

Thurrock - An ambitious and collaborative community which is proud of its heritage and excited by its diverse opportunities and future

## Planning Committee

The meeting will be held at **6.00 pm** on **28 November 2019**

**Council Chamber, Civic Offices, New Road, Grays, Essex, RM17 6SL**

### Membership:

Councillors Tom Kelly (Chair), Mike Fletcher (Vice-Chair), Gary Byrne, Colin Churchman, Angela Lawrence, David Potter, Gerard Rice, Sue Sammons and Sue Shinnick

Steve Taylor, Campaign to Protect Rural England Representative

### Substitutes:

Councillors Abbie Akinbohun, Chris Baker, Daniel Chukwu, Garry Hague, Victoria Holloway and Susan Little

### Agenda

Open to Public and Press

	Page
<b>1 Apologies for Absence</b>	
<b>2 Minutes</b>	<b>5 - 10</b>
To approve as a correct record the minutes of the Planning Committee meeting held on 24 October 2019.	
<b>3 Item of Urgent Business</b>	
To receive additional items that the Chair is of the opinion should be considered as a matter of urgency, in accordance with Section 100B (4) (b) of the Local Government Act 1972.	
<b>4 Declaration of Interests</b>	
<b>5 Declarations of receipt of correspondence and/or any</b>	

**meetings/discussions held relevant to determination of any planning application or enforcement action to be resolved at this meeting**

**6 Planning Appeals 11 - 18**

**7 Public Address to Planning Committee**

The Planning Committee may allow objectors and applicants/planning agents, and also owners of premises subject to enforcement action, or their agents to address the Committee. The rules for the conduct for addressing the Committee can be found on Thurrock Council's website at <https://www.thurrock.gov.uk/democracy/constitution> Chapter 5, Part 3 (c).

**8 19/00470/FUL St Cleres School, Butts Lane, Stanford-Le-Hope, Essex, SS17 0NW 19 - 50**

**9 19/01310/TBC Sigma Studies Ltd, Sigma House, Orsett Cock Roundabout To Stanford Interchange Eastbound, Orsett, Essex, RM16 3AY 51 - 74**

**Queries regarding this Agenda or notification of apologies:**

Please contact Kenna-Victoria Healey, Senior Democratic Services Officer by sending an email to [Direct.Democracy@thurrock.gov.uk](mailto:Direct.Democracy@thurrock.gov.uk)

Agenda published on: **20 November 2019**

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## DECLARING INTERESTS FLOWCHART – QUESTIONS TO ASK YOURSELF

Breaching those parts identified as a pecuniary interest is potentially a criminal offence

### Helpful Reminders for Members

- *Is your register of interests up to date?*
- *In particular have you declared to the Monitoring Officer all disclosable pecuniary interests?*
- *Have you checked the register to ensure that they have been recorded correctly?*

### When should you declare an interest at a meeting?

- **What matters are being discussed at the meeting?** (including Council, Cabinet, Committees, Subs, Joint Committees and Joint Subs); or
- If you are a Cabinet Member making decisions other than in Cabinet **what matter is before you for single member decision?**



**Does the business to be transacted at the meeting**

- relate to; or
- likely to affect

**any of your registered interests and in particular any of your Disclosable Pecuniary Interests?**

Disclosable Pecuniary Interests shall include your interests or those of:

- your spouse or civil partner's
- a person you are living with as husband/ wife
- a person you are living with as if you were civil partners

where you are aware that this other person has the interest.

A detailed description of a disclosable pecuniary interest is included in the Members Code of Conduct at Chapter 7 of the Constitution. **Please seek advice from the Monitoring Officer about disclosable pecuniary interests.**

**What is a Non-Pecuniary interest?** – this is an interest which is not pecuniary (as defined) but is nonetheless so significant that a member of the public with knowledge of the relevant facts, would reasonably regard to be so significant that it would materially impact upon your judgement of the public interest.

### **Pecuniary**

If the interest is not already in the register you must (unless the interest has been agreed by the Monitoring Officer to be sensitive) disclose the existence and nature of the interest to the meeting

If the Interest is not entered in the register and is not the subject of a pending notification you must within 28 days notify the Monitoring Officer of the interest for inclusion in the register

**Unless you have received dispensation upon previous application from the Monitoring Officer, you must:**

- **Not participate or participate further in any discussion of the matter at a meeting;**
- **Not participate in any vote or further vote taken at the meeting; and**
- **leave the room while the item is being considered/voted upon**

**If you are a Cabinet Member you may make arrangements for the matter to be dealt with by a third person but take no further steps**

### **Non- pecuniary**

Declare the nature and extent of your interest including enough detail to allow a member of the public to understand its nature



**You may participate and vote in the usual way but you should seek advice on Predetermination and Bias from the Monitoring Officer.**

## Our Vision and Priorities for Thurrock

An ambitious and collaborative community which is proud of its heritage and excited by its diverse opportunities and future.

1. **People** – a borough where people of all ages are proud to work and play, live and stay
  - High quality, consistent and accessible public services which are right first time
  - Build on our partnerships with statutory, community, voluntary and faith groups to work together to improve health and wellbeing
  - Communities are empowered to make choices and be safer and stronger together
2. **Place** – a heritage-rich borough which is ambitious for its future
  - Roads, houses and public spaces that connect people and places
  - Clean environments that everyone has reason to take pride in
  - Fewer public buildings with better services
3. **Prosperity** – a borough which enables everyone to achieve their aspirations
  - Attractive opportunities for businesses and investors to enhance the local economy
  - Vocational and academic education, skills and job opportunities for all
  - Commercial, entrepreneurial and connected public services

## Minutes of the Meeting of the Planning Committee held on 24 October 2019 at 6.00 pm

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<b>Present:</b>	Councillors Tom Kelly (Chair), Mike Fletcher (Vice-Chair), Colin Churchman, David Potter, Sue Sammons and Sue Shinnick
<b>Apologies:</b>	Councillors Gary Byrne and Gerard Rice
<b>In attendance:</b>	Jonathan Keen, Interim Strategic Lead of Development Services Matthew Ford, Chief Engineer Matthew Gallagher, Principal Planner (Major Applications) Sarah Williams, School Capital and Planning Project Manager Kenna-Victoria Healey, Senior Democratic Services Officer

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Before the start of the Meeting, all present were advised that the meeting may be filmed and was being recorded, with the audio recording to be made available on the Council's website.

### **44. Minutes**

The minutes of the Planning Committee held on 19 September 2019 was approved as a true and correct record.

### **45. Item of Urgent Business**

There were no items of urgent business.

### **46. Declaration of Interests**

Councillor Sammons declared an interest in planning application 19/00563/FUL, in that although she was one of the Members to call-in the application she was still of an open mind to hear the application.

### **47. Declarations of receipt of correspondence and/or any meetings/discussions held relevant to determination of any planning application or enforcement action to be resolved at this meeting**

There were no declarations of receipt of correspondence and/or any meetings/discussions relevant to any planning application to be resolved at the meeting.

### **48. Planning Appeals**

Jonathan Keen, Strategic Lead for Development Services, presented the report which outlined the planning appeals performance.

The Committee was satisfied with the report.

**RESOLVED:**

**That the Committee noted the report.**

**49. 19/00725/FUL Treetops School, Buxton Road, Grays, RM16 2WU**

The Principal Planner presented the application and in doing so first updated the Committee that since the agenda had been published 3 additional objections had been received citing access to the site and an increasing in traffic.

He went on to explain the application constituted a major application. Given the location of the site in the Green Belt and the nature of the scheme this would constitute a departure from the Core Strategy and NPPF and if Members were minded to approve, the application it would need to be referred to the Planning Casework Unit. Members heard the application proposed the development of a new school for up to 140 pupils aged between 5 and 16 with special education needs with alterations and extensions to the existing car park.

The Principal Planner continued to highlight the application proposed a new School building which would be a single storey structure and would comprise new classrooms, school halls, staff floorspace and ancillary accommodation arranged around an internal courtyard. The site area included a large part of the existing car park serving the existing Treetops School and Beacon Hill post-16 facility and the proposals included alterations to the layout of this area as well as new parking areas. Within the 'red-line' application site there were currently 121 car parking spaces, this included spaces for disabled users, as well as drop-off / pick-up areas for vehicles. The proposal would increase the number of car parking spaces within the application site by 111 to a total of 232 spaces. Access to the remodelled and extended car park being via the existing route via Buxton Road.

It was stated that the Planning Statement also noted that, due to the specialist nature of the school, there was a higher staff to pupil ratio and both pupils and staff would originate from a wider catchment area.

During discussions the Chair queried as to the footprint of the old school against the current application. It was stated that Officers wouldn't want to estimate as the former school building were demolished a number of years ago, however in general it was deemed that the old school buildings be bigger in footprint. The Principal Planner advised that detailed work had been undertaken relating to access routes, school transport and drop off points in response to highways issues.

Councillor Fletcher commented on the report which stated that highways shouldn't greatly increase in traffic. Officers commented that there were no



objections from Highway Officers and work had been undertaken as to the creation of the new car park, which would create a single access point.

Councillor Shinnick stated the turning at the end of Buxton Road was a nightmare. She further stated that she felt another road junction should be put in place, as there was not the infrastructure required for this application. The Principal Planner commented that the site had been used as a school for a number of decades and access had always been through Buxton Road. He further commented that permission for a school on the site had already been granted in 2006/7 and, as this permission had been implemented, it remained extant.

The Principal Highways Engineer advised the traffic on King Edwards Drive and surrounding roads had been left in and right out for the last 15 to 20 years. He also commented that the live application was for a larger development and was granted in 2007.

Councillor Churchman sought as to whether to drop off points would be within the school grounds. The Principal Highways Engineer explained there would be a main car park with internal one way roads for parking and a one way system around the site that would be in place.

Councillor Sammons raised concerns as to the width of the gates on the school. She stated that you would not be able to get a car and a school mini bus through at the same time, therefore one could not enter while the other was leaving. Highways Officers commented they would look at the access gate to the school and would take back to the school, as it was possible something could be added to the travel plan.

Councillor Redsell, Ward Councillor, presented her statement in objection to the application.

Clare Preece, Agent Representative, presented her statement in support of the application.

Members went to the debate during which the Chair of Committee commented it was not an easy application, school places were required; however there were some issues that needed resolving. He further commented it was pleasing to see the Council and the applicant work so well together, never the less he had concerns over the issue of access and this included the gates to the school. Officers had advised that an additional condition could be attached to any grant of planning permission to allow the access to the site to be reviewed and amended as appropriate. Councillor Churchman agreed with the Chairs comments adding that he felt additional access to the site was required.

Councillor Churchman proposed the Officer's recommendation for approval (subject to the additional condition relating to access) and was seconded by Councillor Baker. The Committee moved on to the vote.

**For:** (6) Councillors Tom Kelly (Chair), Mike Fletcher (Vice-Chair), Chris Baker, Colin Churchman, David Potter and Sue Sammons.

**Against:** (1) Councillor Sue Shinnick

**Abstained:** (0)

Planning application 19/00725/FUL was approved planning permission following Officer's recommendation.

**50. 19/01206/FUL Green House, Robinson Road, Horndon on the Hill, Essex, SS17 8PU**

The application was introduced by the Principal Planner, who explained permission was sought for the construction of two detached 3-bedroom bungalows. He continued to explain the proposal included separate vehicular access and both dwellings would be well set back from the street frontage.

Members heard the application site was approximately 30m wide and fronts onto Robinson Road. In addition the site was generally flat and was within an area that included buildings of sporadic spacing with varied design, scale and appearance.

It was highlighted that the site was located in the Green Belt. The Principal Planner continued to advise the Committee, one of the principal reasons the applicant had given for the application was infilling in a village. The applicant therefore relied on paragraph 145(e) of the NPPf to justify the proposal. However the site in question was not deemed by officers to be within the village itself. It was explained to Members that when assessing the issue of whether the site was within the village of Horndon on the Hill, officers had exercised their judgement and deemed it was not, given the boundary lines of the application. It was relevant that this matter had been considered by a Planning Inspector in 2018.

Martin Leyland, the Agent, presented his statement in support of the application.

Councillor Fletcher queried as to regardless of whether the application was located in a village or not as to the reason for refusal. Officers explained that the application was located within the Green Belt and it had been decided that in Officers opinions special circumstances did not apply to the application.

Councillor Sammons stated she was confused as to if along the same road there were other buildings and properties, why this application was for refusal. The Principal Planner explained there were other buildings, stables and a gas compound down Robinson Road, However as the proposals comprised new buildings within the Green Belt the usual Green Belt tests applied. It was considered that the development was inappropriate, was also harmful to the Green Belt and there were not factors

amounting to the very special circumstances required to justify a departure from national and local policies.

During the debate it was remarked that it was right for the application to be presented to the Committee for consideration. Members agreed that the application site did not form part of a village and therefore could not benefit as one of the exceptions from inappropriate development.

During the debate it was remarked that it was right for the application to be presented to the Committee for consideration. Members agreed that whether the application be in the village or not the application was on Green Belt land.

The Chair proposed the Officer's recommendation for refusal and was seconded by Councillor Churchman. The Committee moved on to the vote.

**For:** (5) Councillors Tom Kelly (Chair), Chris Baker, Colin Churchman, David Potter and Sue Shinnick

**Against:** (2) Councillors Mike Fletcher (Vice-Chair) and Sue Sammons

**Abstained:** (0)

Planning application 19/01206/FUL was refused planning permission following Officer's recommendation.

**51. 19/00563/FUL 5 King George VI Avenue, East Tilbury, Essex, RM18 8SL**

The Principal Planner introduced the application which sought permission for the erection of a two storey side extension, single storey rear extension and the change of use from a residential property to a children's day-care nursery.

Members heard the application site was a semi-detached residence on the western side of King George VI Avenue. The site was located within East Tilbury Conservation Area.

It was enquired as to number of objections the Planning department had received from residents. Officers confirmed they had received 29 objective letters to the application.

Councillor Massey, Ward Councillor, presented his statement in objective to the application.

Gregory Brennan, Resident Representative, presented his statement in objection of the application.

The Chair of the Committee remarked that he had some concerns as to the change of use of the property and the impact of traffic for a residential street.

Councillor Churchman, agreed with the Chair and further commented that although there may be a need for childcare within the borough, this application was not appropriate.

Councillor Churchman proposed the Officer's recommendation for refusal and was seconded by Councillor Shinnick. The Committee moved on to the vote.

**For:** (7) Councillors Tom Kelly (Chair), Mike Fletcher (Vice-Chair), Chris Baker, Colin Churchman, David Potter, Sue Sammons and Sue Shinnick

**Against:** (0)

**Abstained:** (0)

Planning application 19/00563/FUL was refused planning permission following Officer's recommendation.

**The meeting finished at 8.03 pm**

Approved as a true and correct record

**CHAIR**

**DATE**

**Any queries regarding these Minutes, please contact  
Democratic Services at [Direct.Democracy@thurrock.gov.uk](mailto:Direct.Democracy@thurrock.gov.uk)**

<b>28 November 2019</b>		<b>ITEM: 6</b>
<b>Planning Committee</b>		
<b>Planning Appeals</b>		
<b>Wards and communities affected:</b> All		<b>Key Decision:</b> Not Applicable
<b>Report of:</b> Jonathan Keen, Interim Strategic Lead - Development Services		
<b>Accountable Assistant Director:</b> Leigh Nicholson, Interim Assistant Director Planning, Transportation and Public Protection.		
<b>Accountable Director:</b> Andy Millard, Interim Director of Place		

## Executive Summary

This report provides Members with information with regard to planning appeal performance.

### 1.0 Recommendation(s)

#### 1.1 That the Planning Committee note the report.

### 2.0 Introduction and Background

2.1 This report advises the Committee of the number of appeals that have been lodged and the number of decisions that have been received in respect of planning appeals, together with dates of forthcoming inquiries and hearings.

### 3.0 Appeals Lodged:

#### 3.1 Application No: 19/00961/HHA

Location: 29 Cullen Square, South Ockendon

Proposal: Retrospective application for outbuilding to be used as office and gym.

- 3.2    **Application No:**    **19/00800/HHA**
- Location:                      Harbar, 8 Branksome Avenue, Stanford Le Hope
- Proposal:                      First floor side extension and first floor rear extension with roof alterations
- 3.3    **Application No:**    **19/00267/FUL**
- Location:                      Silver Springs, High Road, Fobbing
- Proposal:                      Demolition of Inglefield, part single/part two storey front, side and rear extensions with front balcony to Silver Springs and construction of six detached houses to rear with associated access road, landscaping and amenity space
- 3.4    **Application No:**    **19/01094/FUL**
- Location:                      Land To Rear Of 14 Corringham Road, Stanford Le Hope
- Proposal:                      Demolition of existing garage and erection of three storey residential building providing 2 no. 2 bedroom residential units with undercroft parking
- 3.5    **Application No:**    **19/00078/BUNUSE**
- Location:                      3 Goldsmiths Avenue, Corringham
- Proposal:                      Retrospective planning permission for change of use. Retaining original use as a residential dwelling with the addition of use as dog kennels for micro level commercial dog breeding.
- 3.6    **Application No:**    **19/00167/FUL**
- Location:                      The Village Motel, Southend Road, Corringham
- Proposal:                      Demolish all existing structures on site and construction of three 2 storey blocks creating nine flats with associated parking area, amenity space and cycle and bin stores (resubmission of 18/01460/FUL Demolition of existing structures and construction of two residential blocks creating five flats with associated parking area, amenity space and cycle and bin stores)

- 3.7    **Application No:**    **19/00603/HHA**
- Location:                      Windy Corner, Kirkham Road, Horndon On The Hill
- Proposal:                      Two storey side extension with front dormer and two rear roof lights
- 3.8    **Application No:**    **19/00181/FUL**
- Location:                      The Pullman Tavern, 61 High Street, Grays
- Proposal:                      Change of use of ground floor and basement from A4 (public house) to A1 (retail)
- 3.9    **Application No:**    **19/01016/FUL**
- Location:                      Land Adjacent 107 Humber Avenue, South Ockendon
- Proposal:                      Construction of dwelling house with vehicular access, parking and landscaping
- 3.10   **Application No:**    **19/00701/HHA**
- Location:                      20 Furness Close, Chadwell St Mary
- Proposal:                      Single storey front extension
- 3.11   **Application No:**    **19/01190/HHA**
- Location:                      12 San Marcos Drive, Chafford Hundred
- Proposal:                      Retrospective application for single storey side extension
- 3.12   **Application No:**    **19/00528/HHA**
- Location:                      The Olives, Rectory Road, Orsett
- Proposal:                      Single storey rear extension and first floor side extension above the existing single storey side extension
- 3.13   **Application No:**    **19/00891/HHA**
- Location:                      53 Catharine Close, Chafford Hundred
- Proposal:                      Loft conversion with rear dormer, three front roof lights and side window

**3.14 Application No: 18/01814/CLOPUD**

Location: Land Rear Of Ewen House, High Road, Fobbing

Proposal: New storage building for B8 use (warehousing) on land to the rear of Ewen House under Part 7, Class H of the Town and Country Planning (General Permitted Development) (England) Order 2015

**4.0 Appeals Decisions:**

The following appeal decisions have been received:

**4.1 Application No: 19/00178/FUL**

Location: Amberley, 237 Branksome Avenue, Stanford Le Hope

Proposal: Two storey detached dwellinghouse

Decision: Appeal Dismissed

4.1.1 The Inspector considered the main issues to be the effect of the development on the character and appearance of the area and on highways safety.

4.1.2 The Inspector found that the design and layout of the proposal meant it would be narrow, giving the impression of a new dwelling squeezed into the available space resulting in a cramped appearance. The roof design was considered to be significantly different to others in the area, and as a result it would draw attention to the site, resulting in a development that would be incongruous. The level of car parking and the parking layout was found to be acceptable.

4.1.3 On the basis of the matters put forward the Inspector found the development would harm the character and appearance of the area and would conflict with Policies PMD2, CSPT22 and CSTP23 of the Core Strategy and would be at odds with the design aims of the NPPF and the appeal was dismissed.

4.1.4 The full appeal decision can be found online.

**4.2 Application No: 19/00345/FUL**

Location: 36 Caldwell Road, Stanford Le Hope

Proposal: New dwelling on land adjacent to 36 Caldwell Road

Decision: Appeal Allowed

4.2.1 The Inspector considered the main issues to be the effect of the proposed development on (i) the character and appearance of the area, and (ii) the



living condition of the occupiers of No 75 Kingsman Road with regard to the outlook from and impact upon the neighbouring garden.

4.2.2 The Inspector found the design and appearance of the proposed dwelling would reflect the roof form of neighbouring dwellings and while there would be a smaller gap to the side boundary than on some other sites given the location at the end of the terrace it would not be unacceptable. In relation to No 75 Kingsman Road the Inspector found that whilst the side of the dwelling would adjoin the boundary of No 75, it would only be for a small distance and it would be 14m from the property, accordingly there would be no harmful impact from the dwelling.

4.2.3 Accordingly, the development complied with the Core Strategy and the NPPF and the appeal was allowed subject to conditions.

4.2.4 The full appeal decision can be found online.

**4.3 Application No: 19/00518/HHA**

Location: 181 Crammavill Street, Stifford Clays, Grays

Proposal: Two storey side extension.

Decision: Appeal Dismissed

4.3.1 The Inspector considered the main issues to be the effect of the proposed development on the character and appearance of the area.

4.3.2 The Inspector found that the proposed side extension would significantly reduce the space to the side of the appeal property and that while a gap would be retained, it would not be sufficient to overcome the harm that would arise from the proposed development to the overall spacious character of the area. He considered that the siting of the proposed extension would interrupt the established appearance emphasised by a consistent line of built development along Grantham Way set by the appeal property and the properties on Hogarth Road to the rear.

4.3.3 Accordingly the proposal was contrary to Policies CSTP22, CSTP23 and PMD2 of the Core Strategy, the RAE and the design aspects of the NPPF. The appeal was therefore dismissed.

4.3.4 The full appeal decision can be found online.

**4.4 Application No: 19/00794/HHA**

Location: 75 Mayflower Road, Chafford Hundred

Proposal: Loft conversion with two rear and one front dormer

Decision: Appeal Dismissed

- 4.4.1 The Inspector considered the main issues to be the effect of the proposed development on the character and appearance of the area
- 4.4.2 The Inspector found that despite the use of a sympathetic gable roof form, the height, width, overall mass and the window proportions of the proposed dormer windows would not relate to the host building, which had a limited roof space and modest window openings at the ground and first floor. Consequently, the Inspector found the proposed dormer windows would appear excessively large, when viewed against the context of the existing building, which would unacceptably diminish the architectural integrity of the property. The dormers would therefore appear as an unduly prominent form of development causing harm to the character and appearance of the area.
- 4.4.3 Accordingly the proposal was found to be contrary to Policies CSTP22 and PMD2 of the Core Strategy and the RAE. The appeal was therefore dismissed.
- 4.4.4 The full appeal decision can be found online.

**4.5 Application No: 18/01533/FUL**

Location: 253 Princess Margaret Road, East Tilbury

Proposal: The demolition of no.253 Princess Margaret Road, formation of an emergency, pedestrian and cycle access together with the erection of 3no. terraced houses

Decision: Appeal Dismissed

- 4.5.1 The Inspector considered the main issues to be: a) the effect of the development on the character and appearance of the area; and b) whether the development would create a safe and secure environment.

- 4.5.2 a) The effect of the development on the character and appearance of the area.

The Inspector considered the proposed terrace would protrude significantly beyond the north flank elevation of No 251 Princess Margaret Road and the two-storey rear elevation of the proposed terrace would be readily visible from the street. This deviation from the prevailing pattern of development would be at odds with the character and appearance of the area. As such, the proposed dwellings would be an incongruous and unduly prominent form of development when viewed from Princess Margaret Road, which would cause significant harm to the character and appearance of the area.

- 4.5.3 b) whether the development would create a safe and secure environment.

The Inspector considered the proposal would not have a detrimental impact on the safety and security of the local environment, where an area of open space was being proposed.

4.5.4 Accordingly for design and character reasons the proposal was found to be contrary to Policies CSTP22, CSTP23 and PMD2 of the Core Strategy and the aims of paragraph 127(c) of the NPPF.

4.5.5 The full appeal decision can be found online.

## **5.0 APPEAL PERFORMANCE:**

5.1 The following table shows appeal performance in relation to decisions on planning applications and enforcement appeals.

	APR	MAY	JUN	JUL	AUG	SEP	OCT	NOV	DEC	JAN	FEB	MAR	
Total No of Appeals	3	7	3	1	14	5	3						36
No Allowed	1	0	0	0	3	0	2						6
% Allowed	33.33%	0%	0%	0%	21.4%	0%	66.66%						16.67%

## **6.0 Consultation (including overview and scrutiny, if applicable)**

6.1 N/A

## **7.0 Impact on corporate policies, priorities, performance and community impact**

7.1 This report is for information only.

## **8.0 Implications**

### **8.1 Financial**

Implications verified by: **Rosie Hurst**  
**Interim Senior Finance Manager**

There are no direct financial implications to this report.

### **8.2 Legal**

Implications verified by: **Tim Hallam**  
**Acting Head of Legal & Governance and**  
**Monitoring Officer**

The Appeals lodged will either have to be dealt with by written representation procedure or (an informal) hearing or a local inquiry.

Most often, particularly following an inquiry, the parties involved will seek to recover from the other side their costs incurred in pursuing the appeal (known as 'an order as to costs' or 'award of costs').

### 8.3 **Diversity and Equality**

Implications verified by: **Natalie Warren**  
**Strategic Lead Community Development and Equalities**

There are no direct diversity implications to this report.

### 8.4 **Other implications** (where significant) – i.e. Staff, Health, Sustainability, Crime and Disorder)

None.

### 9.0. **Background papers used in preparing the report** (including their location on the Council's website or identification whether any are exempt or protected by copyright):

- All background documents including application forms, drawings and other supporting documentation can be viewed online: [www.thurrock.gov.uk/planning](http://www.thurrock.gov.uk/planning). The planning enforcement files are not public documents and should not be disclosed to the public.

### 10. **Appendices to the report**

- None

<b>Reference:</b> 19/00470/FUL	<b>Site:</b> St Cleres School Butts Lane Stanford Le Hope Essex SS17 0NW
<b>Ward:</b> Stanford Le Hope West	<b>Proposal:</b> Construction of a new 3-storey teaching block with kitchen and dining facilities on the ground floor, and 4no science laboratories and 6 no. classrooms set across the upper two floors. Construction of a 4-court sports hall with changing rooms, parking provision for 30 vehicles and external works including outdoor dining area with covered seating.

Plan Number(s):		
Reference	Name	Received
101	Existing Floor Plans	26th March 2019
102A	Existing Site Elevations	25th October 2019
103	Location Plan	26th March 2019
104	Block Plan North West	26th March 2019
105	Block Plan North East	26th March 2019
106	Block Plan South East	26th March 2019
107	Block Plan South West	26th March 2019
201	Proposed Ground Floor Plans	26th March 2019
202A	Proposed Site Elevations	25th October 2019
203	Proposed Elevations Teaching Block	26th March 2019
204	Proposed Elevations Sports Hall	26th March 2019
205	Teaching Block Area Plan and Sections	26th March 2019
1140	Proposed Site Plan	25 <sup>th</sup> October 2019
1420	Cricket Net Elevation	25 <sup>th</sup> October 2019

The application is also accompanied by:

- Design and Access Statement
- Arboricultural Impact Assessment
- Transport Assessment
- Drainage Strategy

- Preliminary Ecological Appraisal
- Flood Risk Assessment
- Ball Strike Assessment
- Environment Agency response to pre-application enquiry

**Applicant:**

St Cleres School

**Validated:**

9 April 2019

**Date of expiry:**

9 July 2019

**Extension of Time** (as Agreed with Applicant):

19 December 2019

**Recommendation:** Approve, subject to conditions and referral

This application is scheduled for determination by the Council's Planning Committee as it is a major application for development in the Green Belt, which also represents a departure from the Core Strategy and NPPF, and as defined in the Council's constitution under Chapter 5: Section 2, 2.1 (a).

## 1.0 DESCRIPTION OF PROPOSAL

- 1.0 The proposal includes a three storey teaching block which will comprise the following facilities:

- Kitchen, servery and dining hall on the ground floor along with staff and pupil WCs, pupil services and staff offices.
- Teaching spaces will be set across the first and second floors with each floor providing 3 teaching classrooms and 2 science laboratories.

- 1.2 The proposed teaching block would be located to the east of the main group of school buildings.
- 1.3 A new sports hall will be constructed to Sport England guidelines for a 4-court sports hall and will incorporate male and female changing areas, accessible changing, WCs and equipment stores.
- 1.4 The proposed sports hall would be situated immediately east of the main school buildings and north of the existing MUGA pitch.
- 1.5 Externally, other proposed changes include a new dining courtyard with covered seating which will be sited between the two new buildings and will

also provide additional hard play spaces in a currently underused area of the school.

- 1.6 The existing covered walkway serving the humanities block will be extended to ensure the access to the new teaching block and dining facilities will be provided with weather protection at all times.
- 1.7 A new car park will be created which will provide additional staff parking during school hours and parking for those using the sports facilities outside of these hours.
- 1.8 The proposals are designed to meet present and future demand for school places.

## 2.0 SITE DESCRIPTION

- 2.1 The application site is approximately square in shape and measures 1.16 hectares. The site is accessed from Butts Lane.
- 2.2 To the south of the site is an open field. To the north and west are residential properties on and off Butts Lane, Prospect Avenue, Brockenhurst Drive and Lulworth Close. The railway line lies to the immediate east with St Margaret's Avenue beyond.
- 2.3 The majority of the built form on the site is located broadly to the north western corner of the site with sports pitches laid out to the remainder of the site. The main buildings on site are principally two storey with some single storey building.
- 2.4 The site lies in Flood Risk Zone 1 and is within the Metropolitan Green Belt.

## 3.0 RELEVANT HISTORY

Application Reference	Description of Proposal	Decision
10/00989/TBC	Erection of potting shed, raised beds, polytunnels and ancillary facilities comprising fencing and paving	Approved
11/00132/TBC	New drama studio	Approved
12/00004/FUL	Construction of grounds maintenance building	Approved
12/00005/FUL	Proposed 4 No. MUGA Spectator Shelters and Tarmac Path	Approved
14/01133/FUL	Change of use of agricultural farm land changed to sport pitches (football).	Withdrawn
15/00574/FUL	Installation of external flood lighting, resurfacing and renewal of fencing to 2no. games pitches.	Approved
16/00675/FUL	Installation of 1no. Single storey	Approved

	temporary building to be used as Approved additional classroom accommodation for a period of 156 weeks.	
16/01170/CONDC	Discharge of condition 6 [School travel plan] from application 16/00675/FUL.	Approved
17/01700/FUL	Two-storey teaching block with single-storey link to existing building, a first floor extension to enlarge the school hall and create two new classrooms and a staff room including remodelling of the front entrance.	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](http://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 notices which have been displayed nearby. The application has been advertised as a major development and as a departure from the development plan.

- 4.3 At the time of writing two letters have been received in objection of the application on the following grounds:

- Out of character;
- Environmental Pollution;
- Additional traffic;
- Possible excessive noise and smells from car park;
- Overlooking;
- Conservation of open land.

- 4.4 ENVIRONMENT AGENCY:

No objections.

- 4.5 SPORT ENGLAND:

No objection, subject to conditions.

- 4.6 CADENT



Recommend informative.

4.7 ESSEX COUNTY COUNCIL SPECIALIST ARCHAEOLOGICAL ADVICE:

No objections, subject to conditions

4.8 HIGHWAYS:

No objections, subject to conditions.

4.9 EDUCATION:

No objection, strongly support the proposals.

4.10 LANDSCAPE AND ECOLOGY ADVISOR:

No objections subject to conditions.

4.11 FLOOD RISK MANAGER:

No objection, subject to conditions

4.12 ENVIRONMENTAL HEALTH OFFICER:

No objections, subject to conditions.

**5.0 POLICY CONTEXT**

National Planning Policy Framework

- 5.1 The NPPF was published on 27 March 2012 and amended on 24 July 2018 and again on 19 February 2019. Paragraph 10 of the Framework sets out a presumption in favour of sustainable development. Paragraph 11 of the Framework expresses a presumption in favour of sustainable development. This paragraph goes on to state that for decision taking this means:

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

*i. the application of policies in this Framework that protect areas or assets of particular importance provides a clear reason for refusing the development proposed<sup>6</sup>; or ii any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in this Framework taken as a whole.*

<sup>6</sup> The policies referred to are those in this Framework relating to: habitats sites and/or SSSIs, land designated as Green Belt, Local Green Space, AONBs, National Parks, Heritage Coast, irreplaceable habitats, designated heritage assets and areas at risk of flooding or coastal change.

<sup>7</sup> This includes, for applications involving the provision of housing, situations where the local planning authority cannot demonstrate a five year supply of deliverable housing sites.

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 and that the Framework is a material consideration in planning decisions. The following headings and content of the NPPF are relevant to the consideration of the current proposals:

- 8. Promoting healthy and safe communities;
- 9. Promoting sustainable transport;
- 12. Achieving well-designed places;
- 13. Protecting Green Belt land; and
- 14. Meeting the challenge of climate change, flooding and coastal change.

#### Planning Practice Guidance

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. The PPG contains a number of subject areas, with each area containing several subtopics. Those of particular relevance to the determination of this planning application comprise:

- Climate change;
- Design;
- Determining a planning application;
- Flood risk and coastal change;
- Green Belt;
- Healthy and safe communities;
- Noise;
- Open space, sports and recreation facilities, public rights of way and local green space;
- Travel Plans, Transport Assessments and Statements; and
- Use of planning conditions

- 5.3 The Government's 'Policy statement – planning for schools development' (2011) is also relevant to this case.

### **Local Planning Policy**

#### Thurrock Local Development Framework

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

#### Spatial Policies:

- CSSP3: Sustainable Infrastructure
- CSSP4: Sustainable Green Belt and

#### Thematic Policies:

- CSTP10: Community Facilities
- CSTP12: Education and Learning
- CSTP22: Thurrock Design
- CSTP23: Thurrock Character and Distinctiveness
- CSTP25: Addressing Climate Change
- CSTP27: Management and Reduction of Flood Risk

#### Policies for the Management of Development:

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

#### Thurrock Local Plan

- 5.5 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 consulted on an Issues and Options (Stage 2 Spatial Options and

Sites) document.

### Thurrock Design Strategy

- 5.6 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**

### Process

- 6.1 With reference to procedure, this application has been advertised as a departure from the Development Plan and as a major development. Any resolution to grant planning permission would need to be referred to the Secretary of State under the terms of the Town and Country Planning (Consultation) (England) Direction 2009 with reference to the 'other development which, by reason of its scale or nature or location, would have a significant impact on the openness of the Green Belt'. The Direction allows the Secretary of State a period of 21 days (unless extended by direction) 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. The Secretary of State will, in general, only consider the use of his call-in powers if planning issues of more than local importance are involved.
- 6.2 The planning issues to be considered in this case are:
- I. Development Plan Designation and Principle of Development
  - II. Site Layout and Design
  - III. Impact on Amenity
  - IV. Highways and Transportation
  - V. Flood Risk
  - VI. Landscaping
  - VII. Archaeology
  - VIII. Other Matters

## I. DEVELOPMENT PLAN DESIGNATION & PRINCIPLE OF DEVELOPMENT:

6.3 The site lies in the Green Belt. 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 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 145 states that a local planning authority should regard the construction of new buildings as inappropriate in Green Belt. Paragraph 145 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.

- 6.5 The proposal could be considered to comply in part with exception (b) with regards the provision of adequate facilities for outdoor sport and recreation via the provision of a new sports hall and improved facilities for the cricket pitch. However, this only applies to part of the application proposals. The proposed development is more extensive in terms of scale and mass, and spreads further east across the site than the existing development of school buildings which are mainly grouped together to the north western part of the site. Accordingly, the proposal would have a greater impact on the openness of the Green Belt and the purpose of including land within it than the existing development. Consequently, the proposals comprise inappropriate development with reference to the NPPF and policy PMD6 and the exceptions to inappropriate development set out at (a) to (g) above do not apply to the proposals. Consequently the proposals comprise inappropriate development with reference to paragraph 145 of the NPPF.
- 6.6 Paragraph 143 of the NPPF makes it clear that inappropriate development is, by definition, harmful to the Green Belt and should not be approved except in “*very special circumstances*”. Paragraph 144 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 outweighed by other considerations*”.
- 6.7 Consequently, it can be concluded that 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

- 6.8 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.
- 6.9 Paragraph 134 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 site is located to the eastern side of Butts Lane in Stanford le Hope. For the purposes of the NPPF, the site is considered to be immediately adjacent to a 'large built up area'. It would not therefore result in the sprawl of an existing built up area.

*b. to prevent neighbouring towns from merging into one another*

6.12 The development would not conflict with this Green Belt purpose.

*c. to assist in safeguarding the countryside from encroachment*

6.13 With regard to the third Green Belt purpose, part of the proposal would involve built development on land which is otherwise largely open. The proposal would not therefore safeguard the countryside from encroachment.

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

6.14 As there are no historic town in the immediate vicinity of the site, the proposals do 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; however it is recognised that the development would be directly linked to existing school facilities which have been on the site for many years. To a limited extent, the proposal would conflict with this purpose.

6.16 In light of the above analysis, it is considered that the proposals would be contrary to c and e above of the purposes of including land in the Green Belt. Substantial weight should be afforded to these factors.

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', 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 very special circumstances is a 'high' test and the circumstances which are relied upon must be genuinely 'very special'.

- 6.18 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.
- 6.19 With regard to the NPPF, paragraph 143 states that *'inappropriate development is, by definition, harmful to the Green Belt and should not be approved except in very special circumstances'*. Paragraph 144 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 outweighed by other considerations"*.

The Design and Access Statement sets out the applicant's Very Special Circumstances which are assessed below:

- a. *Lack of secondary education provision for September 2019 and beyond*
- 6.20 The applicant has referred to Thurrock's Pupil Place Plan in support of the proposal. The current Pupil Admission Number (PAN) is 231, with a bulge year (Year 7 intake in 2018/19 Academic Year) of an additional 150 pupils to 381. The school is recognised as providing an excellent secondary education with strong focus on creating inclusive teaching environments which enable children to fulfil their potential. The recent elevation to specialist sports and science status has further enhanced the school's reputation. The applicant has stated the school's academic performance and student led ethos has seen year on year growth in demand for places which has led to a continued increase in pupil numbers of around 30 children per year. Curriculum analysis has found that the school is in need of new teaching and ancillary spaces to continue to effectively teach their curriculum to a high standard.

#### Consideration

- 6.21 The Council's Education Team concur with the statement and strongly support the application on the basis that it would provide much needed accommodation to address the shortfall in provision for the next academic year. The Education team further advises that it has worked in partnership with the academy for it to take additional pupils in order to meet our statutory



requirements to ensure Thurrock has sufficient school places. Education advise that the risk this application not being approved would be that the Thurrock would have children without a school place.

6.22 Policy CSSP3 (Sustainable Infrastructure) identifies a list of Key Strategic Infrastructure Projects which are essential to the delivery of the Core Strategy, including (under the heading of “Secondary Education”) “new build, refurbishment and expansion of existing mainstream secondary schools”. This development plan policy therefore identifies the general need for new build secondary schools as items of key infrastructure. The Pupil Place Plan demonstrates a clear need for additional secondary school places in the Borough.

6.23 Policy CSTP12 (Education and Learning) sets out a general approach which includes:

- I. the Council’s objective and priority to maximise the benefit of investment in buildings, grounds and ICT, to achieve educational transformation;
- II. the provision of pre-school, primary school, high school, further education and special education facilities meets current and future needs”.

6.24 Under the heading of ‘Secondary Education’ CSTP12 goes on to state that *“To meet the educational, training and community needs of young people and their families for the period of this plan, the Council is committed to replace and improve mainstream secondary school provision and will work with partners to identify and/or confirm sites of an appropriate size and location for schools”.*

6.25 Therefore, in general terms Core Strategy policies support the provision of education facilities, including new build schools.

6.26 Under the heading of ‘Promoting healthy communities’ paragraph NPPF para 94 of the NPPF states:

*“The government attaches great importance to ensuring that a sufficient choice of school places is available to meet the needs of existing and new communities. Local planning authorities should take a proactive, positive and collaborative approach to meeting this requirement, and to development that will widen choice in education. They should:*

- give great weight to the need to create, expand or alter schools*
- work with schools promoters to identify and resolve key planning issues before applications are submitted.”*

6.27 Although not a part of either the NPPF or PPG, the national policy paper “Planning for Schools Development” (2011) is relevant to this application. This paper sets out a commitment to support the development and delivery of state-funded schools through the planning system. Furthermore the policy paper refers to the Government’s belief that the planning system should operate in a “*positive manner*” when dealing with proposals for the creation, expansion and alteration of state-funded schools. Finally, the policy paper sets out the following principles:

- There should be a presumption in favour of the development of state-funded schools, as expressed in the National Planning Policy Framework;
- Local authorities should give full and thorough consideration to the importance of enabling the development of state-funded schools in their planning decisions;
- Local authorities should make full use of their planning powers to support state-funded schools applications;
- Local authorities should only impose conditions that clearly and demonstrably meet the tests set out in Circular 11/95;
- Local authorities should ensure that the process for submitting and determining state-funded schools’ applications is as streamlined as possible;
- A refusal of any application for a state-funded school, or the imposition of conditions, will have to be clearly justified by the local planning authority;
- Appeals against any refusals of planning permission for state-funded schools should be treated as a priority;
- Where a local planning authority refuses planning permission for a state-funded school, the Secretary of State will consider carefully whether to recover for his own determination appeals against the refusal of planning permission.

6.28 The matter of providing high quality education facilities is a key Council objective. There are presently no schools in Borough that could provide the number of places that could be provided by this application and the number of places. The funding is available for the provision and development could commence in earnest if permission were to be granted and the decision is not called in.

6.29 In conclusion under this heading, it is considered that this factor should be given significant weight in the determination of the application as a very special circumstance.

*b. The provision of sport and science curriculum and continued community use*

- 6.30 The applicant states that the school recently carried out a substantial reorganisation in order to provide the required teaching provision for the increased pupil numbers. This has resulted in the loss of a number of ancillary provisions including the library, staff room, pupil services, drama studio, ICT provision and pupil referral unit. The school's ability to deliver their curriculum specialisms of science and sports have suffered as a result of this reorganisation and this proposal aims to provide them with the facilities needed to continue to excel in these areas. This includes the provision of new science laboratories that meet the DfE space standards and grouped into one area of the school as opposed to current disjointed locations around the school.
- 6.31 The applicant goes on to state that the new sports hall would also ensure that the school has a permanent sports facility (as opposed to existing sports facilities being required for alternative use during exam periods). This will include male, female and accessible changing facilities of which there is currently a very limited provision within the school, and none adjacent to the existing MUGA pitch. The new facilities can be used for both the sports hall and MUGA pitch which will address existing issues as well as providing the new facility.
- 6.32 The school is part of the Osborne Trust, which has a commitment to providing facilities for community use; the new sports hall and changing facilities would enable them to offer this facility with the intention of committing to a fair usage policy to ensure community users receive the full benefit from the new facilities.

#### Consideration

- 6.33 The ability of the school to provide continued sports and science education is an important component of the Council's key aspirations, particularly given the school's status as a specialist sports and science school. Public health and outdoor sport are important corporate priorities. The ability of the school to continue to provide a community use agreement for the existing and new sports facilities would support wider objectives to increase public health and reduce obesity. The proposals would fully comply with Core Strategy Policies CSTP12, CSTP9 and CSTP10 in this regard. Accordingly, this matter should be afforded significant weight the determination of the application as a very special circumstance.

#### Summary of Very Special Circumstances

- 6.34 The table below provides a summary of the Very Special Circumstances and the weight that is attributed to them in assessing the planning balance for the whether the principle of the development is acceptable:

<b>Summary of Green Belt Harm and the applicant's case for Very Special Circumstances</b>			
<b>Harm</b>	<b>Weight</b>	<b>Factors Promoted as Very Special Circumstances</b>	<b>Weight</b>
Inappropriate Development	Substantial	Lack of education provision for September 2019	Significant weight
Reduction in the openness of the Green Belt		The provision of sports and science curriculum and continued community use	Significant weight

6.35 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 must be reached. In this case there is harm to the Green Belt with reference to inappropriate development and loss of openness. Several factors have been promoted by the applicant as 'very special circumstances' and it is for the Committee to judge:

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

6.36 Taking into account all Green Belt considerations, Officers are of the opinion that the identified harm to the Green Belt is clearly outweighed by the accumulation of factors described above, so as to amount to the very special circumstances justifying inappropriate development.

## II. SITE LAYOUT AND DESIGN

6.37 The layout of the proposed development is guided in part by the location of the main collection of school buildings and the siting of the sports pitches. The proposed new school building would need to be close to the existing main building to make best use of links between the two and the additional development between the two would enable the outdoor dining area to be established. The location to the immediate east of the main building is therefore an appropriate location.

6.38 The proposed new teaching block would be three storeys in height; whilst it is acknowledged that the majority of buildings on the site are two storey, the three storey height of the proposal would be the most efficient use of the land on site and would enable less spread of built form across the wider site. The

building would be physically linked to main building by the new covered outdoor dining area.

- 6.39 The teaching block would have a flat roof and would have a contemporary feel in comparison to the main buildings on site. The building would be clad in horizontal shiplap cedar cladding with grey facing brickwork to the ground floor and inset sections to the upper floors. The ground floor glazing would be shaded by brise soleil to the south and west facades. Windows and doors would be grey powder coated. The proposed appearance of the new building is welcomed given the rather dated appearance of the existing buildings on site. The provision of a flat roof design also helps to reduce the mass and bulk of the proposed building, which is important given the location of the site in the Green Belt.
- 6.40 The proposed sports hall would be located immediately east of the proposed teaching block and main school building and would be screened by trees. This location would provide best access to the existing MUGA pitch and playing fields and for access that would utilise the current access road. The siting of the sports hall would continue to be close by the main development on the site. The hall would provide 4 courts, changing rooms, w/c facilities and a storage room.
- 6.41 The sports hall would be a similar height to the teaching block and would have a contemporary design and a shallow dual pitched roof. Externally, the building would be clad in composite panels with a fade effect so as to minimise impact against the landscape and provide a modern look in contrast to the concrete panel construction of the original school.
- 6.42 Policy CSTP9 (Well-Being: Leisure and Sports) inter-alia supports the provision of *“high quality sports and leisure facilities”* and *“facilities for schools and other institutions which can be linked and shared with the community”*. Thematic policy CSTP12 (Education and Learning) is also relevant and sets out the Council’s general approach including *“the integration of schools into multi-functional hubs with linkages to key facilities such as sports and leisure facilities... facilities in schools are fully integrated into community use where possible”*.
- 6.43 The submitted documents indicate that the buildings and facilities would be shared by the school and the Osborne Trust and hence the local community. The proposals are therefore considered to accord with Policies CSTP9 and CSTP12 in this regard.

- 6.44 As part of the proposals a car park providing an additional 30 parking spaces would be provided for the use of staff and other community users outside of school hours. The car park would be located towards the western boundary of the school site with Butts Lane and immediately south of the main school buildings with other parking spaces also provided within the school grounds. This car parking area is currently used as an informal overspill car park by staff and it is therefore logical to site the car park here.
- 6.45 Whilst the siting of this car park would be more prominent from Butts Lane, its siting would mean that less hardsurfacing would be constructed across the more open part of the school site and fields and this layout and location is considered appropriate.
- 6.46 Immediately south and east of the car park cricket netting is proposed. The cricket netting would provide additional protection to the public when using the car parking from any potential cricket ball strike. The cricket netting would have a maximum height of 7m when fully erected and would be demountable. The netting would only be used during the cricket season and would be managed by the school.
- 6.47 The cricket netting would be a dark colour and would only be used for the duration of the cricket season played at the school grounds. It would not be unusual to view sports netting such as this within the school grounds given the sports facilities existing at the school which includes the cricket square. Given the short length of the cricket season and the anticipated periods of time the netting would be likely to be in operation, it is considered that the netting would have no detrimental impact upon the Green Belt location nor the character and appearance of the school or the immediate locality. Furthermore, Sport England has provided guidance as to the detail required for the netting in this location and has no objections to the proposal subject to conditions relating to the details of the mechanism for raising and lowering the netting, its maintenance and periods of time for use.
- 6.48 In summary under this heading the proposed site layout is considered to be acceptable, the scale, form mass and overall form is considered to be acceptable. The design approach represents a modern form of school buildings and would integrate with the school buildings. Accordingly the proposals are acceptable in design and layout terms, complying with the relevant requirements of Policies PMD2 and CSTP22 and CSTP23 of the Core Strategy.

### III. IMPACT ON AMENITY

- 6.49 The closest 'sensitive' receptors to the site are residential occupiers along the north and west on and immediately off Butts Lane, Prospect Avenue, Brockenhurst Drive and Lulworth Close.
- 6.50 The proposed teaching block would be positioned in excess of 77m to the south of the closest point of the adjoining rear gardens of properties in Prospect Avenue. The proposed sports hall would be further away positioned in excess of 108m south of the adjoining rear gardens of properties on Prospect Avenue. Given this intervening distance it is considered that there would be no identifiable impact from the bulk of the building, or a loss of privacy or amenity.
- 6.51 Any potential for disturbance from the additional car park to the immediate west of the boundary with Butts Lane would be minimal given the number of spaces proposed and the use of some of this area as an informal overspill car park at present. The proposed cricket ball strike netting would be visible from Butts Lane; however, as previously considered above, the use of the netting would be for limited periods of the year and the appearance of the netting would be subject to condition. There is the potential to mitigate the visual impact by the presence of planting. Accordingly, it is considered that the proposal would comply with the relevant sections of Policy PMD1 in respect of neighbour amenity.

### IV. HIGHWAYS AND TRANSPORTATION

- 6.52 The planning application is supported by a Transport Assessment (TA).
- 6.53 The site would be served by an existing access onto Butts Lane and the existing car park would be extended to uplift parking from 110 spaces to 140 spaces.
- 6.54 The Council's Highway Officer has raised no objection to the details contained in the TA. In common with schools across the Borough, it is recommended a condition be applied to ensure that the school operate the STARS Modeshift Travel Plan. The Highways Officer has raised no objections to the proposed additional car park, subject to some revisions to include a turning head and conditions relating to the parking layout, landscaping and the Travel Plan condition. The proposal complies with Policies PMD8 and PMD9 of the Core Strategy.

## V. FLOOD RISK

- 6.55 The site is in Flood Risk Zone 1, but because the site is in excess of 1ha in area a Flood Risk Assessment (FRA) is required. The submitted FRA identifies a low risk of groundwater flooding to the site and a very low risk of flooding from other sources such as surface water. A Drainage Strategy forms part of the FRA and indicates that due to the soil type in the area permeable paving would be used to drain the parking areas and access road and water from the roof will be drained to a soakaway.
- 6.56 The Environment Agency has raised no objection to the scheme as put forward. The Council's Flood Risk Manager has no objection in principle. Matters of drainage design could be covered by conditions, accordingly Policy PMD15 would be satisfied in this regard.

## VI. LANDSCAPING

- 6.57 The site does not form part of any area of designated nature conservation importance on either a statutory or non-statutory basis. The Council's Landscape and Ecology Advisor has not raised any concerns about ecological matters pertaining to the proposals. He broadly agrees with the submitted landscaping scheme, but recommends some further consideration should be given to tree species on parts of the site to improve the quality of the landscaping scheme.
- 6.58 Subject to appropriate conditions, the proposal is considered to comply with the requirements of Policy PMD7 in this regard.

## VII. ARCHAEOLOGY

- 6.59 The Essex County Council Archaeological Advisor has advised that the Historic Environment Record shows the proposed development lies adjacent to an area of known archaeological deposits dating from the Early Neolithic and Bronze Age features and Roman periods. Despite quarrying having been undertaken to the south of the site the Essex County Council Archaeological Advisor recommends trial trenching and excavation is carried out to establish whether there are any archaeological remains. An appropriate condition has therefore been included. Subject to this condition the proposal would comply with Core Strategy CSTP24 in this regard.



## VIII. OTHER MATTERS

- 6.60 The Council's Environmental Health Officer has advised that there the proposed building appears to be adjacent to but not on a former landfill (ref. THU076). The Environmental Health Officer has therefore recommended that it would be prudent to carry out a watching brief during groundwork for any unforeseen contamination. If any such contamination is discovered an intrusive investigation may be required together with a risk assessment and remediation strategy should the investigation prove necessary. Subject to suitable planning conditions the Environmental Health Officer raises no objections and the proposals would fully comply with the Core Strategy Policy PMD1.

### 7.0 CONCLUSIONS AND REASON(S) FOR APPROVAL

- 7.1 The application site is in the Green Belt and the proposal represents inappropriate development. The applicant has put forward a strong case for Very Special Circumstances to justify the development, the most significant being the clearly identified provision for secondary school provision in September 2019 and the need for provision of science and sports facilities at the school. These matters put forward are considered to *clearly outweigh* the harm the Green Belt, the test that is required by the NPPF to allow inappropriate development.
- 7.2 In relation to design, appearance, layout and scale the proposal would be acceptable and in terms of technical highways matters the level of activity and parking provision would be acceptable. Other matters of detail are also considered to be appropriate, subject to conditions.
- 7.3 Accordingly, the proposals are considered to comply with Policies OSDP1, CSSP3, CSSP4, CSTP22, CSTP23 and Policies PMD1, PMD2, PMD6, PMD7, PMD8, PMD9, PMD10 and PMD15 of the Core Strategy.

### 8.0 RECOMMENDATION

- 8.1 Grant planning permission subject to:

**A:** Referral to the Secretary of State (Planning Casework Unit) under the terms of the Town and Country Planning (Consultation) (England) Direction 2009, and subject to the application not being 'called-in' for determination

And

**B: 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.

**Accordance with plans**

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

<b>Plan Number(s):</b>		
Reference	Name	Received
101	Existing Floor Plans	26th March 2019
102A	Existing Site Elevations	25th October 2019
103	Location Plan	26th March 2019
104	Block Plan North West	26th March 2019
105	Block Plan North East	26th March 2019
106	Block Plan South East	26th March 2019
107	Block Plan South West	26th March 2019
201	Proposed Ground Floor Plans	26th March 2019
202A	Proposed Site Elevations	25th October 2019
203	Proposed Elevations Teaching Block	26th March 2019
204	Proposed Elevations Sports Hall	26th March 2019
205	Teaching Block Area Plan and Sections	26th March 2019
1140	Proposed Site Plan	25 <sup>th</sup> October 2019
1420	Cricket Net Elevation	25 <sup>th</sup> October 2019

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 (as amended 2015).

**Materials in accordance with submitted details**

- 3 The development hereby permitted shall be carried out in accordance with the

details contained on the submitted planning application forms and in on the approved plans, unless any variation has been previously agreed in writing by the Local Planning Authority.

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 (as amended 2015).

### **External lighting**

- 4 Prior to the first use or operation of the development, details of the means of any external lighting on the site, including any illumination of the outdoor play facilities, 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 use or operation of the development and retained and maintained thereafter in the agreed form, unless otherwise agreed in writing by the local planning authority.

Reason: In the interests of highway safety and residential amenity and to ensure that the development can be integrated within its immediate surroundings in accordance with Policies PMD1 and PMD2 of the adopted Thurrock LDF Core Strategy and Policies for the Management of Development (as amended 2015).

### **Hard and Soft Landscaping**

- 5 No construction works in association with the development hereby permitted shall commence on site until a scheme of hard and soft landscaping has been submitted to and approved in writing by the Local Planning Authority, the details of which shall include:
- a. All species, planting sizes and planting densities, spread of all trees and hedgerows within or overhanging the site, in relation to the proposed buildings, roads, and other works;
  - b. Finished levels and contours,
  - c. Means of enclosure;
  - d. Minor artefacts and structures (e.g. furniture, activity equipment, refuse and other storage units including any cycle store, signs and lighting);
  - e. External surface material for parking spaces, pedestrian accesses;
  - f. Landscaping to the western boundary of the proposed new car park and around cricket netting area;
  - g. Tree protection measures and details of the proposed management of the

retained trees and hedges;

h. Any preserved trees which it is proposed to remove and their suitable replacement elsewhere within the site.

All soft landscaping comprised in the approved details of landscaping shall be carried out in the first planting and seeding season following the first occupation of the building(s) or the completion of the development whichever is the sooner. All shrubs, trees and hedge planting shall be maintained free from weeds and shall be protected from damage by vermin and stock. Any trees or plants which, within a period of five years, die, are removed, or become seriously damaged or diseased shall be replaced in the next planting season with others of a similar size and species, unless otherwise agreed in writing by the Local Planning Authority. All hard landscaping shall also be carried out in accordance with the approved details prior to the occupation of any part of the development or in accordance with a programme to be agreed in writing with the Local Planning Authority.

Reason: To secure appropriate landscaping of the site in the interests of ecology, visual amenity and the character of the area in accordance with policies CSTP18, PMD2 and PMD7 of the adopted Thurrock LDF Core Strategy and Policies for the Management of Development (as amended 2015).

### **Community use**

- 6 Prior to the first use or operation of the sports hall a community use agreement shall be submitted to and approved in writing by the local planning authority, in consultation with Sport England. The agreement shall apply to the sports hall, playing fields and supporting ancillary facilities and include details of pricing policy, hours of use, access by non-educational establishment users, management responsibilities and a mechanism for review, and anything else which the Local Planning Authority in consultation with Sport England considers necessary in order to secure the effective community use of the facilities. The development shall not be used at any time other than in strict compliance with the approved agreement.

Reason: To secure well managed, safe community access to the sports and other community facilities and to ensure sufficient benefit to the development in accordance with policies CSTP9, CSTP10 and PMD5 of the adopted Thurrock LDF Core Strategy and Policies for the Management of Development (as amended 2015).

### **Cricket Ball Stop Netting System Design Specifications and Management Scheme**

- 7 Prior to construction commencing of the car park hereby approved, full details of the design and specification of the ball stop mitigation system, including a management and maintenance scheme which covers assembly and storage proposals, regular maintenance works and details of a sinking fund for replacing the system have been; (a) submitted to and; (b) approved in writing by the Local Planning Authority, [after consultation with Sport England]. The approved details shall be installed in full before the car park is first used and thereafter be managed and maintained in accordance with the approved details.

Reason: To provide protection for users of the car park from potential ball strike from the adjacent playing field and therefore safeguard sporting use of the adjacent sports facilities and to accord with policies CSTP9, CSTP10 and PMD5 of the adopted Thurrock LDF Core Strategy and Policies for the Management of Development (as amended 2015).

### **Ball Strike Cricket Netting Assembly Use**

- 8 Following the agreement of the Cricket Ball Stop Netting System Design Specifications and Management Scheme, under Condition 7 of planning approval 19/00470/FUL, the proposed ball strike netting shall not be erected outside of the period between 15th April and 15th September every year which coincides with the cricket season period operated by the School unless otherwise agreed in writing by the local planning authority following consultation with Sport England.

Reason: In order to define the scope of the permission for the netting, to avoid the permanent erection of the netting given the site's location in the Green Belt and to help maintain the safety of users of the car park and to avoid the use of the St Cleres School's cricket pitch being prejudiced by ball strike risk in accordance with policies PMD1, PMD2 and PMD6 of the adopted Thurrock LDF Core Strategy and Policies for the Management of Development (as amended 2015).

### **Car parking provision**

- 9 The development hereby permitted shall not be used or operated until such time as the vehicle parking and turning areas shown on drawing number 1140 'Proposed Site Plan' including any parking spaces for the mobility impaired, has been hard surfaced, sealed and marked out as shown on this drawing. The vehicle parking area and turning areas shall be retained in this form at all times thereafter and shall not be used for any purpose other than the parking and manoeuvring 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 (as amended 2015).

### **Cycle parking**

- 10 The development hereby permitted shall not be used or operated until such time as the cycle shown on drawing number 1140 'Proposed Site Plan' using the 'Cambridge Symmetric Shelter as detailed in the application has been provided. The cycle parking shall remain on site at any time at which the uses hereby permitted are in operation.

Reason: To reduce reliance on the use of private cars, in the interests of sustainability, highway safety and amenity in accordance with Policies PMD2 and PMD8 of the adopted Thurrock LDF Core Strategy and Policies for the Management of Development (as amended 2015).

### **Surface water drainage**

- 11 No works except demolition shall takes place until a detailed surface water drainage scheme for the site, based on sustainable drainage principles and an assessment of the hydrological and hydro geological context of the development, has been submitted to and approved in writing by the local planning authority. The scheme should include but not be limited to:
- Verification of the suitability of infiltration of surface water for the development. This should be based on infiltration tests that have been undertaken in accordance with BRE 365 testing procedure and the infiltration testing methods found in chapter 25.3 of The CIRIA SuDS Manual C753.
  - The appropriate level of treatment for all runoff leaving the site, in line with the Simple Index Approach in chapter 26 of the CIRIA SuDS Manual C753.
  - A final drainage plan which details exceedance and conveyance routes, FFL and ground levels, and location and sizing of any drainage features.
  - A written report summarising the final strategy and highlighting any minor changes to the approved strategy.

The scheme shall subsequently be implemented prior to occupation.

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 (as amended 2015).

### **Surface Water Run Off**

12. No works shall take place until a scheme to minimise the risk of offsite flooding caused by surface water run-off and groundwater during construction works and prevent pollution has been submitted to, and approved in writing by, the local planning authority. The scheme shall subsequently be implemented as approved.

Reason: The National Planning Policy Framework paragraph 163 and paragraph 170 state that local planning authorities should ensure development does not increase flood risk elsewhere and does not contribute to water pollution and in accordance with policies PMD1 and PMD15 of the adopted Thurrock LDF Core Strategy and Policies for the Management of Development (as amended 2015).

### **Surface Water Drainage Maintenance Plan**

13. Prior to occupation a maintenance plan detailing the maintenance arrangements including who is responsible for different elements of the surface water drainage system and the maintenance activities/frequencies, has been submitted to and agreed, in writing, by the Local Planning Authority. Should any part be maintainable by a maintenance company, details of long term funding arrangements should be provided.

Reason: To ensure appropriate maintenance arrangements are put in place to enable the surface water drainage system to function as intended to ensure mitigation against flood risk and in accordance with policies PMD1 and PMD15 of the adopted Thurrock LDF Core Strategy and Policies for the Management of Development (as amended 2015).

### **SuDs Yearly Logs**

14. The applicant or any successor in title must maintain yearly logs of maintenance which should be carried out in accordance with any approved Maintenance Plan. These must be available for inspection upon a request by the Local Planning Authority.

Reason: To ensure the SuDS are maintained for the lifetime of the development as outlined in any approved Maintenance Plan so that they continue to function as intended to ensure mitigation against flood risk and in accordance with policies PMD1 and PMD15 of the adopted Thurrock LDF

Core Strategy and Policies for the Management of Development (as amended 2015).

### **Unexpected Contamination**

15. If, during development, contamination not previously identified is found to be present at the site then no further development (unless otherwise agreed in writing with the local planning authority) shall be carried out until the developer has submitted a remediation strategy to the local planning authority detailing how this unsuspected contamination shall be dealt with and obtained written approval from the local planning authority. The remediation strategy shall be implemented as approved.

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 (as amended 2015).

### **Construction methodology**

16. No construction works shall commence until a Construction Environment Management Plan (CEMP) has been submitted and agreed. The construction phase of the development shall proceed in accordance with the measures within the agreed CEMP and shall include the following:
- (a) Hours and duration of any piling operations,
  - (b) Vehicle haul routing in connection with construction, remediation and engineering operations,
  - (c) Details of construction access and details of temporary parking requirements;
  - (d) Location and size of on-site compounds [including the design layout of any proposed temporary artificial lighting systems.
  - (e) Details of any temporary hardstandings;
  - (f) Details of temporary hoarding;
  - (g) Method for the control of noise with reference to BS5228 together with a monitoring regime
  - (h) Measures to reduce vibration and mitigate the impacts on sensitive receptors together with a monitoring regime
  - (i) Dust and air quality mitigation and monitoring,



- (j) A Site Waste Management Plan,
- (k) Ecology and environmental protection and mitigation,
- (l) Community liaison including a method for handling and monitoring complaints,  
contact details for site managers.
- (m) Details of security lighting layout and design;
- (n) Routing detail plan indicating route for HGVs to site from the major highway  
network (i.e. M25 and A13) and vice versa

All 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 (as amended 2015).

### **Wheel Cleansing**

17. Wheel cleansing facilities shall be provided on the site in close proximity to the highway in accordance with details which shall previously have been submitted to and agreed in writing by the Local Planning Authority. Such facilities, which shall include for a barrier which stops all vehicles before they enter the highway to ensure that all mud and other debris is removed from the undercarriage of the vehicle and all its wheels, shall be maintained and used at all times during the construction (which shall include any demolition works) of the development hereby permitted.

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 (as amended 2015).

### **Hours of construction**

18. No demolition or construction works in connection with the development shall take place on the site at any time on any Sunday or Bank / Public Holiday, nor on any other day except between the following times:

Monday to Friday	0800 – 1800 hours
Saturdays	0800 – 1300 hours

Unless in association with an emergency or the prior written approval of the

local planning authority has been obtained. If impact piling is required, these operations shall only take place between the hours of 0900 - 1800 hours on weekdays.

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 (as amended 2015).

### **Travel Plan**

19. Prior to the occupation of the development hereby approved, a Travel Plan shall be submitted to the Council, via the Mode Shift STARS online Travel Plan Monitoring, and regularly updated to promote initiative to improve sustainable travel choices for both pupils and staff members. This monitoring shall be regularly updated for the entire time the site is operated

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].

### **Temporary Construction Compound**

20. No development shall commence until full details of:
- (a) the works/contractors' compound (including any buildings, moveable structures, works, plant, machinery, access and provision for the storage of vehicles, equipment and/or materials); and
  - (b) a scheme for the removal of the works/contractors' compound

are submitted to and approved in writing by the Local Planning Authority after consultation with Sport England. The works/contractors' compound shall not be provided and used on the site other than in accordance with the approved details and shall be removed in accordance with the approved details before occupation of the development hereby approved.

Reason: To protect ancillary sports facilities from damage, loss or availability of use and to accord with Development Plan Policies CSTP10 and CSTP12 of the adopted Thurrock LDF Core Strategy and Policies for the Management of Development [2015].

### **Trial Trenching and Excavation**

21. No development or preliminary groundworks of any kind shall take place until the applicant has secured and undertaken the implementation of a programme of archaeological work in accordance with a written scheme of

investigation which has been submitted by the applicant, and approved by the planning authority.

Reason: Given the potential for archaeological deposits based upon the Historic Environment Record which shows the proposed development lies adjacent to an area of known archaeological deposits dating from the Early Neolithic and Bronze Age features and Roman periods and to accord with Development Plan Policy CSTP24 of the adopted Thurrock LDF Core Strategy and Policies for the Management of Development [2015]

### **Informatives**

#### **Town and Country Planning (Development Management Procedure) (England) Order 2015 (as amended) - 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.

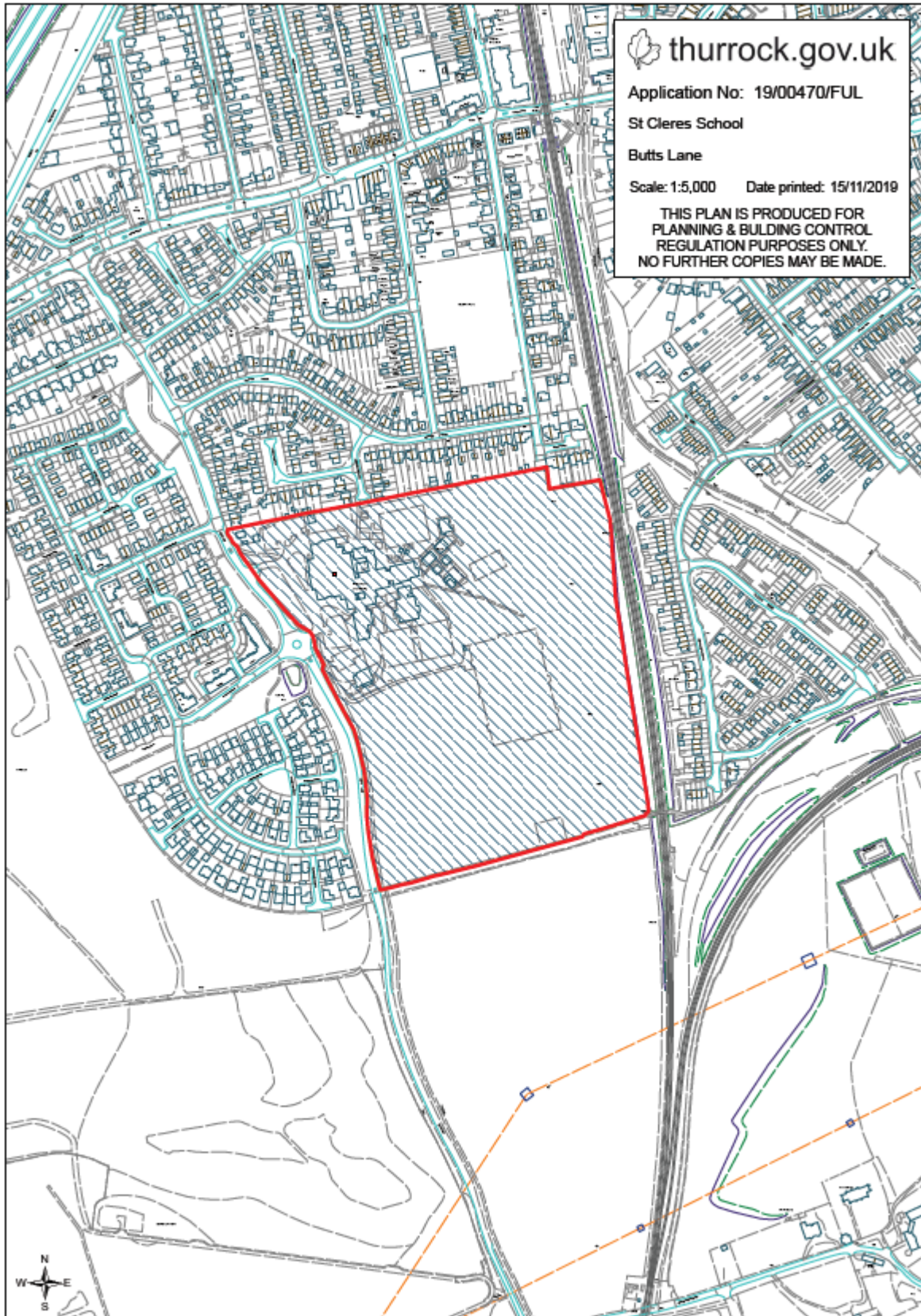
### **Cadent**

- 2 The applicant's attention is drawn to the response from Cadent on 24<sup>th</sup> April 2019 regarding the position of its underground supplies.

### **Documents:**

All background documents including application forms, drawings and other supporting documentation relating to this application can be viewed online:

[www.thurrock.gov.uk/planning](http://www.thurrock.gov.uk/planning)



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<b>Reference:</b> 19/01310/TBC	<b>Site:</b> Sigma Studies Ltd Sigma House Orsett Cock Roundabout To Stanford Interchange Eastbound Orsett Essex RM16 3AY
<b>Ward:</b> Orsett	<b>Proposal:</b> Removal of temporary buildings, amendment to the existing layout and extension of a car parking area to provide an additional 42 car parking spaces, with associated ancillary lighting, drainage and kerb-works.

Plan Number(s):		
Reference	Name	Received
WIE-11932-SA-90-0001-P02	Location Plan	28th August 2019
WIE-11932-SA-90-0010-P02	Existing Site Layout	28th August 2019
WIE-11932-SA-90-0100-P04	Proposed Site Layout	28th August 2019
WIE-11932-SA-90-0500-P04	Outline Surface Water Drainage	28th August 2019
WIE-11932-SA-90-0501-P01	Surface Water Drainage Details	28th August 2019
WIE-11932-SA-90-0502-P01	Surface Water Drainage Details	28th August 2019
WIE-11932-SA-90-0640-P01	Typical Sections Sheet 1 of 2	28th August 2019
WIE-11932-SA-90-0641-P01	Typical Sections Sheet 1 of 2	28th August 2019
WIE-11932-SA-95-1300-A06	Proposed lighting layout	28th August 2019
WIE-11932-SA-95-1301-A06	Proposed lighting layout	28th August 2019
The application is also accompanied by: <ul style="list-style-type: none"> <li>ARBORICULTURAL IMPACT ASSESSMENT</li> <li>ECOLOGICAL IMPACT ASSESSMENT</li> <li>GEOTECHNICAL DESK STUDY</li> <li>PLANNING STATEMENT</li> </ul>		
<b>Applicant:</b> Thurrock Council	<b>Validated:</b> 13 May 2019  <b>Date of expiry:</b>	

	20 <sup>th</sup> December 2019 (Extension of Time agreed with applicant)
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<b>Recommendation:</b> Approve, subject to conditions.
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This application is scheduled for determination by the Council's Planning Committee because the application has been submitted by the Council Highways Department on behalf of Sigma Studies Ltd in accordance with Chapter 5, Part 3 (b) Section 2, 2.1 (b)) of the Council's constitution.

## 1.0 DESCRIPTION OF PROPOSAL

- 1.1 This application seeks planning permission to remove 3 temporary buildings within the curtilage, amend the existing parking layout to create additional parking spaces and other associated works to support the use of the site as an LGV Training Centre.
- 1.2 The proposed car parking extension would be built over the existing grassed area to the north of the training centre to provide an additional 42 car parking spaces, with associated alterations including ancillary lighting, drainage and kerb works.

Site Area	0.34 ha
Proposed Floorspace	0.11 ha proposed to be utilised for the extended parking area
No. of staff	9 full time and 12 part time (no change proposed)
Capacity	Up to 75 students a day
Car Parking (within application site)	Existing: 41 spaces, including 2 spaces for disabled users.
	Proposed: 83 spaces, including 7 spaces for disabled users
	Net increase: 42 spaces

## 2.0 SITE DESCRIPTION

- 2.1 The application site is located on the eastbound carriageway of the A13. The existing layout of the site features the main building to the west of the site with the car parking area to the east. The northernmost portion of the site is grassed and is bordered to the immediate north by a number of trees and shrubs along the perimeter of the site which forms a natural boundary.
- 2.2 The site is accessed via the existing slip road into the BP service station, which has been recently altered to provide improved access onto the A13.
- 2.3 The site is in the Green Belt.

## 3.0 RELEVANT HISTORY

### 3.1 The following history is most relevant:

Application Reference	Description of Proposal	Decision
11/00508/FUL	Change of use from restaurant to transport training centre	Approved (Temporary Permission for 2 years in order to assess the impact on highway safety)
12/00015/FUL	Change of use from restaurant to transport training centre (subsequent to application 11/00508/FUL)	Approved (Temporary Permission for 5 years in order to assess the impact on highway safety)
12/00496/CONDC	Discharge of Condition 2 (submission of a travel plan) of application 12/00015/FUL.	Advice Given
16/01612/FUL	Proposed permanent use of Sigma House for a transport training centre.	Approved (Permanent Permission Granted)
17/00289/CONDC	Discharge of conditions 4 [Parking Layout] and 5 [Refuse] from approved planning application 16/01612/FUL	Advice Given

## 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](http://www.thurrock.gov.uk/planning)

### PUBLICITY:

- 4.2 This application has been advertised by way of individual neighbour notification letters, press notice and site notice which have been displayed nearby. No letters of representation have been received responding to the consultation of this application.

The following consultation responses have been received:

4.3 HSE:

Do not advise against.

4.4 CADENT GAS:

No objection, suggest informative.

4.5 FLOOD RISK MANAGER:

Holding objection.

4.6 HIGHWAYS ENGLAND:

No Objection.

4.7 HIGHWAYS:

No Objection.

4.8 LANDSCAPE AND ECOLOGY ADVISOR:

No objection, subject to conditions.

**5.0 POLICY CONTEXT**

**National Planning Guidance**

National Planning Policy Framework (NPPF)

- 5.1 The revised NPPF was published in March 2012 and amended on 24<sup>th</sup> July 2018 (and subsequently updated with minor amendments on 19<sup>th</sup> February 2019). The NPPF sets out the Government's planning policies. Paragraph 11 of the Framework expresses a presumption in favour of sustainable development. This paragraph goes on to state that for decision taking this means:

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



- d) *where there are no relevant development plan policies, or the policies which are most important for determining the application are out of date<sup>1</sup>, granting permission unless:*
- i. *the application of policies in this Framework that protect areas or assets of particular importance provides a clear reason for refusing the development proposed<sup>2</sup>; or*
  - ii *any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in this Framework taken as a whole.*

<sup>6</sup> *The policies referred to are those in this Framework relating to: habitats sites and/or SSSIs, land designated as Green Belt, Local Green Space, AONBs, National Parks, Heritage Coast, irreplaceable habitats, designated heritage assets and areas at risk of flooding or coastal change.*

<sup>7</sup> *This includes, for applications involving the provision of housing, situations where the local planning authority cannot demonstrate a five year supply of deliverable housing sites.*

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

- 9. Promoting sustainable transport;
- 12. Achieving well-designed places;
- 13. Protecting Green Belt land; and

## 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 subtopics. Those of particular relevance to the determination of this planning application comprise:

- Design;
- Determining a planning application;
- Green Belt;
- Travel Plans, Transport Assessments and Statements and
- Use of planning conditions.

## **Local Planning Policy**

### **5.3 Thurrock Local Development Framework**

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

Spatial Policies:

- CSSP3: Sustainable Infrastructure);
- CSSP4: Sustainable Green Belt; and
- OSDP1 (Promotion of Sustainable Growth and Regeneration in Thurrock)

Thematic Policies:

- CSTP15 (Transport in Greater Thurrock);
- CSTP22 (Thurrock Design);

Policies for the 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 consulted on an ‘Issues and Options (Stage 2 Spatial Options and Sites)’ document.

## 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 planning issues to be considered in this case are:

- I. Development Plan designation and principle of development;
- II. Site layout, landscape and design;
- III. Impact on amenity;
- IV. Highway matters

6.2 I. DEVELOPMENT PLAN DESIGNATION AND PRINCIPLE OF DEVELOPMENT:

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 145 states that a local planning authority should regard the construction of new buildings as inappropriate in Green Belt. Paragraph 145 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 area proposed for hard surfacing for the car park and associated works would be located within the envelope of development of the site. 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, part of the site would fall within the definition of PDL. However, it is considered that the proposals would have a greater impact on the openness of the Green Belt than the existing development by virtue of the increase in the coverage of the site in hardstanding and, therefore, exception (g) would not apply. Consequently, the proposals would constitute inappropriate development with reference to paragraph 145 of the NPPF.
- 6.6 Paragraph 143 of the NPPF makes it clear that inappropriate development is, by definition, harmful to the Green Belt and should not be approved except in “*very special circumstances*”. Paragraph 144 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 outweighed by other considerations*”.
- 6.7 Consequently, it can be concluded that 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*

- 6.8 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.
- 6.9 As noted above paragraph 133 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. Although the new hardstanding and associated works would be located on land under the occupiers control only part of the part of the site is occupied by structures, the rest of the area proposed for the car park extension is open and grassed with underground drainage systems. The proposals would comprise a substantial amount of hardstanding (0.11 ha) in an area which is currently open. It is considered that the proposal would have an urbanising impact; it would encourage vehicles to be parked in an area of the service station which is currently grassed.
- 6.10 As a consequence, this urbanising impact to the Green Belt, which is contrary to the NPPF, should be accorded substantial weight in the consideration of this application.

6.11 Paragraph 133 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.

6.12 In response to each of these five Green Belt purposes:

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

The NPPF does not provide a definition of the term “*large built-up areas*”. However, at a wide geographical scale, the site is located along the northern edge of the existing A13 on the eastern carriage way between Thurrock’s built-up areas Chadwell St Mary and Stanford-le-hope. Although the development would comprise new hardstanding to form parking and associated works in the Green Belt, in these circumstances the proposals would arguably have only limited impact upon the purpose of the Green Belt in checking the unrestricted sprawl of large built-up areas. The proposal would not conflict with this purpose.

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

The NPPF does not provide a definition of the term “*towns*”. However, adopting a precautionary approach, the conurbations of Chadwell St. Mary and Stanford-le-Hope are separate towns. The corridor of Green Belt (including the application site) serves a function in preventing Chadwell St. Mary and Stanford Le Hope from merging. The proposals would not extend beyond the developed envelope of the site nor the natural boundaries of the site to the north; therefore, the proposals would not conflict with this purpose.

6.15 *(c) to assist in safeguarding the countryside from encroachment*

With regard to the third Green Belt purpose, the proposal would involve built development on what is currently grassed land. The term “countryside” can conceivably include different landscape characteristics (e.g. farmland, woodland, marshland etc.) and adopting a cautious approach the site comprises “countryside” for the purposes of applying the NPPF policy test. The proposal would be contained within the envelope of the site but would

result in the loss of the grassed area. While the proposal would not encroach into the natural boundary to the north it is considered that the proposals would constitute an encroachment of built development into the countryside at this location, causing some limited harm to the third purpose for including land in the Green Belt.

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

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

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

The proposed development is directly linked to an existing facility which operates from the service station which is located in the Green Belt. Consequently it could be argued that there is a spatial requirement for this proposed extension in this location. The proposed new parking layout would be located entirely within the current site and development envelope on the A13 it is considered that the harm to this purpose of the Green Belt is limited.

6.18 In light of the above analysis, it is considered that the proposals would, to a degree, be contrary to purposes (c) and (e) of including land in the Green Belt. As noted above, there would be in-principle harm by reason of inappropriate development and harm by reason of an urbanising impact via the creation of a parking facility which would replace a grassed area within the site. Substantial weight should be afforded to these factors.

6.19 *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*

Neither the NPPF nor the Adopted Core Strategy provide guidance as to what can comprise 'very special circumstances', 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 very special circumstances is a 'high' test and the circumstances which are relied upon must be genuinely 'very special'.

- 6.20 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.
- 6.21 The Planning Statement submitted by the applicant to accompany the application sets out the applicant’s ‘Planning Assessment’ and a case for very special circumstances under the following headings:
1. Support for the proposals within Core Strategy policy CSTP12;
  2. Planning history for the site;
  3. Demand and need for the facility;
  4. Removal of three temporary buildings, and
  5. Infrastructure improvements to A13 resulting in greater use and need for facility.

The detail of the applicant’s case under these headings and consideration of the matters raised are provided in the paragraphs below.

The applicant’s case for very special circumstances:

*1. Support for the proposals within Core Strategy policy CSTP12*

- 6.22 The applicant’s case is that the proposal to improve the facilities for the education and training of LGV drivers accords with Core Strategy Policy CSTP12.

Consideration

- 6.23 Adopted Core Strategy Thematic Policy CSTP12 (Education and Learning) sets out the Council’s general objective to enhance educational achievement and skills in the Borough, including (inter-alia) the provision of education facilities to meet current and future needs (part 1. (I.) of the policy).
- 6.24 Policy CSTP12 goes on to state that *“in order to enhance educational achievement and skills in the Borough, the Council will work with the*



*Department of Children Schools and Families (DCSF), the TTGDC, schools, learners, employers and other partners to ensure:*

*I. The Council's objective and priority to maximise the benefit of investment.*

*V. Opportunities for learning and training facilities associated with new and existing businesses are realised (in particular, the Council will promote Enterprise and Learning Hubs, such as The Royal Opera House Production Campus and Skills Academy).*

*X. That educational opportunities are accessible to all"*

- 6.25 Although the written justification to this policy does not expand to provide further details in regards to "Opportunities for learning and training facilities associated with new and existing businesses", it can be reasonably assumed that the policy refers to existing facilities such as this type of site. The centre is well established and the use of the site as an LGV training centre provides education and training.
- 6.26 Whilst the current proposal would create hardstanding to form additional parking and associated works, the policy clearly refers to supporting training facilities associated with existing businesses. Therefore, in a broad sense, the current proposal can be considered to accord with the 'spirit' of Policy CSTP12 as it will allow people to take advantage of the opportunities offered. It is consequently considered that local planning policies supporting the delivery and opportunities for training facilities can be afforded moderate weight in the balance of Green Belt considerations for this reason.

## 2. Planning history for the site

- 6.27 The applicant's case is that the land over which the car park is proposed to be extended is limited to 0.11ha and is within the boundary of the existing roadside services area. The site represents previously developed land (car parking associated with the former roadside restaurant) and is within an area benefiting from historical planning consents.

### 6.28 Consideration

Planning permission was granted in 1992 (application ref. 92/00229/OUT) for outline permission for the erection of 2 roadside restaurants at Mobil service station. Planning permission was also granted in 2005 (under ref. 05/00534/FUL) for the demolition of Little Chef Restaurant and change of use to a truck park.

Both of these planning approvals pre date the current Core Strategy and neither were implemented, however, it is acknowledged that the Council has

previously accepted a greater level of development on the site. The planning history cited can be given moderate weight in the assessment of very special circumstances.

### 3. Demand and need for the facility

6.29 Under this heading the applicant refers to:

- A lack of suitable alternate facilities for driver training in the vicinity when considered against the level of need;
- Existing levels of training being undertaken at the facility cannot be sustained or enhanced without additional on-site parking;
- Opportunity does not exist to provide for the required level of access to site via alternate means to the private motor car, without compromising the safety of those visiting the facility;
- By negating the need for students to park in the adjacent roadside services area, the proposals will help to secure the efficient operation of the roadside services, noting the significant forecast traffic growth provided for by the committed A13 widening.

6.30 Consideration

The applicant has stated there is an existing unmet need in relation to the training of LGV driving both locally and regionally, it is the largest training centre in the South East of England. The facility is located in a position whereby those making use of the training regionally could access it via car readily. The facility has also become established in this location given it has been operating from the site for 7 years. In light of the positive and proactive approach encouraged by national planning policies, it is considered that moderate weight can be attached to this factor in the balance of Green Belt considerations.

### 4. Removal of three temporary buildings.

6.31 The applicant states that the extension land is currently occupied by temporary structures, which have a height of approximately 4.5 metres and are untidy in appearance. The proposals include the removal of these facilities to the benefit of visual amenity of the training centre and wider roadside services area.

### 6.32 Consideration

From the planning history there is no evidence that the buildings are lawful and there is no submitted evidence demonstrating that the buildings would be lawful via the passage of time. The structures in question appear to resemble containers rather than permanent structures.

- 6.33 The temporary structures would be removed in order for the proposal to go ahead. It is considered that the removal of these structures is positive for the site, however, given the containers have not been deemed lawful only limited weight should be afforded.

### 5. Infrastructure improvements to A13 resulting in greater use and need for facility.

- 6.34 The applicant has indicated that the site is in close proximity to the A13 widening works and work under the Harbour Empowerment Order shows the A13 limit of deviation is up to the boundary of the site. These improvements are associated with the specific infrastructure improvements to the primary HGV corridor for the Borough via the A13 widening and are relevant to the proposal. The improvements and likely increase in HGV movements are an indication that continued HGV training in the Borough and regionally will be necessary.

### 6.35 Consideration

These infrastructure improvements are required both locally and regionally to accommodate traffic flows and ensure continued growth. The widened A13 will provide improved access for local residents and business in the Borough.

- 6.36 The applicant states that these improvements demonstrate that there will be a continuing need for such this existing LGV training facility within the Borough to support local skills and employment. The applicant considers this facility has advantages over others. This reason is afforded moderate weight in the balance of Green Belt considerations.

### 6.37 Green Belt conclusions

Under the heading of Green Belt considerations, it is concluded that the proposals comprise inappropriate development. Consequently, the development would be harmful in principle. Furthermore it is considered that the proposals would cause some harm to the role which the site plays in fulfilling the purposes for including land in the Green Belt. In accordance with

policy, substantial weight should be attached to this harm. With reference to the applicant's case for very special circumstances, an assessment of the factors promoted is provided in the analysis above. However, for convenience, a summary of the weight which should be placed on the various Green Belt considerations is provided in the table below:

Summary of Green Harm and applicant's case for Very Special Circumstances			
<u>Harm</u>	<u>Weight</u>	<u>Factors Promoted as Very Special Circumstances</u>	<u>Weight</u>
Inappropriate development	Substantial	Local / National policy support for educational facilities	Moderate
Reduction in the openness of the Green Belt		Planning history for the site	Moderate
Conflict (to varying degrees) with a number of the purposes of including land in the Green Belt		Demand and need for the facility	Moderate
		Removal of 3 temporary buildings	Limited
		A13 Infrastructure Improvements	Moderate

6.38 Within the table above, 3 of the 5 factors promoted by the applicant can be assessed as attracting varying degrees of 'positive' weight in the balance of considerations. 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 must be reached. In this case there is harm to the Green Belt with reference to inappropriate development, loss of openness and conflict with a number of Green Belt purposes. A number of factors have been promoted by the applicant as comprising the 'very special circumstances' required to justify inappropriate development and it is for the Committee to judge:

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

6.39 Taking into account all Green Belt considerations, Officers are of the opinion that, on balance, the identified harm to the Green Belt in this case is clearly

outweighed by the accumulation of factors described above, so as to amount to the very special circumstances justifying inappropriate development.

## II. SITE LAYOUT, LANDSCAPE AND DESIGN

- 6.40 The proposed extension of the car parking area would mirror much of the layout of the existing car parking area and there is no objections to the proposed layout or design with respect to its appearance.
- 6.41 The development would require the removal of some vegetation and trees which are considered to be of lower quality and/or reduced life expectancy. The Council's Landscape Advisor has raised no objections to the proposals on landscape or ecology grounds, subject to conditions. The proposal would accord with Core Strategy Policies PMD2 in this regard.

## III. IMPACT ON AMENITY

- 6.42 The proposal would be constructed within the envelope of the main site and would not extend beyond the established natural boundaries of the site to the north. Some additional lighting is proposed which would be acceptable, subject to conditions. There would be minimal impact upon the adjacent service station. There are no nearby neighbours. The proposal would comply with Policy PMD1 with regards to amenity impacts.

## IV. HIGHWAYS

- 6.43 The application would not seek to increase the number of courses being held at the centre and there would not be a resulting increase in the number of staff employed or students using the site. The application would provide improved parking provision for the students and staff accessing the site at present ensuring it can continue to provide adequate parking for the continued demand of the site.
- 6.44 The Council's Highway Officer and Highways England have raised no objections to the application. The proposal complies with Policies PMD2, PMD8 and PMD9 as a result.

## OTHER MATTERS

- 6.45 The proposal seeks to replace drainage facilities within the site via the inclusion of an attenuation tank below ground. The site is not located within a high flood risk zone and the response from the Council's Flood Risk Manager raises a holding objection on the basis of the infiltration detail submitted with

the application. This matter could be covered by a condition to update the submitted Drainage Details and it is considered that the details submitted would be acceptable subject to conditions. The proposal therefore accords with Policy CSTP25.

## **7.0 CONCLUSIONS AND REASONS FOR RECOMMENDATION**

- 7.1 This application proposes an increase in the car parking provision at the HGV training centre. The site is located within the Green Belt and the proposals constitute inappropriate development. Consequently, there would be definitional harm to the Green Belt, as well as harm by way of urbanising impact and harm to a number of purposes which the Green Belt serves. Substantial weight should be attached to this harm. The applicant has set out a number of factors which they consider to constitute the very special circumstances needs to clearly outweigh the identified harm and justify the inappropriate development. Consideration of these factors is set out above and it is concluded that a case for very special circumstances exists.
- 7.2 The provision of training and education for HGV drivers is supported by Core Strategy Policy CSTP12. The continued demand and need for such training facilities is also recognised both locally and regionally. These extended facilities will help to allow support to improve education and training for HGV drivers in this area.

## **8.0 RECOMMENDATION**

- 8.1 Approve, subject to the following 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.

### **Accordance with plans:**

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

Plan Number(s):		
Reference	Name	Received
WIE-11932-SA-90-0001-P02	Location Plan	28th August 2019
WIE-11932-SA-90-0010-P02	Existing Site Layout	28th August 2019
WIE-11932-SA-90-0100-P04	Proposed Site Layout	28th August 2019
WIE-11932-SA-90-0500-P04	Outline Surface Water Drainage	28th August 2019
WIE-11932-SA-90-0501-P01	Surface Water Drainage Details	28th August 2019
WIE-11932-SA-90-0502-P01	Surface Water Drainage Details	28th August 2019
WIE-11932-SA-90-0640-P01	Typical Sections Sheet 1 of 2	28th August 2019
WIE-11932-SA-90-0641-P01	Typical Sections Sheet 1 of 2	28th August 2019
WIE-11932-SA-95-1300-A06	Proposed lighting layout	28th August 2019
WIE-11932-SA-95-1301-A06	Proposed lighting layout	28th August 2019

**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).

**Boundary treatments:**

- 3 Prior to the first use or operation of the development, details of the design, materials and colour of the fences and other boundary treatments shown on drawing nos. WIE-11932-SA-90-0100-P04 shall be submitted to and approved in writing by the local planning authority. The fences and other boundary treatments as approved shall be completed prior to the first use or operation of the development and shall be retained and maintained as such thereafter.

**Reason:** In order to safeguard the amenities of neighbouring occupiers and

in the interests of the visual amenity of the area in accordance with policies PMD1 and PMD2 of the adopted Thurrock LDF Core Strategy and Policies for the Management of Development (2015).

**External lighting:**

4. Prior to the first use or operation of the development, details of the means of any external lighting on the site, 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 use or operation of the development and retained and maintained thereafter in the agreed form, unless otherwise agreed in writing by the local planning authority.

**Reason:** In the interests of highway safety and residential amenity and to ensure that the development can be integrated within its immediate surroundings in accordance with Policies PMD1 and PMD2 of the adopted Thurrock LDF Core Strategy and Policies for the Management of Development (2015).

**Ecological management:**

5. Prior to the first use or operation of the development an Ecological Management Plan (EMP) detailing arrangements for the long-term management and maintenance of areas of retained and newly created habitats on-site shall be submitted to and agreed in writing with the local planning authority. The habitats shall thereafter be managed and maintained in accordance with the agreed EMP unless otherwise agreed in writing by the local planning authority.

**Reason:** In order to retain and enhance the on-site ecological interests in accordance with policy PMD7 of the adopted Thurrock LDF Core Strategy and Policies for the Management of Development (2015) and in accordance with the recommendations of the submitted Ecological Impact Assessment.

**Car parking provision:**

6. The development hereby permitted shall not be used or operated until such time as the vehicle parking, turning and drop-off areas shown on drawing number WIE-11932-SA-90-0100-P04 including any parking spaces for the mobility impaired, have been hard surfaced, sealed and marked out as shown on this drawing. The vehicle parking area, turning and drop-off areas shall be



retained in this form at all times thereafter and shall not be used for any purpose other than the parking and manoeuvring 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).

**Surface water drainage:**

7. No works except demolition shall take place until a detailed surface water drainage scheme for the site, based on sustainable drainage principles and an assessment of the hydrological and hydro geological context of the development, has been submitted to and approved in writing by the local planning authority. The scheme should include but not be limited to:

- verification of the suitability of infiltration of surface water for the development. This should be based on infiltration tests that have been undertaken in accordance with BRE 365 testing procedure and the infiltration testing methods found in chapter 25.3 of The CIRIA SuDS Manual C753. This testing should be undertaken in all locations where infiltration is proposed and should as much as possible mimic the way the development intends to infiltrate.
- provide sufficient storage to ensure no off site flooding as a result of the development during all storm events up to and including the 1 in 100 year plus 40% climate change event.
- final modelling and calculations for all areas of the drainage system.
- the appropriate level of treatment for all runoff leaving the site, in line with the Simple Index Approach in chapter 26 of the CIRIA SuDS Manual C753. If the subbase is to be replaced with a Geocellular crate system then further appropriate treatment should be provided as without the subbase the permeable paving does not provide much treatment at all.
- detailed engineering drawings of each component of the drainage scheme.
- a final drainage plan which details exceedance and conveyance routes, FFL and ground levels, and location and sizing of any drainage features.
- a written report summarising the final strategy and highlighting any minor changes to the approved strategy.

The scheme shall subsequently be implemented prior to occupation. It should

be noted that all outline applications are subject to the most up to date design criteria held by the LLFA.

**Reason:** To ensure that adequate flood protection measures are installed for the safety of the building and for the safety of 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).

### **INFORMATIVES:**

#### Cadent Gas

- 1 Cadent have identified operational gas apparatus within the application site boundary. This may include a legal interest (easements or wayleaves) in the land which restricts activity in proximity to Cadent assets in private land. The Applicant must ensure that proposed works do not infringe on Cadent's legal rights and any details of such restrictions should be obtained from the landowner in the first instance

All developers are required to contact Cadent's Plant Protection Team for approval before carrying out any works on site and ensuring requirements are adhered to.

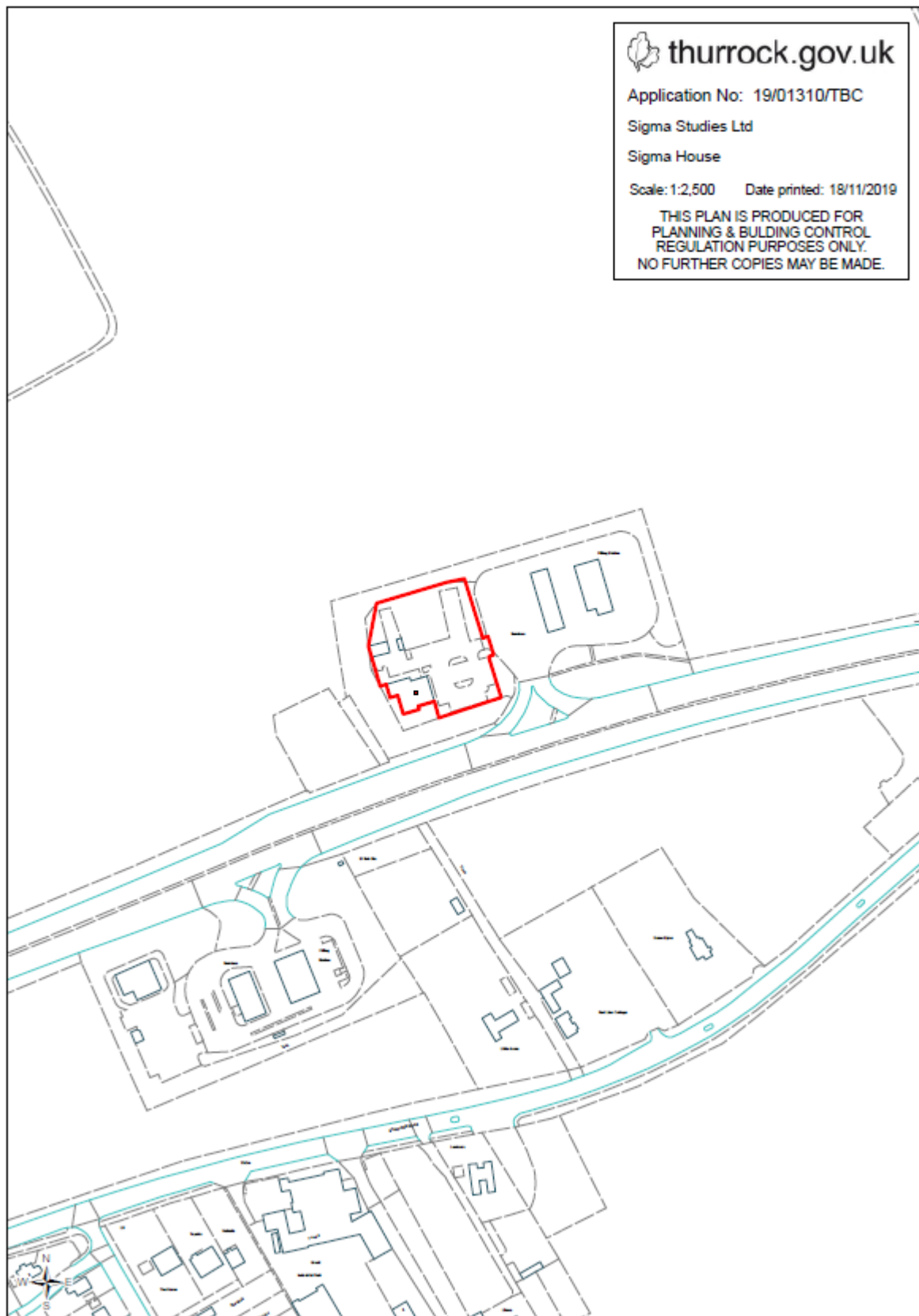
#### **Town and Country Planning (Development Management Procedure) (England) Order 2015 (as amended) - Positive and Proactive Statement:**

- 2 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](http://www.thurrock.gov.uk/planning)



 **thurrock.gov.uk**

Application No: 19/01310/TBC

Sigma Studies Ltd

Sigma House

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