

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 **21 April 2022**

Committee Room 2, Civic Offices 3, New Road, Grays, RM17 6SL

Membership:

Councillors Tom Kelly (Chair), Steve Liddiard (Vice-Chair), Gary Byrne, Colin Churchman, Mike Fletcher, James Halden, Terry Piccolo, Georgette Polley and Lee Watson

Steve Taylor, Campaign to Protect Rural England Representative

Substitutes:

Councillors Qaisar Abbas, Abbie Akinbohun, Susan Little, Bukky Okunade and Elizabeth Rigby

Agenda

Open to Public and Press

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1 Apologies for Absence

2 Item of Urgent Business

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.

3 Declaration of Interests

4 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

5 Planning Appeals 5 - 14

6 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).

7 22/00077/FULPSI: Harrier Primary School Land Adjacent A13 and Love Lane Aveley Essex 15 - 50

8 22/00302/FUL: Orsett Heath Academy, Oakfield, Long Lane, Stifford Clays, Grays, RM16 2QH 51 - 84

9 21/01427/CV: Cedarwood Court And Elmwood Court, Southend Road, Stanford Le Hope, Essex 85 - 96

10 21/02159/FUL : Land off Fen Lane and Medebridge Road, South Ockendon, Essex 97 - 138

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

Agenda published on: **13 April 2022**

Information for members of the public and councillors

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1. If you are feeling ill or have tested positive for Covid and are isolating you should remain at home, the meeting will be webcast and you can attend in that way.
2. You are recommended to wear a face covering (where able) when attending the meeting and moving around the council offices to reduce any chance of infection. Removal of any face covering would be advisable when speaking publically at the meeting.
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- You should connect to TBC-CIVIC
- Enter the password **Thurrock** to connect to/join the Wi-Fi network.
- A Terms & Conditions page should appear and you have to accept these before you can begin using Wi-Fi. Some devices require you to access your browser to bring up the Terms & Conditions page, which you must accept.

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- Enter your username and password

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

21 April 2022	ITEM: 6
Planning Committee	
Planning Appeals	
Wards and communities affected: All	Key Decision: Not Applicable
Report of: Louise Reid, Strategic Lead Development Services	
Accountable Assistant Director: Leigh Nicholson, Assistant Director –Planning, Transportation and Public Protection.	
Accountable Director: Julie Rogers, Director of Public Real	

Executive Summary

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

1.0 Recommendation(s)

1.1 To 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:** 21/01557/HHA

Location: Falconhurst, Second Avenue, Stanford Le Hope

Proposal: Boundary wall alterations

- 3.2 **Application No: 20/01662/OUT**
Location: Greenwise Nurseries, Vange Park Road, Vange
Proposal: Outline planning application for demolition of the existing structures and the construction of up to 60 houses (18 to be custom-build and 21 to be affordable homes). To include determination of the matter of access (matters relating to appearance, landscaping, layout and scale reserved)
- 3.3 **Application No: 21/00453/FUL**
Location: South Ockendon Hall And Land Adjacent North Road, Hall Lane, South Ockendon
Proposal: Construction of new farm vehicular access and associated farm track from North Road
- 3.4 **Application No: 21/01719/HHA**
Location: Tyndall Cottages, 33 Christchurch Road, Tilbury
Proposal: Demolition of existing conservatory and side porch for new single storey side extension.
- 3.5 **Application No: 21/00646/FUL**
Location: 14 Diana Close, Chafford Hundred, Grays
Proposal: Change of use of amenity land to residential and the re-siting of the boundary wall.
- 3.6 **Application No: 21/01886/HHA**
Location: 13 Arisdale Avenue, South Ockendon
Proposal: Demolition of existing garage and erection of two storey side extension and single front extension.

3.7 Application No: 21/01979/HHA

Location: 249 Princess Margaret Road, East Tilbury, Tilbury

Proposal: Demolition of the existing single storey side extension and conservatory and erection of single storey side/rear extension, erection of a new brick wall with access gates to the front boundary, and erection of new outbuilding to the rear garden.

3.8 Application No: 21/02082/HHA

Location: 38 Triumph Close, Chafford Hundred, Grays

Proposal: Two storey rear extension

4.0 Appeals Decisions:

The following appeal decisions have been received:

4.1 Application No: 21/01496/HHA

Location: Land at 2 Northlands Close, Stanford-le-Hope SS17 8DL

Proposal: Single storey side extension with hipped roof and 1 rooflight. Adjustments to flank window at first floor level.

Appeal Decision: Appeal Allowed

4.1.1 The Inspector considered that the main issues were the effect on the character and appearance of the host building and its surroundings.

4.1.2 The Inspector assessed the character of the area and identified that the buildings generally follow a building line that is established by the front elevations of the dwellings of Branksome Avenue. However, the Inspector found that the existing visual interruptions along the continuous frontage create interest in the streetscene, impart a human scheme, punctuate the streetscene and add to a sense of place. In this context it was found that the extension would mark the junction with Northlands Close and beneficial to the townscape.

4.1.3 The Inspector recognised that the roof design would differ from the main dwelling and that this would cause the extension to be noticed but, as the

materials would match the dwelling and harmonise with the surroundings, the extension would not be jarring or visually inappropriate. For these reasons and as the proposal would be useful to the occupiers and as the site is in a sustainable location, the proposal was found to be acceptable.

4.1.4 The full appeal decision can be found online.

4.2 Application No: 21/00011/FUL

Location: The Spinney, Kirkham Shaw, Horndon on The Hill
SS17 8QE

Proposal: Demolition of existing dwelling and erection of new one
and a half storey dwelling

Appeal Decision: Appeal Dismissed

4.2.1 The Inspector considered that the main issues were whether the development would be inappropriate in the Green Belt, the effect on the openness of the Green Belt and whether any harm is outweighed by other considerations that represent very special circumstances.

4.2.2 It was found that the chalet bungalow would be materially larger than the bungalow and would not therefore accord with the exceptions set out in the NPPF and Policy PMD6. Therefore, the development was found to be inappropriate development in the Green Belt. In reaching this conclusion, the Inspector found that an existing planning permission for extensions to the dwelling did not affect the assessment of whether the proposal would be materially larger than the existing bungalow.

4.2.3 It was concluded that the effect of the development on openness in comparison to the existing situation would be negligible and would be a neutral effect of the development.

4.2.4 The size and scale of the development for which planning permission exists was noted but it was considered that there was a low likelihood of that alternative permission being implemented and then followed with an application for a replacement dwelling. That permission did not therefore weigh heavily in favour of this proposal. The climate change benefits arising from the proposal were given very little weight and the acceptable design of the dwelling was given moderate weight. These factors were not found to represent the very special circumstances necessary to justify inappropriate development.

4.2.5 The harm arising as a result of the proposal representing inappropriate development in the Green Belt was not found to be clearly outweighed by other considerations and was, therefore, reason for the appeal to be dismissed.

4.2.6 The full appeal decision can be found online.

4.3 Application No: 21/01620/HHA

Location: 6 Whitmore Avenue, Stifford Clays, Grays RM16 2JA

Proposal: Single storey rear extension

Appeal Decision: Appeal Allowed

4.3.1 The Inspector considered that the main issue was the effect on the character and appearance of the property and the local area.

4.3.2 The conservatory style extension has been proposed to the rear of an existing single storey side extension and the Inspector note that extensive views of the extension would be possible from the public realm, with the roof being visible above the boundary wall. It was found that, although of different design, having the same roof pitch was sufficient for the extension to appear congruent with the existing roof and not have an awkward or disjointed relationship with the existing house. The roof materials and design would also ensure that the extension would be subservient to the existing dwelling in accordance with the Residential Extensions and Alterations Supplementary Planning Document 2017.

4.3.3 Therefore, the proposal was found to be of high quality design and in accordance with Core Strategy Policies PMD2 and CSTP22 and the applicable elements of the NPPF.

4.3.4 The full appeal decision can be found online.

4.4 Application No: 21/01241/HHA

Location: 84 Bradleigh Avenue, Grays RM17 5RJ

Proposal: Two storey side extension and part single storey, part two storey rear extension with Juliette balcony.

Appeal Decision: Appeal Allowed

- 4.4.1 The Inspector considered that the main issue was the effect on the character and appearance of the property and the surrounding area.
- 4.4.2 The Inspector noted that the semi-detached pair that included the host property had already been extended at one side and was, therefore, unbalanced. Although a significant sideways extension, the set back of the proposed extension from the front elevation and the hipped roof design was sufficient for the extension to be considered to have a congruent appearance and be subservient to the host dwelling whilst also rebalancing the pair of dwellings.
- 4.4.3 It was found that several properties within the surrounding area had been extended in a variety of manners and that where they features some of the same features as the proposed extension, they successfully extend the dwelling without detracting from the spaciousness that is a feature of the streetscene.
- 4.4.4 The Inspector noted that the site is a generous corner plot, that the design made no allowance for the corner plot location and that extensive views of the extension would be possible from the street. However, it was also found that the space to the side of the dwelling and the lack of built form was a weakness of the streetscene and, therefore, extending the dwelling improved the character and appearance of the area.
- 4.4.5 For these reasons, the Inspector concluded that the proposal would be acceptable in terms of its effect on the character and appearance of the property and bring about a slight enhancement to the local area. The proposal was therefore considered to accord with Core Strategy Policies PMD 2 and CSTP22 and the Residential Extensions and Alterations Supplementary Planning Document 2017.
- 4.4.6 The full appeal decision can be found online.

4.5 Application No: 21/01482/HHA

Location: 29 Orsett Heath Crescent, Chadwell St Mary RM16 4UZ

Proposal: (Retrospective) Hip to gable loft extension including rear dormer and front rooflight, the rendering of the dwelling and other fenestration alterations

Appeal Decision: Appeal Dismissed

- 4.5.1 The Inspector considered that the main issue was the effect on the character and appearance of the property and the surrounding area.
- 4.5.2 The background to the application that was the subject of this appeal is that a development was granted a Certificate of Lawfulness and found to be permitted development but then not undertaken in accordance with the approved plans. The development that was undertaken required planning permission as it did not accord with the limitations and conditions of the applicable permitted development rights. The application was then refused due to the proposal including materials that did not match the host dwelling and design features that were not considered to be sympathetic to the existing building.
- 4.5.3 The Inspector agreed with the Council that expansive gable ends that had been formed were very prominent in the area and resulted in the roof extension appearing disproportionate and obtrusive which dominated the dwelling and caused it to have an unbalanced appearance. In the context of the local area the was considered incongruous in appearance. The use of materials that did not reflect the properties of the surrounding area also caused the extension to appear overly prominent, discordant and dominating. This accentuates the harm caused in other respects.
- 4.5.4 The existence of permitted development rights was noted but it was found that the elements of the development that varied from what might have been permitted development were crucial and meant that the extension was unacceptable.
- 4.5.5 The Inspector agreed with the Council that some elements of the development are acceptable but overall concluded that, for these reasons set out above, the development is unacceptable and the proposal was considered to be contrary to Core Strategy Policies PMD2 and CSTP22 and the NPPF.
- 4.5.6 The full appeal decision can be found online.

4.6 Application No: 21/00777//HHA
Location: 4 Crescent Avenue, Grays RM17 6AZ
Proposal: Demolish existing garage, part single part two storey rear extension and two storey side extension
Appeal Decision: Appeal Allowed

- 4.6.1 The Inspector considered that the main issue was the effect on the character and appearance of the existing dwelling, the semi-detached pair and the street scene.
- 4.6.2 The Inspector found that, whilst being narrower than the dormer features of the existing dwelling and the neighbouring property, the proposed front dormer would be of sufficiently similar design. It was also found that the width of the dormer relative to the remainder of the side extension ensured that it would have a proportionate and recessive appearance whilst also being in-keeping with the existing house and the attached neighbouring dwelling.
- 4.6.3 The other extensions at the side and rear were also found to be congruent, proportionate and subservient to the host dwelling, showing suitable regard for the roof forms of the existing dwelling. It was noted that the extension would be significant and would not be symmetrical with an extension at the neighbouring property, but would go some way towards rebalancing the appearance of the semi-detached pair and suitably reflected their original design.
- 4.6.4 The effect on the character and appearance of the streetscene was therefore found to be acceptable and the proposal was considered to accord with Core Strategy Policies PMD2 and CSTP22, the Residential Extensions and Alterations Supplementary Planning Document 2017 and the NPPF.
- 4.6.5 The full appeal decision can be found online.

5.0 APPEAL PERFORMANCE:

	APR	MAY	JUN	JUL	AUG	SEP	OCT	NOV	DEC	JAN	FEB	MAR	
Total No of Appeals	1	4	0	7	6	10	1	2	1	1	7	6	36
No Allowed	0	1	0	4	0	3	1	0	1	1	2	4	17
% Allowed	0%	25%	0%	57.14%	0%	30%	100%	0%	100%	100%	28.57%	66.67%	47.22%

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

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: **Laura Last**
Management Accountant

There are no direct financial implications to this report.

8.2 Legal

Implications verified by: **Mark Bowen**
Interim Deputy 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. The planning enforcement files are not public documents and should not be disclosed to the public.

10. **Appendices to the report**

- None

Agenda Item 7

Planning Committee 21 April 2022

Application Reference: 22/00077/FULPSI

Reference: 22/00077/FULPSI	Site: Harrier Primary School Land adjacent A13 and Love Lane Aveley Essex
Ward: Aveley and Uplands	Proposal: Construction of a new 2 form entry primary school and nursery (Use Class F1) with outdoor sports areas, access, parking, landscaping and drainage.

Plan Number(s):		
Reference	Name	Received
146818EFFA-AVE-ZZ-XX-DR-C-0001	Proposed Drainage Scheme	18 January 2022
146818EFFA-AVE-00-XX-DR-C-0002	S278 Works	18 January 2022
146818EFAA DLA B1 GF DR A 2000 Rev P12	GA Ground Floor Plan	1 April 2022
146818EFAA DLA B1 01 DR A 2001 Rev P6	GA First Floor Plan	18 January 2022
146818EFAA DLA B1 02 DR A 2002 Rev P6	GA Roof Plan	1 April 2022
146818EFAA DLA B1 XX DR A 2020 Rev P3	External Visuals	18 January 2022
146818EFAA DLA B1 XX DR A 2030 Rev P10	GA Elevation	1 April 2022
146818EFAA DLA B1 XX DR A 2035 Rev P10	GA Section	1 April 2022
146818EFAA DLA ZZ 00 DR L 9000 Rev P19	Site Plan	6 April 2022
146818EFAA DLA ZZ 00 DR L 9100 Rev P10	Site Plan BB103 Areas	18 January 2022
146818EFAA DLA ZZ 00 DR L 9102 Rev P08	Access and Security Schematic	18 January 2022
146818EFAA DLA ZZ 00 DR L 9103 Rev P06	External Works	18 January 2022
146818EFAA DLA ZZ 00 DR L 9104 Rev P07	Levels Plan	18 January 2022
146818EFAA DLA ZZ 00 DR L 9105 Rev P09	Fencing	18 January 2022
146818EFAA DLA ZZ 00 DR L 9106 Rev P07	Refuse Delivery and Fire Appliance Access	18 January 2022

146818EFAA DLA ZZ 00 DR L 9108 Rev P07	Sports Pitches	18 January 2022
146818EFAA DLA ZZ 00 DR L 9109 Rev P04	Location Plan	18 January 2022
146818EFAA DLA ZZ 00 DR L 9110 Rev P04	Site Sections	18 January 2022
146818EFAA DLA ZZ 00 DR L 9111 Rev P04	Soft Landscape Scheme	18 January 2022

<p>The application is also accompanied by:</p> <ul style="list-style-type: none"> - Acoustic Design Strategy - Arboricultural Impact Assessment - BREEAM Pre-Assessment - Car Park Management Plan - Construction Management Plan (Draft) - Design and Access Statement - Flood Risk Assessment and Drainage Strategy - Ground Investigation Report - Landscape Study - Planning Statement - Preliminary Ecological Appraisal - Reptile Survey Report - Sequential Assessment - Statement of Community Involvement - Transport Assessment - Travel Plan (outline) - Written Scheme of Investigation for Archaeological Watching Brief 	
<p>Applicant: Eco Modular Buildings (on behalf of the Secretary of State for Education)</p>	<p>Validated: 18 January 2022</p> <p>Date of expiry: 29 March 2022 (10-week target determination period applies to 'public service infrastructure' applications as of 16 July 2021)</p>
<p>Recommendation: Grant planning permission subject to referral to the Secretary of State and planning conditions.</p>	

1.0 DESCRIPTION OF PROPOSAL

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

Site area	1.8ha
Floorspace	2,439sqm
Building height	Max. 7.5m
Parking spaces/drop off spaces	32 parking spaces / 3 accessible parking spaces/ 15 drop off/pick up bays/ 85 cycle spaces
Open space/grass areas	1.3ha
Pupil numbers	420 primary school children/ 52 nursery children

1.2 The proposed development comprises the construction of a new school building (Class F1) with outdoor sports areas and associated parking and landscape works at the site. The proposal is to establish a site for Harrier Academy within new purpose-built accommodation to provide a modern teaching environment.

2.0 SITE DESCRIPTION

2.1 The site is generally located to the south of Aveley and north of the A13. The site is accessed from Love Lane, which is to the north-east and is a residential street. The closest bus stops in relation to the site are also located on Love Lane. The walking distance from the centre of the site to these bus stops is c.0.2 miles. The nearest rail station is located in Purfleet, approximately 2.2 miles south of the site. There is currently a right of way through the application site which is used for agricultural purposes, either side of the public right of way. Land within the site is classed within Agricultural Land Classification 1 (excellent quality).

2.2 Residential properties are situated to the north and north-east of the site, whilst Tubby’s Farm to the east is utilised for equestrian activities. The land is located within the Green Belt (GB). The site is situated in Flood Zone 1 but is subject to small, isolated pockets of surface water flooding in the northern, central and western portions of the site. The site is not located within the vicinity of a listed building/conservation area nor is it subject to any statutory ecological or nature conservation designation, however the site is within the ‘impact risk zones’ related to the Inner Thames Marshes SSSI.

3.0 RELEVANT HISTORY

3.1 There is no relevant planning history at the site. There was a recent request for an Environmental Impact Assessment Screening Opinion submitted with this proposal, it was confirmed an EIA was not required.

4.0 CONSULTATIONS AND REPRESENTATIONS

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

PUBLICITY:

4.2 This application has been advertised by way of individual neighbour notification letters, press advert and public site notice which has been displayed nearby. The application has been advertised as a departure from the Development Plan, affecting a public footpath and as a major development. There were four comments of objection received from three different addresses. The matter raised are summarised below:

- Loss of grazing land
- Drainage issues
- Parking/highways issues
- Disruption of a school in the area

4.3 ANGLIAN WATER:

No objections.

4.4 ARCHAEOLOGY:

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

4.5 EMERGENCY PLANNING:

No objections.

4.6 ENVIRONMENT AGENCY:

No response received.

4.7 ENVIRONMENTAL HEALTH:

No objections, subject to conditions addressing noise, external lighting, a Construction Environment Management Plan and dealing with unforeseen contamination.

4.8 ESSEX POLICE:

No objections, subject to secured by design condition.

4.9 FLOOD RISK MANAGER:

No objections, subject to condition regarding maintenance.

4.10 HIGHWAYS:

No objection, subject to conditions.

4.11 LANDSCAPE AND ECOLOGY:

No objections, subject to reptile mitigation plan.

4.12 NATURAL ENGLAND:

No objections.

4.13 PUBLIC RIGHTS OF WAY:

No objections, subject to formal diversion order of the public footpath on-site.

4.14 SPORT ENGLAND:

No objections, subject to conditions relating to the design and construction of the playing fields, the design specifications of the MUGA and a community use agreement.

4.15 TRAVEL PLAN:

No response received.

4.16 URBAN DESIGN:

Does not support the proposals on the grounds of insufficient design quality.

5.0 POLICY CONTEXT**National Planning Guidance**

National Planning Policy Framework (NPPF)

5.1 The revised NPPF was published on 20 July 2021. Paragraph 11 of the Framework sets out a presumption in favour of sustainable development. This paragraph goes on to state that for decision taking this means:

- c) approving development proposals that accord with an up-to-date development plan without delay; or
- d) where there are no relevant development plan policies, or the policies which are most important for determining the application are out of date¹, granting permission unless:
 - i. the application of policies in this Framework that protect areas or assets of particular importance provides a clear reason for refusing the development proposed²; or
 - ii any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in this Framework taken as a whole.

¹ This includes, for applications involving the provision of housing, situations where the local planning authority cannot demonstrate a five year supply of deliverable housing sites ...

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

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

- 2. Achieving sustainable development
- 8. Promoting healthy and safe communities
- 9. Promoting sustainable transport
- 12. Achieving well-designed places
- 13. Protecting Green Belt land
- 14. Meeting the challenge of climate change, flooding and coastal change
- 15. Conserving and enhancing the natural environment
- 16. Conserving and enhancing the historic environment

National Planning Practice Guidance (PPG)

5.2 In March 2014 the Department for Communities and Local Government (DCLG)

launched its planning practice guidance web-based resource. This was accompanied by a Written Ministerial Statement which includes a list of the previous planning policy guidance documents cancelled when the NPPF was launched. PPG contains subject areas, with each area containing several subtopics. Those of particular relevance to the determination of this planning application comprise:

- Design: process and tools
- Determining a planning application
- Green Belt
- Historic environment
- Land affected by contamination
- Light pollution
- Natural Environment
- Noise
- Open space, sports and recreation facilities, public rights of way and local green space
- Renewable and low carbon energy
- Transport evidence bases in plan making and decision taking
- Travel plans, transport assessments and statements in decision-taking
- Use of Planning Conditions

The policy statement 'Planning for schools development' (2011) is also relevant.

Local Planning Policy

Thurrock Local Development Framework (as amended) 2015

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

OVERARCHING SUSTAINABLE DEVELOPMENT POLICY:

- OSDP1: Promotion of Sustainable Growth and Regeneration in Thurrock

SPATIAL POLICIES:

- CSSP3: Sustainable Infrastructure
- CSSP4: Sustainable Green Belt
- CSSP5: Sustainable Greengrid

THEMATIC POLICIES:

- CSTP9: Well-being: Leisure and Sports
- CSTP10: Community Facilities
- CSTP12: Education and Learning
- CSTP19: Biodiversity
- CSTP21: Productive Land
- CSTP22: Thurrock Design
- CSTP24: Heritage Assets and the Historic Environment
- CSTP25: Addressing Climate Change
- CSTP26: Renewable or Low-Carbon Energy Generation
- CSTP27: Management and Reduction of Flood Risk

POLICIES FOR THE MANAGEMENT OF DEVELOPMENT

- PMD1: Minimising Pollution and Impacts on Amenity
- PMD2: Design and Layout
- PMD4: Historic Environment
- PMD5: Open Spaces, Outdoor Sports and Recreational Facilities
- PMD6: Development in the Green Belt
- PMD7: Biodiversity, Geological Conservation and Development
- PMD8: Parking Standards
- PMD9: Road Network Hierarchy
- PMD10: Transport Assessments and Travel Plans
- PMD12: Sustainable Buildings
- PMD13: Decentralised, Renewable and Low Carbon Energy Generation
- PMD 14: Carbon Neutral Development
- PMD15: Flood Risk Assessment

Thurrock Local Plan

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

Thurrock Design Strategy

- 5.5 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

Procedure

6.1 With reference to procedure, this application has been advertised (inter-alia) as being a departure from the Development Plan. Should the Planning Committee resolve to grant planning permission, the application will first need to be referred to the Secretary of State under the terms of the Town and Country Planning (Consultation) (England) Direction 2021. The reason for the referral as a departure relates to the provision of a building where the floorspace to be created exceeds 1,000 sqm and the scale and nature of the development would have a significant impact on the openness of the GB and therefore the application will need to be referred under paragraph 4 of the Direction (i.e. Green Belt development). The Direction allows the Secretary of State a period of 21 days within which to 'call-in' the application for determination via a public inquiry. In reaching a decision as to whether to call-in an application, the Secretary of State will be guided by the published policy for calling-in planning applications and relevant planning policies.

6.2 The assessment below covers the following areas:

- I. Principle of the development – including GB considerations
- II. Design, layout and impact upon the surrounding area
- III. Traffic impact, access and car parking
- IV. Impact to amenity
- V. Ecology
- VI. Sports facilities
- VII. Flood risk and drainage
- VIII. Contamination
- IX. Archaeology
- X. Energy and sustainability
- XI. Other matters

I. PRINCIPLE OF THE DEVELOPMENT – INCLUDING GB CONSIDERATIONS

6.3 Core Strategy 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 "Primary Education") "*new build, refurbishment and expansion of existing mainstream primary schools*". This policy therefore identifies the general need for new build primary schools as items of key infrastructure.

6.4 Core Strategy 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.

6.5 Under the heading of 'Primary Education' CSTP12 goes on to state that *The Council has outlined a programme of refurbishment, expansion and new schools required to support long-term aims and growth in Regeneration Areas and other Broad Locations in the Plan; it includes:*

- v. Through its Primary Capital Programme (PCP) new build, refurbishment and expansion of up to forty three existing mainstream primary schools. This development will be phased by areas, prioritised according to high levels of deprivation and low levels of educational attainment.*

6.6 Therefore, in general terms Core Strategy policies support the provision of education facilities, including new build schools. Paragraph 95 of the NPPF is also relevant and states that:

'It is important 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:

- a) give great weight to the need to create, expand or alter schools through the preparation of plans and decisions on applications; and*
- b) work with school promoters, delivery partners and statutory bodies to identify and resolve key planning issues before applications are submitted.'*

6.7 Although not a part of either the NPPF or NPPG, 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; and
- 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.

Despite this broad policy support for new school development, the application of other relevant national and local planning policies, particularly with regard to GB, is necessary.

- 6.8 The key issues to consider when assessing the principle of development on this site is the impact upon the GB, the need for education provision within the Borough and the loss of agricultural land.
- 6.9 The site at present forms an area of open agricultural land and unused open land between Love Lane and the A13. The site is within the GB where NPPF chapter 13 and Core Strategy policies CSSP4 (Sustainable Green Belt), PMD6 (Development in the Green Belt) apply. But also where Core Strategy policy CSTP21 (Productive Land) is relevant. CSTP21 seeks to preserve the best and most versatile agricultural land (under DEFRA grades 1, 2 and 3) and this policy states the Council will not support development of such land "except in exceptional circumstances". Paragraph no. 174 of the NPPF is also relevant and states that:

"Planning policies and decisions should contribute to and enhance the natural and local environment by:

- (a) protecting and enhancing valued landscapes, sites of biodiversity or geological value and soils ...*
- (b) recognising the intrinsic character and beauty of the countryside, and the wider benefits from natural capital and ecosystem services – including the economic and other benefits of the best and most versatile agricultural land ..."*

- 6.10 According to DEFRA maps, which are at a large scale and therefore not necessarily highly accurate at a 'field by field' level, the site is classified as Grade 1 'Excellent'. Nonetheless, the applicant has stated an opinion that the land is not the actually within best and most versatile (BMV) agricultural land category given its small size and the fact that a public right of way runs through the centre of it. Furthermore, the applicant suggests that there are surface water flooding issues on this site, suggesting that it does not form good, arable land. The applicant's reasons are appreciated, however it would normally be expected that an applicant would undertake a detailed site assessment investigating geology, soil structure etc. to conclude on the precise agricultural land classification. No detailed assessment has been submitted and there is no evidence to conclude that the site is not within Grade 1. The loss of 'excellent' agricultural land is at a prima-facie level contrary to development plan policy and at odds with NPPF paragraph no.174. The Committee will need to judge whether the provision of a new school constitutes the "exceptional circumstances" necessary to justify a departure from policy.
- 6.11 With regard to the Green Belt, Policy CSSP4 (Sustainable Green Belt) identifies that the Council will '*maintain the purpose function and open character of the Green Belt in Thurrock*', and Policy PMD6 (Development in the Green Belt) states that the Council will '*maintain, protect and enhance the open character of the Green Belt in Thurrock*'. The proposal is not identified in any of the sections of policy CSSP4 which refer to development opportunities in the GB and would not fall within any of the categories for appropriate development within policy PMD6. These policies along with Chapter 13 of the NPPF aim to prevent urban sprawl and maintain the essential characteristics of the openness and permanence of the GB.
- 6.12 In assessing the impact upon the GB with regard to the Core Strategy and NPPF policies, consideration needs to be given to the following key questions:
1. Whether the proposals constitute inappropriate development in the GB;
 2. The effect of the proposals on the open nature of the GB and the purposes of including land within it; and
 3. Whether the harm to the GB is clearly outweighed by other considerations so as to amount to the very special circumstances (VSC) necessary to justify inappropriate development.
1. Whether the proposals constitute inappropriate development in the GB;
- 6.13 Paragraph 147 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 149 goes on to state that:

'A local planning authority should regard the construction of new buildings as inappropriate in the Green Belt. Exceptions to this are:

- (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'.*

6.14 The Planning Statement supplied with the planning application states that the use of land for outdoor recreation or outdoor sports purposes is deemed an exception to inappropriate development in the GB. However, the wording of the paragraph 149(b) stipulates that *'the provision of appropriate facilities (in connection with the existing use of land or change of use) for outdoor sport, outdoor recreation....as long as the facilities preserve the openness of the Green Belt and do not conflict with the purposes of including land within it..'*

6.15 The proposed development involves a teaching block and areas of hardstanding to support the outdoor sports facilities and provide car parking and circulation routes. A number outdoor sports facilities would be provided, including two single court Multi-Use Games Area (MUGA) and two natural turf fields. However, these are integral the proposed use as a school. That is, the educational use (a 2no. form entry primary school) generates the need for accompanying sports facilities. A new school building totalling 2,439sqm floorspace clearly does not fall within any of the exceptions above and is inappropriate development. Notwithstanding the NPPF outdoor provisions the

outdoor facilities forming part of the current application, although occupying a large proportion of the site, do not, in themselves, preserve the openness character of the GB by virtue of the hardstanding and fencing proposed around the perimeter of the site and around the MUGAs.

6.16 As the site is an open field, the site is not considered to fall within the NPPF's definition of Previously Developed Land and does not fall within any of the exceptions for the construction of new buildings as set out in Paragraph 149 of the NPPF and within PMD6.

6.17 Therefore the proposals would constitute inappropriate development, which is by definition harmful to openness.

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

6.18 The analysis in the paragraphs above concludes that the proposal constitutes inappropriate development which is, by definition, harmful to the GB (NPPF para. 147). However, it is also necessary to consider whether there is any other harm (NPPF para. 148).

6.19 As noted above paragraph 137 of the NPPF states that the fundamental aim of GB policy is to prevent urban sprawl by keeping land permanently open: the essential characteristics of GBs being described as their openness and their permanence. The proposals would comprise a substantial amount of new built development and sporting facilities across the site, which is currently open.

6.20 Advice published in NPPG (Jul 2019) addresses the role of the GB in the planning system and, with reference to openness, cites the following matters to be taken into account when assessing impact:

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

6.21 In terms of NPPG guidance, it is considered that the proposed development would have a detrimental impact on both the spatial and visual aspects of openness, i.e. an impact as a result of the footprint of development and building volume. With regard to the visual impact on the GB assessment of openness, the quantum of development proposed would undoubtedly harm the visual character of the site. In light of the above, given that the site is on an exposed site and visible from nearby public highways and a public right of way, the development of the site as proposed would

clearly harm the visual component of openness. The applicant has not sought a temporary planning permission and it must be assumed that the design-life of the development would be a number of decades. The intended permanency of the development would therefore impact upon openness. Finally, the development would generate traffic movements associated with a school development and considered this activity would also impact negatively on the openness of the GB. Therefore, it is considered that the amount and scale of the development proposed would significantly reduce the openness of the site. As a consequence, the loss of openness, which is contrary to the NPPF, should be accorded substantial weight in the consideration of this application.

6.22 In terms of whether the planning application would cause harm to the five purposes of the GB, these are considered below;

a. to check the unrestricted sprawl of large built-up areas;

6.23 The NPPF does not provide a definition of the term 'large built-up areas' but the site is located on the south-western edge of the built up area of Aveley. As a matter of judgement it is considered that Aveley constitutes a large built-up area. Therefore, the proposal is considered to be contrary to the GB purpose of checking urban sprawl.

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

6.24 The site is located at the south-western edge of Aveley, so whilst it would extend the boundary of Aveley's built up area this would not lead to any joining with any other town. Therefore, whilst the proposal would increase the built form in the area between towns, it is considered that the proposal would not result in towns merging into one another to any significant degree.

c. to assist in safeguarding the countryside from encroachment;

6.25 The site currently comprises an open site and current views across the site do contribute towards the countryside setting and mark the beginning of relatively open countryside beyond the urban area linking to open land on the south side of the A13. The plans show that a significant built form will be introduced on the site. The introduction of a significant level of built form within this area would result in encroachment into the countryside. As a result the proposal would conflict with this purpose of including land within the GB.

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

- 6.26 As there are no historic town in the immediate vicinity of the site, the proposals do not conflict with this defined purpose of the GB.
- e. to assist in urban regeneration, by encouraging the recycling of derelict and other urban land.
- 6.27 The site is located outside the urban area and therefore the granting of permission outside of this area would not encourage urban regeneration. Therefore, the proposal would conflict with this purpose of including land within the GB, albeit the Applicant's sequential test to site selection is considered below.
- 6.28 Based upon the above tests from paragraph 138 of the NPPF the proposal would be contrary to purposes a, c and e. Therefore the proposal would result in harm to some of the purposes of including land in the GB, and harm to the openness of the Green Belt in addition to the definitional harm by reason of its inappropriateness. Reference to "any other harm" (NPPF para. 148), that is non-GB harm, is referred to in the paragraphs below.
3. Whether the harm to the GB is clearly outweighed by other considerations so as to amount to the VSC necessary to justify inappropriate development.
- 6.29 Paragraph 147 makes it clear that 'inappropriate development is, by definition, harmful to the GB and should not be approved except in *'Very Special Circumstances'*. Paragraph 148 of the NPPF then states *'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'*.
- 6.30 Neither the NPPF nor the Core Strategy provide guidance as to what can comprise VSC, either singly or in combination. However, some interpretation of VSC has been provided by the Courts. The rarity or uniqueness of a factor may make it very special, but it has also been held that the aggregation of commonplace factors could combine to create VSC (i.e. 'very special' is not necessarily to be interpreted as the converse of 'commonplace'). The demonstration of VSC is a 'high' test and the circumstances which are relied upon must be genuinely 'very special'. In considering whether VSC exist, factors put forward by an applicant which are generic or capable of being easily replicated on other sites, could be used on different sites leading to a decrease in the openness of the GB. 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 VSC. Ultimately, whether any particular combination

of factors amounts to VSC will be a matter of planning judgment for the decision-taker.

6.31 The Planning Statement submitted to accompany the application sets out the applicant’s case for VSC under the following two headings:

- a) Need for school places
- b) Sequential testing for the sites

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

- a) Need for school places

Consideration

6.33 The applicant has stated that The Pupil Place Plan (2021-2025) (‘the PPP’) provides a quantitative assessment of school capacity across the Borough and within the Aveley, Ockendon and Purfleet (AOP) Planning Area within which the school and nursery are located. The PPP projects that across the whole AOP Planning Area, projected admissions do not exceed the Published Admission Number (PAN) between 2021 and 2025 except for in 2023, where there is a shortfall of 8 places.

6.34 Notwithstanding the above, this AOP in particular is made up of three areas which are quite distant from each other in terms of accessibility, separated by main roads A13 and M25. Therefore, it is considered that individual schools within the AOP Planning Area serve their immediate locality. Whilst the PPP endeavours to plan for additional pupil places across the entire AOP Planning Area, this should not preclude adequate assessments of capacity within individual areas and appropriate planning for additional schools to meet forecast capacity issues.

6.35 The table below is taken from the PPP:

School	PAN	Sep-21	Sep-22	Sep-23	Sep-24	Sep-25
Aveley	420	462	460	457	445	447
Kenningtons	420	427	416	460	461	479

This shows the capacity of the two existing primary schools which currently serve the population of Aveley; Aveley Primary School and Kenningtons Primary Academy. PAN stands for Published Admission Number, which is the schools capacity.

6.36 Therefore, both Aveley primary schools were already operating over capacity in September 2021. Subsequent years confirm that this situation only worsens. Therefore, it is considered there is a clear need for additional primary school places has been identified in Aveley, and as such the plans for the proposed development have been developed. There is an urgent need for pupil places within this area and the proposed development has been brought forward as a direct response to this need; it is evident that the Council's Education Department acknowledge the need for additional places in Aveley, as the PPP refers to plans for the school in the introductory paragraphs as being delivered in 2022. Therefore, the factor of need is afforded significant weight in the planning balance.

b) Sequential testing for the sites

Consideration

6.37 The sequential assessment and methodology adopted by the applicant have been deemed sufficiently robust in pre-application discussions. For information, the applicant's assessment is based on the key determinants of location and size of site. The assessment concludes that there are no other available sites of the required size within the built-up area of Aveley and therefore a GB site is the only suitable option. In conjunction with the needs analysis discussed in part (a) above, this factor is also afforded significant weight.

6.38 A summary of the weight which has been placed on the GB considerations is provided below:

Summary of Green Belt and Any Other Harm and Very Special Circumstances			
Harm	Weight	Factors Promoted as Very Special Circumstances	Weight
Inappropriate development, harm to openness and conflict with Green Belt – purposes a, c and e	Substantial	a) Need for school places b) Sequential testing for the sites	Significant weight
Loss of Grade 1 (Excellent) agricultural land			

6.39 As ever, in reaching a conclusion on GB 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 GB with reference to inappropriate development, loss of openness and harm to some of the purposes of including land with GBs. Furthermore there is other harm resulting from loss of Grade 1 agricultural land. The two factors

above have been promoted by the applicant as considerations 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'.

6.40 Taking into account all GB considerations, Officers are of the opinion that the identified harm to the GB is clearly outweighed by the accumulation of factors described above, so as to amount to the VSC justifying inappropriate development.

II. DESIGN, LAYOUT AND IMPACT UPON THE SURROUNDING AREA

6.41 Public right of way no.145 currently runs through the centre of the site. To enable the construction of the school this would be diverted around the site. The Council's Public Rights of Way Team has raised no objections to the proposal.

6.42 The school building itself would be situated in the north eastern corner of the site to make efficient use of the site and reduce impact on the GB. The school building would be two-storeys and create 2,439sqm floorspace. The new school would also offer a number of external play areas for the students, with the hard surfaced MUGA courts located just west of the school building. The proposed playing fields would be located to the south of the school building, in the central and eastern portions of the site. There would be a habitat area will also be provided to the south and west of the MUGA courts.

6.43 The school would accommodate classrooms for the youngest Key Stage 1 children on the ground floor with the Key Stage 2 classrooms located upstairs. as well as the ancillary space. The ground floor classrooms allow for direct access to outdoor learning. The reception and nursery outdoor facilities will be enclosed with fencing for safety and easy access for drop-off and pick-up for parents.

6.44 In terms of the external appearance, the ground floor would be clad in a mixture of buff and Staffordshire blue brick. The first floor to the roof would be clad in a mixture of vertical timber cladding. The hall and nursery would have red cladding helping to create contrasting features linking the schools branding to the design.

6.45 The overall design approach is an important factor to consider as the school environment would also be experienced by the wider public, through a community use agreement and would be an important civic space, being located at the north-south and east-west axis of Love Lane and Hall Road. Given the high visibility of the eastern-end of the site, it is unfortunate that the building does not do more to

'announce' its location. It is also unfortunate that the vehicular access with associated gates and utilities sub-station are located in front of the building on the prominent north-eastern corner of the site. It is disappointing that the main pedestrian entrance to the school is located in a less visible location on the northern elevation.

- 6.46 The Council's Urban Design Officer has commented that the building's external appearance should be refined further and it is unfortunate that the proposed 'corporate' colours of the Academy would appear visually jarring within a GB setting. In response to the Urban Design comments, the applicant makes the point that MMC (Modern Methods of Construction) approach is fundamental to the department for Education's programme for the delivery of new and replacement schools to a tight programme and that *'The MMC Framework and other school frameworks are the predominant method of securing new state schools across the country and the design of these schools in accordance with the DfE's Output Specific which has evolved from the DfE's research and experience from previous schools programme'*.
- 6.47 The most recent version of the NPPF (2021) emphasises design quality and the following NPPF paragraph references are of relevance:

para.126

"The creation of high quality, beautiful and sustainable buildings and places is fundamental to what the planning and development process should achieve. Good design is a key aspect of sustainable development, creates better places in which to live and work and helps make development acceptable to communities."

para.130

*"Planning policies and decisions should ensure that developments:
b) are visually attractive as a result of good architecture, layout and appropriate and effective landscaping"*

The applicant refers to design, timeframe and budget constraints associated with the delivery of new school buildings. Although these constraints run contrary to elements of the NPPF in terms of quality of design and 'building beautiful'. It is considered that components of the layout and appearance of the development are disappointing and below the place-making expectations which would normally be required. However, the Committee will need to balance the pressing need for school places and the budget and time constraints operated by the Department for Education. The layout and design of the development can be accepted in this context, but doesn't commend itself to the proposals.

III. TRAFFIC IMPACT, ACCESS & CAR PARKING

- 6.48 The main entrance to the school would be from Love Lane to the east which will serve as a single access for vehicles serving car parking and drop-off/pick up facilities. Pedestrians and cyclists would enter the site using this access point too. Pedestrian footpaths proposed alongside this new access road leading into the site and a footpath leading from this into the school grounds from the east. Additional areas of pavement will be introduced on Love Lane to facilitate safer crossing points for pupils.
- 6.49 A number of drop-off/pick-up bays are proposed to the north of the school building in front of the main school entrance. The car park to the north of the school will provide 32 standard parking bays, 3 accessible bays at the front of the main entrance, 85 cycle spaces, 80 for pupils and 5 for staff and 2 motorcycle spaces. The recently adopted (2022) parking standards are met, as the requirements for a school are 1 space per 15 pupils and for a nursery 1 space per member of full time staff. The number of cycle spaces provided is acceptable.
- 6.50 The school would inevitably increase traffic at school pick off and drop off times. The Council's Highways Officer has reviewed the information provided and concludes the proposal would be acceptable with conditions covering car park management and a travel plan.
- 6.51 In conclusion under this heading subject to conditions, it is concluded that the residual impact of the development on the road network would be acceptable.

IV. IMPACT TO AMENITY

Noise

- 6.52 The acoustics report submitted with the application details the design measures necessary for the school to fully comply with Building Bulletin 93 requirements. The acoustic performance parameters for compliance are addressed and provided the materials and options chosen in the detailed design incorporates the stated measures, then BB93 requirements can be met.
- 6.53 In terms of noise created by the school, external plant should be selected and designed such that the cumulative plant noise does not exceed the existing representative daytime LA90 background noise level at the nearest noise sensitive receptor. These are considered to be the nearest residential properties at Clare Court and properties on or near the corner of Love Lane and Hall Lane. This will be required by condition. It can be expected that there will be a degree of noise and disturbance associated with activity at the school, particularly at the beginning and end of the school day. However, playing fields for the new school would be located furthest from neighbouring residential properties.

Lighting

- 6.54 External lighting should be designed to the guidance as laid out in CIBSE/SLL Code for Lighting, CIBSE LG06 "The Outdoor Environment" and ILE "Guidance notes for the Reduction of Obtrusive Light". No indication of the proposed lighting for the building or the sports facilities has been received. This would be controlled by condition.

Construction

- 6.55 It is considered a formal Construction Environmental Management Plan (CEMP) should be conditioned to secure hours of construction, control of dust, vibration/noise.

V. ECOLOGY

- 6.56 A reptile survey was undertaken and submitted with the application. A low number of slow-worms were found on three occasions on the northern boundary. The Council's Landscape and Ecology has advised that it will be necessary for a method statement to be produced prior to any site works detailing how the reptiles will be protected during site clearance and construction; this can be dealt with by condition.
- 6.57 In terms of trees, there is only one low quality tree within the site. This will require removal to allow the development, but its loss would be mitigated by the proposed landscape scheme.
- 6.58 A landscape assessment has been undertaken to illustrate the likely landscape and visual effects of the scheme. This was sufficient to demonstrate that, while the effects would be locally significant, impacts will be confined to limited viewpoints. Existing development within the area means that the effects will be confined to the immediate area.
- 6.59 A detailed landscape scheme has been submitted which shows that new tree and shrub planting will be provided to the front of the proposed school buildings. An area of 'pictorial meadow mix' which is combination of wildflowers and cultivars of ecological value is proposed around the MUGA.
- 6.60 Overall it is considered that the scheme will not have significant adverse ecological or landscape effects, due to the site being very contained. Therefore, there are no objections to the ecological or landscape effects so long as a reptile mitigation plan is provided prior to commencement.

VI. SPORTS FACILITIES

- 6.61 The school would offer a number of external play areas for the students with the MUGA courts located just west of the school building. The playing fields would be located to the south of the school building, in the central and eastern portions of the site.
- 6.62 Sport England have confirmed they have no objection to the proposal in terms of their remit. However, they want to ensure the quality of the turf pitches enables them to be consistently usable for the school and wider community. They also want to ensure the MUGA is well-designed and a Community Use Agreement is secured. These matters will be guaranteed by condition. Therefore, in terms of sporting facilities the proposed is deemed appropriate and is consistent with CSTP9 of the Core Strategy.

VII. FLOOD RISK & DRAINAGE

- 6.63 The site is within Flood Zone 1 and is therefore at low risk of flooding. There are no historical records of flooding affecting the site. The internal ground floor level would be a minimum of 150mm above ground (to mitigate against heavy rainfall events).
- 6.64 In respect of drainage, surface water runoff is proposed to be discharged to the existing surface water sewer in Love Lane at a restricted rate with on-site attenuation. The Council's Flood Risk Manager does not object subject to conditions regarding the details of maintenance of the surface water drainage.
- 6.65 Overall, it is considered that in respect of flood risk and drainage that the scheme complies with the NPPF and Policy CSTP25 of the Core Strategy.

VIII. CONTAMINATION

- 6.66 The Council's Environmental Health Officer (EHO) has reviewed the submitted Ground Investigation Report and is satisfied that the site does not require remediation before construction activities can commence. The EHO suggests that a planning condition is used to deal with any unexpected contamination, which may be encountered during development.

IX. ARCHAEOLOGY

- 6.67 The proposed development lies in close proximity to the A13, where extensive Pleistocene deposits were recovered during the road's construction (EHER 19471). Environmental samples revealed at least three species of Lion, Giant Deer and Roe Deer, and gravel deposits were identified as stratigraphically equivalent to other nearby deposits that have previously produced mammoth skeletons. Palaeolithic artefacts, fossils and other environmental evidence was likely to be present within

the road corridor, and accordingly are likely to also survive in close proximity. The investigation of the A13's route also exposed a Late Iron Age/Romano British settlement. Excavation of the settlement site uncovered building evidence, enclosure ditches and pottery (EHER 14574). Additionally, to the immediate east of the proposed development a find spot of Anglo-Saxon metalwork is recorded, originally recovered by metal detectorists (EHER 19477).

6.68 A Written Scheme of Investigation (WSI) was submitted. The Archaeological Advisor has confirmed that they have no objections, subject to a condition for trial trenching and excavation.

X. ENERGY & SUSTAINABILITY

6.69 Policies PMD12 and PMD13 are applicable to the proposals and require the achievement of a BREEAM 'outstanding' rating and that 20% of the energy requirements of the development are generated through decentralised, renewable or low carbon means. Both of these sustainability requirements may be relaxed where it can be adequately demonstrated, by way of viability assessment, that compliance with the policy requirements renders the proposals unviable.

6.70 The applicant has confirmed that the scheme will "target BREEAM 'Very Good' as it is economically unviable to achieve anything higher in this case. Although a financial viability appraisal has not been submitted in support of this contention which is the expectation of the development plan policy. It is disappointing that a modern, purpose-built school cannot achieve adopted policy requirements, especially in light of the current climate change emergency. In light of the strong national policy support for new school provision, the budget constraints and the timetable within which the applicant is working it would be difficult to object to the development on this basis. Notwithstanding a planning condition is justified to ensure that the "very good" target is met.

6.71 The applicant's Energy Statement highlights that the DfE maintains standardised specifications and budgets and have sought to balance the competing demands of environmental sustainability and efficient use of the public purse. To achieve this, the DfE specification and funding provide a number of environmental and sustainable features to ensure the proposals are 'beneficial in environmental terms'.

6.72 Notwithstanding this, with reference to policy PMD13, the proposal must secure 20% of their predicted energy from decentralised and renewable or low-carbon sources, unless it can be demonstrated to the Council's satisfaction, by way of a full viability assessment, that this is not feasible or viable. At this stage, a full viability assessment has not been submitted. Therefore, a condition will be added to address this matter and require the provision of on-site renewable energy generation.

XI OTHER MATTERS

6.73 Site section drawings accompanying the application demonstrate that existing ground levels fall from c.16m at the north of the site to c.14.3m at the south. Ground levels would be re-profiled to create a development platform for the new building at c.16.3m falling to 14.6m at the southern boundary. There would be a general increase in ground levels across the site and 10,599m³ engineering fill material will need to be imported on-site to achieve the proposed level. HGV movements would be required per day for import/export of any materials 760 overall (25/30 per day), but this is dependent on call off and availability of vehicles and turnaround as well as bulking factor of the material. This would equate to a maximum of 30 days during which materials would be imported to site assuming 25 movements per day. A highways update will be provided to the Committee.

7.0 CONCLUSIONS AND REASONS FOR APPROVAL

7.1 The site is located within the GB and the proposals comprise inappropriate development. Consequently, there would be definitional harm to the GB, as well as harm by way of loss of openness and harm to a number of purposes which the GB serves. Substantial weight should be attached to this harm. There would also be harm resulting from the loss of Grade 1 agricultural land. The applicant has set out factors which they consider to constitute the VSC 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 Elements of the layout and appearance of the development are disappointing and below the standards normally expected to achieve the place-making agenda for Thurrock. However, as with recent new school proposals, the applicant is constrained by time, budget and the need to provide additional school places. The proposal also fails to meet the requirements of adopted policy PMD12 which, again, is disappointing. It is concluded that all other matters of detail are acceptable, subject to condition.

8.0 RECOMMENDATION

8.1 Grant planning permission subject to:

- (i) Referral to the Secretary of State under the terms of the Town and Country Planning (Consultation) (England) Direction 2021; and
- (ii) Subject to the application not being called-in by the Secretary of State for

determination, grant planning permission 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.

PLANS LIST

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

Plan Number(s):		
Reference	Name	Received
146818EFFA-AVE-ZZ-XX-DR-C-0001	Proposed Drainage Scheme	18 January 2022
146818EFFA-AVE-00-XX-DR-C-0002	S278 Works	18 January 2022
146818EFAA DLA B1 GF DR A 2000 Rev P12	GA Ground Floor Plan	1 April 2022
146818EFAA DLA B1 01 DR A 2001 Rev P6	GA First Floor Plan	18 January 2022
146818EFAA DLA B1 02 DR A 2002 Rev P6	GA Roof Plan	1 April 2022
146818EFAA DLA B1 XX DR A 2020 Rev P3	External Visuals	18 January 2022
146818EFAA DLA B1 XX DR A 2030 Rev P10	GA Elevation	1 April 2022
146818EFAA DLA B1 XX DR A 2035 Rev P10	GA Section	1 April 2022
146818EFAA DLA ZZ 00 DR L 9000 Rev P19	Site Plan	1 April 2022
146818EFAA DLA ZZ 00 DR L 9100 Rev P10	Site Plan BB103 Areas	18 January 2022
146818EFAA DLA ZZ 00 DR L 9102 Rev P08	Access and Security Schematic	18 January 2022
146818EFAA DLA ZZ 00 DR L 9103 Rev P06	External Works	18 January 2022

146818EFAA DLA ZZ 00 DR L 9104 Rev P07	Levels Plan	18 January 2022
146818EFAA DLA ZZ 00 DR L 9105 Rev P09	Fencing	18 January 2022
146818EFAA DLA ZZ 00 DR L 9106 Rev P07	Refuse Delivery and Fire Appliance Access	18 January 2022
146818EFAA DLA ZZ 00 DR L 9108 Rev P07	Sports Pitches	18 January 2022
146818EFAA DLA ZZ 00 DR L 9109 Rev P04	Location Plan	18 January 2022
146818EFAA DLA ZZ 00 DR L 9110 Rev P04	Site Sections	18 January 2022
146818EFAA DLA ZZ 00 DR L 9111 Rev P04	Soft Landscape Scheme	18 January 2022

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].

DETAILS OF MATERIALS

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

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

CONSTRUCTION ENVIRONMENT MANAGEMENT PLAN (CEMP)

- 4 No construction works shall commence until a Construction Environmental Management Plan [CEMP] has been submitted to and approved in writing by the local planning authority in writing. The CEMP should contain or address the following matters:
- (a) Hours and duration of works on site
 - (b) Wheel washing and sheeting of vehicles transporting aggregates on to or

off of the site

(c) Details of construction access

(d) Details of any temporary hard standing

(e) Details of any temporary hoarding

(f) Water management including waste water and surface water drainage

(g) Road condition surveys before demolition and after construction is completed; with assurances that any degradation of existing surfaces will be remediated as part of the development proposals. Extents of road condition surveys to be agreed as part of this CEMP

(h) Details of method to control wind-blown dust

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

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

PARKING PROVISION – AS SHOWN ON THE APPROVED PLANS

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

Reason: In the interests of highway safety and to ensure that adequate car parking provision is available in accordance with policies PMD8 and PMD9 of the adopted Thurrock LDF Core Strategy and Policies for the Management of Development [2015].

CAR PARK MANAGEMENT

- 6 Prior to the first use or operation of vehicle parking areas, a written scheme for the management of those areas shall be submitted to and approved in writing by the local planning authority. The scheme shall, in particular, include measures for the restriction of unauthorised car parking and details of management community use activities. The approved scheme shall be operated on the first use or operation of the vehicle parking areas and maintained during the operation of the school thereafter.

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

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

TRAVEL PLAN

- 7 Prior to the to the first operation of the school buildings hereby permitted, a Travel Plan shall be submitted to and agreed in writing with the local planning authority. The Travel Plan shall include detailed and specific measures to reduce the number of journeys made by car to the school buildings hereby permitted and shall include specific details of the operation and management of the proposed measures. The commitments explicitly stated in the Travel Plan shall be binding on the applicants or their successors in title. The measures shall be implemented upon the first operational use of the building hereby permitted and shall be permanently kept in place unless otherwise agreed in writing with the local planning authority. Upon written request, the applicant or their successors in title shall provide the local planning authority with written details of how the agreed measures contained in the Travel Plan are being undertaken at any given time.

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

LANDSCAPE MANAGEMENT PLAN

- 8 Prior to the first opening of the school a landscape management plan, including management responsibilities, maintenance schedules for the upkeep of all landscaped areas, including management of the wildflower grassland, shall be submitted to and approved in writing by the local planning authority. The landscape management plan shall be implemented in accordance with the details as approved from first opening of the school and retained thereafter, unless otherwise agreed in writing with the local planning authority.

Reason: To secure appropriate landscaping of the site in the interests of visual amenity and the character of the area in accordance with policies CSTP18 and PMD2 of the adopted Thurrock LDF Core Strategy and Policies for the Management of Development [2015].

LANDSCAPE PLANTING PLANS

- 9 The development hereby permitted shall be constructed and completed in accordance with plan 146818EFAA DLA ZZ 00 DR L 9111 Rev P04 Soft Landscape

Scheme prior to the first operational use of the development and maintained and operated thereafter in accordance with the approved Landscape Management Plan.

Reason: To secure appropriate landscaping of the site in the interests of visual amenity and the character of the area in accordance with policies CSTP18 and PMD2 of the adopted Thurrock LDF Core Strategy and Policies for the Management of Development [2015].

COMMUNITY USE AGREEMENT

- 10 Prior to first occupation of the development, a community use agreement shall be submitted to and approved in writing by the Local Planning Authority in consultation with Sport England, and a copy of the completed approved agreement will be provided to the Local Planning Authority. The agreement shall apply to the school building, the natural turf playing field, multi-use games areas 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 benefits 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 [2015].

TURFING

- 11 No development of the natural turf playing field shall commence until the following documents have been submitted to and approved in writing by the Local Planning Authority after consultation with Sport England:
- (i) A detailed assessment of ground conditions (including drainage and topography) of the land proposed for the playing field which identifies constraints which could affect playing field quality; and
 - (ii) Based on the results of the assessment to be carried out pursuant to (i) above, a detailed scheme which ensures that the playing field will be provided to an acceptable quality. The scheme shall include a written specification of soils structure, proposed drainage, cultivation and other operations associated with grass and sports turf establishment and a programme of implementation.

The approved scheme shall be carried out in full and in accordance with a timeframe agreed with the Local Planning Authority. The land shall thereafter be maintained in accordance with the scheme and made available for playing field use in accordance with the scheme.

Reason: To ensure amenity space within the development is provided in accordance with policies CSTP18, CSTP20, PMD2 and PMD5 of the adopted Thurrock LDF Core Strategy and Policies for the Management of Development [2015].

MULTI-USE GAMES AREA

- 12 No development of the multi-use games area shall commence until details of the multi-use games area design specifications including the surfacing and line markings have been submitted to and approved in writing by the Local Planning Authority after consultation with Sport England. The multi-use games area shall not be constructed other than in accordance with the approved details.

Reason: To ensure amenity space within the development is provided in accordance with policies CSTP18, CSTP20, PMD2 and PMD5 of the adopted Thurrock LDF Core Strategy and Policies for the Management of Development [2015].

HOURS OF USE – OUTDOOR PLAY FACILITIES

- 13 Prior to the first use or operation of the development, details of the proposed hours of use of the outdoor play facilities shall be submitted to and agreed in writing with the local planning authority. The play facilities shall thereafter be used in accordance with the agreed details, unless otherwise agreed in writing by the local planning authority.

Reason: In the interests of 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].

NOISE

- 14 The mitigation measures within Noise Assessment by Apex Acoustics “ Harrier Primary Academy, Aveley BB 93 Acoustic Design Strategy” Reference 9066.1 Revision B dated 20th May 2021, shall be implemented before the use of the school commences and shall be permanently retained in the agreed form, unless otherwise agreed in writing with the local planning authority.

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

LIMITATIONS ON NOISE

- 15 The level of noise emitted from the site shall not exceed LA90 background noise level as measured at the nearest noise sensitive receptor.

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

NO LIGHTING – UNLESS OTHERWISE AGREED

- 16 No means of external illumination of the site shall be installed unless otherwise agreed in writing by the local planning authority. The external illumination shall be maintained and retained in accordance with the approved details thereafter.

Reason: In the interests of 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].

UNFORESEEN CONTAMINATION

- 17 In the event that contamination is found at any time when carrying out the approved development that was not previously identified it must be reported in writing immediately to the Local Planning Authority. An investigation and risk assessment must be undertaken and where remediation is necessary a remediation scheme must be prepared, which is subject to the approval in writing of the Local Planning Authority. Following completion of measures identified in the approved remediation scheme a verification report must be prepared, which is subject to the approval in writing of the Local Planning Authority.

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

ARCHAEOLOGY - TRIAL TRENCHING AND EXCAVATION

- 18 No development or preliminary groundworks of any kind shall take place until the completion of a two-phase programme of archaeological evaluation identified in the approved Written Scheme of Investigation and confirmed by the Local Authorities archaeological advisors.

A mitigation strategy detailing the excavation / preservation strategy shall be submitted to the local planning authority following the completion of the archaeological evaluation.

No development or preliminary groundworks can commence on those areas containing archaeological deposits until the satisfactory completion of fieldwork, as detailed in the mitigation strategy, and which has been approved in writing by the local planning authority.

The applicant will submit to the local planning authority a post excavation assessment (to be submitted within six months of the completion of the fieldwork, unless otherwise agreed in advance with the Planning Authority). This will result in the completion of post excavation analysis, preparation of a full site archive and report ready for deposition at the local museum, and submission of a publication report.

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

REPTILE TRANSLOCATION

- 19 Prior to the commencement of development, a scheme for the capture and translocation of reptiles from the site shall be submitted to and approved in writing by the local planning authority. The capture and translocation of reptiles shall be undertaken in accordance with the approved scheme, unless otherwise agreed in writing by the local planning authority.

Reason: In order to ensure that the interests of ecology and biodiversity or protected species are addressed in accordance with policy PMD7 of the adopted Thurrock LDF Core Strategy and Policies for the Management of Development [2015].

SURFACE WATER MAINTENANCE PLAN

- 20 No works shall take place until 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 shall be provided and be implemented for all times thereafter.

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 in accordance with policy PMD15 of the adopted Thurrock LDF Core Strategy and Policies for the Management of Development [2015].

BREEAM

- 21 The development hereby permitted shall be built to the "Very Good" Building Research Establishment Environmental Assessment Method (BREEAM) rating. Within three months of the first use or operation of the development a copy of the Post Construction Completion Certificate for the building verifying that the "Very Good" BREEAM rating has been achieved shall be submitted to the local planning authority.

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

RENEWABLE ENERGY

- 22 Unless otherwise agreed in writing by the local planning authority, prior to the construction above ground level of any of the buildings, details of measures to demonstrate that the development will achieve the generation of at least 20% of its energy needs through the use of decentralised, renewable or low carbon technologies shall be submitted to and approved in writing by the local planning authority. The approved measures shall be implemented and operational upon the first use or operation of the development and shall thereafter be retained in the agreed form.

Reason: To ensure that development takes place in an environmentally sensitive way in accordance with policy PMD13 of the adopted Thurrock LDF Core Strategy and Policies for the Management of Development (as amended 2015).

Informative(s)

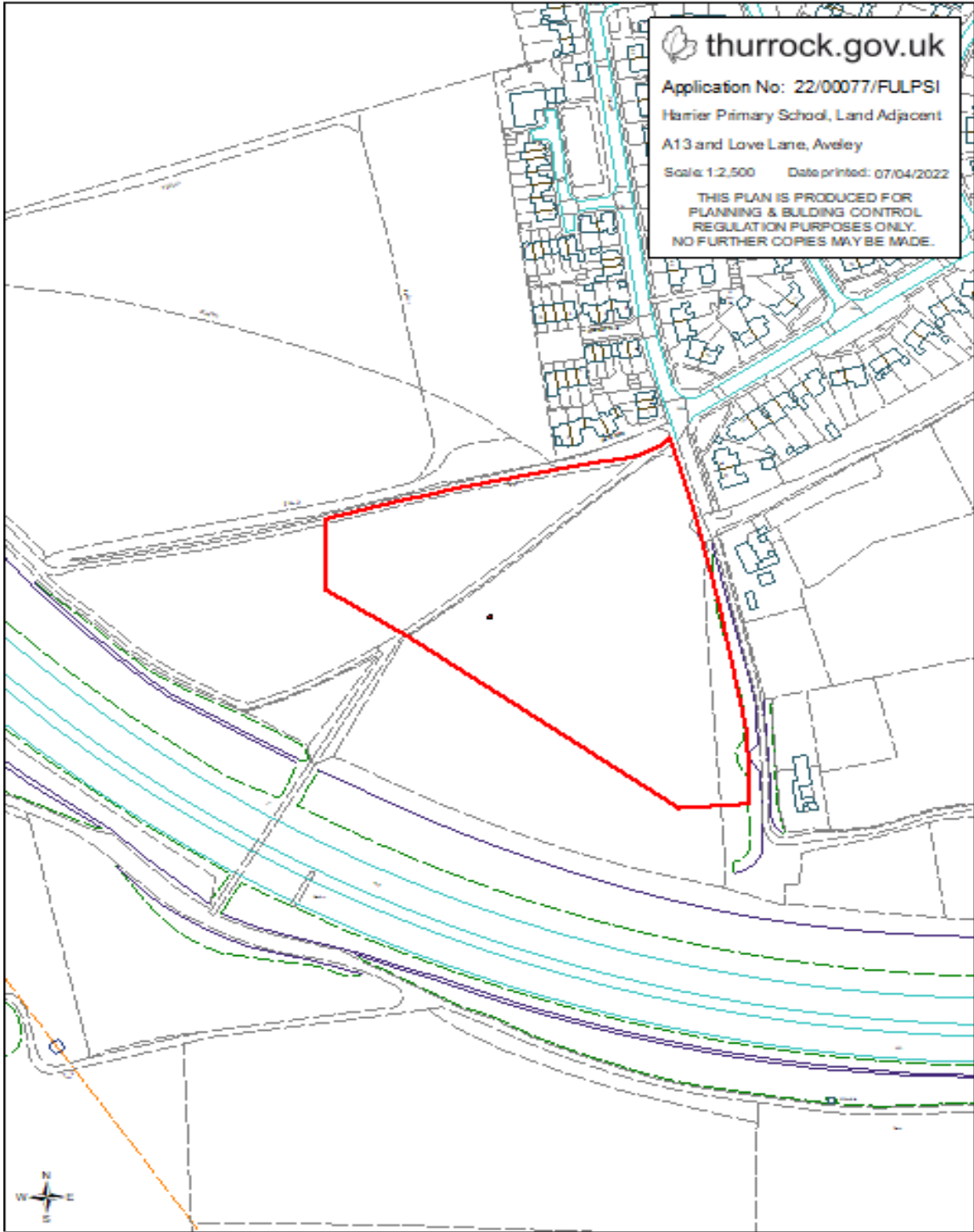
Town and Country Planning (Development Management Procedure) (England) Order 2015 (as amended) - Positive and Proactive Statement:

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

Documents:

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

www.thurrock.gov.uk/planning



Agenda Item 8

Planning Committee 21 April 2022

Application Reference: 22/00302/FUL

Reference: 22/00302/FUL	Site: Orsett Heath Academy Oakfield Long Lane Stifford Clays Grays RM16 2QH
Ward: Little Thurrock Blackshots	Proposal: Proposed siting of temporary classrooms for temporary period of 2 years and associated hard landscaping, and installation of artificial cricket strip.

Plan Number(s):		
Reference	Name	Received
2631/6 MAR22	Proposed Cricket Strip Layout	9th March 2022
2632/1	Existing Site Plan	8th March 2022
2632/2 REV A	Proposed Block Plan	8th March 2022
2632/3A	Proposed Site Layout	30th March 2022
2632/4	Proposed Floor Plans	8th March 2022
2632/5	Proposed Elevations	8th March 2022
2632/LOC A	Location Plan	8th March 2022
3632/7	Existing Block Plan and Pitch Layout	30 th March 2022
3632/8	Proposed Block Plan and Pitch Layout	30 th March 2022

The application is also accompanied by:

- Design and Access Statement
- Transport Assessment – (December 2018) Revision B, dated 30th March 2022
- Construction and Waste Management Plan, Encon Associates Limited, Reference A4050 Rev D, 31 March 2022

Applicant: South West Essex Community Education Trust / Thurrock Rugby Football Club	Validated: 8 March 2022 Date of expiry: 3 May 2022
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Recommendation: Approve, subject to conditions.

1.0 BRIEF SUMMARY

- 1.1 This application is submitted on behalf of both the South West Essex Community Education Trust (SWECET) and the Thurrock Rugby Football Club. The

application seeks temporary planning permission for the siting of temporary classrooms for a period of two years at the Orsett Heath Academy initial phase school site; associated hard and soft landscaping is also proposed along with sports facility improvements by way of the provision of an artificial cricket strip at the Rugby Club.

- 1.2 The future growth of school places in the Borough is forecast by the Thurrock Pupil Place Plan 2020-2024 ('the PPP') and the application site is located within the Central Secondary School Area ('Central SSA'). As of 2019 the Central SSA was 4,745 pupils and under projections for September 2024 Thurrock has an indicated admissions growth of 5,342, a growth of 597 pupils over 5 years within the Central Area. Furthermore, pupil admissions will exceed the Published Admission Number and the number of pupil places available in the Central SSA.
- 1.3 In order to address the projected requirement for school places, the provision of two new Free Schools have been agreed with the Education Funding Agency; one being the Thames Park School (currently under construction) and the other, Orsett Heath Academy; both are identified in the Education Support Strategy 2019-2022 document. Thames Park School was granted permission in May 2021, and the first phase of the Orsett Heath Academy was granted permission to operate from the Thurrock Rugby Club site in February 2019 and the school opened in September 2020. The Orsett Heath Academy is run by the South West Essex Community Education Trust (SWECET), the same Trust leadership team as William Edwards School.
- 1.4 In October 2021 Members of the Planning Committee resolved to grant planning permission for a new permanent location for the secondary school to be operated by SWECET on land to the south of the application site and north of Stanford Road. The legal agreement relating to the proposed new school development is nearing completion and it is anticipated that works on this permanent school site will commence in the very near future.
- 1.5 The existing Orsett Heath Academy has been operating from its current interim location at the application site since September 2020. The school is now in its second year of occupation and is at full capacity as intended.
- 1.6 There is a pressing need to provide teaching facilities for the new incoming 120 pupils starting the school in Year 7 in September 2022. The new permanent site for the school is not anticipated as being open until late 2023. The urgency for new pupil places within the Central SSA is evident and, while the permanent base for the Orsett Heath Academy has been developed as a direct response to this need, there is a need to accommodate these pupils in this area. The Department for Education recognises this urgent need and has agreed to fund the temporary classroom accommodation while the new school is being constructed. Subject to planning permission being granted, the temporary classrooms would be stationed

on site before the end of the summer term to ensure that are ready to use for the start of the academic year 2022/23.

2.0 DESCRIPTION OF PROPOSAL

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

Site Area	0.345 ha
Additional Floorspace	536 sq.m
Building Dimensions	Overall maximum height of proposal would be 5.6m, comprising: two storey, 7 classroom block at 51.8m in length, by 6m in depth.
Parking Spaces Provision	178 (including 9 disabled accessible spaces) car parking spaces which would not change as a result of the proposals.
Pupil / Staff numbers	360 (equating to 120 pupils for the three year groups that would be on site) / 33 staff (FTE)

2.2 The proposed structure will be two storey and located to the northern boundary of the application site, close by the adjacent main school building. The location of the temporary classroom building has been chosen given the constraints on the remainder of the site including the location of underground surface water drainage infrastructure, high voltage overhead cables and underground servicing and utilities. All of these constraints are significant and impact upon the location of the temporary building.

3.0 SITE DESCRIPTION

3.1 The application site comprises two parcels of land north and east of the interim school site and Rugby Club. To the north, the application site is an irregular rectangular shaped area of land which encompasses the interim school buildings as well as the narrower rectangular area of land running partway across the northern boundary of the overall site. The application site to the east comprises a narrow strip of land running north-south between the existing rugby pitches at the Rugby Club. The application site is located within the Metropolitan Green Belt (GB) and is located in Flood Risk Zone 1 (low risk). The site is designated as open space on the policies map accompanying the adopted Core Strategy.

4.0 RELEVANT HISTORY

Application Reference	Description	Decision
66/00616/FUL	Extension to recreation ground	Approved
76/01030/FUL	Rugby pitches, clubhouse and 'A' Detailed plans and 'B' Revised layout	Approved
81/00221/TBC	Use of land for public open space	Approved
17/00341/FUL	New artificial grass pitch with associated pitch perimeter and gated entrances. Installation of new hardstanding areas with team shelters, a new maintenance storage container and the installation of a new flood lighting system to replace existing floodlights	Approved
18/00164/FUL	Retention of two trailer / caravan buildings for a temporary three year period for use as player's accommodation.	Refused
18/01709/FUL	Construction of new school building, extensions and alterations to existing rugby clubhouse and external works including parking, landscaping and play surface [rev]	Approved (and implemented)
19/30128/PMAJ	Development of an 8 form-entry secondary school (1200 pupils) at the site	Advice Given
20/30147/PMAJ	Development of an 8 form-entry secondary school (1200 pupils) at the site	Advice Given
21/01163/SCR	Town and Country Planning (Environmental Impact Assessment) Regulations 2017 - Request for a screening opinion for the construction of an 8-form-of-entry (1200 pupils) secondary school, total 8678 sqm GIA together with sports facilities, access, parking, highway improvements, landscaping and ancillary works at the application site.	EIA Not Required
21/01309/FUL	Development of a new secondary school with associated sports facilities, access, parking, highway improvements, landscaping and ancillary works	Members Resolved to Approve on 24.10.21 – awaiting completion of legal agreement

5.0 CONSULTATIONS AND REPRESENTATIONS

5.1 PUBLICITY:

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 also been advertised as a departure from the Development Plan.

At the time of drafting the report the public consultation period had not expired, however, one written objection had been received raising the following concerns:

- amenity impact
- additional traffic
- access to site
- out of character
- applicant continued to invite pupils to apply even though the temporary school was not completed until 2020.
- concern the proposed additional temporary classrooms will be permanent

5.2 CONSULTATION RESPONSES:

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

5.3 ANGLIAN WATER:

Informative recommended.

5.4 EDUCATION:

Support application, as the proposals will temporarily provide the much needed additional places within the Borough.

5.5 HOME TO SCHOOL TRANSPORT:

No objections, subject to the walking and cycling routes to school for pupils are safe for children to continue to travel.

5.6 HIGHWAYS:

Further information required regarding highways impact and the operation of the car park. Nevertheless, planning conditions are suggested.

5.7 TRAVEL PLAN:

No objections subject to condition

5.8 LANDSCAPE AND ECOLOGY ADVISOR:

No objections subject to condition

5.9 NATIONAL HIGHWAYS:

No objections

5.10 ENVIRONMENTAL HEALTH OFFICER:

No objections subject to condition controlling construction hours.

5.11 SPORT ENGLAND:

No objection subject to conditions.

6.0 POLICY CONTEXT**6.1 National Planning Policy Framework (NPPF)**

The revised NPPF was published on 20th July 2021. The NPPF sets out the Government's planning policies. Paragraph 2 of the NPPF confirms the tests in s.38 (6) of the Planning and Compulsory Purchase Act 2004 and s.70 of the Town and Country Planning Act 1990 and that the Framework is a material consideration in planning decisions. The following chapter headings and content of the NPPF are particularly relevant to the consideration of the current proposals:

- 2. Achieving sustainable development;
- 8. Promoting healthy and safe communities;
- 9. Promoting sustainable transport;
- 12. Achieving well-designed places; and
- 13. Protecting Green Belt land.

6.2 Planning Policy Guidance

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

- Design: process and tools;
- Determining a planning application;
- Green Belt;
- Healthy and safe communities;
- Open space, sports and recreation facilities, public rights of way and local green space;
- Renewable and low carbon energy;
- Transport evidence bases in plan making and decision taking;
- Travel plans, transport assessments and statements in decision-taking; and
- Use of Planning Conditions

The policy statement 'Planning for schools development' (2011) is also relevant.

6.3 Local Planning Policy Thurrock Local Development Framework (2015)

The statutory development plan for Thurrock is the 'Core Strategy and Policies for Management of Development (as amended)' which was adopted in 2015. The following adopted Core Strategy policies would apply to any future planning application:

Spatial Policies:

CSSP3 (Sustainable Infrastructure)

CSSP4 (Sustainable Green Belt)

CSSP5 (Sustainable Greengrid)

Thematic Policies:

CSTP9 (Well-being: Leisure and Sports)

CSTP10 (Community Facilities)
CSTP12 (Education and Learning)
CSTP14 (Transport in the Thurrock Urban Area: Purfleet to Tilbury)
CSTP20 (Open Space)
CSTP22 (Thurrock Design)
CSTP25 (Addressing Climate Change)

Policies for the Management of Development:

PMD1 (Minimising Pollution and Impacts on Amenity)
PMD2 (Design and Layout)
PMD5 (Open Space, Outdoor Sports and Recreational Facilities)
PMD6 (Development in the Green Belt)
PMD7 (Biodiversity, Geological Conservation and Development)
PMD8 (Parking Standards)
PMD9 (Road Network Hierarchy)
PMD10 (Transport Assessments and Travel Plans)
PMD12 (Sustainable Buildings)
PMD13 (Decentralised, Renewable and Low Carbon Energy Generation)
PMD14 (Carbon Neutral Development)

6.4 Thurrock Local Plan

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

6.5 Thurrock Design Strategy

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

7.0 **ASSESSMENT**

Procedure:

7.1 With reference to procedure, this application has been advertised as being a departure from the Development Plan. Should the Planning Committee resolve to grant planning permission, the application will be subject to the terms of the Town and Country Planning (Consultation) (England) Direction 2021. This Direction requires referral to the Secretary of State for proposals involving development involving GB land consisting of:

- building(s) where the floorspace created is 1,000 sq.m or more; or
- any other development which would have a significant impact on openness by reason of scale or the nature of the location.

In this case the 1,000 sq.m floorspace threshold is not met and, as a matter of judgement, it is not considered that there would be a significant impact on GB openness. Therefore, although the application is a departure from GB planning policies, referral to the Secretary of State is not necessary.

7.2 The assessment below covers the following areas:

- I. Principle of the Development
- II. Design, Layout and Impact upon the Surrounding Area
- III. Traffic Impact, Access and Car Parking
- IV. Neighbour Amenity Impact
- V. Sports Facilities
- VI. Other Matters

I. PRINCIPLE OF THE DEVELOPMENT

7.3 Core Strategy 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 policy therefore identifies the general need for the provision of secondary school buildings as items of key infrastructure.

7.4 Core Strategy policy CSTP12 (Education and Learning) sets out a general approach which includes:

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

7.5 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"*.

7.6 Hence in general terms, Core Strategy policies support the provision of education facilities, including new classrooms. Paragraph 95 of the NPPF is also relevant and states that: *'It is important 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 through the preparation of plans and decisions on applications;*
- *work with schools promoters, delivery partners and statutory bodies to identify and resolve key planning issues before applications are submitted'.*

7.7 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; and
- 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.

- 7.8 The key issues to consider when assessing the principle of further development on this site is the impact upon the GB and the need for education provision within the Borough.
- 7.9 The site comprises the building and hardsurfaced play area of the interim school along with an area of hard landscaping to the immediate north of the main buildings which sits adjacent to a grassed strip of land fringing the rugby pitches which also forms part of the application site. The site is bounded by farm fields to the immediate north and the remainder of the Rugby Club buildings, pitches and site to the south and east. To the west lies Milford Road and residential properties on Springfield Road beyond. The separate part of the application sites is located between two of the rugby pitches and is broadly central to the Rugby Club site. The entire site is identified on the LDF Core Strategy Proposals Map as within the GB where policies CSSP4 (Sustainable Green Belt), PMD6 (Development in the Green Belt) apply, but also where policy CSTP20 (Open Space) is also relevant.
- 7.10 Policy CSSP4 (Sustainable Green Belt) identifies that the Council will, '*maintain the purpose function and open character of the Green Belt in Thurrock*', and Policy PMD6 (Development in the Green Belt) states that the Council will '*maintain, protect and enhance the open character of the Green Belt in Thurrock*'. The proposed temporary classrooms are not identified in any of the sections of policy CSSP4 (Sustainable Green Belt) and would not fall within any of the categories for appropriate development within policy PMD6 (Development in the Green Belt). These policies aim to prevent urban sprawl and maintain the essential characteristics of the openness and permanence of the GB.
- 7.11 In assessing the impact upon the GB with regard to the Core Strategy and NPPF policies, consideration needs to be given to the following key questions:

1. whether the proposals constitute inappropriate development in the GB;
2. the effect of the proposals on the open nature of the GB and the purposes of including land within it; and
3. whether the harm to the GB 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 GB

7.12 Paragraph 147 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 149 goes on to state that: *'A local planning authority should regard the construction of new buildings as inappropriate in the Green Belt. Exceptions to this are:*

- (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'.*

- 7.13 The applicant's Design and Access Statement submitted refers to Paragraph 99 of the NPPF which outlines the Government's approach to open space and states, *"existing open space, sports and recreational buildings and land, including playing fields, should not be built upon unless:*
- a) *As assessment has been undertaken which has clearly shown the open space, buildings or land to be surplus to requirements; or*
 - b) *The loss resulting from the propose development would be replaced by equivalent or better provision in terms of quantity and quality in a suitable location; or*
 - c) *The development is for alternative sports and recreational provision, the benefits of which clearly outweigh the loss of the current or former use."*

While the above extract is accepted, the wording of paragraph 149(b) stipulates that *'the provision of appropriate facilities (in connection with the existing use of land or change of use) for outdoor sport, outdoor recreation as long as the facilities preserve the openness of the Green Belt and do not conflict with the purposes of including land within it..'*

- 7.14 The proposed development involves siting for a temporary two year period a temporary classroom block, providing 7 classrooms, a small office and w/c facilities for pupils on the grassed strip of land between the rugby pitch and the northern boundary of the site. No sports pitches or playing field would be built upon or lost as a result of the temporary development. The proposal also entails the installation of a new artificial cricket strip at the site for the benefit of the rugby club. There are no in principle objections to the proposed artificial cricket strip as it would fall within exception 149 b) subject to it not impacting upon openness; the installation of the artificial cricket strip would be unlikely to harm openness given the scale, size and nature of the development involved for the cricket strip surfacing which is predominantly at ground level with very little structural form above ground level. Notwithstanding the NPPF's position regarding the provision of outdoor sports facilities and the cricket strip forming part of the current application, the classroom proposals would not preserve the openness or character of the GB by reason of the siting of the two storey block and associated hard landscaping close to the northern perimeter of the site on the fringes of the GB.
- 7.15 Part of the site is considered to fall within the NPPF definition of Previously Developed Land (PDL). However, the proposed development is more extensive in terms of scale and mass, and spreads further across the northern boundary of the site than the development that presently exists. Accordingly, the proposal would have a greater impact on the openness of the GB 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.

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

- 7.16 The analysis in the paragraphs above concludes that the proposal constitutes inappropriate development which is, by definition, harmful to the Green Belt (NPPF para. 147). However, it is also necessary to consider whether there is any other harm (NPPF para. 148).
- 7.17 Paragraph 137 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 Belt being described as its openness and its permanence. The proposals would comprise a substantial amount of new built development across the northern boundary of the site, which is currently open.
- 7.18 Advice published in NPPG (July 2019) addresses the role of the Green Belt in the planning system and, with reference to openness, cites the following matters to be taken into account when assessing impact:
- openness is capable of having both spatial and visual aspects;
 - the duration of the development, and its remediability; and
 - the degree of activity likely to be generated, such as traffic generation.
- 7.19 In terms of NPPG, it is considered that the proposed development would have a detrimental impact on both the spatial and visual aspects of openness, i.e. an impact as a result of the footprint of development and building volumes. With regard to the visual impact on the B assessment of openness, the quantum of development proposed would undoubtedly harm the visual character of the site. In light of the above, given that the site is located in an open and exposed position, bordered by the Thurrock Rugby Football Club and the interim Orsett Heath Academy accessible and visible from Long Lane and visible from Milford Road, the development of the site as proposed would clearly harm the visual component of openness. It is noted that the applicant has sought a temporary planning permission for 2 years and it is assumed that the classroom block would be removed at the end of that period once the permanent school is completed. The temporary period that the structure would be on the site would therefore result in a more limited impact upon openness. Finally, the development would generate traffic movements associated with an additional year group of 120 pupils operating at the school and it is considered this activity would also impact negatively on the openness of the GB. It is therefore considered that the amount and scale of the development proposed would significantly reduce the openness of the site. As a consequence, the loss of openness, which is contrary to the NPPF, should be

accorded substantial weight in the consideration of this application.

7.20 Paragraph 138 of the NPPF sets out the five purposes which the GB serves. In terms of whether the planning application would cause harm to the five purposes of the GB, these are considered below:

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

7.21 The NPPF does not provide a definition of the term 'large built-up areas' but the site is located on the fringes of the built up area around Grays, which represents the largest built-up area within the Borough. The proposal would extend further into the GB than the existing built up area. However, the site is somewhat separated from the built-up area by the local road network and nearby areas of open land. As a result of these circumstances it is considered it would have limited impact in terms of the unrestricted sprawl of this built up area into the GB, nevertheless some harm to this purpose would occur.

b) to prevent neighbouring towns from merging into one another;

7.22 The site is located on the immediate fringes of Grays and some distance from Chadwell St Mary; the site is somewhat disconnected from Chadwell St Mary principally by the existing road network. While the proposal would increase the built form in the area between these urban areas it is considered that the proposal would not result in towns merging into one another to any significant degree.

c) to assist in safeguarding the countryside from encroachment;

7.23 The site currently comprises the interim school grounds and the rugby club site and pitches. Current views across the site contribute towards the countryside setting and mark the beginning of relatively open countryside beyond the urban area of Grays linking to the open areas of land to the east and north of Stanford Road. The detailed plans show that a significant built form will be introduced on the most prominent northern part of the site. The introduction of a significant level of built form within this area would result in encroachment into the countryside. As a result the proposal would conflict with this purpose of including land within the GB.

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

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

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

- 7.25 The site is located on the fringes of the urban area and therefore the granting of permission outside of this area would not encourage urban regeneration. Therefore, the proposal would conflict with this purpose of including land within the GB, albeit the Applicant's site selection is considered below.
- 7.26 Based upon the above tests from paragraph 138 of the NPPF the proposal would be contrary to purposes c and e with some limited impact on purpose a. The proposal would result in harm to some of the purposes of including land in the GB, and harm to the openness of the GB in addition to the definitional harm by reason of its inappropriateness. Reference to "any other harm" (NPPF para. 148), that is non-GB harm, is referred to in the paragraphs below.

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.

- 7.27 Paragraph 147 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 148 of the NPPF then states *'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'*.
- 7.28 Neither the NPPF nor the Core Strategy provide guidance as to what can comprise 'Very Special Circumstances' (VSC), either singly or in combination. However, some interpretation of VSC has been provided by the Courts. The rarity or uniqueness of a factor may make it very special, but it has also been held that the aggregation of commonplace factors could combine to create very special circumstances (i.e. 'very special' is not necessarily to be interpreted as the converse of 'commonplace'). The demonstration of VSC is a 'high' test and the circumstances which are relied upon must be genuinely 'very special'. In considering whether VSC exist, factors put forward by an applicant which are generic or capable of being easily replicated on other sites, could be used on different sites leading to a decrease in the openness of the GB. The provisions of VSC which are specific and not easily replicable may help to reduce the risk of such a precedent being created. Mitigation measures designed to reduce the impact of a proposal are generally not capable of being VSC. Ultimately, whether any particular combination of factors amounts to VSC will be a matter of planning judgment for the decision-taker.
- 7.29 The Design and Access Statement submitted to accompany the application sets out the applicant's case for VSC under the following main headings:

- a) Temporary nature of the proposal limits any considered harm to a two-year period
- b) Specific need for these secondary school places in Thurrock
- c) The site already houses the established interim school
- d) Lack of Alternative Sites

7.30 The detail of the applicant's case under these headings and consideration of the matters raised is provided in the paragraphs below.

a) Temporary nature of the proposal limits any considered harm to a two-year period

7.31 The Design and Access Statement outlines the fact that the temporary nature of the proposal limits any considered harm to a two-year period along with the prefabricated style of units to be installed which minimises any initial ground works required.

Consideration

7.32 The application seeks temporary permission for a two year period for these temporary classrooms. This suggests the need of the applicant for these structures in this location would also be temporary particularly in light of the recent resolution regarding the permanent school development. The resulting impact upon the openness of the GB would be reduced somewhat by the temporary period of time in which the development would be located on the site. As a consequence it is considered that some positive weight can be afforded to this factor in the balance of GB considerations.

b) Specific need for these secondary school places in Thurrock

7.33 The Design and Access statement states that the specific need for these secondary school places in Thurrock is an unprecedented situation. The Local Authority has confirmed that following national offer day on 1st March 2022, there are insufficient places at other school sites within the Borough to accommodate these pupils elsewhere. This position will become even more challenging when late applications are considered. Without additional provision at Orsett Heath Academy, the Local Authority will not be able to meet its statutory obligation for school places.

Consideration

- 7.34 As was considered in both the original interim school planning application (ref. 18/01709/FUL) and the more recent permanent school application (ref. 21/01309/FUL) it is recognised that Orsett Heath Academy has an immediate and projected need for permanent long term and purpose built accommodation; paired with the projected published admissions numbers over the next 5 years within the Central SSA, it is understood and acknowledged that there is a need for pupil places within this area of Grays. 120 pupils were offered places at the Orsett Heath Academy on national offer day. There is sufficient compelling evidence to demonstrate there is a quantitative need for pupil places in the area. Furthermore, although not part of the NPPF, the policy statement 'Planning for schools development' (2011) sets out a "presumption in favour of the development of state-funded schools". Significant positive weight is afforded to this factor in the balance of GB considerations.

c) The site already houses the established interim school.

- 7.35 The applicant indicates that the site already houses the interim school buildings which is ideal for staffing, shared facilities, and the continued success of the school when the main site opens. The existing interim building works in harmony with the existing sports facilities. The applicant considers that any temporary increase in pupil numbers will further connect and enhance this, whilst also linking to the adjacent main school site (now having received Member's resolution to approve and due to open in September 2023). The applicant also states that there has been greater certainty with respect to this proposed opening of the main school by this date as the DfE has confirmed the permanent school site development will be built out by one of their highest performing contractors taking over the project.

Consideration

- 7.36 The interim school opened in September 2020 and the permanent school located very nearby is due to open in late 2023. Given the proposal relates to a temporary development for a temporary period on the interim school site, which is an established school, there is considered to be a logic and consistency in the approach by the school in seeking to providing the temporary classrooms development on this interim site. As a consequence significant positive weight is afforded to this argument.

d) Lack of Alternative Sites

- 7.37 The Applicant's Design and Access Statement advises that alternative sites have

been considered for this temporary accommodation both within the interim school site and elsewhere, and include:

- *The Orsett Heath Academy (OHA) front playground.*

This location was not considered viable due to site constraints including a large underground surface water attenuation tank, and high voltage overhead cables.

- *The main car park for the site.*

This would locate the classrooms outside of the established safeguarding boundary and would significantly reduce the available parking space numbers at the school.

- *Splitting the school and locating one year group at William Edwards School.*

The William Edwards School is also on GB land and therefore holds the same planning policy requirements. This would also represent enormous logistical challenges for the educational delivery, having shared staff and adding greater pressure on the current William Edwards site.

- 7.38 The Applicant contends that ultimately only one site was deemed a suitable option for the temporary classrooms development proposals school. This site, the Applicant put forward, is the best option to provide a well-integrated link with the current provision and sits within the established safeguarding parameters with additional positive impacts for sport provision and general amenity at Thurrock Rugby Football Club. The Applicant concludes that the application provides an exceptional solution to an unprecedented school place planning challenge.

Consideration

- 7.39 The assessment and methodology adopted by the applicant in considering other sites or locations for the temporary classroom block have been deemed sufficiently robust and adequately demonstrate the site is the most practicable in the circumstances. Although the proposals would result in some harm to purpose e. of the GB, the applicant's analysis shows that there are no available sites within the built-up area. In conjunction with the needs analysis discussed in part (b) above, this factor is also afforded significant positive weight.
- 7.40 Under the heading of Promoting Healthy and Safe Communities, paragraph 94(a) of the NPPF states: *'It is important 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 through the preparation of plans and decisions on applications'.*

- 7.41 Policy CSTP12 (Education and Learning) is the relevant policy and it has already been established that the principle of a new build schools is acceptable. The Council is committed to replace and improve mainstream secondary school provision and work with partners to identify appropriate locations within the Borough.
- 7.42 The Government's policy statement from 2011 'Planning for schools development: statement', while not forming part of the NPPF or NPPG, is also relevant to this proposal. This statement includes the following principles for the planning system:
- 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; and
 - a refusal of any application for state-funded school, or the imposition of conditions, will have to be clearly justified by the local planning authority.
- 7.43 As the site is located in the GB it is not considered that the positive approach encouraged by national policy (above) would necessarily supersede the protection afforded to the GB elsewhere within national planning policies. Therefore, it is still necessary to consider both the harm and benefits of the proposal and undertake a balancing exercise. Nevertheless, it is considered that local and national planning policies supporting the delivery of additional facilities for this new school can be afforded positive weight in the balance of GB considerations.

Other Harm

- 7.44 The application site is within the GB and, consistent with its use as part of the interim school and rugby club site and pitches, the site topography is relatively flat. The site is located in Flood Risk Zone 1.
- 7.45 In terms of layout, the built form would be concentrated towards the northern boundary of the rugby club with the proposed artificial cricket strip installed running north-south between two of the pitches central to the site. The temporary classroom building would be sited on the fringe of the rugby club boundary and northern side

of the pitches. While the building would be located adjacent to the interim school building it would be clearly visible in the landscape from the north of the site.

7.46 The applicant acknowledges the nature of the proposal would result in change within the wider landscape but considers that the siting of the building to the northern boundary of the application site is the only feasible location within the wider interim school and rugby club site that the classrooms could be located. The Applicant considers the positioning of the building would be viewed in conjunction with the main school building and minimises the intrusion into the GB as far as possible and ensuring the main built form would not protrude beyond that of the existing envelope of built development at the site.

7.47 It is considered that the proposal would result in harm to this open landscaped setting by way of a loss of openness. This harm needs to be considered in the context of “any other harm” in addition to GB harm (paragraph 144). Notwithstanding this, the above GB assessment has identified that the applicant has advanced factors which could combine to clearly outweigh the identified harm to the GB such that VSC could exist and, for these reasons, it is considered that these outweigh the harm to the openness of the landscape.

GB Conclusions

7.48 It is clear that the proposals comprise inappropriate development. Consequently, the development would be harmful in principle and reduce the openness of the GB. Furthermore it is considered that the proposals would harm the openness of the GB in terms of both the spatial and visual aspects of openness and would cause some harm to the role which the site plays in fulfilling the purposes for including land within the GB. In accordance with policy, substantial weight should be attached to this harm. With reference to the applicant’s case for VSC, an assessment of the factors promoted is provided in the analysis above, and a summary of the weight which should be placed on various GB considerations is provided in the table below:

Summary of Green Belt Harm and Very Special Circumstances			
Harm	Weight	Factors Promoted as Very Special Circumstances	Weight
Inappropriate Development	Substantial	Temporary nature of the proposal limits any considered harm to a two-year period	Some Weight

Reduction in the openness of the Green Belt	Specific need for these secondary school places in Thurrock	Significant Weight
	Site already houses the established interim school	Significant Weight
	Lack of alternative sites	Significant Weight

7.49 Within the table above, the factors promoted by the applicant can be assessed as attracting varying degrees of ‘positive’ weight in the balanced of considerations. As ever, in reaching a conclusion on the GB issues, a judgement as to balance between the harm and whether the harm is clearly outweighed must be reached. In this case there is harm to the GB with reference to inappropriate development, loss of openness and conflict with a number of GB purposes. Consideration should also be given to the other harm arising from the proposal when undertaking the GB balancing exercise. A number of factors have been promoted by the applicant as comprising the VSC 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 VSC.

7.50 Taking into account all GB considerations, Officers are of the opinion that in this case the identified harm to the GB is clearly outweighed by the accumulation of factors described above, so as to amount to VSC justifying inappropriate development.

II. DESIGN, LAYOUT AND IMPACT UPON THE SURROUNDING AREA

7.51 With respect to the layout of the site, Policy CSTP20 (Open Space) states that the Council will seek to ensure that a diverse range of accessible public open spaces, including natural and equipped play and recreational spaces is provided and maintained to meet the needs of the local community. The same policy goes on to state that wherever possible, open spaces should be identified, planned, designed and managed as areas that can perform multiple functions. As the proposals do not seek to alter the provision of the rugby pitches, and include the addition of the installation of an artificial cricket strip, it is not considered that the proposals conflict specifically with the objectives and aims of CSTP20.

7.52 Chapter 12 of the NPPF is titled “*Achieving well-design places*” and the following paragraph nos. are relevant:

Para. 126

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

Para. 130

“Planning policies and decisions should ensure that developments:

b) are visually attractive as a result of good architecture, layout and appropriate and effective landscaping”

7.53 PMD2 of the Core Strategy states; *‘The Council requires all design proposals to respond to the sensitivity of the site and its surroundings, to optimize the potential of the site to accommodate development, to fully investigate the magnitude of change that would result from the proposals, and mitigate against negative impacts’.*

7.54 As detailed earlier in the report, the siting of the temporary classrooms block on the application site has been determined by the significant constraints of the site, along with the practical use and operation of the interim school. The proposed two storey block of temporary classrooms would be sited along the narrow grassed northern boundary of the Rugby Club site between the boundary and the main pitches. The proposal would be visible from the north, however, the structure would be screened from most public viewpoints. It is therefore considered that the proposed temporary classroom would not result in any significant adverse landscape or visual effects. There is one tree to the east of the proposed classroom block. This tree would be retained and would be unaffected by the development. The Landscape and Ecology Advisor has raised no objections subject to the protection of the tree along with appropriate suitable landscaping condition.

7.55 The temporary classroom block would measure 6.05m in depth by 51.8m in length and have an overall height of 5.6m to its flat roof and would be constructed and converted as fit for purpose from containers. The external appearance of the temporary classroom block is described in the Design and Access statement as *“Painted walls with areas of timber cladding”*. All doors and windows would be UPVC. The classroom block would be situated on the grassed area along the northern edge of the site and the existing fencing to the Rugby Club and interim school would be retained.

7.56 The siting of the classroom block would not impact upon the use or function of the existing rugby pitches. The proposed artificial cricket strip would measure 30m by

2.74m in size and would be situated on a grassed area between rugby pitches 2 and 3 and would not be constructed on any delineated pitches. The artificial strip would be constructed at ground level and as cricket is played in the off-season for rugby so there would be no conflict of use between the cricket strip and rugby pitches. Discussion and consultation with Sport England has been carried out and on this basis that there is no objection from Sport England in this regard.

- 7.57 It is recognised that the temporary classroom block is of a utilitarian design and form and the Design and Access Statement is vague in describing the external appearance. The proposal would fall short of the NPPF policy test of “beautiful” buildings. The structure is not considered to be of the high standard of design required for permanent retention however it is recognised that the classrooms are necessary in the short term to meet the needs of the interim school while the permanent school is constructed. Furthermore, it is noted the applicant has endeavoured to reflect the appearance and materials used on the remainder of the interim school building. On this basis, no objection is raised in terms of the design or form of the building.
- 7.58 It is considered that the temporary siting, design, landscape and amenity impacts of the proposal would be acceptable and accord with Core Strategy Policies CSTP22, PMD1 and PMD2.

III. TRAFFIC IMPACT, ACCESS & CAR PARKING

- 7.59 The planning application is accompanied by a Transport Assessment (TA) (Rev B 30th March 2022) that Highways Officers have been consulted upon.
- 7.60 The interim Orsett Heath Academy is currently accessed by vehicles via Long Lane and the proposal seeks no changes to the access arrangements or the existing parking facilities. The site currently provides 178 parking spaces for staff and visitors. The Highways Officer considers that this number is sufficient to accommodate the existing uses and the additional requirement and the two uses of the car park do not conflict. The applicant in the TA has indicated from its surveys undertaken that the car park is currently well under-utilised and as indicated previously will comfortably accommodate the additional staff need and additional pick up and drop off need.
- 7.61 The development would allow the school to accept a further year group of 120 additional pupils for a temporary period of 2 years, in addition to the existing two year groups at the school. The number of staff working at the school was 16 in the first year it opened in 2020, 29 in the second year, and is expected to rise to 33 for September 2022. This proposal is in addition to the school building, extensions and alterations to existing rugby clubhouse and external works including parking,

landscaping and play surface that were formally applied for under application ref. 18/01709/FUL and considered acceptable, duly approved and constructed.

- 7.62 Previously, the principle of the change of use to a temporary facility to a secondary school use was deemed acceptable in highway terms and it was considered that the traffic impact of the previous development would likely to be within the limits of PMD9 Road Network Hierarchy. In addition, the layout of the parking was acceptable in principle as it enabled effective pick-up and drop-off facilities and provision for adequate parking for the proposed site and existing uses.
- 7.63 In respect of this further temporary addition to the school, the TA submitted sets out that this further addition would not significantly impact on the highway network and that there is adequate parking and drop off and pick up facilities to accommodate the temporary classrooms. The Highways Officer broadly agrees with the findings of the TA and further advises that, as with any school, there are always acute highways issues and there will be challenges for the applicant and Council to overcome. The main concerns for this development would be its impact on the local highway network and the operation of car park to ensure that there is sufficient parking within the site and that pick up and drop off facilities do not impact on the highway. The Highways Officer has advised that the applicant will need to ensure that the site is effectively managed for visitor and staff parking and additional measures are introduced to continue to ensure safe pedestrian and cycle access.
- 7.64 To this end, the Highways Officer has recommended that effective management of the parking provision would be required for the proposals and that this should be included in an updated Mode Shift Stars Travel Plan and/or by a parking management strategy. The requirement of an updated Travel Plan is also endorsed by the Travel Plan Co-ordinator and the applicant has agreed to the updated Travel Plan.
- 7.65 The applicant's submitted Construction Environment Management Plan details how the construction phase of the development of the site will be made secure and what appropriate traffic management will be put in place. In relation to the specific highway elements, given the imminent construction of the new signalised junction works, close collaboration with the Highways Authority will take place. The Highways Officer raises no highway objections to the proposed Construction Environment Management Plan and a condition has been included ensuring its provision.
- 7.66 Subject to appropriate conditions, the Council is satisfied that the proposal for the temporary classrooms would comply with all Core Strategy policies in relation to highway matters.

IV. NEIGHBOUR AMENITY IMPACT

- 7.67 The closest neighbours to the application site are those living on Springfield Road to the immediate west of the application site. The rear gardens of these closest neighbours back on to the school playground and main school and rugby club buildings, although they are further separated from the school by Milford Road and the access from Long Lane. There would be a separation distance of approximately 85m from the ends of the closest rear gardens on Springfield Road to the proposed temporary classrooms. In addition, the proposed temporary classroom structure and proposed artificial cricket strip would be set behind the main school building. In light of the separation distance it is considered that the proposals would not result in loss of light, privacy or outlook for these residential receptors.
- 7.68 With respect to impacts upon neighbour amenity the proposals are considered to comply with Policy PMD1.

V. SPORTS FACILITIES

- 7.69 The proposals include the installation of an artificial cricket strip at the Rugby Club on land between pitches 2 and 3 at the Club. The applicant advises that there was an historic grass cricket strip at this location which has been lost over time. The application seeks to provide a new artificial cricket strip for the use by the Club in the rugby off-season.
- 7.70 Sport England has been engaged in detailed discussions with the applicant and the Council during the consideration of the application and has made provided comments. Sport England raises no objection subject to a number of conditions to ensure the adequate provision and delivery of the artificial cricket strip and the siting of the temporary classroom structure has no adverse impact upon the use and operation of the rugby pitches.
- 7.71 Subject to these appropriate conditions, the Council considers the proposals comply with Policies CSTP9, CSTP10 and PMD2 and would be acceptable.

VI. OTHER MATTERS

- 7.72 The Council's Environmental Health Officer has reviewed the applicant's submitted Construction Environment Management Plan and considers this adequately addresses those matters of concern to Environmental Health namely control of dust, control of noise and road sweeping. However, the Officer recommends that the hours of work on Saturday are conditioned to be 08:00 to 13:00 and not as

08:00 to 14:00 as proposed in the submitted document. Subject to this conditions, the Environmental Health Officer has raised no objections.

8.0 CONCLUSIONS AND REASONS FOR APPROVAL

8.1 The application seeks temporary planning permission for a two storey classroom structure providing 7 classrooms for a maximum of 2 years to allow the school to accommodate additional year group pupils offered places at the school while the permanent school is constructed. The site is located in the MGB and the proposal constitutes inappropriate development however, as a matter of judgement, considerations have been demonstrated which clearly outweigh the in principle harm and other harm which might occur such that VSC exist. The proposal would result in no amenity, landscape or highway impacts which would prevent planning permission being granted for temporary permission.

9.0 RECOMMENDATION

9.1 Grant planning permission subject to the following conditions:

TEMPORARY PERMISSION

1. The planning permission hereby granted shall be for a temporary period only, expiring on 30 April 2024, on or before which date the temporary classroom structure hereby approved shall be removed from the site and the land reinstated in accordance with a written scheme to be submitted to and agreed by the local planning authority before the expiration of planning permission.

Reason: To define the scope of the planning permission hereby granted which is on the basis of the urgent need for special educational needs provision, in the interests of the visual amenities of the locality and the site’s location in the Green Belt, 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).

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
2631/6 MAR22	Proposed Cricket Strip Layout	9th March 2022

2632/1	Existing Site Plan	8th March 2022
2632/2 REV A	Proposed Block Plan	8th March 2022
2632/3A	Proposed Site Layout	30th March 2022
2632/4	Proposed Floor Plans	8th March 2022
2632/5	Proposed Elevations	8th March 2022
2632/LOC A	Location Plan	8th March 2022
3632/7	Existing Block Plan and Pitch Layout	30 th March 2022
3632/8	Proposed Block Plan and Pitch Layout	30 th March 2022

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).

MATERIALS AND EXTERNAL FINISHES

3. Prior to the construction of the development above ground level written details of the external appearance of the classroom block, including materials and colour(s), shall be submitted to and agreed in writing by the local planning authority. The classroom block shall be constructed in accordance with the agreed details.

Reason: In the interests of visual amenity and to ensure that the proposed development is integrated with its surroundings in accordance with policy PMD1 and PMD2 of the adopted Thurrock LDF Core Strategy and Policies for the Management of Development [2015].

ARTIFICIAL CRICKET WICKET PHASING AND DELIVERY

4. The replacement artificial cricket wicket shall be provided in accordance with Drawing Nos 2632/8 (Proposed Block Plan Proposed Pitch Layout) and 2632/6 (Proposed Cricket Strip Details) and made available for use prior to first occupation of the temporary classrooms hereby permitted and thereafter maintained and retained.

Reason: To ensure the satisfactory quantity, quality and accessibility of compensatory provision which secures a continuity of use and to accord with policies CSTP9 and PMD5 of the adopted Thurrock LDF Core Strategy and Policies for the Management of Development [2015].

TRAVEL PLAN

5. Prior to the to the first use of the temporary school structure hereby permitted, a Travel Plan shall be submitted to and agreed in writing with the local planning authority. The Travel Plan shall include the Mode Shift STARS Travel Plan process and detail specific measures to reduce the number of journeys made by car to the school buildings hereby permitted and shall include specific details of the operation and management of the proposed measures. The commitments explicitly stated in the Travel Plan shall be binding on the applicants or their successors in title. The measures shall be implemented upon the first operational use of the building hereby permitted and shall be permanently kept in place unless otherwise agreed in writing with the local planning authority. Upon written request, the applicant or their successors in title shall provide the local planning authority with written details of how the agreed measures contained in the Travel Plan are being undertaken at any given time.

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

CAR PARK MANAGEMENT

6. Prior to the first use or operation of the temporary classroom structure, a written scheme for the management of the car parking areas on the site shall be submitted to and approved in writing by the local planning authority. The scheme shall, in particular, include measures for the restriction of unauthorised car parking, details of management of community use activities and details of monitoring and reporting measures to the local planning authority, including the feasibility of remedial measures to be agreed with the local planning authority in the event of overspill car parking onto the surrounding highways network. The approved scheme shall be operated on the first use or operation of the vehicle parking areas and maintained during the operation of the school thereafter.

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).

EXTERNAL LIGHTING

7. Any additional lighting proposed for the development hereby approved shall require the prior written approval of the local planning authority.

Reason: In the interests of highway safety, residential amenity and visual impact and to ensure that the development can be integrated within its immediate surroundings 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).

HOURS OF DEMOLITION / CONSTRUCTION

8. 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.

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).

CONSTRUCTION ENVIRONMENT MANAGEMENT PLAN (CEMP)

9. With exception to the hours stated for demolition or construction works in connection with the development on Saturdays, which are appropriately controlled under Condition 9, the development shall be carried out in accordance with the details considered and agreed within submitted Construction and Waste Management Plan, Encon Associates Limited, Reference A4050 Rev D, March 2022. All works and development shall be carried out in accordance with the approved CEMP and the measures contained therein and any variation will require the written approval of the local planning authority.

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

Informatives:-

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

The Local Planning Authority has acted positively and proactively in determining this application by 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.

2 Anglian Water

The applicant's attention is drawn to advice and guidance in the response from Anglian Water dated 21st March 2022 in relation to its assets within or close to the development boundary.

3 Rugby Football Union

The applicant's attention is drawn to the Rugby Football Union's advice that 'ongoing and regular risk assessments according to the nature of the activities undertaken should be undertaken by the Thurrock Rugby Football Club of the area around the artificial cricket wicket as the siting of the artificial cricket wicket would fall within the run-off areas of the two adjoining rugby pitches'.

Important Information

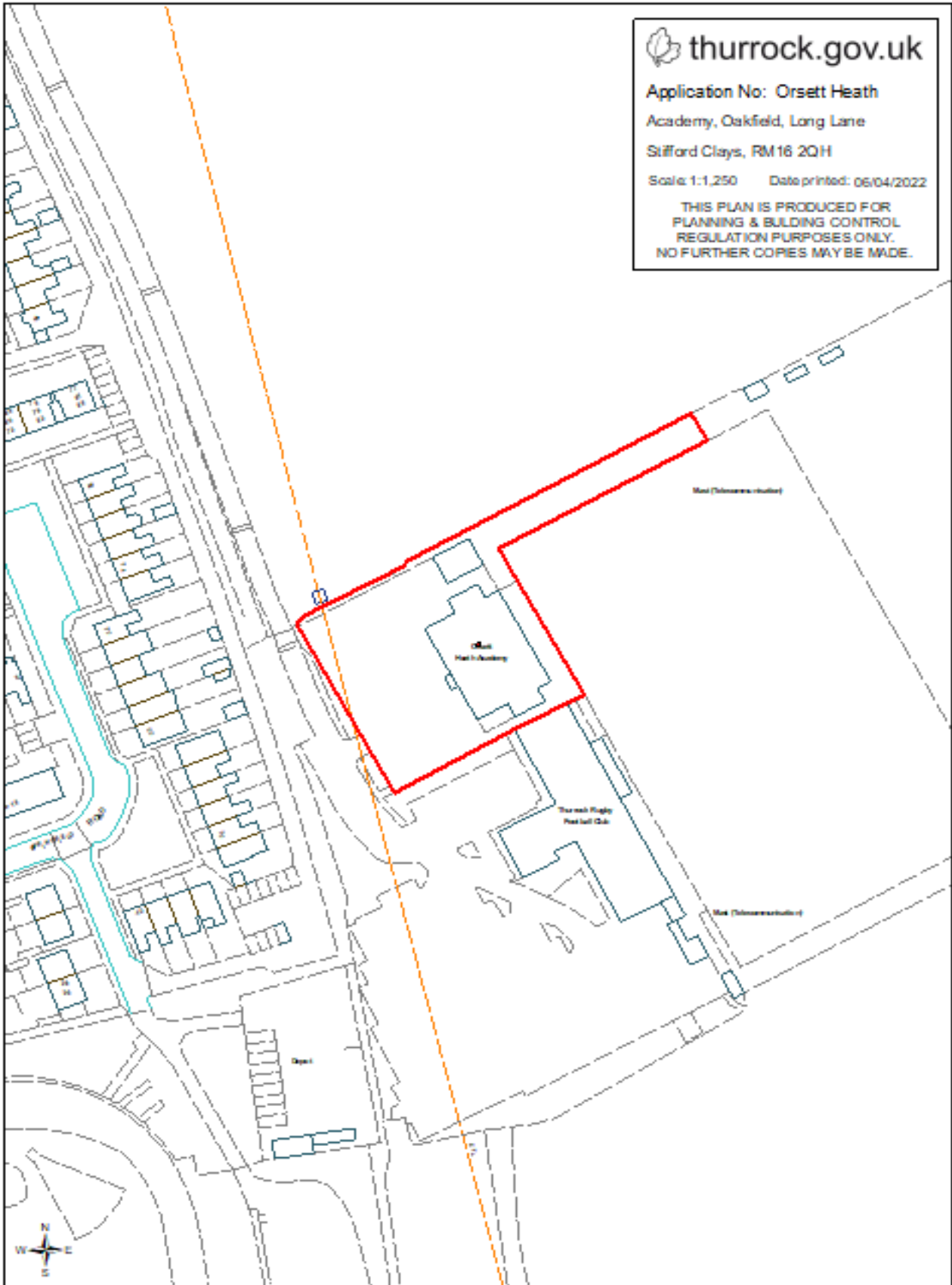
1. This notice relates only to the requirements for planning permission under the Town and Country Planning Act 1990 (as amended). You may require consent from other statutory regulators before commencing with this development. **In particular you may require permission under the Building regulations. You must therefore contact the Building Control Division at this Council as soon as possible**
2. The applicant is reminded that under the Wildlife and Countryside Act 1981 (section 1) it is an offence to take, damage or destroy the nest of any wild bird while the nest is in use or being built. Planning consent for a development does not provide a defence against prosecution under this act. Trees and scrub are likely to contain nesting birds between 1 March and 31 July. Any trees and scrub present on the application site should be assumed to contain nesting birds between the above dates unless survey has shown it is absolutely certain that nesting birds are not present. The RSPB publish a booklet "Wild Bird and the Law". English Nature also produce Guidance Notes relating to Local Planning and Wildlife Law – both of which are useful.

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



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Agenda Item 9

Planning Committee 21 April 2022

Application Reference: 20/01427/CV

Reference: 21/01427/CV	Site: Cedarwood Court And Elmwood Court Southend Road Stanford Le Hope Essex
Ward: Stanford Le Hope West	Proposal: Application for the variation of condition no. 12 (Landscaping) of planning permission ref. 16/01332/FUL (Erection of two no residential building forming 17 no 2 bed apartments. (Revised application of 11/00020/FUL, as varied by 15/00012/CV))

Plan Number(s):		
Reference	Name	Received
1951_01 Revision A	Proposed Site Plan	18 January 2022
1951_02	Location Plan	25 August 2021

The application is also accompanied by:

- Application Form

Applicant: Churchgate Stanford Limited	Validated: 20 September 2021 Date of expiry: 25 April 2022 (Extension of Time Agreed)
Recommendation: Approve subject to S106 agreement.	

This application is scheduled for determination by the Council's Planning Committee because it has been Called-In by Councillors Anderson, Collins, Duffin, Hebb and Huelin (in accordance with Part 3 (b) 2.1 (c) of the Council's constitution) because of local interest.

1.0 DESCRIPTION OF PROPOSAL

- 1.1 Planning permission was granted at the site for the erection of two buildings containing 17 flats under the terms of application 11/00020/FUL. That planning permission was subsequently varied by planning permissions 15/00012/CV and 16/01332/FUL.

- 1.2 The planning permission granted under the terms of application 16/01332/FUL was implemented. Condition 12 of that permission, and the reason for that condition was as follows:

All specifications of hard and soft landscaping including the lighting and paving shall be strictly in accordance with details approved under reference 13/00648/CONDC.

Reason: In the interests of the character and appearance of the area in accordance with policies PMD1, PMD2 of the Core Strategy and guidance within the NPPF.

- 1.3 As far as is relevant to this application, the details approved under the terms of application 13/00648/CONDC included the following:

- The planting of 4 trees adjacent to the north west boundary of the site.
- Shrub planting within beds immediately adjacent to the north west elevation of the rearmost building at the site.
- Planting within beds around and within the parking areas that are central within the site, consisting of several shrubs and 5 trees.
- Shrub planting to the front of the building with one tree and the south east corner of the site.

- 1.4 It has been identified that the approved landscaping has not been implemented in accordance with the approved plan. Instead, there are the following soft landscaping features at the site:

- One planting bed at the front and rear of the front building at the site (Cedarwood House) and one to the rear with low level planting and no trees.
- Low level planting beds within the parking area, forward of Elmwood Court.
- A grassed area to the rear of Elmwood Court with no planting.

- 1.5 The applicant therefore submitted the application to try to regularise the provision of the planting that is set out above instead of that which was approved. This was identified by officers to be unacceptable, and the applicant has therefore amended the landscaping proposal to the following:

- One planting bed at the front and rear of the front building at the site (Cedarwood House) and one to the rear with low level planting and two trees.

- Low level planting beds, including two trees, adjacent the parking area, forward of Elmwood Court.
- A grassed area to the rear of Elmwood Court with four trees.

2.0 SITE DESCRIPTION

2.1 The site is located within Stanford Le Hope and contains two buildings as set out above. The buildings contain a total of 17 flats and are 3 and 4 storeys tall. The site is accessed from Southend Road with hardstanding to the front and side of Cedarwood House which leads to a parking area between the respective buildings. The soft landscaping present at the site is described above.

2.2 The site is surrounded by residential properties consisting of two storey dwellings and three and four storey buildings containing flats.

3.0 RELEVANT PLANNING HISTORY

3.1 The following table provides the planning history:

Reference	Description	Decision
11/00020/FUL	Demolition of existing structures and erection of two no. residential buildings, consisting of 7 x one-bedroom flats and 10 x two-bedroom flats and the provision of access and the laying of car parking and amenity.	Approved
13/00648/CONDC	Discharge of Conditions of application 11/00020/FUL. Condition 2 (materials) Condition 3 (final ground level of the site and finish floor level of the buildings) Condition 4 (landscaping) Condition 7 (wheel cleansing) Condition 8 (temporary hard standing)	Conditions Discharged.
15/00012/CV	Variation of condition for (11/00020/FUL) Condition 2 - window material to be white upvc - from grey aluminium Condition 3 - Finish floor level of block B	Approved
16/01332/FUL	Erection of two no residential building forming 17 no 2 bed apartments. (Revised application of 11/00020/FUL, as varied by 15/00012/CV)	Approved
19/00066/CONDC	Application for the approval of details reserved by condition nos. 11 (Bin	Approved

	Storage) of planning permission ref. 16/01332/FUL (Erection of two no residential building forming 17 no 2 bed apartments. (Revised application of 11/00020/FUL, as varied by 15/00012/CV))	
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- 3.2 Enforcement case 17/00288/BUNWKS was raised on the grounds of an allegation that the building was being built closer to neighbouring properties than approved. That case was closed. Enforcement case 18/00318/BUNWKS related to the lack of progress in relation to the provision of fencing and a boundary dispute.

4.0 CONSULTATION AND REPRESENTATIONS

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

4.2 PUBLICITY:

This application has been advertised by way of individual neighbour notification letters and the positing of a site notice. No representations have been received.

At the time of writing, the amended plan was subject of a further phase of public consultation which continues until 11 April 2022. Any further comments received prior to the Planning Committee Meeting will be reported verbally.

4.3 HIGHWAYS:

No objection.

4.4 LANDSCAPE AND ECOLOGY ADVISOR

The initial proposals with no tree planting was found unacceptable and not supported. However, it has subsequently been confirmed that, provided the eight trees now proposed are provided, it is not a concern if the other two previously approved trees are not provided, particularly given the level of works that would be required to provide them.

5.0 POLICY CONTEXT

5.1 National Planning policy Framework

The revised NPPF was published on 20th July 2021. The NPPF sets out the Government's planning policies. Paragraph 11 of the Framework expresses a presumption in favour of sustainable development. 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 communities;
12. Achieving well-designed places;

5.2 National Planning Practice Guidance

In March 2014 the Department for Communities and Local Government (DCLG) launched its planning practice guidance web-based resource. This was accompanied by a Written Ministerial Statement which includes a list of the previous planning policy guidance documents cancelled when the NPPF was launched. PPG contains 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
- Making an application
- Natural environment
- Use of planning conditions

5.3 Local Planning Policy Thurrock Local Development Framework (2015)

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

Overarching Sustainable Development Policy:

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

Thematic Policies:

- CSTP22: Thurrock Design

- CSTP23: Thurrock Character and Distinctiveness

Policies for the Management of Development

- PMD1: Minimising Pollution and Impacts on Amenity
- PMD2: Design and Layout

5.4 Thurrock Local Plan

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

5.5 Thurrock Design Strategy

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

6.0 ASSESSMENT

6.1 The material considerations for this application are as follows:

- I. Principle of the development.
- II. Design and Layout and Impact upon the Area
- III. Effect on Neighbouring Properties
- IV. Other Matters

I. PRINCIPLE OF THE DEVELOPMENT

6.2 The principle of the overall development at the site has been found acceptable previously and the development has occurred. This application relates solely to the variation of the condition which requires soft and hard landscaping to be in accordance with details that were previously approved.

6.3 Section 73A of the Town and Country Planning Act 1990 allows for applications to be made to regularise development that has occurred without

complying with a condition. If the variation of the condition is found acceptable, this would represent a new planning permission.

II. DESIGN AND LAYOUT AND IMPACT UPON THE AREA

- 6.4 The condition described earlier in the report was imposed on the basis that the hard and soft landscaping should be as approved in the interests of the character and appearance of the area.
- 6.5 As set out earlier in the report, the surrounding area is mostly residential in character with properties of varying scale and design fronting onto the busy route of Southend Road. The buildings of the area are set back from the road by varying amounts and their frontages are largely dominated by hardstanding albeit there are some areas of soft landscaping, most notably around Partridge Court at the opposite side of Southend Road and within a planting bed on public land opposite the application site. This character is largely repeated within Victoria Road to the rear of the site, and it is noted that the adjacent tandem flat block of Victoria Court is separated from the building in front of it by an expansive area of hardstanding. That building also features no trees around it.
- 6.6 In this context, whilst the reduction of soft landscaping at the frontage of the site results in the hardstanding being more prominent to the front of the site, it is not considered that the reduction of the area of soft landscaping and the provision of low-level planting only would be unduly out-of-keeping with the character and appearance of the site and the surrounding area. The provision of 8 trees: 2 less than previously approved, is a little unfortunate, but it is not considered that the presence of fewer trees at the site would cause the development to appear out of character within the locality.
- 6.7 For these reasons set out above, it is considered that the proposal would have an acceptable effect on the character and appearance of the area. The proposal would, therefore, accord with Policies CSTP22, CSTP23 and PMD2 of the Thurrock Local Development Framework Core Strategy and Policies for Management of Development 2015, the abovementioned Design Strategy SPD and the NPPF.

III. EFFECT ON NEIGHBOURING PROPERTIES

- 6.8 Although the condition that is the subject of this application was not imposed in the interests of protecting the living conditions of nearby residents, it is noted that the trees at the rear of the site would have provided some buffer between properties that could have reduced inter-visibility to some degree.

As set out above, the properties to the rear of the site include the flat block of Victoria Court and the semi-detached dwellings at 1 and 2 Gentry Close.

- 6.9 The trees that were approved were relatively low in height and, as such, any mitigation offered by those trees would have been minimal. The gap between buildings would remain as previously approved and, as such, it is not considered that the reduction in the number of trees on this boundary would be reason to find the effect on living conditions arising from the development unacceptable.
- 6.10 Furthermore, as the imposed condition did not specifically require the trees to be planted or retained, it is not considered that they could have been relied upon to offer any long-term mitigation to the residents of nearby buildings.
- 6.11 For these reasons, it is not considered that the variation of the condition and the approval of an alternative landscaping scheme would be harmful to the living conditions of nearby residents to an extent that could be found unacceptable. The development therefore would remain in accordance with Policy PMD1 of the Thurrock Local Development Framework Core Strategy and Policies for Management of Development 2015 and the NPPF in that respect.

IV. OTHER MATTERS

- 6.12 The variation of the hard and soft landscaping at the site would not alter the access to the site and would not materially alter the parking layout. As such, the variation of the condition would not detract from highway safety.
- 6.13 As set out above, if approved, it would be necessary to impose a new schedule of conditions on any decision. A condition is now required to ensure that the soft landscaping shown on the submitted plans is provided. However, given that the development has been undertaken, it is considered that most other previous conditions are now unnecessary, with the exceptions being 8, 10 and 11 which relate to the glazing of windows, the erection of further fencing and the retention of the bin store.
- 6.14 As the previous permission was granted subject to a Section 106 agreement securing healthcare and education contributions, although the money has been collected and spent, a deed of variation to the previous Section 106 agreement is needed to reflect that a new permission would be granted if this application is approved.

7.0 CONCLUSIONS AND REASONS FOR APPROVAL

- 7.1 For the reasons set out above, it is not considered that undertaking the development in accordance with an alternative landscaping scheme to that which was previously found acceptable would cause the overall development to detract from the character and appearance of the area or the living conditions of the occupiers of neighbouring properties.

8.0 RECOMMENDATION

- 8.1 APPROVE planning permission, subject to:

1) The completion and signing of an obligation under s.106 of the Town and Country Planning Act 1990, or a deed of variation to a pre-existing obligation, to secure the following heads of terms:

Health Contribution - £7000 towards health care facilities

Education Contribution - £25,000 for the expansion of St Cleres School

- 8.2 And the following planning conditions:

Soft Landscaping

- 1 All soft landscape works shown on plan 1951_01 shall have been completed prior to the end of the first available planting season (October to March inclusive) following this planning permission being granted. If within a period of five years from the date of the planting of any tree or plant, or any tree or plant planted in its replacement, is removed, uprooted, destroyed, dies, or becomes, in the opinion of the local planning authority, seriously damaged or defective, another tree or plant of the same species and size as that originally planted shall be planted in the same place, unless the local planning authority gives its written consent to any variation.

Reason: In the interests of visual amenity and to ensure that suitable soft landscaping is provided at the site in accordance with Policies CSTP22 and PMD2 of the Thurrock Local Development Framework Core Strategy and Policies for Management of Development 2015.

Obscured Glazing

- 2 The windows located in the north and south facing flank elevation of "Block A" hereby permitted shall be permanently fixed shut glazed with obscure glass. Furthermore, the windows located in the north and south facing flank elevation of "Block B" hereby permitted shall be permanently fixed shut below

a height of 1.7 metres above finished floor level and glazed with obscure glass. These windows shall be maintained and retained in that form without modification.

Reason: To safeguard the privacy of the adjoining resident(s).

Further Fencing Provision

- 3 Notwithstanding the provisions of the Town and Country Planning General Permitted Development Order 2015 and Section 55 of the Town and Country Planning Act 1990 (or any order amending or revoking such an order), there shall be no erection of fencing walls or other means of enclosure, other than those which have been previously approved. Furthermore, there shall be no formation of hardstanding or surfacing works without the additional planning permission first being obtained.

Reason: In the interests of the character and amenity of the development in accordance with policies CSTP22 and PMD2 of the Core Strategy.

Refuse Storage and Collection

- 4 The details approved in relation refuse storage and collection and under the terms of application 19/00066/CONDC shall be retained at all times without modification.

Reason: In the interests of highway safety in accordance with Policy PMD2 of the Core Strategy and guidance within the NPPF.

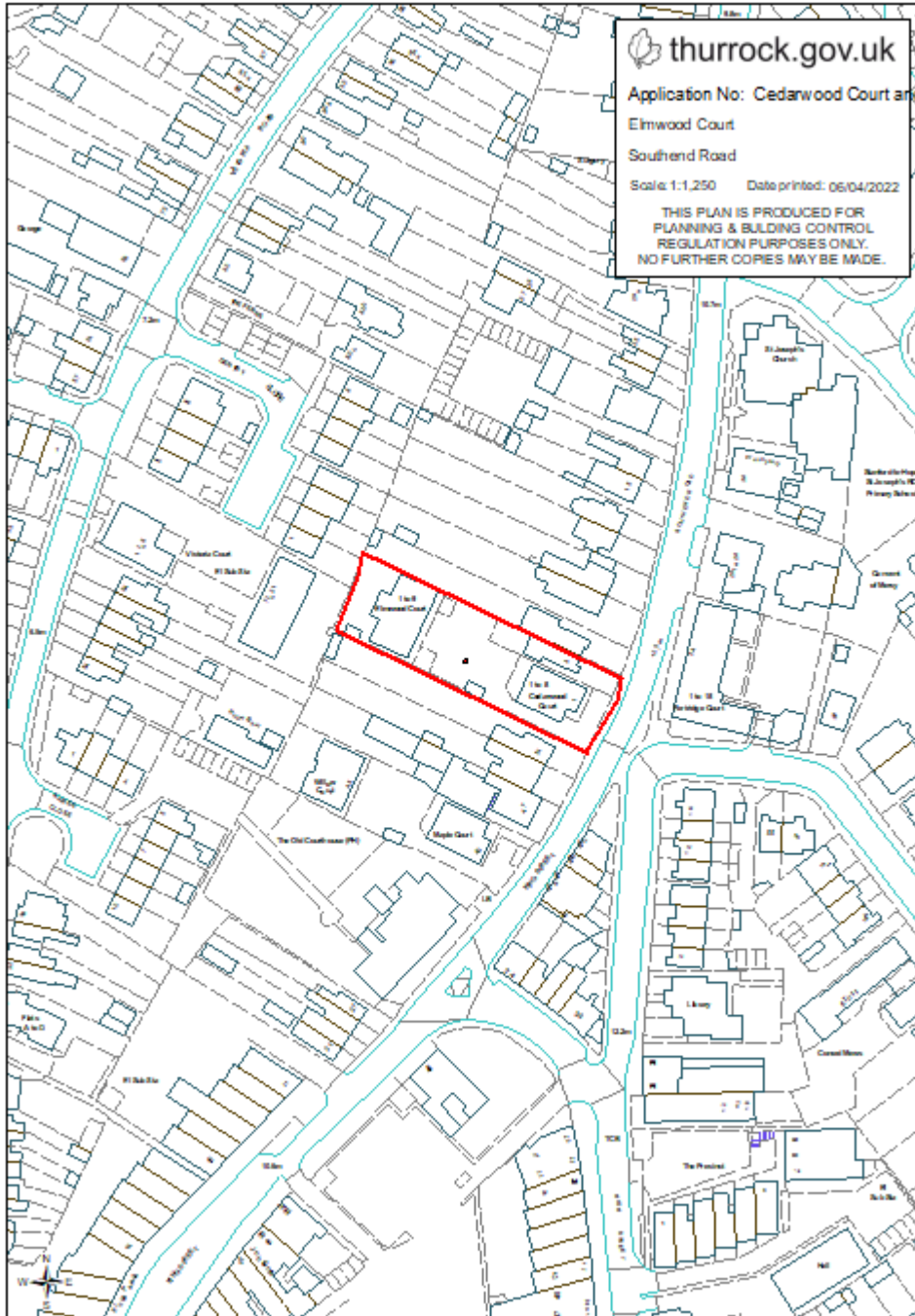
Positive and Proactive Statement

The Local Planning Authority has acted positively and proactively in determining this application and as a result, the Local Planning Authority has been able to grant planning permission for an acceptable proposal, in accordance with the presumption in favour of sustainable development, as set out within the National Planning Policy Framework.

Documents:

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

<http://regs.thurrock.gov.uk/online-applications>



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Reference: 21/02159/FUL	Site: Land off Fen Lane and Medebridge Road South Ockendon Essex
Ward: Ockendon	Proposal: Installation of renewable energy generating station comprising ground-mounted photovoltaic solar arrays together with substation, inverter/transformer stations, site accesses, grid connection cables, internal access tracks, security measures, access gates, other ancillary infrastructure and landscape and biodiversity enhancements

Plan Number(s):		
Reference	Name	Received
(No Nos.)	Site Location Plan	21 December 2021
(No Nos.)	Solar Farm Layout	21 December 2021
MBSF PA 006 02	Solar Array Cross Section (Indicative)	21 December 2021
MBSF PA 007 02	Customer Station Elevations (Typical)	21 December 2021
MBSF PA 009 02	Cable Trench Cross Section (Typical)	21 December 2021
MBSF PA 00X 02	DNO Substation Station Elevations (Typical)	21 December 2021
MBSF PA 00X 02	Metrological Station (Typical)	21 December 2021
MBSF PA 010 02	Fence and Gate Elevations (Typical)	21 December 2021
MBSF PA 011 02	Spares Storage Container (Typical)	21 December 2021
MBSF PA 014 02	Access Track (Typical)	21 December 2021
MBSF PA 019 02	CCTV Pole Elevation (Typical)	21 December 2021
MBSF PA 020 02	String Inverters Typical Detail	21 December 2021

<p>The application is also accompanied by:</p> <ul style="list-style-type: none"> - Agricultural Land Classification Report - Archaeology Desk Based Assessment - Construction Traffic Management Plan - Design and Access Statement - Ecological Assessment

- Flood Risk Assessment and Drainage Strategy
- Geophysical Survey Report
- Glint and Glare Assessment
- Noise Impact Assessment
- Planning Statement
- Statement of Community Involvement

Environmental Statement:

- Volume 1 – Non Technical Summary
- Volume 2A – Written Statement
- Volume 2B – Appendices, including Landscape and Visual Assessment (LVIA)
- Volume 3 – Figures
- Volume 4 – Visualisations

Applicant:
Medebridge Solar Ltd

Validated:
14 February 2022
Date of expiry:
16 May 2022

Recommendation: Grant planning permission, as per the recommendation set out at paragraph 8.1 of this report

1.0 DESCRIPTION OF PROPOSAL

1.1 The table below gives a summary of the proposal:

Gross site area	86 hectares
Gross site area of PV panels	65 hectares
Power output	49.9MW of renewable electricity to the National Grid (potential annual yield of approximately 72 500MWh.)

1.2 This application seeks planning permission to construct and operate a solar farm with associated infrastructure. The solar arrays would be located wholly within Thurrock, with an underground cable providing the grid connection to the Warley National Grid Substation at North Ockendon, which is in London Borough of Havering (LBH). The grid connection is the subject of a separate planning

application.

- 1.3 The solar panels would be set out in rows with a maximum height of 3m, at a tilt of approximately 20 degrees and facing approximately south. The frames that support the panels are typically made of aluminium and fixed to the ground with ground anchors. The solar panels would be arranged in east/ west rows such that the panels will be south facing.
- 1.4 When operational, the solar farm and battery storage would supply up to 49.9MW to the National Grid, which is the equivalent of the annual electrical needs of approximately 16,100 family homes. The site would be operational for 40 years. The solar farm would be decommissioned at the end of this period, with all panels and associated infrastructure (including below ground infrastructure) removed from the site. The land would then be restored to agricultural use.
- 1.5 The scheme proposes a maximum electrical output of 49.9MW which is the maximum output which can be considered by a local planning authority via a conventional planning application. Proposals involving an output of 50MW or more are classified as 'Nationally Significant Infrastructure Projects' (NSIPs) by the Planning Act 2008 and are considered by the relevant Secretary of State via the Development consent Order (DCO) process.
- 1.6 Due to the scale of the site and the potential impacts of the proposal, the development requires an Environmental Impact Assessment (EIA) and the application is therefore supported by an Environmental Statement (ES). The only topic which was scoped-in to the ES is Landscape and Visual Impact. However, the planning application includes a full range of relevant assessments and supporting information listed above.

2.0 SITE DESCRIPTION

- 2.1 The application site is generally located south of Fen Lane and partly adjoins the boundary with the adjoining London Borough of Havering. The site comprises arable fields with associated hedgerows. The site is relatively low-lying, flat fenland, although there is a gentle increase in levels to the west on the north-western part of the site. Land within the site is mainly Grade 3b 'Moderate' soil within as assessed by the applicant's Agricultural Land Classification (ALC). Access to the site is via Medebidge Road to the south and Fen Lane to the north. There are a number of public rights of way within the site area. The site lies within flood zones 1, 2 and 3. The site is within the Green Belt (GB). There are no statutory ecological designations affecting the site. However, the site is within 'impact zones' drawn around SSSIs located to the north-east and north-west.

2.2 The proposed route of the Lower Thames Crossing (LTC) would bisect the site. Fen Lane is at the northern end of the site. The western side of the site comprises the former South Ockendon Landfill, the eastern side of the site is bordered by the Mardyke watercourse. The nearest residential dwelling to the proposed solar array area is Fen Farm Cottages which is adjacent to the site entrance on Fen Lane.

3.0 RELEVANT HISTORY

Application Reference	Description of Proposal	Decision
21/02066/SCO	Request for an Environmental Impact Assessment (EIA) Scoping Opinion: Proposed ground-mounted solar farm with an export capacity of up to 49.9MW on a site of c.72Ha.	Advice given
21/01840/SCR	Request for Environmental Impact Assessment (EIA) Screening Opinion: Proposed ground-mounted solar farm with an export capacity of up to 49.9MW on a site of c.72Ha.	EIA required

3.1 Although not within the site area, the applications listed below are located nearby and are therefore relevant to the current proposal:

Application Reference	Description of Proposal	Decision
21/00077/FUL	Installation of renewable led energy generating station comprising ground-mounted photovoltaic solar arrays and battery-based electricity storage containers together with substation, inverter/transformer stations, site accesses, grid connection cable, internal access tracks, security measures, access gates, other ancillary infrastructure, landscaping and biodiversity enhancements – Bulphan Fen	Approved

17/01435/CV	Application for the variation of condition nos. 2 (accordance with approved plans), 3 (duration of temporary permission), 10 (scheme of landscaping), 18 (penetrative construction methods) of planning permission ref. 14/00836/FUL (Erection of solar Photovoltaic (PV) arrays with associated infrastructure (ancillary equipment includes inverters, transformers and substations), access tracks, fencing, security including pole mounted CCTV on Ockendon Landfill Site).	Approved
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3.2 Planning permission ref. 21/00077/FUL was granted in October 2021 and involves a similar solar farm development on a site generally located to the east of the current proposal. Pre-commencement planning conditions for this development have been submitted to the local planning authority for consideration. In 2018 permission was granted for a solar farm development located to the south of the current site (ref. 17/01435/CV). This permission has been implemented.

3.3 Given the close proximity of the current proposal to the sites listed above, Officers sought Counsel opinion as to whether this application triggered the need for an application for a DCO. The legal opinion confirmed that the proposal could not be classified as an NSIP.

4.0 CONSULTATIONS AND REPRESENTATIONS

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

PUBLICITY:

4.2 This application has been advertised by way of individual neighbour notification letters, press advert and public site notices which have been displayed adjacent to the site. The proposals have been advertised as a major development, as affecting a public footpath, as accompanied by an ES, as a departure from the Development Plan and as affecting the setting of a listed building.

4.3 There were three comments of objection received. The matters raised are summarised below:

- Effect to public rights of way;
- Loss of wildlife;
- Detrimental visual impact;
- Solar panels are not really clean energy;
- Lack output from solar farms in UK;
- Loss agricultural land;
- Lead to flooding;
- Connection of solar farms leading to NSIP?;
- Lack of community consultation;
- Noise;
- Loss of GB in long term;
- Lead to increase in rodents; and
- Access issues.

The following consultation responses have been received:

4.4 ARCHAEOLOGY:

No objections, subject to conditions regarding a programme of archaeological investigation and post excavation analysis.

4.5 CADENT:

No response received.

4.6 EMERGENCY PLANNING:

No objections, subject to condition regarding a Flood Warning Evacuation Plan.

4.7 ENVIRONMENT AGENCY:

No objections. As the site lies within flood zones 2, 3a and 3b. Therefore, it is necessary for the application to pass the Sequential and Exception Tests.

4.8 ENVIRONMENTAL HEALTH:

No objections, subject to condition regarding unforeseen contamination.

4.9 FLOOD RISK MANAGER:

No objections.

4.10 HIGHWAYS:

No objections, subject to conditions regarding a Construction Environment Management Plan, HGV routing/logging and road condition surveys.

4.11 HISTORIC BUILDINGS:

No response received.

4.12 LANDSCAPE AND ECOLOGY:

No objections.

4.13 LONDON BOROUGH OR HAVERING:

No response received.

4.14 NATIONAL GRID:

No response received.

4.15 NATIONAL HIGHWAYS:

No objection subject to ongoing dialogue between the applicant and National Highways Lower Thames crossing Team.

4.16 NATURAL ENGLAND:

No objection.

4.17 PUBLIC RIGHTS OF WAY:

Recommend improvement towards footpaths.

5.0 POLICY CONTEXT

National Planning Guidance

5.1 National Planning Policy Framework (NPPF)

The revised NPPF was published on 20 July 2021. Paragraph 11 of the Framework sets out a presumption in favour of sustainable development. This paragraph goes on to state that for decision taking this means:

- c) approving development proposals that accord with an up-to-date development plan without delay; or
- d) where there are no relevant development plan policies, or the policies which are most important for determining the application are out of date¹, granting permission unless:
 - i. the application of policies in this Framework that protect areas or assets of particular importance provides a clear reason for refusing the development proposed²; or
 - ii any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in this Framework taken as a whole.

¹ This includes, for applications involving the provision of housing, situations where the local planning authority cannot demonstrate a five year supply of deliverable housing sites ...

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

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

- 2. Achieving sustainable development
- 11. Making effective use of land
- 12. Achieving well-designed places
- 13. Protecting Green Belt land
- 14. Meeting the challenge of climate change, flooding and coastal change
- 15. Conserving and enhancing the natural environment
- 16. Conserving and enhancing the historic environment

5.2 National Planning Practice Guidance (PPG)

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

- Before submitting an application
- Climate change
- Design: process and tools
- Determining a planning application
- Effective use of land
- Environmental Impact Assessment
- Fees for planning applications
- Flood Risk and Coastal Change
- Green Belt
- Hazardous Substances
- Historic environment
- Making an application
- Natural Environment
- Noise
- Open space, sports and recreation facilities, public rights of way and local green space
- Planning obligations
- Renewable and low carbon energy
- Travel plans, transport assessments and statements in decision-taking
- Use of Planning Conditions

5.3 PPG states that the need for renewable or low carbon energy does not automatically override environmental protections. The first part of the Solar PV Strategy, published in October 2013, states that solar PV should be *“appropriately sited, give weight to environmental considerations such as landscape and visual impact, heritage and local amenity, and provide opportunities for local community to influence decisions that affect them”*.

5.4 PPG sets out criteria for assessing ground-mounted solar project planning applications. The following extract is taken from the guidance (Paragraph: 013, Reference ID: 5-013-20150327):

“The deployment of large-scale solar farms can have a negative impact on the rural environment, particularly in undulating landscapes. However, the visual impact of a well-planned and well-screened solar farm can be properly addressed within the landscape if planned sensitively.

Particular factors a local planning authority will need to consider include:

- *encouraging the effective use of land by focusing large scale solar farms on previously developed and non agricultural land, provided that it is not of high environmental value;*
- *where a proposal involves greenfield land, whether*
 - (i) *the proposed use of any agricultural land has been shown to be necessary and poorer quality land has been used in preference to higher quality land;*
 - and
 - (ii) *the proposal allows for continued agricultural use where applicable and/or encourages biodiversity improvements around arrays. See also a speech by the Minister for Energy and Climate Change, the Rt Hon Gregory Barker MP, to the solar PV industry on 25 April 2013 and Written Ministerial Statement – Solar energy: protecting the local and global environment – made on 25 March 2015.*
- *that solar farms are normally temporary structures and planning conditions can be used to ensure that the installations are removed when no longer in use and the land is restored to its previous use;*
- *the proposal’s visual impact, the effect on landscape of glint and glare (see guidance on landscape assessment) and on neighbouring uses and aircraft safety;*
- *the extent to which there may be additional impacts if solar arrays follow the daily movement of the sun;*
- *the need for, and impact of, security measures such as lights and fencing;*
- *great care should be taken to ensure heritage assets are conserved in a manner appropriate to their significance, including the impact of proposals on views important to their setting. As the significance of a heritage asset derives not only from its physical presence, but also from its setting, careful consideration should be given to the impact of large scale solar farms on such assets. Depending on their scale, design and prominence, a large scale solar farm within the setting of a heritage asset may cause substantial harm to the significance of the asset;*
- *the potential to mitigate landscape and visual impacts through, for example, screening with native hedges;*
- *the energy generating potential, which can vary for a number of reasons including, latitude and aspect.*

The approach to assessing cumulative landscape and visual impact of large scale solar farms is likely to be the same as assessing the impact of wind turbines.

However, in the case of ground-mounted solar panels it should be noted that with effective screening and appropriate land topography the area of a zone of visual influence could be zero.”

5.5 UK Solar PV Strategy

Part 1 of the Government’s (Department for Energy and Climate Change – DECC (now Department for Business, Energy and Industrial Strategy – BEIS)) UK Solar PV Strategy (2013) set out the four guiding principles for deployment of solar in the UK. These principles are:

- Support for solar PV should allow cost-effective projects to proceed and to make a cost-effective contribution to UK carbon emission objectives in the context of overall energy goals – ensuring that solar PV has a role alongside other energy generation technologies in delivering carbon reductions, energy security and affordability for consumers.
- Support for solar PV should deliver genuine carbon reductions that help meet the UK’s target of 15 per cent renewable energy from final consumption by 2020 and in supporting the decarbonisation of our economy in the longer term – ensuring that all the carbon impacts of solar PV deployment are fully understood.
- support for solar PV should ensure proposals are appropriately sited, give proper weight to environmental considerations such as landscape and visual impact, heritage and local amenity, and provide opportunities for local communities to influence decisions that affect them.
- Support for solar PV should assess and respond to the impacts of deployment on: grid systems balancing; grid connectivity; and financial incentives – ensuring that we address the challenges of deploying high volumes of solar PV.

5.6 Part 2 of the DECC’s UK Solar PV Strategy (2014) refers to ambitions for deployment, including large-scale ground-mounted solar PV deployment. The Strategy highlights the planning guidance for renewable energy development provided by PPG.

5.7 There are a number of other Government directions on solar, including:

- Committee on Climate Change (9 December 2020) published its Sixth Carbon Budget which indicated that in order to achieve the UK’s legally-binding commitment of net zero carbon by 2050, the UK should target 85GW of installed solar by that date, enough to generate some 10-15% of the nation's electricity.
- The Energy White Paper (December 2020) noted the importance of solar in future energy generation.

National Policy Statements:

- 5.8 Although National Policy Statements (NPS) apply specifically to NSIPs and applications under the Planning Act 2008 for DCOs, NPS reference (EN-1: Overarching National Policy Statement for Energy - 2011) states that *“In England and Wales this NPS is likely to be a material consideration in decision making on applications that fall under the Town and Country Planning Act 1990 (as amended). Whether, and to what extent, this NPS is a material consideration will be judged on a case by case basis”*. The content of EN-1 could therefore be relevant to the current case. Paragraph no. 3.4.5 of EN-1 refers to *“UK commitments to sourcing 15% of energy from renewable sources by 2020. To hit this target, and to largely decarbonise the power sector by 2030, it is necessary to bring forward new renewable electricity generating projects as soon as possible. The need for new renewable electricity generation projects is therefore urgent”*. Part 5 of EN-1 refers to the generic impact of land use including open space, green infrastructure and GB. With regard to decision taking, paragraph 5.10.17 of EN-1 states:
- 5.9 *“When located in the GB, energy infrastructure projects are likely to comprise ‘inappropriate development’¹³⁴. Inappropriate development is by definition harmful to the GB and the general planning policy presumption against it applies with equal force in relation to major energy infrastructure projects. The IPC will need to assess whether there are very special circumstances to justify inappropriate development. Very special circumstances will not exist unless the harm by reason of inappropriateness, and any other harm, is outweighed by other considerations. In view of the presumption against inappropriate development, the IPC will attach substantial weight to the harm to the GB when considering any application for such development while taking account, in relation to renewable and linear infrastructure, of the extent to which its physical characteristics are such that it has limited or no impact on the fundamental purposes of GB designation”*.

Local Planning Policy

- 5.10 Thurrock Local Development Framework (as amended) 2015

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

OVERARCHING SUSTAINABLE DEVELOPMENT POLICY:

- OSDP1: Promotion of Sustainable Growth and Regeneration in Thurrock

SPATIAL POLICIES:

- CSSP3: Sustainable Infrastructure
- CSSP4: Sustainable Green Belt
- CSSP5: Sustainable Greengrid

THEMATIC POLICIES:

- CSTP15: Transport in Greater Thurrock
- CSTP18: Green Infrastructure
- CSTP19: Biodiversity
- CSTP20: Open Space
- CSTP21: Productive Land
- CSTP22: Thurrock Design
- CSTP23: Thurrock Character and Distinctiveness
- CSTP24: Heritage Assets and the Historic Environment
- CSTP25: Addressing Climate Change
- CSTP26: Renewable or Low-Carbon Energy Generation
- CSTP27: Management and Reduction of Flood Risk
- CSTP33: Strategic Infrastructure Provision

POLICIES FOR THE MANAGEMENT OF DEVELOPMENT

- PMD1: Minimising Pollution and Impacts on Amenity
- PMD2: Design and Layout
- PMD4: Historic Environment
- PMD6: Development in the Green Belt
- PMD7: Biodiversity, Geological Conservation and Development
- PMD8: Parking Standards
- PMD9: Road Network Hierarchy
- PMD10: Transport Assessments and Travel Plans
- PMD13: Decentralised, Renewable and Low Carbon Energy Generation
- PMD 14: Carbon Neutral Development
- PMD15: Flood Risk Assessment
- PMD16: Developer Contributions

5.11 Thurrock Local Plan

In February 2014 the Council embarked on the preparation of a new Local Plan for the Borough. Between February and April 2016 the Council consulted formally on an 'Issues and Options (Stage 1)' document and simultaneously undertook a 'Call for Sites' exercise. In December 2018 the Council began consultation on an Issues and Options [Stage 2 Spatial Options and Sites] document, this consultation has

now closed and the responses have been considered and reported to Council. On 23 October 2019 the Council agreed the publication of the Issues and Options 2 Report of Consultation on the Council's website and agreed the approach to preparing a new Local Plan.

5.12 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 Procedure:

With reference to procedure, this application has been advertised as being accompanied by an Environmental Statement and as a departure from the Development Plan. Should the Planning Committee resolve to grant planning permission, the application will first need to be referred to the Secretary of State under the terms of the Town and Country Planning (Consultation) (England) Direction 2009. The reason for the referral as a departure relates to Green Belt development and therefore the application will need to be referred under paragraph 4 of the Direction. The Direction allows the Secretary of State a period of 21 days within which to 'call-in' the application for determination via a public inquiry. In reaching a decision as to whether to call-in an application, the Secretary of State will be guided by the published policy for calling-in planning applications and relevant planning policies.

6.2 The proposal is considered to be development requiring an EIA, therefore the application has been accompanied by an ES. The ES considers the environmental effects of the proposed development during construction and on completion and includes measures either to prevent, reduce or offset any significant adverse effects on the environment.

6.3 The Council has a statutory duty to examine the ES submitted with the application and reach a reasoned conclusion on the significant effects of the proposed development on the environment that are likely to arise as a result of the proposed development. If planning permission is to be granted, the Council must ensure that all appropriate mitigation and monitoring measures are secured. EIA is, therefore, an integral component of the planning process for significant developments. EIA leads to improved decision making by providing the development management process with better information. EIA not only helps to determine whether

development should be permitted, but also facilitates the drafting of planning conditions and planning obligations in order to control development, avoid or mitigate adverse effects and enhance beneficial effects. Therefore, it is vital that the environmental issues raised by the application are assessed in a robust and transparent manner.

6.4 In order to fulfil the requirements of the EIA Regulations it is necessary to ensure (a) that the Council has taken into account the environmental information submitted, and (b) that any planning permission granted is consistent with the development which has been assessed. To achieve this second objective the Council has the ability to impose planning conditions and secure other mitigation measures through planning obligations in a s106 agreement.

6.5 The assessment below covers the following areas:

- I. Principle of the development and impact on GB
- II. Landscape and visual impact
- III. Traffic impact, access and parking
- IV. Agricultural land classification
- V. Effect on neighbouring properties
- VI. Flood risk
- VII. Archaeology
- VIII. Ecology
- IX. EIA matters

I. PRINCIPLE OF THE DEVELOPMENT AND IMPACT ON GB

6.6 There is a need for energy production in the UK and this is supported within national planning policies to secure production, including energy from varied and low carbon sources. Paragraph 152 of the NPPF states:

“The planning system should support the transition to a low carbon future in a changing climate and support renewable and low carbon energy and associated infrastructure”.

Paragraph 155 states plans should seek

“To help increase the use and supply of renewable and low carbon energy and heat”.

NPPF paragraph no. 158 states that

“When determining planning applications for renewable and low carbon development, local planning authorities should:

- a) not require applicants to demonstrate the overall need for renewable or low carbon energy, and recognise that even small-scale projects provide a valuable contribution to cutting greenhouse gas emissions; and*
- b) approve the application if its impacts are (or can be made) acceptable ...”*

Core Strategy policy CSTP26 states

“As part of the shift to low-carbon future and to tackle climate change, the Council will encourage opportunities to generate energy from non-fossil fuel and low-carbon sources.

Part. II of CSTP26 requires that

“The Council will promote the delivery of renewable and low-carbon energy developments utilising technology such as solar panels, biomass heating, small-scale wind turbine, photovoltaic cells, Combined Heat and Power and other methods.

However, this encouragement of renewable energy generation set out by both local and national planning policy is still subject to GB policies.

6.7 Under the heading of the impact of the proposals on the GB, it is necessary to refer to the following key questions:

1. Whether the proposals constitute inappropriate development in the GB;
2. The effect of the proposals on the open nature of the GB and the purposes of including land within it; and
3. Whether the harm to the GB 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 GB

6.8 The site is identified on the LDF Core Strategy Proposals Map as being within the GB where policies CSSP4 and PMD6 apply. Policy CSSP4 identifies that the Council will ‘maintain the purpose function and open character of the Green Belt in Thurrock’, and Policy PMD6 states that the Council will ‘maintain, protect and enhance the open character of the Green Belt in Thurrock’. These policies aim to prevent urban sprawl and maintain the essential characteristics of the openness and permanence of the GB to accord with the requirements of the NPPF.

- 6.9 Paragraph 137 within Chapter 13 of the NPPF states that the Government attaches great importance to GBs 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 143 states that a local planning authority should regard the construction of new buildings as inappropriate in the GB.

- 6.10 Paragraph 151 states

“When located in the Green Belt, elements of many renewable energy projects will comprise inappropriate development. In such cases developers will need to demonstrate very special circumstances if projects are to proceed. Such very special circumstances may include the wider environmental benefits associated with increased production of energy from renewable sources”.

- 6.11 Given the above, the proposal would comprise inappropriate development with reference to the NPPF and Policy PMD6.

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

- 6.12 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 GB, but it is also necessary to consider whether there is any other harm to the GB and the purposes of including land therein.

- 6.13 As noted above, paragraph 137 of the NPPF states that the fundamental aim of GB policy is to prevent urban sprawl by keeping land permanently open; the essential characteristics of GBs being described as their openness and their permanence. The proposals would comprise a substantial amount of new development in an area which is currently open. Consequently there would be harm to the spatial dimension of openness. Advice published in NPPG (July 2019) addresses the role of the GB in the planning system and, with reference to openness, cites the following matters to be taken into account when assessing impact:

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

- 6.14 In terms of the bullet points above, openness in a spatial sense would be affected by the proposals which comprise a large development on what is presently open GB land. In terms of the visual aspect of openness, due to the nature of the site the visual effects would be limited as there are limited public vantage points whereby the proposal would be viewable in its entirety.
- 6.15 The duration of the proposal is for a temporary period of 40 years operation. The site would then be returned to its present 'open' state. Although 40 years is still a considerable period of time, it is a very different proposal to a permanent building and therefore means the land would eventually be returned to undeveloped GB.
- 6.16 The degree of activity to be generated by the development would differ through the construction and operational phases. There would be some traffic generation during construction, which is likely to take approximately 26 weeks. However, this would not be excessive with 8 HGV movements a day (16 two way movements). When operational, there would be minimal vehicle movements associated with the site. Therefore, it is not considered that the proposal would impact openness in terms of activity generated, especially when the lifetime of the proposal is taken into account, the impact is considered negligible.
- 6.17 Paragraph 138 of the NPPF sets out the five purposes which the GB serves as follows:
- a. to check the unrestricted sprawl of large built-up areas;
 - b. to prevent neighbouring towns from merging into one another;
 - c. to assist in safeguarding the countryside from encroachment;
 - d. to preserve the setting and special character of historic towns; and
 - e. to assist in urban regeneration, by encouraging the recycling of derelict and other urban land.
- 6.18 In response to each of these five purposes:
- a. to check the unrestricted sprawl of large built-up areas*
- 6.19 The site is located within a rural area outside the village of Bulphan and town of South Ockendon. For the purposes of the NPPF, the site is considered to be outside of any 'large built up areas'. It would not therefore result in the sprawling of an existing built up area, but it would nonetheless represent the addition of built form on the site, albeit temporary.
- b. to prevent neighbouring towns from merging into one another*

6.20 On a broad geographical scale the site lies in between the towns of Basildon, Upminster and South Ockendon, although the proposal does not directly adjoin any of these towns. As assessed on this broad scale the proposal would result in some merging of the town located nearby. However, this harm is tempered by the temporary nature of the proposals.

c. to assist in safeguarding the countryside from encroachment

6.21 With regard to the third GB purpose, the proposal would involve built development on parts of the site which are currently open and free of any built form. The term “countryside” can conceivably include different landscape characteristics (e.g. farmland, woodland, marshland etc.) and there can be no dispute that the site comprises “countryside” for the purposes of applying the NPPF policy test. The proposal would lead to a large area being covered with panels which are 3m in height. It is clear that the level of development proposed would encroach upon the countryside in this location and would constitute material harm to the openness and rural character of the GB. The development would consequently conflict with this purpose.

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

6.22 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

6.23 In general terms, the development could occur in the urban area, but there is a spatial imperative why GB land is required to accommodate the proposals. There are no available sites in the urban area of 86 hectares which have convenient access to a grid connection with the scale of sub-station required to handle 49.9MW. Therefore, the proposed development does not conflict with the fifth purpose of the GB.

6.24 In light of the above analysis, it is considered that the proposals would clearly be harmful to GB openness and would be contrary to purposes (b) and (c) of the above listed purposes of including land in the GB. Substantial weight should be afforded to these factors.

3. Whether the harm to the GB is clearly outweighed by other considerations so as to amount to the Very Special Circumstances (VSC) necessary to justify inappropriate development

6.25 Neither the NPPF nor the Adopted Core Strategy provide guidance as to what can comprise 'very special circumstances' (VSC), either singly or in combination. However, some interpretation of VSC has been provided by the Courts. The rarity or uniqueness of a factor may make it very special, but it has also been held that the aggregation of commonplace factors could combine to create very special circumstances (i.e. 'very special' is not necessarily to be interpreted as the converse of 'commonplace'). However, the demonstration of VSC is a 'high' test and the circumstances which are relied upon must be genuinely 'very special'. In considering whether VSC exist, factors put forward by an applicant which are generic or capable of being easily replicated on other sites, could be used on different sites leading to a decrease in the openness of the Green Belt. The provisions of VSC which are specific and not easily replicable may help to reduce the risk of such a precedent being created. Mitigation measures designed to reduce the impact of a proposal are generally not capable of being VSC. Ultimately, whether any particular combination of factors amounts to VSC will be a matter of planning judgment for the decision-taker. It is notable that NPPF paragraph no. 151 states that in relation to renewable energy projects located in the GB:

“Such very special circumstances may include the wider environmental benefits associated with increased production of energy from renewable sources”.

6.26 With regard to the NPPF, paragraph 147 states that *'inappropriate development is, by definition, harmful to the Green Belt and should not be approved except in very special circumstances'*. Paragraph 148 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”.*

6.27 The Green Belt Statement sets out the applicant's VSC case which has been categorised and then assessed below:

1. Increasing Renewable Energy Generation
2. Climate Emergency
3. Energy Security
4. Good Design
5. Temporary and Reversible Impacts
6. Biodiversity Net Gain
7. Soil Regeneration
8. Green Infrastructure
9. Farm Diversification

1. *Increasing Renewable Energy Generation (the Proposed Development would supply up to 49.9MW to the National Grid, providing the equivalent annual electrical needs of approximately 16,100 family homes in Thurrock.*

- 6.28 The applicant considers the creation of renewable energy generation should be afforded significant weight in the planning balance.
- 6.29 A Committee on Climate Change 'Progress Report' 2020 states that the path to achieving net-zero emissions by 2050 will necessarily entail a steeper reduction in emissions over the intervening three decades and to reach the UK's new Net Zero target. Reaching net-zero emissions in the UK will require all energy to be delivered to consumers in zero carbon forms (i.e. electricity, hydrogen, hot water in heat networks) and come from low carbon sources (i.e. renewables and nuclear etc).

Consideration

- 6.30 The generation of renewable energy is promoted throughout local and national planning policies. Paragraph 158 of the NPPF confirms that applicants do not need to demonstrate the need for renewable or low carbon energy. Even small-scale projects provide a valuable contribution to cutting greenhouse gas emissions. The NPPF states that commercial scale projects outside of planned areas, need to demonstrate that the proposed location meets the criteria used in identifying suitable areas.
- 6.31 The proposal is for a large scale solar farm and policy CSTP26 *Renewable or Low-Carbon Energy Generation* states that the Council will promote the delivery of renewable and low-carbon energy developments utilising technology such as solar panels. The policy also states that the Council will view an application as unacceptable where it produces a significant adverse impact that cannot be mitigated, including cumulative landscape or visual impacts. It is considered that the provision of a large scale solar farm and the benefits of renewable energy generation can be given significant positive weight in the planning balance.

2. Climate Emergency

- 6.32 In May 2019 a national climate emergency was declared by the UK Parliament. MPs called on Government to make changes that included the setting of a radical and ambitious new target of reaching net zero emissions before 2050. Thurrock Council declared a Climate Emergency in October 2019 which requires that the Council's activities become net-zero carbon by 2030. The Council recognised the need to consider strategies and actions which are currently being developed by the Council and other partner organisations and develop a strategy in line with a target of net-zero carbon by 2030. The applicant considers that this is afforded substantial

weight in the planning balance.

Consideration

- 6.33 The proposal would supply up to 49.9MW to the National Grid, which is the equivalent of the annual electrical needs of approximately 16,100 family homes. This is a significant contribution towards increasing the proportion of renewable and low carbon energy generation to reduce the consumption of fossil fuels and the associated carbon footprint. Whilst it is agreed that Council has declared a climate emergency, this is not a planning 'policy' and amounts to substantially the same matter as covered within (1) above. Therefore, it can be given moderate positive weight to the planning balance.

3. Energy Security

- 6.34 The applicant considers that the proposal supplies clean renewable energy to the National Grid, comprising secure, distributed and diversified energy generation which accords with the Government's policy on energy security as identified within NPS EN-1 which explains the need for energy security allied with a reduction in carbon emissions. They consider this should be afforded substantial weight in the planning balance.

Consideration

- 6.35 There is an undisputed need for new energy generation sources including renewables. A large resource such as that proposed would aid both energy security and the amount of energy provided by renewable sources within the Borough as required by national and local policies. It is agreed that the contribution to energy security should be afforded substantial weight in the planning balance. Although anecdotal, in light of current events there is an increased incentive to reduce on the reliance of imported gas supplies.

4. Good Design

- 6.36 The overall design and layout of the site has been thought out to minimise harm and provide significant benefits to the development as a whole. The applicant considers this should be afforded moderate weight in the planning balance.

Consideration

- 6.37 The applicant has designed the proposal to best meet with all planning policies, so to maximise output and avoid any unacceptable impacts to any nearby properties

and the wider area. Any such proposal of this scale, would obviously have impacts, but these need to be balanced with the benefits of such a scheme. Nevertheless the NPPF now requires that well-designed places are a 'minimum' requirement and this limits the weight which can be afforded to this factor.

5. Temporary and Reversible Impacts

- 6.38 The solar farm is proposed for a lifetime of 40 operational years. After the 40 year period the generating station would be decommissioned. All electricity generating equipment and built structures associated with the proposed development would be removed from the site and it would continue in agricultural use. It is therefore considered that the proposal is a temporary development. This also aligns with paragraph 13 of the Planning Practice Guidance which states that solar farms are normally temporary structures and planning conditions can be used to ensure that the installations are removed when no longer in use and the land is restored to its previous use. Construction traffic associated with the solar farm would be limited to the construction period of 26 weeks and will not have a material effect on the safety or operation of the local highway network. The applicant suggests this is afforded substantial weight in the planning balance.

Consideration

- 6.39 The temporary nature of the proposal, albeit for 40 years, is a matter which weighs in favour of the proposal. The solar farm would not have some of the impacts associated with many traditional built-development proposals and would be conditioned to return the area back to open land after 35 years. Officers consider this can be afforded some positive weight.

6. Biodiversity Net Gain

- 6.40 The applicant confirms that the more valuable habitat features will be retained and features such as the hedges can be enhanced through the proposed Landscape and Ecology Management Plan. The proposed sowing of a wildflower and tussock seed mixes would create different grassland habitats which would result in a biodiversity net gain that would benefit a range of protected and important species. This is afforded substantial weight in the planning balance.

Consideration

- 6.41 Both the NPPF and Core Strategy Policy PMD7 require, when determining planning applications that local planning authorities aim to conserve and enhance biodiversity by applying a number of principles including the encouragement of

opportunities to incorporate biodiversity in and around developments. The Council's Landscape and Ecology Advisor has confirmed that the site is presently of low ecological value and the mitigation and enhancement put forward would increase biodiversity net gain of the site. Therefore, Biodiversity Net Gain should be afforded moderate weight within the planning balance.

7. Soil Regeneration

- 6.42 The Soil Strategy for England, which builds on Defra's 'Soil Action Plan for England (2004-2006)', sets out an ambitious vision to protect and improve soil to meet an increased global demand for food and to help combat the adverse effects of climate change.

Benefits in terms of increase in soil organic matter (SOM), and hence soil organic carbon (SOC), can be realised through land use change from intensive arable to grasslands. Likewise, SOM and SOC are increased when cultivation of the land for crops (tillage) is stopped and the land is uncultivated (zero tillage). Global evidence suggests that zero tillage results in more total soil carbon storage when applied for 12 years or more. Therefore, there is evidence that conversion of land from arable to grassland which is uncultivated over the long-term (>12 years), such as that under solar farm arrays, increases SOC and SOM. The applicant considers this is afforded moderate weight in the planning balance.

Consideration

- 6.43 The site is primarily within soil categorisation 3b and therefore within the lower grades agricultural land which does not require the special consideration given to Best and Most Versatile soils within Grades 1, 2 and 3a. Additionally, the opportunity to leave the land fallow for a number of years could allow the land to regenerate to being an agricultural land resource in the future. However, the opportunity to leave the land fallow does not require a solar farm and the Council considers this factor has no positive weight towards in the planning balance.

8. Green Infrastructure

- 6.44 The enhanced landscape structure will greatly improve green infrastructure corridors and connectivity across and within the site and therefore the applicant considers this should be afforded considerable weight in the planning balance.

Consideration

- 6.45 Policy CSSP5 seeks to safeguard biodiversity and create ecosystem opportunities

and Policy PMD7 requires significant biodiversity habitat to be retained or if this is not possible, any loss is mitigated. The development would lead to biodiversity net gain and the green infrastructure corridors would be improved. Therefore, this can factor be afforded moderate positive weight.

9. *Farm Diversification*

6.46 Renewable energy is an important form of farm diversification, recognised by the National Farmers Union (NFU) as an important step towards making British agriculture carbon neutral within two decades. As farming is responsible for around a tenth of UK greenhouse gas emissions, supporting renewable energy farm diversification projects will be a vital step to reaching net zero. This should be afforded moderate weight in the planning balance.

Consideration

6.47 The adopted Core Strategy does not have any specific policies concerning farm diversification. The NPPF in *Supporting a prosperous rural economy*, paragraph 83 states *Planning policies and decisions should enable:*
b) the development and diversification of agricultural and other land-based rural businesses.

As the applicant has stated, farming is responsible for a significant percentage of carbon production and marginal farming land can be redirected to offset this. Therefore, it is agreed that this can be afforded moderate positive weight in the planning balance.

6.48 A summary of the weight which has been placed on the various GB considerations is provided below:

Summary of Green Belt Harm and Very Special Circumstances			
Harm	Weight	Factors Promoted as Very Special Circumstances	Weight
Inappropriate development, harm to openness and conflict with Green Belt – purposes b and c.	Substantial	1. Increasing Renewable Energy Generation	Significant weight
		2. Climate Emergency	Moderate weight
		3. Energy Security	Substantial weight
		4. Good Design	Limited

		weight
	5. Temporary and Reversible Impacts	Some weight
	6. Biodiversity Net Gain	Moderate weight
	7. Soil Regeneration	No weight
	8. Green Infrastructure	Moderate weight
	9. Farm Diversification	Moderate weight

6.49 As ever, in reaching a conclusion on GB 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 GB with reference to inappropriate development and loss of openness. Several factors have been promoted by the applicant as considerations 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’.

6.50 Taking into account all GB considerations, Officers are of the opinion that the identified harm to the GB is clearly outweighed by the accumulation of factors described above, so as to amount to the VSC justifying inappropriate development.

II. LANDSCAPE AND VISUAL IMPACT

6.51 Landscape and Visual Impact was the only environmental topic to be scoped into the ES as these impacts could be ‘significant’ especially when considering ‘in combination’ effects with the adjoining solar farms. The applicant’s Landscape and Visual Impact Assessment (LVIA) has been prepared in accordance with good practice guidance. The methodology and viewpoint locations were agreed with the LPA prior to its production.

Baseline

6.52 Thurrock Reclaimed Fens, as the site is referred to within the Fanns Landscape Character Assessment, forms a low lying inland basin which contrasts with the rising land of the Brentwood Wooded Hills to the north, Ockendon Rolling Farmland to the west, Langdon Hills to the east and Orsett Lowland Farmland to the south.

- 6.53 The Landscape Character Assessment (LCA) considers the area to be of a moderate-low landscape quality. This is as a result of *'intensive farming and gradual loss of defining characteristics which reflected its wetland past.'* The LCA did not consider sensitivity or susceptibility. The LVIA therefore has attempted to establish this and suggests that the ability of the landscape to accommodate low level development would be of a medium-low susceptibility.
- 6.54 The landscape has suffered from intensive farming practices and many of the historic field boundaries have been removed. Nonetheless, the area retains an open character and the landform is relatively intact and has not been subject to the effects of activities such as mineral extraction. The Land of the Fanns LCA deems the open expansive views to be one of the characteristics that makes the Thurrock Reclaimed Fens special.

Impact

- 6.55 The character of the application site is low-lying and expansive fenland landscape, therefore the Zone of Theoretical Visibility (ZTV) is large. However, given the relatively low height of the solar arrays and associated structures the Zone of Visual Influence (ZVI) itself is smaller (paragraph 8.54 in the ES), this is agreed by the Council's Landscape and Ecology Advisor.
- 6.56 The existing hedges and landscape patterns would aid the accommodation of development such as a solar farm due the low heights of the various elements. Nonetheless, at 86 hectares, this is a large scale development and therefore the sensitivity would be higher. While the effects on landscape character are localised, it is accepted that the scheme would have large scale effects within the site and immediate surroundings. This is a fundamental change from an agricultural landscape to a solar farm and would be a new feature in a predominantly rural landscape.
- 6.57 The Council's Landscape and Ecology Advisor has stated the effects of the proposed development would be experienced within the Thurrock Reclaimed Fen Local Character Area which is characterised by its flat, open and exposed landscape with expansive views. The fields are often enclosed by hedges and there is a sparse settlement pattern. The LVIA concludes that within the site the proposed solar farm would have a significant adverse effect on the landscape character. However, the assessment considers that these effects would be localised, with existing vegetation limiting most effects beyond approximately 200m due to the low height of the development and generally flat topography.
- 6.58 The visual effects would be similar to those of landscape character, with the main effects being to viewpoints close to or within the site. The visual effects would be

most significant for users of the public rights of way, up to major-moderate, as they will directly experience the new expansive development. Comprehensive landscape and ecology mitigation measures such as tree and hedge planting have been proposed, but these will take time to establish.

- 6.59 The site would be screened from all the main settlements by topography and vegetation. The assessment considers effects on individual residential properties. The views from most properties would be screened by existing vegetation. The closest properties, Fen Farm Cottages, are approximately 200m from the site. The assessment recognises that the visual effects and cumulative effects when assessed with Bulphan Fen solar farm for these residents would be significant.
- 6.60 There are several public rights of way within the study area, including routes adjacent to the site boundary. Several of these also run through or close the permitted Bulphan Fen solar farm. The assessment concludes that there will be significant effects for users of footpaths 135 and 136 and bridleway 219; however these effects would be limited to a distance of maximum of 400m, depending on the quality of boundary hedges. there would be cumulative effects experienced by users travelling through the larger Bulphan Fen site, although there has been some offsetting of the arrays away from the routes.
- 6.61 The assessment considers the cumulative effects of the scheme with the proposed line of the Lower Thames Crossing. It recognises that in combination there would be significant adverse cumulative have much more significant landscape and visual effects on these receptors. Although it is considered that the Lower Thames Crossing would contribute the greatest proportion of these adverse effects.
- 6.62 The Council's Landscape and Ecology Advisor has reviewed the LVIA and associated plans it is considered that its conclusions are appropriate. The proposed solar farm is largely limited to structures of no more than 3m high. Being set within a large flat landscape means that there are few open views down onto the site. Therefore, the landscape and visual effects would be experienced from a local level limited to 200-400m from the site boundaries depending on vegetation.
- 6.63 The Council's draft Landscape Sensitivity Evaluation considered that solar farms over 5ha would have a moderate sensitivity, which would increase with scale. This scheme is significantly larger and therefore it is considered that the sensitivity would be at the highest end of moderate. Nonetheless, it is accepted that the design has sought to consider changes in topography, existing hedges and other features to reduce effects.

Mitigation

- 6.64 There are a number of mitigation measures within the proposal in terms of the landscape and visual impacts. There would be planting of hedgerows and woodland as well as improved grassland, wildflower and scrub areas. This includes enhancement of existing hedgerows and planting of substantial areas of neutral grassland underneath the solar panels and neutral grassland with wildflowers and scrub throughout the site. No detailed Landscape and Ecology Management Plan (LEMP) has been submitted, so this would need to be a pre-commencement condition, which details the short and long term management of new and existing habitats. The objective of the LEMP is to help integrate the development into its surrounding landscape, minimise potential negative visual and landscape impacts (in so far as possible) and enhance the existing landscape structure, amenity value and biodiversity.
- 6.65 The Council's Landscape and Ecology Advisor concludes '*These effects can be mitigated by the proposed hedgerow planting and infilling and by setting the arrays back from the boundaries with the rights of way. Reference is made within the ES and ecological assessment to the proposed landscape mitigation measures which includes infilling gaps within existing hedges and the planting of new hedges. The LVIA assumes that these mitigation measures would take 5-7 years to fully screen the solar arrays given their relatively low height of 3m. No plans have been submitted with the application showing where the proposed planting would be implemented. If permission is granted a landscape condition would be required detailing where the various elements of the landscape mitigation scheme would be provided.*'

Residual Impact

- 6.66 The LCA considers the area to be tranquil and containing dark skies. This scheme would not generate noise or traffic and will be unlit. It is considered therefore that it would not adversely affect these qualities. Guidance to conserve and enhance character includes preserving and enhancing the network of hedgerows and hedgerow trees, coverts of deciduous woodland, ponds and improving access. The design and mitigation measures have sought to deliver these enhancements.
- 6.67 The Council's Landscape and Ecology Advisor concludes '*The proposed scheme would have significant landscape and visual effects both on its own and in-combination; however these effects will be limited to within 200-400m of the scheme initially and likely to reduce of the proposed mitigation planting establishes. Residents of Fen Farm Cottages would be most affected as would users of three public rights of way. The quality of the existing landscape has declined as a result of the loss of hedges in the past and the intensive arable farming. The proposed mitigation measures would help to restore some of these features and provide a biodiversity net gain. Overall it is considered that the landscape and visual effects*

of the scheme would be localised, albeit significant, and the proposed mitigation would further reduce these effects once established. On balance I do not object to the scheme subject to the details of the proposed landscape scheme and the management plan being approved.'

- 6.68 The proposal is within an undeveloped part of Thurrock, so inevitably there will be an impact on landscape and visual receptors. The design and mitigation methods put forward have sought to minimise harm and restore and enhance landscape features. When balancing the landscape and visual effects with the need to produce cleaner energy it is not considered that objection to the scheme on landscape and visual grounds could be substantiated.

III. TRAFFIC IMPACT, ACCESS AND PARKING

- 6.69 The highways issues relating to this development proposal are predominantly for the construction and the decommissioning phases of the development. There would be one construction vehicle access point on Medebridge Road. This access is already used by large vehicles and is considered suitable for HGVs.
- 6.70 The applicant has confirmed there would be an average of 8 HGVs per day (16 two-way movements) during the construction phase of 26 weeks. The operational period would require a small amount of vehicular movements; it is likely there would be two LGV movements a month. The applicant's Construction Traffic Management Plan (CTMP) states HGV construction traffic would be solely routed via A13.
- 6.71 Construction activities are proposed to occur Monday to Friday between the hours of 08:00 and 18:00. However, construction vehicles will be coordinated as to avoid the traditional morning and evening peak hours, between 08:00-09:00 and 17:00-18:00 respectively. Construction traffic will therefore be coordinated to ensure arrivals and departures occur between 09:00 and 17:00 Monday to Friday. On Saturdays construction would be between 08:00 to 13.30, with none allowed on Sundays or Bank Holidays.
- 6.72 It is concluded that, subject to planning conditions, construction traffic associated with the proposal would not have a material effect on the safety or operation of the local highway network.

IV. AGRICULTURAL LAND CLASSIFICATION

- 6.73 The Planning Practice Guidance (PPG) identifies a number of factors which should be taken into account by local planning authorities when determining applications for large-scale PV solar farms, including encouraging the effective use of land by

focussing large scale solar farms on previously developed and non-agricultural land, provided that it is not of high environmental value. The PPG highlights that best quality agricultural land (Grades 1, 2 and 3a) should be preserved with preference being given to areas of poorer quality land (Grades 3b, 4 and 5).

- 6.74 Based on the submitted site specific Agricultural Land Classification report the large majority of the land within the proposal site is classified as grade 3b (96.6%), with the remaining 3.4% being 3a. The findings of the detailed site-specific land classification study report show that the land is capable of being developed as a solar farm as its temporary loss will not adversely affect agricultural productivity in the area. The DCLG publication 'planning practice guidance for renewable and low carbon energy' (July 2013), recognises that solar farms are temporary structures. At the end of the 40 year period of the panels being in place, the land would be restored to its existing agricultural use and this will be controlled by a condition. It is concluded that the temporary loss of a small amount of Grade 3a is not a reason to raise an objection to the proposal.

V. EFFECT ON NEIGHBOURING PROPERTIES

- 6.75 Whilst the site is rural in nature there are some properties nearby, notably Fen Farm Cottages. The Council's Environmental Health Officer has confirmed that in terms of noise they do not consider the proposal would lead to any unacceptable noise to any sensitive receptors.
- 6.76 In terms of visual effects to these nearby properties, there would be an effect to their outlook where it is towards the solar panels. The solar panels would be set back at least 5m from the boundary of the proposal site and the nearest property, Fen Farm Cottages, is 250m away from the site boundary and the effect would not be unreasonable.
- 6.77 The glint and glare from the solar panels is very little. They are made up of silicon-based PV cells that are encased in a glass covering. Glass does not have a true specular reflection but does reflect a certain magnitude of light. The manufacturers of the panels use anti-reflective coating in the glass that changes the reflectivity from specular distribution to diffuse distribution. Therefore, as light falls onto the solar panels, most of the sunlight is transmitted to the cell beneath the glass with only a small amount reflected back in a multiple of angles and magnitudes. The result is an object that is perceived to have very little glare.

VI. FLOOD RISK

- 6.78 Part of the site lies within Flood Zones 1, 2 and 3a, 3a being the high risk zone. The Environment Agency have confirmed a solar farm is considered to be 'essential infrastructure' land use in Table 2: Flood Risk Vulnerability Classification of the Planning Practice Guidance. It is therefore necessary for the application to pass the Sequential and Exception Tests, which is the responsibility of the Council. The Environment Agency do not object, subject to the application of these tests.

Sequential Test

- 6.79 The proposal has to be in its proposed location due to the available capacity in the national grid in the area, owing to its close proximity to the electricity distribution station to the north of the site. Additionally, there are no known available sites of 86 hectares which are located wholly within an area of lower flood risk. Therefore, it is considered that the Sequential Test is passed.

Exception Test

- 6.80 The Flood Risk Vulnerability Classification requires that the Exception Test is also applied. The NPPF states that:

“For the exception test to be passed it should be demonstrated that:

- a) the development would provide wider sustainability benefits to the community that outweigh the flood risk; and*
- b) the development will be safe for its lifetime taking account of the vulnerability of its users, without increasing flood risk elsewhere, and, where possible, will reduce flood risk overall”*

- 6.81 The design of the proposed layout has incorporated any vulnerable parts of the proposal in the areas at lowest risk of flooding. All sensitive electrical equipment has been proposed to be raised to 1m above ground levels across the site. Paragraph 6.1.3 of the FRA states that with the exception of a 100m² area to the south of the site, maximum flood depths during the 1% (1 in 100) plus climate change annual probability fluvial 'design event', are 0.7m. Therefore, 300mm freeboard is provided between the maximum design flood level and the base of all sensitive electrical equipment. The solar panels would not impede any surface water flowpaths or displace any ponding of surface water. The Flood Risk Assessment demonstrates that the development would not result in any increase in flood risk off-site or it increase flood risk on-site. Therefore, the proposal is considered to meet the exception test. The sustainability benefits of the proposal are described earlier in this report.

- 6.82 In terms of surface water drainage, the Council's Flood Risk Manager has confirmed that they do not object to the proposal.

VII. ARCHAEOLOGY

- 6.83 The Historic Environment Record shows that the proposed development site has the potential to contain archaeological remains, particularly those of a Prehistoric or Roman date. Recent evaluation work to the east of the proposed development has exposed Late Bronze Age to Early Iron Age settlement activity in the form of enclosure ditches, pits and possible roundhouses. Early Roman settlement activity was also uncovered, consisting of a trackway, enclosure ditches, pits and postholes. The excavation of a gas pipeline through the proposed development in 1993 uncovered further deposits and features dating to the Late Bronze Age-Early Iron Age. Large quantities of worked flint were recovered, along with an almost complete decorated urn. The is also a large scheduled Roman burial mound to the west of the development site further solidifies that the proposed development is located within a historic landscape.
- 6.84 The Council's Archaeology Advisor has confirmed they have no objections to the proposal, subject to conditions to mitigate any possible effect to archaeology due to the above.

VIII. ECOLOGY

- 6.85 Ecological surveys were undertaken to support the application. This comprised a standard Preliminary Ecological Assessment which included a Phase 1 habitat survey and protected species assessments. In addition, there were specific great created newt, reptile and breeding bird surveys. The methodology was considered appropriate.
- 6.86 Most of the area is in arable production and therefore its ecological value is limited to the boundary features which include ditches, hedges, scrub, trees and grassland. 29 ponds were identified from aerial mapping within 500m of the site of which two were within the site. The surveys confirm that while the habitat features are generally not of high quality the site and surrounding habitat feature support reptiles in restricted locations, great crested newts and breeding birds, including 11 Red list species.
- 6.87 The assessment confirms that the more valuable habitat features will be retained and features such as the hedges can be enhanced through the proposed Landscape and Ecology Management Plan. The proposed sowing of a wildflower and tussock seed mixes would create different grassland habitats which would result in a biodiversity net gain that would benefit a range of protected and

important species.

- 6.88 The Council's Landscape and Ecology Advisor has confirmed that the proposed Reasonable Avoidance Measures set out in the report are considered proportionate for addressing the potential risk to the protected species that are or could be present.

IX. EIA MATTERS

- 6.89 In coming to its view on the proposed development the local planning authority has taken into account the content of the Environmental Statement (ES) submitted with the application, further information to the ES, as well as representations that have been submitted by third parties. The ES considers the potential impacts of the proposal and sets out appropriate mitigation measures.
- 6.90 The ES considers the impact of the development in terms of landscape and visual matters. Subject to appropriate mitigation which can be secured appropriate planning conditions, the ES concludes that any impact arising from the construction and operation of the development would be within acceptable limits and would not be significant. Having taken into account representations received from others, Officers consider that the proposed development is acceptable, subject to referral to the Secretary of State and compliance with a number of planning conditions to be imposed upon any consent granted.

7.0 CONCLUSIONS AND REASONS FOR APPROVAL

- 7.1 The proposals would comprise inappropriate development in the GB. Furthermore, the proposed development would lead to a loss of openness and would, to a degree, be harmful to purposes (b) and (c) of including land within the GB. Substantial weight should be attached to this harm in the balance of considerations.
- 7.2 The applicant has cited a number of factors which are promoted as clearly outweighing harm to comprise very special circumstances needed to justify inappropriate development. It is considered that significant weight should be attached to the benefits of providing renewable energy, including the reduction in carbon emissions. The temporary nature of the development attracts some weight and weight can also be attached to the economic, social and environmental benefits of the proposals. On balance it is concluded on this point that the benefits of the proposals clearly outweigh the substantial harm to the GB described above, and therefore a departure from normal GB policies is justified.
- 7.3 There are no objections to the proposals on the grounds of impact on amenity, heritage assets, flood risk or the surrounding highways network. The proposals also

would provide benefits to ecology in the form of habitat creation and the proposals would ensure the continued agricultural use of the land. Finally, the proposals would not result in any material harm to landscape and visual receptors.

8.0 RECOMMENDATION

8.1 Grant planning permission subject to:

- (i) Referral to the Secretary of State under the terms of the Town and Country Planning (Consultation) (England) Direction 2009; and
- (ii) Subject to the application not being called-in by the Secretary of State for determination, grant planning permission 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.

PLANS LIST

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

Plan Number(s):		
Reference	Name	Received
(No Nos.)	Site Location Plan	21 December 2021
(No Nos.)	Solar Farm Layout	21 December 2021
MBSF PA 006 02	Solar Array Cross Section (Indicative)	21 December 2021
MBSF PA 007 02	Customer Station Elevations (Typical)	21 December 2021
MBSF PA 009 02	Cable Trench Cross Section (Typical)	21 December 2021
MBSF PA 00X 02	DNO Substation Station Elevations (Typical)	21 December 2021
MBSF PA 00X 02	Metrological Station (Typical)	21 December 2021

MBSF PA 010 02	Fence and Gate Elevations (Typical)	21 December 2021
MBSF PA 011 02	Spares Storage Container (Typical)	21 December 2021
MBSF PA 014 02	Access Track (Typical)	21 December 2021
MBSF PA 019 02	CCTV Pole Elevation (Typical)	21 December 2021
MBSF PA 020 02	String Inverters Typical Detail	21 December 2021

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].

TEMPORARY PERIOD AND DECOMMISSIONING

3. Planning permission is hereby granted for a temporary period of 40 years from the first commercial export of energy. No later than one week before the first commercial export of energy the applicant shall supply written notice of the first commercial event. On the 40th anniversary of the first commercial export of energy the use shall cease. Prior to the 40th anniversary of the first commercial export of energy the solar panels and all ancillary equipment and structures shall be decommissioned and removed from the site in accordance with the Decommissioning Method Statement agreed pursuant to Condition 4.

Reason: In order to accord with the terms of the submitted planning application and to ensure the satisfactory restoration of this Green Belt site.

DECOMMISSIONING METHOD STATEMENT

4. Within three months of the cessation of power production on the site a Decommissioning Method Statement shall be submitted to and approved in writing by the local planning authority. The Statement shall include the timing for decommissioning of the solar farm if it ceases to be operational, along with the measures, and a timetable for their completion, to secure the removal of panels, plant, fencing and equipment. Decommissioning shall be carried out in accordance with the approved Statement and details including the timing of works.

Reason: To ensure the satisfactory restoration of the site in the Green Belt in accordance with policy PMD6 of the adopted Thurrock LDF Core Strategy and Policies for the Management of Development [2015].

CONSTRUCTION PERIOD

5. The construction period shall be no more than 26 weeks unless otherwise agreed in writing by the local planning authority. Notice of commencement of the development must be given to the local planning authority in writing no less than one week before commencement.

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

CONSTRUCTION TRAFFIC MANAGEMENT PLAN [CTMP]

6. Construction and decommissioning works on site shall only take place in accordance with the CTMP (ref. 21-247-20 dated 14 December 2021) and in particular the following elements of that document:

- Routing of construction vehicles; and
- Time of HGVs accessing the site

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

CONSTRUCTION ENVIRONMENTAL MANAGEMENT PLAN [CEMP]

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

- (a) Details of construction any access or temporary access, and details of temporary parking requirements;
- (b) Location and size of on-site compounds [including the design layout of any proposed temporary artificial lighting systems];
- (c) Details of any temporary hardstandings;
- (d) Details of temporary hoarding;
- (e) Contact details for site managers including information about community liaison including a method for handling and monitoring complaints;
- (f) Wheel washing facilities; and

(g) Days and hours of construction activities.

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

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

HGV BOOKING SYSTEM

8. HGV movements from the site shall be limited to a maximum of:

- Weekly limit of 60 two-way movements, Monday to Saturday (30 in and 30 out);
- Daily limit of 20 two-way movements, Monday to Saturday (10 in and 10 out).

A log of HGV movements shall be kept and submitted to the local planning authority for review upon written request. This log shall record details of the registration, origin, destination and operators of each HGV entering and leaving a plot within the site and the time of such movements.

Reason: In the interests of amenity and highway and pedestrian safety, in accordance with policy PMD1 of the adopted Thurrock LDF Core Strategy and Policies for the Management of Development [2015].

ACCORDANCE WITH ENVIRONMENTAL STATEMENT

9. The development hereby permitted shall be carried out in accordance with the recommendations and mitigation measures contained with the Environmental Statement and schemes submitted with the application.

Reason: To protect and improve the appearance of the site in the interests of visual amenity of the area and to provide biodiversity enhancement opportunities, in accordance with policy PMD1, PMD2, PMD6 and PMD7 of the adopted Thurrock LDF Core Strategy and Policies for the Management of Development [2015].

LANDSCAPE AND ECOLOGICAL MANAGEMENT PLAN (LEMP)

10. Prior to the commencement of development, a Landscape and Ecological Management Plan (LEMP) shall be submitted to and approved in writing by the local planning authority. The LEMP shall be implemented as approved before operational use of the development.

Reason: To protect and improve the appearance of the site in the interests of visual

amenity of the area and to provide biodiversity enhancement opportunities, in accordance with policy PMD1, PMD2, PMD6 and PMD7 of the adopted Thurrock LDF Core Strategy and Policies for the Management of Development [2015].

ARCHAEOLOGICAL WORK AND MITIGATION

11. No development or preliminary groundworks shall take place until the Applicant or their successors in title has secured the implementation of a programme of archaeological work in accordance with a written scheme of investigation and specification which has been submitted to and approved in writing by the local planning authority. Following on from the works of investigation, no demolition/development or preliminary groundworks shall take place until the outcome of the investigations have been submitted to and agreed in writing with the local planning authority. The outcome of the investigations shall also detail any further safeguarding measures to ensure preservation in situ of any important archaeological remains and / or further archaeological investigation, such agreed measures shall be employed in accordance with the agreed scheme and timetable.

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

ARCHAEOLOGY – POST EXCAVATION ASSESSMENT

12. The applicant will submit to the local planning authority a post excavation assessment (to be submitted within six months of the completion of the fieldwork, unless otherwise agreed in advance with the Local Planning Authority). This will result in the completion of post excavation analysis, preparation of a full site archive and report ready for deposition at the local museum, and submission of a publication report.

Reason: To ensure that investigation and recording of any remains takes place in accordance with Policy PMD4 of the adopted Thurrock LDF Core Strategy and Policies for the Management of Development [2015].

EXTERNAL LIGHTING/SECURITY MEASURES

13. No external artificial lighting or other security measures other than those agreed as part of this permission shall be installed during the operation of the site as a solar PV facility without the prior written agreement of the Local Planning Authority.

Reason: In the interests of amenity and ecology and biodiversity and to ensure that the development can be integrated within its immediate surroundings in accordance

with Policies PMD1 and PMD2 and PMD7 of the adopted Thurrock LDF Core Strategy and Policies for the Management of Development [2015].

Informative(s)

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

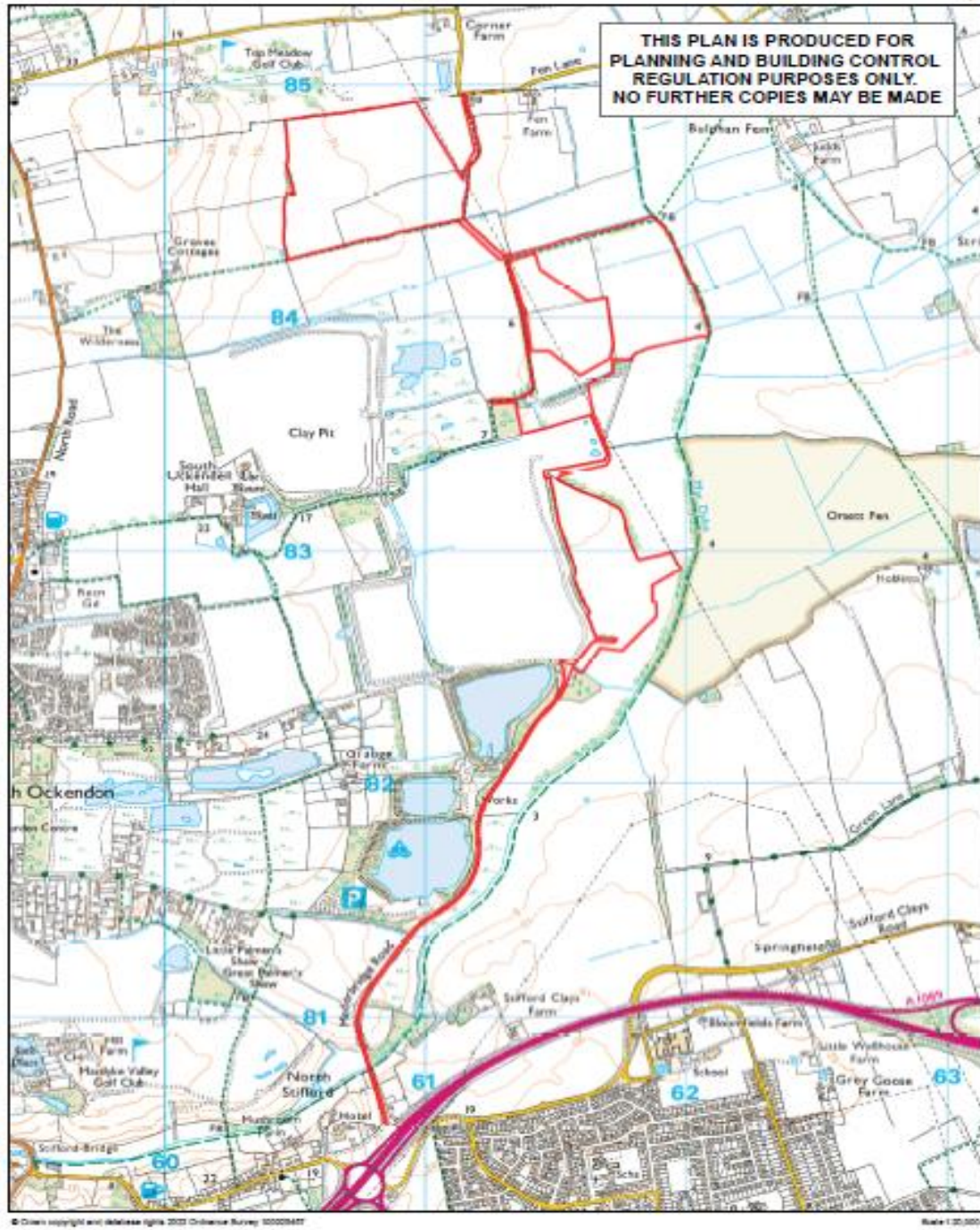
The Local Planning Authority has acted positively and proactively in determining this application by identifying matters of concern within the application (as originally submitted) and negotiating, with the Applicant/Agent, acceptable amendments to the proposal to address those concerns. As a result,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

2. Public Rights of Way The grant of planning permission does not permit any changes, alterations, obstructions, diversions, closures or additional use by motor vehicles of any public rights of way affected by the proposal, the developer is required to contact the Council's public rights of way team for permission prior to undertaking any works.

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



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