

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 P17	GA Ground Floor Plan	25 May 2022
146818EFAA DLA B1 01 DR A 2001 Rev P13	GA First Floor Plan	25 May 2022
146818EFAA DLA B1 02 DR A 2002 Rev P10	GA Roof Plan	25 May 2022
146818EFAA DLA B1 XX DR A 2020 Rev P3	External Visuals	25 May 2022
146818EFAA DLA B1 XX DR A 2020 Rev P3	Additional 3D Views	25 May 2022
146818EFAA DLA B1 XX DR A 2030 Rev P14	GA Elevation	25 May 2022
146818EFAA DLA B1 XX DR A 2035 Rev P14	GA Section	25 May 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

The application is also accompanied by:

- Acoustic Design Strategy
- Agricultural Land Survey
- 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

Applicant:

Eco Modular Buildings (on behalf of the Secretary of State for Education)

Validated:

18 January 2022

Date of expiry:

29 March 2022 (10-week target determination period applies to 'public service infrastructure' applications as of 16 July 2021)

Recommendation: Grant planning permission subject to submission of an application to divert the public footpath 145 under Section 147 or Section 257 of the Town and Country Planning Act 1990 (as amended); referral to the Secretary of State and planning conditions.

1.0 BACKGROUND

- 1.1 At the meeting of the Planning Committee held on 21 April 2022 Members considered a report assessing the above proposal. Members of the Planning Committee voted to defer the application. This was because a number of questions were raised by Members; these were addressed within an update report which was reported to Planning Committee on 9 June 2022. At the meeting of the 9 June Members resolved to approve the application, subject to referral to the S.O.S.
- 1.2 Following the 9th June 2022 meeting it became known that an objection letter and attached petition with 22 signatures was hand delivered to the Council Offices on 8 June 2022. This correspondence had not been processed at the time of the meeting and was not therefore known or reported to Members at the 9th June 2022 meeting. Whilst the objection letter and petition received well after the closure of the public consultation it is proper that Members are aware of its existence given that it was submitted prior to the meeting.
- 1.3 As set out above, no formal decision notice has been issued because the paperwork has been referred to the S.O.S. In light of this, it is considered appropriate to report the additional matters raised to Planning Committee.
- 1.4 A copy of the reports presented to the April 2022 and June 2022 Committee meetings are attached.

2.0 CONSULTATION AND REPRESENTATIONS

- 2.1 An additional objection letter and petition were hand delivered to the Council Offices on 8 June 2022.

3.0 PLANNING UPDATES, ASSESSMENT & IMPLICATIONS

- 3.1 The information below seeks to address the questions raised within the correspondence submitted on the 8th June 2022 and had not already been addressed within the previous reports. These additional matters are:
 - Level of public consultation;
 - Air pollution;
 - Jobs for local people;
 - Local children first.

Consultation

- 3.2 National Planning Practice Guidance and the Town and Country Planning (Development Management Procedure) (England) Order 2015 state the required statutory level of public consultation for applications. In this case, a site notice was displayed at the site, an advert was posted within Thurrock Gazette and individual neighbour letters were sent to adjacent and nearby properties. The application documents are available to view / comment on the Council website. This level of public consultation exceeds the statutory requirements which state only neighbour letters or a site notice are required, alongside a press advert and website.
- 3.3 In addition, the applicant carried out a comprehensive pre-planning application submission public consultation. This is not a statutory requirement, although it is good practice. This is detailed within the Statement of Community Involvement which was submitted with the application.

Air pollution

- 3.4 The site is not within an Air Quality Management Area (AQMA) and therefore there is no requirement for an Air Quality Assessment. All AQMAs are highly localised in Thurrock and none are within close proximity of the site. Additionally, The Council's Environmental Health Team raise no concerns about air quality, but in respect of construction activities, conditions are proposed with regards to a Construction Environment Management Plan (CEMP), restrictions on bonfires and control of dust. Therefore, the school would not lead to an unacceptable rise in air pollution.

Jobs for local people

- 3.5 There is no mechanism within the national planning system to restrict employment on a site to local workers, although targets are sometimes encouraged within s.106 agreements. Also, there are no local policies within the Core Strategy on local employment that would cover a development of this size. Whilst a local workforce would be preferable and is encouraged within the Core Strategy it is not always practical or realistic. Within both the construction and operation stage of the school it is considered that skill shortages would mean all the necessary qualified staff could not be adequately sourced locally.

Local children first

- 3.6 The school would be run by Reach2 Academy Trust which is a free school which sets its own admission policies. The Trust's aim is to ensure all of its academies have simple, consistent admission arrangements that focus on serving the local community.

4.0 CONCLUSION

The application has been brought back to Planning Committee due to an additional objection which was received before the previous meeting where members resolved to approve the application. This report covers the subjects within the objection which have not explicitly been covered within the previous reports. Taking into account the additional information, the recommendation remains one of approval for the reasons stated in 7.0 of the July Committee report.

5.0 RECOMMENDATION

5.1 Grant planning permission subject to:

- (i) Submission of an application to divert the public footpath 145 under Section 247 or Section 257 of the Town and Country Planning Act 1990 (as amended);
- (ii) Referral to the Secretary of State under the terms of the Town and Country Planning (Consultation) (England) Direction 2021; and
- (iii) 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:

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Reference	Name	Received
146818EFFA-AVE-ZZ-XX-DR-C-0001	Proposed Drainage Scheme	18 January 2022
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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].

HGV BOOKING SYSTEM

- 5 HGV movements from the site associated with the importation phase shall be limited to a maximum of:
- Weekly limit of 60 two-way movements, Monday to Friday only between 9.30am and 2.30pm (30 in and 30 out);
 - Daily limit of 20 two-way movements, Monday to Friday only between 9.30am and 2.30pm (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].

MATERIAL

- 6 Only non-contaminated, suitable material shall be used for the purposes of infilling and restoration. The material will be that which is within Environment Agency permitting regime and/or the CL:AIRE Code.

Reason: To prevent the possible contamination of the groundwater and to protect the amenities of neighbouring properties 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

- 7 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

- 8 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

- 9 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

- 10 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

- 11 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

- 12 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

- 13 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

- 14 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

- 15 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

- 16 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

- 17 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

- 18 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

- 19 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

- 20 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

- 21 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

- 22 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

- 23 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

- 24 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

