

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

