

Reference: 23/00931/FUL	Site: Treetops School Buxton Road Grays Essex RM16 2WU
Ward: Little Thurrock Blackshots	Proposal: Change of use from Education (F1(a)) use to dual use Education and Local Community (F1(a) and F2) use and conversion of existing 6 bay minibus garage at Treetops School to allow for the provision of a fitness and rehabilitation facility for use by pupils and local community.

Plan Number(s):		
Reference	Name	Received
Treetops Learning Community Location Plan	Location Plan	6 th October 2023
1870 05 (--L07 rev P1	Existing and Proposed Elevations	26 th July 2023
1870 05 (--L02 Rev P1	Proposed Floor Plan	28 th July 2023
1870 05 (--L07	Minibus Garage Sections	28 th July 2023

The application is also accompanied by:

- Application form
- Treetops School revised Travel Plans, 18th September 2023
- Site description, Operations and Travel Plans, 4th September 2023

Applicant: Treetops School	Validated: 18 August 2023 Date of expiry: 31 October 2023 (Extension of Time agreed)
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Recommendation: Approve, subject to conditions

This application is scheduled for determination by the Council’s Planning Committee because the previous application relating to the erection of a new 140 pupil SEN (special educational needs) Free School with associated parking and landscaping (ref. 19/00725/FUL) at the site was considered and determined by Members in October 2019.

This current application relates to a proposed change of use of a minibus garage for use by the wider Treetops Learning Community Trust, and following that earlier approval.

1.0 DESCRIPTION OF PROPOSAL

- 1.1 The proposal involves the change of use of the existing 6 bay minibus garage at the Treetops School to allow for the use of the building for both education and local community (F1(a) and F2) uses to provide a fitness and rehabilitation facility at the site for use by the wider Treetops Learning Community Trust. Between the 3 schools there are 458 students who are SEND. The use of the space would allow the Trust to incorporate specific individualised intervention programmes along with whole class PE lessons, on a daily basis. No operational development is proposed to the garage.
- 1.2 The fitness area would also allow for an after school and evening programmes to be established throughout the year to support the local and wider SEND community. The Trust has contact charities such as Thurrock Lifestyle Solutions and other independent living organisations who may wish to use the facility to meet the needs of their customers in a safe and controlled environment.
- 1.3 The proposed operational hours relating to the use of the facility would be as follows:

Monday to Friday: 06:00 – 20:00 Hours

Saturday: 08:00 – 14:00 Hours

Sundays and Bank Holidays: 08:00 – 14:00 Hours

Hours of operation would work around current school timings, avoiding peak hours of pick up and drop off times, to not increase any traffic generated at these times. During the evenings and at weekends the majority of the 232 parking spaces at the site would not be in use by the schools and so would be available. There would be no parking on Buxton Road.

2.0 SITE DESCRIPTION

- 2.1 The site of the former Torrells County Secondary School extended to an area of 10.8 Ha and included playing fields to both the south and north-west of the campus buildings. However, the current application site is c. 250 sq.m in area and is situated on the northwestern part of the Treetops School site. The existing Treetops School is located to the northern half of the overall campus buildings, and the more recently built Treetops Free School is located to the southern half of the overall site and accessed via Buxton Road. Immediately south and southeast of the application site lies a car parking area. Playing fields are located further to the south;

residential development along Buxton Road and Carlton Road is located to west; the A1089 is to the immediate east and undeveloped land lies to the immediate north with Stanford Road beyond.

- 2.2 The new access road from Stanford Road is currently under construction providing access direct from Stanford Road to the school campus.
- 2.3 The site is located within the Metropolitan Green Belt. The site is in a low flood risk zone.

3.0 RELEVANT PLANNING HISTORY

The overall site has an extensive planning history associated with its recent use for educational purposes. The campus site comprises the Beacon Hill Academy (post 16 campus) which provides facilities for pupils with severe and complex learning difficulties, Treetops School which provides 290 places for pupils between the ages of 3 and 19 who experience moderate learning difficulties, and the recently built Treetops Free School which provides 140 places for SEN pupils. The most recent planning history is set out in the table below:

Application Reference	Description	Decision
06/00170/TTGFUL	Demolition of existing school building and the construction of replacement Treetops and Beacon Hill special schools plus respite/post 16 building, garage block and related works, all taking permanent access from Buxton Road (construction access from Stanford Road).	Approved
07/00148/TTGFUL	Amendments to planning permission 06/00170/TTGFUL (Demolition of existing school building and the construction of replacement Treetops and Beacon Hill special schools plus respite/post 16 building, garage block and related works).	Approved
10/00976/TBC	New school kitchen and dining room plus pupil changing facilities.	Approved
11/00099/FUL	Erection of single storey building comprising canteen and shop	Withdrawn
11/00359/FUL	Erection of single storey building comprising canteen and shop	Approved

12/00279/FUL	New 4000msq car park, with soft and hard landscaping and lighting.	Approved
14/00971/FUL	Replacement teaching building	Approved
19/01095/FUL	Temporary permission is sought for the siting of a double demountable classroom unit to the rear of the school site for a duration of 1 year in order to allow the school to accommodate pupils with special educational needs within the borough of Thurrock while the planning application (ref. 19/00725/FUL) for the construction of the Treetops Free School is considered.	Approved
19/00725/FUL	Erection of a new 140 pupil SEN school with associated parking and landscaping	Approved
20/01065/FUL	Construction of a new sports hall and 2 no. additional classrooms	Approved
22/01196/FUL	Erection of 2.4m high fencing along western and southern boundary of the site and erection of 3m high fencing around the multi use games court	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

4.2 PUBLICITY:

This application has been advertised by way of individual neighbour notification letters, press advert and public site notice which has been displayed nearby. Six written comments have been received at the time of drafting this report, three objecting to the proposals on the following grounds:

- Traffic generation
- Pollution
- Facility should not be used until new access road is completed

There letters of support, making the following comments:

- Schools at the site make a significant difference to disabled pupils and this would benefit local community
- Facility would be of benefit to all pupils at the school

4.3 HIGHWAYS:

No objection subject to conditions.

4.4 SCHOOL TRAVEL PLAN CO-ORDINATOR:

No objections, subject to conditions ensuring both Treetops School and Treetops Free School update their travel plans to ensure they reach Bronze Accreditation by December 2023.

4.5 ENVIRONMENTAL HEALTH OFFICER:

No objections

5.0 POLICY CONTEXT

National Planning Policy Framework (NPPF)

- 5.1 The revised NPPF was published on 5th September 2023. Paragraph 11 of the Framework sets out a presumption in favour of sustainable development. 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 10 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:

4. Decision-making
6. Building a strong, competitive economy
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

5.2 National Planning Practice Guidance (NPPG)

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

- Design
- Determining a planning application
- Transport evidence bases in plan making and decision-taking
- Travel plans, transport assessments and statement in decision-taking
- Use of planning conditions

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

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

OVERARCHING SUSTAINABLE DEVELOPMENT POLICY

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

SPATIAL POLICIES

- CSSP3 (Infrastructure)
- CSSP4 (Sustainable Green Belt)

THEMATIC POLICIES

- CSTP9 (Well-being: Leisure and Sports)
- CSTP12 (Education and Learning)
- CSTP22 (Thurrock Design)
- CSTP25 (Addressing Climate Change)
- CSTP27 (Management and Reduction of Flood Risk)

POLICIES FOR MANAGEMENT OF DEVELOPMENT

- PMD1 (Minimising Pollution and Impacts on Amenity)
- PMD2 (Design and Layout)
- PMD6 (Development in the Green Belt)
- PMD8 (Parking Standards)
- PMD9 (Road Network Hierarchy)
- PMD10 (Transport Assessments and Travel Plans)

5.4 Thurrock Local Plan

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

5.5 Thurrock Design Strategy

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

6.0 **ASSESSMENT**

6.1 The assessment below covers the following areas:

- I. Principle of the Development
- II. Design and Layout and Impact upon the Area
- III. Amenity Impact
- IV. Access, Traffic Impact and Car Parking

I. PRINCIPLE OF THE DEVELOPMENT

6.2 As noted at paragraph 2.3 above, the site is located within the Metropolitan Green Belt. It is therefore necessary to consider the following key questions:

- i. whether the proposals constitute inappropriate development in the Green Belt;

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

6.3 i. Whether the proposals constitute inappropriate development in the Green Belt

Chapter 13 (Protecting Green Belt land) of the NPPF sets out national planning policies for the Green Belt. Paragraph 133 within Chapter 13 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 147 states that a local planning authority should regard the construction of new buildings as inappropriate in Green Belt. Paragraph 149 sets out a limited number of exceptions to this, comprising:

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

6.4 The exceptions to inappropriate development set out at (a) to (f) above do not apply to the proposals. With regard to exception (g), the proposed change of use relates to an existing garage building and involves no operational development. The

definition of 'previously developed land' (PDL) set out at Annex 2 of the NPPF defines PDL as:

“Land which is or was occupied by a permanent structure, including the curtilage of the developed land (although it should not be assumed that the whole of the curtilage should be developed) and any associated fixed surface infrastructure. This excludes: land that is or was last occupied by agricultural or forestry buildings; land that has been developed for minerals extraction or waste disposal by landfill, where provision for restoration has been made through development management procedures; land in built-up areas such as residential gardens, parks, recreation grounds and allotments; and land that was previously developed but where the remains of the permanent structure or fixed surface structure have blended into the landscape.”

- 6.5 In this case, the proposal involves no additional built form or operational development to an existing garage building to allow for the change of use to a dual use for education and local community uses. It is, therefore, considered that the exception (g) would apply in this instance and consequently the proposals comprise appropriate development with reference to paragraph 149 of the NPPF. The proposal would have no greater impact upon the openness of the Green Belt in this location and there would be no conflict with Policy PMD6.

II. DESIGN AND LAYOUT AND IMPACT UPON THE AREA

- 6.6 The proposed change of use of the minibus garage to a fitness and rehabilitation space for use by both the Trust's schools and local community, involves no operational development and there are consequently not objections to the proposal. The proposals would comply with policies CSTP22 and PMD2.

III. AMENITY IMPACT

- 6.7 The building is remotely situated away from residential properties on Buxton Road, Carlton Road and Masefield Road to the west of the larger Treetops school site. Subject to conditions controlling the hours of operation of the facility, the proposals would result in no detrimental impact to neighbour amenities and would fully comply with Policy PMD1.

IV. TRAFFIC IMPACT, ACCESS AND CAR PARKING

- 6.8 The proposed operation use of the fitness and rehabilitation facility, and its potential impact on traffic generation and highway movements, would be the key consideration with regards to this application. This same concern has been raised by both the Highways Officer and School Travel Plan Co-Ordinator in their

consultation responses. The Highways Officer sought clarification as to the parking of the existing minibuses if the garage is not to be used, as well as parking for the facility and its overall operation. The School Travel Plan Co-Ordinator also sought further clarity as to the Trust's intentions with regard to the updating of the existing approved Travel Plans for both the Treetops School and the Treetops Free School. The Headteachers of both schools have confirmed that their Travel Plans for both schools will be updated to ensure they reach Bronze Accreditation by December 2023. The School Travel Plan Co-Ordinator has no objection to this subject to conditions.

- 6.9 During the consideration of this application, the Applicant has provided further information in regard to the proposed operation of the dual use, both during and after school and in the evenings. The minibuses would be parked behind a gated area between the sports hall and Treetops Free School within the wider site. The Highways Officer has advised that their suggested approach would seem reasonable but has advised that the Applicant will need to ensure the site is effectively managed for all types of parking and uses. The Applicant should also be encouraging other forms of sustainable travel modes where feasible. On this basis, the Highways Officer has raised no objections to the proposals subject to conditions and the application would comply with Policies PMD2, PMD8 and PMD9 regarding highway matters.

7.0 CONCLUSIONS AND REASONS FOR APPROVAL

- 7.1 This application proposes to change the use of a minibus garage to a dual use for education and local community uses to enable a fitness and rehabilitation facility to operate from the building. The site is located within the Green Belt and the proposal is considered appropriate development. Given there would be no operational development there would be no harm to the Green Belt, nor harm to the openness of the Green Belt. The proposed operational use of the facility would be considered acceptable with regard its amenity and highway impacts, subject to appropriate conditions. In all other respects the application complies with the adopted Core Strategy policies and is recommended favourably.

8.0 RECOMMENDATION

- 8.1 Approve, subject to the following planning conditions:

Standard Time Limit

1. The development hereby permitted must be begun not later than the expiration of 3 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.

Approved Plans

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

Plan Number(s):		
Reference	Name	Received
Treetops Learning Community Location Plan	Location Plan	6 th October 2023
1870 05 (--)-L07 rev P1	Existing and Proposed Elevations	26 th July 2023
1870 05 (--)-L02 Rev P1	Proposed Floor Plan	28 th July 2023
1870 05 (--)-L07	Minibus Garage Sections	28 th July 2023

Reason: For the avoidance of doubt and to ensure the development accords with the approved plans with regard to policies PMD1 and PMD2 of the adopted Thurrock LDF Core Strategy and Policies for the Management of Development [2015].

Use

- The minibus garage building identified on the Treetops Learning Community Location Plan received 6th October shall be used for a dual use for Education and Local Community (F1(a) and F2) uses, and for no other purposes whatsoever, including other uses falling with F1 and F2 uses of the Town and Country Planning (Use Classes) (Amendment) (England) Regulations 2020.

Reason: In order to define the scope of the permission and in the interests of neighbour amenity and highway safety to ensure that the proposed development is integrated with its surroundings in accordance with policies PMD2, PDM8 and PMD9 of the adopted Thurrock LDF Core Strategy and Policies for the Management of Development (2015).

Updated Travel Plans for Treetops School and Treetops Free School

- Prior to December 2023, and prior to the first operational use of the fitness and rehabilitation facility hereby approved, the Applicant shall submit Travel Plans for both the Treetops School and Treetops Free School to the local planning authority. These updated Travel Plans should demonstrate that both schools will reach Bronze Accreditation by the end of December 2023. The Travel Plans shall follow

the 'Modeshift STARS' Travel Plan system (or similar approved local authority system) and shall include detailed and specific measures to reduce the number of journeys made by car to the building hereby permitted and shall include specific details of the operation and management of the proposed measures. The approved measures shall be implemented upon the first operational use or occupation of the building hereby permitted and shall be permanently kept in place unless otherwise agreed in writing with the local planning authority. Upon written request, the operator of the school shall provide the local planning authority with written details of how the agreed measures contained in the Travel Plan are being undertaken at any given time.

Reason: To reduce reliance on the use of 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].

Parking Management Strategy

5. Prior to the first operational use of the fitness and rehabilitation facility, an updated Parking Management Strategy for the internal management of parking within the site shall be submitted to the Local Planning authority for approval. This Strategy shall specifically address how the use hereby approved will be accessed via the new access road from Stanford Road. The approved Strategy shall be updated every two years and provided for the entire time the site is used for educational uses.

Reason: In the interests of the effective management of the site, 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).

Hours of Operation

6. The fitness and rehabilitation facility shall be used during the following times only:

Monday to Friday: 06:00 – 20:00 Hours

Saturday: 08:00 – 14:00 Hours

Sundays and Bank Holidays: 08:00 – 14:00 Hours

Reason: In order to define the scope of the permission and in the interests of neighbour amenity and highway safety to ensure that the proposed development is integrated with its surroundings in accordance with policies PMD2, PDM8 and PMD9 of the adopted Thurrock LDF Core Strategy and Policies for the

Management of Development (2015).

Positive and Proactive Statement

- 1 The local planning authority has acted positively and proactively in determining this application by assessing the proposal against all material considerations, including planning policies and any representations that may have been received and subsequently determining to grant planning permission 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

