’ in the PPG.
30. By and large Parcel 39 follows the linear Mardyke Valley, which is in spatial terms a highly open area of Green Belt. It is also extensively visible from numerous places, such as but not limited to Arterial Road to its south, and from the PRow, especially where it is carried over the A13 by a footbridge. Given its near total absence of development and the elevated views one generally has over it, the Mardyke Valley makes an obviously important contribution to the Green Belt. Together with Parcel 22, which is also very open and publicly visible, Parcel 39 makes a strong contribution to purpose (b) as a whole.
 31. However, the appeal site is peripheral to the Mardyke Valley and more intimately perceived when one is navigating the PIP and the road network directly around it, especially around the New Tank Hill Road junction. It is separated from the rest of Parcel 39 by a combination of Fanns Farmhouse, the former farmstead, the heavy and dense vegetation at the south site boundary and the acute change in levels at that point. The implications of this are twofold. First, it leads me to conclude that the most relevant ‘gap’ for my assessment is that which extends from the western side of Aveley, over Parcels 39 and 22, across the A13 and the appeal site, and down to the western side of PoT beyond the railway lines and the Mardyke.
 32. Second, in drawing this distinction within Parcel 39, it follows that the GBA is not sufficiently granular when it comes to the appeal site. I recognise that the GBA prescribes a ‘dual score’ to land parcels where their role in the Green Belt was deemed more complex, which was not found necessary for Parcel 39. However, the GBA is a strategic document and the level of focus it places on the site is less than that adopted by both the Council and the appellant to aid the Inquiry. It also predates the changes to the Framework in 2024 where it introduced the concept of grey belt. It follows that the findings of the GBA should not necessarily be taken as read, and that a more site-specific assessment is required.
 33. The PPG states that areas of Green Belt that contribute strongly to purpose (b) are likely to exhibit all the following features:
 - likely to be free of existing development;
 - forming a substantial part of a gap between towns; and
 - the development of which would be likely to result in the loss of visual separation of towns.
 34. Taking the second criterion first, as the crow flies, the gap between Aveley and PoT, as I have defined it at this point, is relatively narrow. The site, given its central position in the gap and large scale, forms a substantial part of that gap in common sense terms. It performs well spatially, given its general absence of development, and relatively linear form and absence of defensible internal boundaries.
 35. However, that is not to say how the site is visually experienced as part of the gap. The site is not entirely free from existing development, but beyond just that, the clubhouse, despite taking up a relatively small part of the site, is prominent from the important vantage at the New Tank Hill Road junction. It sits centrally within the view and has a linear emphasis. This gives it the effect of visually enclosing the rear

of the site and reducing the perceived depth of its openness. One does not fail to perceive these practical effects simply because outdoor sport buildings are in some circumstances not inappropriate under the terms of Green Belt policy. The back of the housing along Purfleet Road has a similar effect, and the south section of the site is well hidden behind the comparable ribbon of housing on Arterial Road.

36. When leaving Aveley on Purfleet Road, the site is largely obscured by trees above the A13; it is the housing and notably Ocado that are obvious. From the PRoW near Aveley, the site is viewed at a distance, shrouded by greenery. Its relationship to PoT, and to a lesser extent Aveley, is fairly intangible, with the general sense of a distant, fragmented mixed-use location beset with strategic transport routes. The A13 and the railways are significant separating structures within the gap. The 'kinetic' journey one must take through the PIP to get from one town to the other is convoluted and the appeal site is circumscribed by the proximity of the housing and industrial units, which further impinges upon its role in separating the towns. As does the absence of clear intervisibility through the site to link the settlements.
37. Development of the appeal site for industrial units would integrate well with the PIP, reinforcing its identity as a standalone, industry led place. This is different to a residential development, say for instance the 2015 scheme, which would be far more liable to confuse the relationship between Aveley and PoT and risk any sense of merging. I do note that, in 2015, the Inspector took the view that the then future development of the Ocado site may further emphasise the role of the appeal site within the Green Belt, a point made by the Council in relation to the PIP more generally. Blessed with the benefit of hindsight, it has had the opposite effect, by visually reinforcing the identity of the PIP as a distinct place in its own right.
38. The PPG states that sites which make a moderate contribution to purpose (b) may be located in a gap, but include one or more features that weaken their contribution to this purpose, such as being able to be developed without the loss of visual separation between towns due to the presence or the close proximity of structures, natural landscape elements or topography that preserve visual separation. Given the above, the appeal site and its environs align more squarely with these features.
39. Drawing on an appeal decision referenced by the Council, Aveley and PoT simply would not appear materially closer to one another². The proposal would not result in the material loss of visual separation between them but would consolidate their existing disparate relationship and the role that the PIP plays in that relationship. The site thus makes a moderate contribution to purpose (b), falling short of 'strong'. Given the specific character of the site and the comparatively higher quality of the Green Belt around it, it also follows that the scheme would not fundamentally undermine the purposes, taken together, of the remaining Green Belt in Thurrock.

Conclusion on main issue

40. Drawing the above together, I conclude that the site is grey belt land, the various relevant requirements of Paragraph 155 of the Framework would be met, and accordingly the proposal would not be inappropriate development in the Green Belt. In this respect, the proposal would accord with Policies CSSP4 and PMD6 of the CSMDP which, read together, seek to protect the Green Belt from inappropriate development in deference to the approach to such within the Framework.

² Appeal Ref: APP/D3640/W/24/3347530

Ecology

41. Regarding bat as a European Protected Species (EPS), surveys have been undertaken in relation to potential travel routes and foraging areas, and the buildings and trees on site suitable for roosting. No evidence of roosting was found. Commuting and foraging has been identified along certain routes, the majority of which would be incorporated, protected and/or enhanced in the layout. The report submitted with the application identifies mitigation and enhancement measures appropriate to ensure the favourable conservation status of the bat within the site at the time, and precautionary mitigation beyond that. The continued veracity of the report was confirmed by a walkover of the site by an ecologist in April this year.
42. However, given the age of the report it is necessary for further survey work to be undertaken in relation to the buildings proposed for demolition which are shown to have moderate potential for roosting and, as a further precautionary measure, a final examination of trees with roosting potential. The 2005 'Government Circular: Biodiversity and Geological Conservation – Statutory Obligations and their Impact within the Planning System' states that it is essential that the presence or otherwise of EPSs, and the extent that they may be affected by the proposal, is established before permission is granted, otherwise all relevant material considerations may not have been addressed. The need to ensure ecological surveys are carried out should therefore only be left to conditions in exceptional circumstances.
43. British Standard 42020:2013 'Biodiversity - Code of Practice for Planning and Development' is along the same lines but goes on to provide examples of the exceptional circumstances under which conditions may be legitimately used to secure updated surveys. Two of these circumstances relate to where survey work will need to be repeated because the data might be out of date; and in order to confirm the continued absence of an EPS. Both are applicable to the site insofar as the scheme relates to the demolition of the buildings of moderate roosting potential and the trees with roosting potential.
44. Regulation 9(3) of the Conservation of Habitats and Species Regulations 2017 (as amended) requires a competent authority to have regard to the requirements of the associated Directive insofar as it may be affected by the exercise of its functions. This includes for a proposal that might lead to the deterioration or destruction of the breeding sites and resting places of an EPS under Article 12(1)112, which includes bats and the places where they may decide to roost. Permission should ordinarily be granted apart from cases where a proposal would be likely to offend Article 12(1) or would be unlikely to be licensed pursuant to the derogation powers.
45. The main parties have agreed a condition which would secure the future surveys and any mitigation and compensation strategy necessitated by their results. I have no reason to doubt that it would be totally effectual. Bearing in mind the suggested mitigation and precautionary measures in the original report, and the broad scope for additional measures, such as further bat boxes, to be provided on this large site, the proposal would not offend Article 12(1), the mitigation hierarchy has been followed and there would be no significant harm to the long-term conservation status of the bat present and any subsequently found. I have no tangible reason to doubt that a mitigation license would be issued based on the evidence before me.
46. As for other protected animals, no evidence of badger was recorded initially or during the updated site walkover. It also found that the site continues to offer a

range of opportunities for nesting birds. The management of the timing and conduct of any work that may affect nesting birds would be captured by a separate condition. Adherence to the ecology report, through a condition, would also ensure the creation of new habitat types that would maintain and enhance foraging and commuting habitat for the small number of reptiles identified within the site.

Other Matters

47. It has been suggested by some that there are preferable industrial sites that could be redeveloped instead. However, even if there are alternative brownfield sites, limited details are before me, and there is no guarantee that they would match the accessibility credentials of the appeal site for I&L development. In terms of the emerging Thurrock Local Plan, given its stage of preparation and consequent potential to change, it has carried limited weight in my assessment, although I do note that it floats the idea of developing the site for commercial purposes.
48. Despite previous farm related access over the appeal site, no officially designated Public Right of Way exists on it. Whilst there would be footpaths and a trim trail within the site, there is nothing to indicate that the site would not be secure or that these areas would engender any significant security issues. On the contrary, providing an active use for the site is more likely to resolve security uses associated with its current condition. The routes themselves would logically be used for recreational exercise, probably during employee break times, and noise generated by the paths would typically be low and restricted to conversations.
49. The scheme would have adverse visual effects from the housing along Arterial Road and Fanns Farmhouse. However, the proposed planting would ensure that the effect on the living conditions of the occupants of these properties, with reference to their outlook, would not be significant in the long term. The dense band of trees along the north site boundary would ensure that the effect on the outlook from the back of the housing on Purfleet Road would also be acceptable.
50. The expert evidence before me indicates that the effects in relation to highway safety, sunlight, daylight, and noise and air quality would not be unacceptable measured against existing conditions. No equivalent expert evidence has been put before the Inquiry to indicate otherwise. I particularly note that commercial traffic from the development would logically head straight for the A13, the route to which would not involve directly passing in front of the housing on Arterial Road or Purfleet Road. I understand that residents have experienced vibrations. Whilst construction activity can often be disruptive, that work is time limited, subject to separate regulations, and can be further subject to a management condition here.
51. Sufficient parking is shown on the layout to cater for the likely vehicles that would be attracted by the scheme so as to avoid an unacceptable effect on the highway network, and the data also shows that traffic movements can be accommodated without any severe residual cumulative effect. The drainage evidence demonstrates that a viable drainage solution could be provided to ensure that the scheme would not create any issues on or offsite in relation to surface and foul water. I have been made aware that there have been foul water spillages in the local area. However, I note that Anglian Water is content that the relevant wastewater facility is capable of accommodating the increased flows that would be generated here. Relevant conditions can be relied upon to satisfy these issues in these circumstances.

52. The industrial design of the units would ensure that the scheme would integrate with its industrial surroundings. Whilst I recognise the way in which this area has evolved for residents around the PIP, many of whom have been resident for many years, the units would be adequately softened by landscaping. This would have the effect of buffering the housing around the site, preventing them from appearing unduly dominated or excessively isolated any more than they are now.

Planning Obligations

53. The financial contribution to enhanced facilities at the Thames Sports Club and the Aveley Bowling Club is necessary to fulfil a national and local policy requirement to mitigate for the loss of the bowls lawn on the site. Likewise, the enhanced sports facilities at Belhus Park are necessary to mitigate the overall loss of the site as a sports facility. I have no reason to doubt that the commuted sum for these facilities, payable to the Council in the event that the appellant is unable to deliver them, is proportionate to the scope of the new facilities as set out in the S106, and it would be subject to review by an expert in any event.
54. The offsite highway improvements are necessary in the interest of highway safety and the network. The Travel Plan and bus stops address the accessibility credentials of the proposal in line with the requirements of the Framework and Policies CSTP14 and PMD10 of the CSPMD. The employment and training of local people during construction have also been identified as consequential public benefits justifying the scheme's effects. The S106 would ensure for the proposed habitat creation onsite and at Rainham Marshes, to provide the necessary BNG.
55. Regulation 122 of the Community Infrastructure Levy Regulations (2010) and the Framework set out that planning obligations must only be sought where they meet the relevant tests, including where they are necessary to make the development acceptable in planning terms, directly related to the development and fairly and reasonably related in scale and kind to the same. I am satisfied that all of the obligations are necessary, directly, fairly and reasonably related in scale and kind to the development and can be taken into consideration as part of the development.

Conditions

56. In addition to the standard time condition, a condition is necessary to set out the approved plans in the interest of certainty. In the interests of the living conditions of neighbouring residents and the environment, it is necessary for a condition to secure the adherence to an agreed Construction Environment Management Plan. For obvious reasons, this will need to be agreed before work commences on site.
57. To ensure that the development is of sufficient design quality, a condition will provide for the agreement of the finish materials to be used on the proposed units. Adherence to a hard and soft landscaping scheme is also required to ensure that the scheme has an acceptable effect on the character and appearance of the area. For the same reason, a condition is necessary to provide for the retention and protection of the existing trees of value that are to be incorporated in the layout.
58. Adherence to the flood risk and drainage report is essential to ensure the safety of future users. A condition is required to ensure that suitable foul and surface water systems are provided within the development. Given the importance that drainage does not cause issues on or off the site, the detail of these schemes needs to be agreed beforehand, and so the condition must be discharged prior to the

commencement of the development. The agreed surface water drainage strategy must incorporate measures relating to water generated from the vehicle parking and service areas, and the means to prevent water discharge onto the highway.

59. Conditions are required to provide for the delivery and management of habitat to be created which would contribute to BNG, and for a plan of the BNG onsite. A condition must be added to explore and resolve any contamination risk on the site and the various permutations in the event contamination is found. For safety reasons this work must be carried out before the development. To prevent unacceptable noise pollution, a condition shall secure an agreed acoustic assessment in relation to industrial activity. A further condition shall ensure that the noise mitigation already identified is delivered and retained, and particularly that the acoustic barriers are erected as shown in relation to Units 1 and 7.
60. Given the archaeological potential of the site, it is also necessary for a Written Scheme of Investigation to be agreed with the Council before work commences and for it to be adhered to thereafter. To address the environmental requirements of Policy PMD12 of the CSMDP, a condition shall provide that the development is likely to achieve a BREEAM rating of Outstanding. Similarly, and again to fulfil a requirement of the CSMDP, a condition will provide that at least 20% of the energy needs of the development will come from sustainable sources.
61. To ensure a suitable relationship with neighbouring properties, it is necessary to secure the finished ground, floor and building heights within the layout. As the scheme's effect on neighbouring residents has been assessed on its individual merits, a condition will restrict its use to that intended. Further to protect residents, conditions are essential in relation to external lighting and security measures. In conjunction with the S106, conditions are required to support the delivery of the new sports facilities at Belhus Park and the ongoing delivery of the Travel Plan. Whilst the geometry of the estate roads is fixed, a condition is needed to allow for the finer details of an appropriate parking, pedestrian and loading and turning arrangement for each unit. Given the flood risk on and off site, a standalone condition is essential to secure the details and retention of the proposed pump system.

Planning Balance and Conclusion

62. The proposed development accords with the development plan when read as a whole and the other considerations before me, including the harm that would arise to Fanns Farmhouse, and the acknowledged adverse visual effects to adjacent residential receptors, do not indicate that I should make a decision other than in accordance with the development plan.
63. For the reasons given above, and taking all other matters raised into account, I conclude that the appeal should be allowed.

Matthew Jones

INSPECTOR

APPEARANCES

FOR THE APPELLANT:

Rupert Warren KC	King's Counsel, instructed by Mountpark Properties Limited and Arterial Hub LLP
------------------	---

They called:

Mark Powney MRTPI	Director, Savills
Timothy Jackson BA (Hons), Dip LA, CMLI	Senior Director, FPCR Environment and Design Ltd
Lauren Patel MRTPI DipTP	Planning Director, Stantec

Also appearing:

John Brown ACIFA BA MA (RPS)	Senior Director, RPS TetraTech
Rachel Gordon BSc(Hons), MSc, PhD, MCIEEM	Ecologist, FPCR Environment and Design Ltd
Wesley Fongenie	Partner and Head of Planning, Brecher LLP

FOR THE LOCAL PLANNING AUTHORITY:

Gary A Grant	Counsel, instructed by Endri Alikaj on behalf of the Assistant Director of Legal and Governance with Thurrock Borough Council
--------------	---

They called:

Christopher Whitehouse BSc (Hons) MRICS	RICS accredited expert and Managing Director of Next Phase
---	--

Also appearing:

Lee Melin MRTPI (S106 and conditions only)	Principal Planning Officer
--	----------------------------

INTERESTED PARTIES

Cllr George Monk	Ward Member
------------------	-------------

INQUIRY DOCUMENTS

ID1 – Appellant opening submissions	ID2 – Council opening submissions
ID3 – Ecology position statement	ID4 – Draft conditions list
ID5 – Written submissions of Logan Daniel	ID6 – Blackbushe Airport caselaw
ID7 – Council closing statement	ID8 – Appellant closing statement
ID8 – Council written costs response	

Schedule of Conditions

- 1) The development hereby permitted shall begin not later than three years from the date of this decision.
- 2) The development hereby approved shall be carried out in strict accordance with the following drawings:

AVELEY-MSA-ST-00-DR-A-20000 P03	Site Location Plan
AVELEY-MSA-ST-00-DR-A-20001 P04	Site Layout Plan
AVELEY-MSA-01-00-DR-A-20010 P03	Unit 1 Ground Floor Plan
AVELEY-MSA-01-ZZ-DR-A-20011 P03	Unit 1 Office Floor Plans
AVELEY-MSA-01-00-DR-A-20012 P03	Unit 1 Roof Plan
AVELEY-MSA-01-XX-DR-A-20013 P03	Unit 1 GA Elevations
AVELEY-MSA-02-00-DR-A-20020 P03	Unit 2 Ground Floor Plan
AVELEY-MSA-02-ZZ-DR-A-20021 P03	Unit 2 Office Floor Plans
AVELEY-MSA-02-00-DR-A-20022 P03	Unit 2 Roof Plan
AVELEY-MSA-02-XX-DR-A-20023 P03	Unit 2 GA Elevations
AVELEY-MSA-03-00-DR-A-20030 P03	Unit 3 Ground Floor Plan
AVELEY-MSA-03-ZZ-DR-A-20031 P04	Unit 3 Office Floor Plans
AVELEY-MSA-03-00-DR-A-20032 P03	Unit 3 Roof Plan
AVELEY-MSA-03-XX-DR-A-20033 P04	Unit 3 GA Elevations
AVELEY-MSA-04-DR-A-20040 P04	Unit 4 Ground Floor Plan
AVELEY-MSA-04-ZZ-DR-A-20041 P03	Unit 4 Office Floor Plans
AVELEY-MSA-04-00-DR-A-20042 P04	Unit 4 Roof Plan
AVELEY-MSA-04-XX-DR-A-20043 P04	Unit 4 GA Elevations
AVELEY-MSA-05-00-DR-A-20050 P02	Unit 5 Ground Floor Plan
AVELEY-MSA-05-ZZ-DR-A-20051 P03	Unit 5 Office Floor Plans
AVELEY-MSA-05-00-DR-A-20052 P03	Unit 5 Roof Plan
AVELEY-MSA-05-XX-DR-A-20053 P03	Unit 5 GA Elevations

AVELEY-MSA-06-00-DR-A-20060 P02	Unit 6 Ground Floor Plan
AVELEY-MSA-06-00-DR-A-20061 P03	Unit 6 Office Floor Plans
AVELEY-MSA-06-00-DR-A-20062 P03	Unit 6 Roof Plan
AVELEY-MSA-06-XX-DR-A-20063 P03	Unit 6 GA Elevations
AVELEY-MSA-07-00-DR-A-20070 P06	Unit 7 Ground Floor Plan
AVELEY-MSA-07-00-DR-A-20071 P04	Unit 7 Office Floor Plans
AVELEY-MSA-07-00-DR-A-20072 P03	Unit 7 Roof Plan
AVELEY-MSA-07-XX-DR-A-20073 P05	Unit 7 GA Elevations
AVELEY-MSA-ST-00-DR-A-20002 P02	Demolition Plan
AVELEY-MSA-ST-00-DR-A-20007 P01	Existing Floor Plans
AVELEY-MSA-ST-00-DR-A-20008 P01	Existing Elevations Montage
AVELEY-MSA-ST-00-DR-A-2004 P03	External Finishes Plan
AVELEY-MSA-ST-00-DR-A-2006 P03	Fencing and Gates Details
AVELEY-MSA-ST-XX-DR-A-20008 P04	Proposed Site Sections
AVELEY-MSA-ST-XX-DR-A-20009 P02	Proposed Site Sections
AVELEY-MSA-ST-00-DR-A-20009 P02	Fire Strategy Plan
10884-FPCR-XX-XX-DR-L-0100 P06	Detailed Planting Plan – GA
10884-FPCR-XX-XX-DR-L-0101 P06	Detailed Planting Plan – Sheet 2 of 7
10884-FPCR-XX-XX-DR-L-0102 P06	Detailed Planting Plan – Sheet 3 of 7
10884-FPCR-XX-XX-DR-L-0103 P06	Detailed Planting Plan – Sheet 4 of 7
10884-FPCR-XX-XX-DR-L-0104 P06	Detailed Planting Plan – Sheet 5 of 7
10884-FPCR-XX-XX-DR-L-0105 P06	Detailed Planting Plan – Wellbeing Park
10884-FPCR-XX-XX-DR-L-0106 P06	Detailed Planting Plan – Gateway Park
10884-FPCR-XX-XX-DR-L-0107 P06	Landscape General Layout
22-8522-SK0014 P3	Drainage Strategy Unit 1

- 22-8522-SK0015 P3 Drainage Strategy Unit 2
- 22-8522-SK0016 P3 Drainage Strategy Unit 3
- 22-8522-SK0017 P3 Drainage Strategy Unit 4
- 22-8522-SK0018 P3 Drainage Strategy Unit 5
- 22-8522-SK0019 P3 Drainage Strategy Unit 6
- 22-8522-SK0020 P3 Drainage Strategy Unit 7
- 22-8522-SK0021 P2 Site Levels
- 22-8522-SK0001 P5 Earthworks Strategy

- 3) No development shall commence on site (including demolition) until a Construction and Environmental Management Plan (CEMP) has been submitted to and approved in writing by the Local Planning Authority, which includes:

- a) Dust mitigation and management measures;
- b) The location and operation of plant and wheel washing facilities and sheeting;
- c) Measures to reduce demolition and construction noise including, where applicable, noise trigger levels & monitoring and a plan to show where the nearest noise sensitive premises are in relation to the site;
- d) Hours of operation;
- e) Details of a complaints procedure with a designated person on site responsible for complaint handling;
- f) Location and size of on-site compounds (including the design layout of any proposed temporary artificial lighting systems);
- g) Details of any temporary hardstandings;
- h) Details of temporary hoarding;
- i) Measures to reduce vibration and mitigate the impacts on sensitive receptors together with a monitoring regime;
- j) A Site Waste Management Plan;
- k) Details of water management including wastewater and surface water drainage;
- l) Road condition surveys, the extent of which to be agreed in writing with the Local Planning Authority, with assurances that any degradation of existing surfaces will be remediated as part of the development.

The development shall be undertaken in full accordance with the approved CEMP.

- 4) An acoustic assessment covering all proposed noise-generating fixed plant (in line with the methodology of BS 4142:2014) shall be submitted to the Local Planning Authority for approval prior to occupation, along with a scheme of mitigation to ensure that, at any time, the plant rating level calculated according to BS4142:2014 shall not exceed the measured typical day and night-time LA90 background levels at any noise sensitive receptor.

Once approved the scheme of mitigation shall be implemented in full prior to the use commencing and permanently maintained thereafter and replaced in whole or in part as often is required to ensure compliance with the noise levels.

- 5) Prior to the occupation of any unit, the noise mitigation measures recommended in the Noise Impact Assessment by Vanguardia (Ref: 0059718-VAN-XX-XX-RP-YA-0001) shall be implemented in full. These measures shall include:
- a) Installation of a 2.4m high acoustic timber barrier along the boundary of the HGV yard serving Unit 7;
 - b) Installation of a 3.4m high acoustic timber barrier along the boundary of the HGV yard serving Unit 1;

The barriers shall be retained and maintained thereafter for the lifetime of the development.

- 6) Notwithstanding the information on the approved plans, no development shall commence above ground level until written details or samples of all finish materials to be used in the construction of the buildings 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.
- 7) No development shall take place above ground level until full details of the provision and subsequent retention of both hard and soft landscape works on the site have been submitted to and approved in writing by the Local Planning Authority. These details shall include:

Soft landscape works:

- a) Details of proposed schedules of species of trees and shrubs to be planted, planting layouts with stock sizes and planting numbers/densities.
- b) Details of the planting scheme implementation programme, including ground protection and preparation, weed clearance, stock sizes, seeding rates, planting methods, mulching, plant protection, staking and/or other support.
- c) Details of the aftercare and maintenance programme.

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 unless otherwise agreed in writing by the Local Planning Authority. 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 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.

Hard landscape works:

- a) Details of walls with brick types, construction design and dimensions.
- b) Details of paved surfacing, with material finishes and edgings.
- c) Details of street furniture, with design materials and dimensions.

The hard landscape works shall be carried out as approved prior to the first use of the development hereby approved and retained and maintained as such thereafter.

- 8) No development shall commence until information has been submitted to and approved in writing by the Local Planning Authority in accordance with the requirements of BS5837:2012 in relation to tree retention and protection as follows:

- a) Tree survey detailing works required;
- b) Trees to be retained;
- c) Tree retention protection plan;
- d) Tree constraints plan;
- e) Arboricultural implication assessment;
- f) Arboricultural method statement (including drainage service runs and construction of hard surfaces).

The development shall thereafter be carried out in accordance with the agreed details. The tree protection measures shall be carried out in accordance with the approved details. The protective fencing and ground protection shall be retained until all equipment, machinery and surplus materials have been removed from the site.

- 9) The development shall be undertaken and completed in accordance with the terms and specifications contained within the Ecology Report prepared by FPCR dated March 2024.

- 10) Prior to the demolition of any buildings and/or works to or felling of trees, further information for bats shall be submitted to and approved in writing by the Local Planning Authority. This shall include updated surveys and recommendations for bats including an up-to-date mitigation and compensation strategy for European Protected Species, where required.

If a European Protected Species mitigation licence is required, any works which will impact the breeding/resting place of bats shall not commence unless the Local Planning Authority has been provided with either:

- a) a licence issued by Natural England pursuant to Regulation 55 of The Conservation of Habitats and Species Regulations 2017 (as amended) authorising the specified activity/development to go ahead; or
- b) evidence of site registration supplied by an individual registered to use a Bat Mitigation Class Licence; or
- c) a statement in writing from Natural England to the effect that it does not consider that the specified activity/development will require a licence.

The works shall be carried out strictly in accordance with the approved details and shall be retained in that manner thereafter.

- 11) Demolition and clearance of vegetation or other potential bird nesting sites shall not be undertaken within the breeding season of birds [i.e. within the period 1st March to the 31st July] except where a suitably qualified ecological consultant has confirmed in writing that such clearance works would not affect any nesting birds. In the event that an active bird nest is discovered outside of this period and once works have commenced, then a suitable standoff period and associated exclusion zone shall be implemented until the young have fledged the nest.

- 12) The measures contained within the Flood Risk & Drainage Assessment by Hydrock dated March 2024, reference 23-8522-FRA, shall be fully implemented

and in place prior to the first occupation of the development and shall be retained and maintained as such thereafter.

- 13) No development shall commence until a surface and foul water management strategy has been submitted to and approved in writing by the Local Planning Authority. The strategy shall include a Drainage Catchment Layout showing the contributing areas and runoff percentages across the site, including attenuation features and soft landscaping and include details of the means of connection, phasing of provision and capacity of the receptor system. It shall also include details of measures to prevent rainwater running from the site onto National Highways land or into their drainage system.

The foul and surface water drainage systems shall be constructed in accordance with the approved strategy and maintained thereafter in accordance with it. There shall be no occupation of any building in the relevant phase of development until the approved foul water drainage system is in place.

- 14) Prior to first occupation/operational use of the development hereby approved, a Habitat Management Plan shall be submitted to and approved in writing by the Local Planning Authority. The Habitat Management Plan shall be implemented as approved within 3 months of the first occupation of the development.
- 15) No development shall commence until a Biodiversity Gain Plan has been submitted to and approved in writing by the Local Planning Authority. The development shall thereafter be carried out and retained in accordance with the Biodiversity Gain Plan.
- 16) An investigation and risk assessment report must be completed in accordance with a scheme to assess the nature and extent of any contamination on the site prior to the commencement of the development. The contents of the report are subject to the approval in writing of the Local Planning Authority. The report must include:
- a) a survey of the extent, scale and nature of contamination;
 - b) an assessment of the potential risks to:
 - a. human health,
 - b. property [existing or proposed],
 - c. adjoining land,
 - d. groundwaters and surface waters,
 - e. ecological systems,

If contamination is found, a detailed remediation scheme to bring the site to a condition suitable for the intended use must be submitted to and approved in writing by the Local Planning Authority. The scheme must include all works to be undertaken, proposed remediation objectives and remediation criteria, a timetable of works and site management procedures. The scheme must ensure that the site will not qualify as contaminated land under Part 2A of the Environmental Protection Act 1990 in relation to the intended use of the land after remediation.

The approved remediation scheme must be carried out in accordance with its terms prior to the commencement of development other than that required to carry out remediation. Following completion of measures identified in the approved remediation scheme, a verification or validation report that demonstrates the effectiveness of the remediation carried out must be submitted to and agreed in

writing by the Local Planning Authority prior to the commencement of development other than that related to the remediation.

In the event that contamination is found at any time when carrying out the approved development that was not previously identified it must be reported in writing immediately to the Local Planning Authority. An investigation and risk assessment and any subsequent remediation and verification must be undertaken in accordance with the requirements of this condition.

- 17) No demolition/development or preliminary groundworks shall commence until a Written Scheme of Investigation, in response to an archaeological brief, has been submitted to and approved in writing by the Local Planning Authority. The scheme shall include an assessment of significance and research questions; and:
- a) The programme and methodology of site investigation and recording;
 - b) The programme for post investigation assessment;
 - c) Provision to be made for analysis of the site investigation and recording;
 - d) Provision to be made for publication and dissemination of the analysis and records of the site investigation;
 - e) Provision to be made for archive deposition of the analysis and records of the site investigation.

No demolition/development or preliminary groundworks shall take place other than in accordance with the approved Written Scheme of Investigation. The development shall not be occupied until the site investigation and post investigation assessment has been completed in accordance with the programme set out in the approved Written Scheme of Investigation and the provision made for analysis, publication and dissemination of results and archive deposition has been secured.

- 18) The development hereby permitted shall not be occupied unless and until the Interim Building Research Establishment (BRE) Report produced on practical completion, which confirms that the development design for the relevant building(s) is likely to achieve a BREEAM rating of Outstanding, has been submitted to the Local Planning Authority. The final certificate from BRE shall be issued to the Local Planning Authority once available.
- 19) Prior to the construction above ground level of any of the buildings, details of measures to demonstrate that the development will achieve the generation of at least 20% of its energy needs through the use of decentralised, renewable or low carbon technologies shall be submitted to and approved in writing by the Local Planning Authority, unless it can be demonstrated to the Council's satisfaction, by way of a full viability assessment, that this is not feasible or viable. The approved measures shall be implemented and operational upon the first use or occupation of the buildings hereby permitted and shall thereafter be retained in the agreed form.
- 20) No development shall commence until details of existing and finished site levels and finished external surface levels, the levels of the surrounding area and adjoining buildings where applicable, and the finished floor level of the buildings hereby permitted have been submitted to and approved by the Local Planning Authority. The development shall be implemented in accordance with the agreed details.
- 21) The premises/buildings shall only be used as/for B2/B8 and ancillary office purposes and for no other purpose including any purpose as defined within Class B of the

Schedule to the Town & Country Planning [Use Classes] Order 1987 [as amended] [or in any provision equivalent to that Class in any statutory instrument revoking or re-enacting that Order with or without modification].

- 22) Notwithstanding the details on the approved plans, prior to the occupation of the buildings, details of the means of external lighting shall be submitted to and agreed in writing with the Local Planning Authority. The details shall include the siting and design of lighting together with details of the spread and intensity of the light sources and the level of luminance. The lighting shall be installed in accordance with the agreed details prior to first operational use of the development and retained and maintained thereafter in the agreed form.
- 23) Prior to the first occupation of each building a scheme of security measures shall be submitted to and approved in writing by the Local Planning Authority. The scheme shall be installed and be operational prior to first occupation of the relevant building and retained and maintained thereafter.
- 24) No part of the development hereby permitted shall be occupied until the sports facility proposals at Belhus Park (application ref: 24/01027/FUL) have been completed and are ready for operation in accordance with the approved plans and specifications and/or the mechanisms set out in the S106 Agreement.
- 25) Prior to occupation of each unit hereby approved, a Travel Plan shall be submitted to and approved in writing by the Local Planning Authority for that unit and retained and updated periodically for the entire time the development is in use or until the Travel Plan targets are met. This Travel Plan shall include details of monitoring of travel patterns, with a range of measures to reduce the reliance of the private car, and monitoring of the Electric Vehicle Charging points and provision to increase the number of charging units as demand increases.
- 26) Prior to the commencement of the development of each industrial unit, details of the final service routes, loading and unloading areas, turning spaces, pedestrian routes and the parking layout, including designated spaces for disabled use, motorcycle parking, electric vehicles and cycle parking for that unit shall be submitted and approved in writing by the Local Planning Authority. These areas shall be laid out and provided in accordance with the approved details.
- 27) Prior to the commencement of any above-ground development, detailed specifications and layout drawings of the proposed pump system associated with the site's drainage and water management infrastructure shall be submitted to and approved in writing by the Local Planning Authority. The submitted details shall include:
 - a) Pump type, capacity, and operational parameters;
 - b) Location and enclosure design;
 - c) Noise attenuation measures;
 - d) Maintenance and access arrangements;
 - e) Integration with the wider drainage strategy.

The approved pump system shall be implemented in full prior to first occupation of the development and thereafter maintained in accordance with the approved details.