

<p>Reference: 18/01709/FUL</p>	<p>Site: Thurrock Rugby Club Long Lane Stifford Clays Grays Essex RM16 2QH</p>
<p>Ward: Little Thurrock Blackshots</p>	<p>Proposal: Construction of new school building, extensions and alterations to existing rugby clubhouse and external works including parking, landscaping and play surface</p>

Plan Number(s):		
Reference	Name	Received
247LPA	Location Plan	29th November 2018
LP	Location Plan	26th November 2018
101	Existing Site Layout	26th November 2018
102 Rev A	Existing Plans	18th December 2018
103	Existing Plans	26th November 2018
104	Existing Elevations	26th November 2018
201Rev A	Proposed Site Layout	18th December 2018
202 Rev B	Proposed Site Layout	18th December 2018
203 Rev B	Proposed Plans	18th December 2018
204 Rev A	Roof Plans	18th December 2018
205 Rev A	Proposed Elevations	18th December 2018
206	Proposed Plans	26th November 2018
207	Roof Plans	26th November 2018
208	Proposed Elevations	26th November 2018

<p>The application is also accompanied by:</p> <ul style="list-style-type: none"> - Design and Access Statement - Transport Assessment - Arboricultural Impact Assessment 	
<p>Applicant: Thurrock RFC & SWECET</p>	<p>Validated: 26 November 2018 Date of expiry: 25 February 2019</p>
<p>Recommendation: Grant planning permission, subject to: (i) referral to the Secretary</p>	

of State; and (ii) conditions.

This application is scheduled for determination by the Council's Planning Committee as it is a major application for development in the Green Belt, which also represents a departure from the Core Strategy and NPPF.

This is a joint application between the Thurrock Rugby Football Club (TRFC) and the South West Essex Community Education Trust (SWECET) – the William Edwards School.

1.0 DESCRIPTION OF PROPOSAL

- 1.1 The application seeks planning permission for a variety of works on the Thurrock Rugby Club site to facilitate the mixed use of the site to provide a temporary facility for the Orsett Heath Academy on the site, until a permanent school is built close to the site in the future. Once the new school has been built and is operational the current site will continue to be used by schools within the SWECT and the TRFC for education and sports provision in conjunction with the Orsett Heath Academy. It is the applicant's vision to create a lasting legacy of education, sport and recreation uses at this site, referred to as a 'Thurrock Institute of Sport'.
- 1.2 The new school would comprise a new two storey flat roofed building to the northern end of the existing rugby club building. This building would be finished with a mixture of brickwork and cladding and would be linked to the rugby club building by a covered link. The building would run north to south in the site and would have main windows facing east and west. The new building would have a floor area of 577sq.m. per floor. The building would provide 120 secondary spaces for September 2019 and a further 120 spaces for September 2020.
- 1.3 In relation to the existing rugby club building, a new single storey flat roof store building would be provided to the north of the new school building with a floor area of 75sq.m. .Parts of the existing building would be re-rendered and clad to match the new school building. A canopy would be provided, wrapping about the majority of the northern and eastern flanks of the building. This canopy would meet with the southern elevation of the new school building.
- 1.4 The existing car park would be extended to uplift parking from 100 spaces to 178 spaces, 9 disabled car parking spaces would be provided along with 96 cycle spaces and 7 motorcycle parking spaces.
- 1.5 To the west of the new building, closest to the entrance of the site would be a porous asphalt playground/overflow car park which would be enclosed with 2m high fencing. Landscaping would be provided around the site.

2.0 SITE DESCRIPTION

- 2.1 The application site is approximately rectangular in shape and metres 1.12 hectares. The site is accessed from Long Lane.

- 2.2 To the north, east and south of the site are open fields. To the west are residential properties on Springfield Road, the Thurrock Harriers facilities and running track.
- 2.3 The majority of the site is laid roughly with hardstanding, a formally marked out parking area is located to the south east. The main permanent buildings, which are part single and part two storeys, lie towards the eastern boundary of the site.
- 2.4 The site lies in the Metropolitan Green Belt.

3.0 RELEVANT HISTORY

- 3.1 The site has a long planning history; many applications are not directly relevant to the current proposal. There is one notable recent application, which is detailed below:

Application Reference	Description of Proposal	Decision
10/50149/TTGFUL	Two storey extension to provide enhanced changing facilities and gymnasium	Approved 9 June 2010. This application was not implemented; however the footprint of the approved extension was 348 sq.m, giving a total gross floor space for the two storey extension of 696sq.m.

4.0 CONSULTATIONS AND REPRESENTATIONS

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

PUBLICITY:

- 4.2 This application has been advertised by way of individual neighbour notification letters press advert and public site notices which have been displayed nearby. The application has been advertised as a major development and as a departure from the development plan.
- 4.3 At the time of writing 18 letters have been received in support of the application
- Creation of jobs;
 - Lack of provision in the area;
 - The school is much needed to support housing growth;

- The proposal will be an innovative project linking the trust and sports club;
- Education is a top priority;
- A new school will prevent children having to travel so far.

Three letters have been received objecting to the proposals on the following grounds:

- The rugby club will be the main benefactors of the use;
- The building will only be used as a school for the short term;
- People in the neighbourhood live quietly;
- Concern that if the rugby club members don't want the application it will still be approved.

4.4 ENVIRONMENT AGENCY:

No objections.

4.5 SPORT ENGLAND:

No objections, subject to conditions.

4.6 EDUCATION:

No objection, support the proposals.

4.7 ENVIRONMENTAL HEALTH:

No objections, subject to conditions.

4.8 HIGHWAYS:

No objections, subject to conditions.

4.9 LANDSCAPE & ECOLOGY:

No objections subject to conditions.

5.0 POLICY CONTEXT

National Planning Policy Framework

- 5.1 The NPPF was published on 27 March 2012 and amended on 24 July 2018. Paragraph 10 of the Framework sets out a presumption in favour of sustainable

development. Paragraph 2 of the Framework confirms the tests in s.38 (6) of the Planning and Compulsory Purchase Act 2004 and s.70 of the Town and Country Planning Act 1990 and that the Framework is a material consideration in planning decisions. Paragraph 11 states that in assessing and determining development proposals, local planning authorities should apply the presumption in favour of sustainable development. The following headings and content of the NPPF are relevant to the consideration of the current proposals:

2. Achieving sustainable development
14. Meeting the challenge of climate change, flooding and coastal change
16. Conserving and enhancing the historic environment

Planning Practice Guidance

5.2 In March 2014 the Department for Communities and Local Government (DCLG) launched its planning practice guidance web-based resource. This was accompanied by a Written Ministerial Statement which includes a list of the previous planning policy guidance documents cancelled when the NPPF was launched. PPG contains 42 subject areas, with each area containing several subtopics. Those of particular relevance to the determination of this planning application comprise:

- Climate change;
- Design;
- Determining a planning application;
- Flood risk and coastal change;
- Health and wellbeing;
- Natural environment;
- Noise;
- Open space, sports and recreation facilities, public rights of way and local green space;
- Travel Plans, Transport Assessments and Statements; and
- Use of planning conditions

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

Local Planning Policy

Thurrock Local Development Framework

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

Spatial Policies:

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

Thematic Policies:

- CSTP10: Community Facilities
- CSTP12: Education and Learning
- CSTP22: Thurrock Design
- CSTP27: Management and Reduction of Flood Risk
- Policies for the Management of Development:
- PMD1: Minimising Pollution and Impacts on Amenity
- PMD2: Design and Layout
- PMD7: Biodiversity, Geological Conservation and Development
- PMD8: Parking Standards
- PMD9: Road Network Hierarchy
- PMD10: Transport Assessments and Travel Plans and
- PMD15: Flood Risk Assessment

[Footnote: ¹New Policy inserted by the Focused Review of the LDF Core Strategy. ²Wording of LDF-CS Policy and forward amended either in part or in full by the Focused Review of the LDF Core Strategy. ³Wording of forward to LDF-CS Policy amended either in part or in full by the Focused Review of the LDF Core Strategy].

Thurrock Local Plan

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

Thurrock Design Strategy

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

6.0 ASSESSMENT

Process

With reference to procedure, this application has been advertised as a departure from the Development Plan and as a major development. Any resolution to grant planning permission would need to be referred to the Secretary of State under the terms of the Town and Country Planning (Consultation) (England) Direction 2009 with reference to the 'other development which, by reason of its scale or nature or location, would have a significant impact on the openness of the Green Belt'. The Direction allows the Secretary of State a period of 21 days (unless extended by direction) within which to 'call-in' the application for determination via a public inquiry. In reaching a decision as to whether to call-in an application, the Secretary of State will be guided by the published policy for calling-in planning applications and relevant planning policies. The Secretary of State will, in general, only consider the use of his call-in powers if planning issues of more than local importance are involved.

6.1 The planning issues to be considered in this case are:

- I. Development Plan designation & principle of development
- II. Site layout and design issues
- III. Impact on amenity
- IV. Highways & transportation
- V. Flood risk
- VI. Other Matters

I. DEVELOPMENT PLAN DESIGNATION & PRINCIPLE OF DEVELOPMENT:

6.2 The site lies in the Green Belt. Under this heading, it is necessary to refer to the following key questions:

1. Whether the proposals constitute inappropriate development in the Green Belt;
2. The effect of the proposals on the open nature of the Green Belt and the purposes of including land within it; and
3. Whether the harm to the Green Belt is clearly outweighed by other considerations so as to amount to the very special circumstances necessary to justify inappropriate development.

1. Whether the proposals constitute inappropriate development in the Green Belt

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

6.4 Paragraph 79 within Chapter 9 of the NPPF states that the Government attaches great importance to Green Belts and that the *“fundamental aim of Green Belt policy is to prevent urban sprawl by keeping land permanently open; the essential characteristics of Green Belt are their openness and their permanence.”* Paragraph 89 states that a local planning authority should regard the construction of new buildings as inappropriate in Green Belt. The NPPF sets out a limited number of exceptions to this, namely:

- buildings for agriculture and forestry;
- appropriate facilities for outdoor sport, recreation and cemeteries;
- proportionate extensions or alterations to a building;
- the replacement of a building;
- limited infilling in villages; and
- the partial or complete redevelopment of previously developed sites whether redundant or in continuing use (excluding temporary buildings), which would not have a greater impact on the openness of the Green Belt and the purpose of including land within it than the existing development.

6.5 Part of the site is considered to fall within the NPPF definition of Previously Developed Land (PDL). However, the proposed development is more extensive in terms of scale and mass, and spreads further across the site than the development that presently exists. Accordingly, the proposal would have a greater impact on the openness of the Green Belt and the purpose of including land within it than the existing development. Consequently, the proposals comprise inappropriate development with reference to the NPPF and policy PMD6.

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

6.6 Having established that the proposals are inappropriate development, it is necessary to consider the matter of harm. Inappropriate development is, by definition, harmful to the Green Belt, but it is also necessary to consider whether there is any other harm to the Green Belt and the purposes of including land therein.

6.7 Paragraph 134 of the NPPF sets out the five purposes which the Green Belt serves as follows:

- a. to check the unrestricted sprawl of large built-up areas;
- b. to prevent neighbouring towns from merging into one another;
- c. to assist in safeguarding the countryside from encroachment;
- d. to preserve the setting and special character of historic towns; and
- e. to assist in urban regeneration, by encouraging the recycling of derelict and other urban land.

6.8 In response to each of these five purposes:

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

6.9 The site is located to the easternmost point of the Blackshots area of Grays. The new building and parking areas would be wholly within the area of land occupied by the rugby club and would not spread east or south of the existing developed extremities of the site. For the purposes of the NPPF, the site is considered to be immediately adjacent to a 'large built up area'. It would not therefore result in the sprawl of an existing built up area.

b. to prevent neighbouring towns from merging into one another

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

c. to assist in safeguarding the countryside from encroachment

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

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

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

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

6.13 In general terms, the development could occur in the urban area and, in principle there is no spatial imperative why Green Belt land is required to accommodate the proposals however it is recognised that the development would be linked to sports facilities which have been on the site for many years. To a limited extent, the proposal would conflict with this purpose.

6.14 In light of the above analysis, it is considered that the proposals would be contrary to 2 of the 5 purposes of including land in the Green Belt. Substantial weight should be afforded to these factors.

3. Whether the harm to the Green Belt is clearly outweighed by other considerations so as to amount to the very special circumstances necessary to justify inappropriate development

6.15 Neither the NPPF nor the Adopted Core Strategy provide guidance as to what can comprise 'very special circumstances', either singly or in combination. However, some interpretation of very special circumstances has been provided by the Courts. The rarity or uniqueness of a factor may make it very special, but it has also been held that the aggregation of commonplace factors could combine to create very special circumstances (i.e. 'very special' is not necessarily to be interpreted as the converse of 'commonplace'). However, the demonstration of very special circumstances is a 'high' test and the circumstances which are relied upon must be genuinely 'very special'. In considering whether 'very special circumstances' exist, factors put forward by an applicant which are generic or capable of being easily

replicated on other sites, could be used on different sites leading to a decrease in the openness of the Green Belt. The provisions of very special circumstances which are specific and not easily replicable may help to reduce the risk of such a precedent being created. Mitigation measures designed to reduce the impact of a proposal are generally not capable of being 'very special circumstances'. Ultimately, whether any particular combination of factors amounts to very special circumstances will be a matter of planning judgment for the decision-taker.

6.16 With regard to the NPPF, paragraph 143 states that '*inappropriate development is, by definition, harmful to the Green Belt and should not be approved except in very special circumstances*'. Paragraph 144 goes on to state that, when considering any planning application, local planning authorities "*should ensure that substantial weight is given to any harm to the Green Belt. Very special circumstances will not exist unless the potential harm to the Green Belt by reason of inappropriateness, and any other harm, is clearly outweighed by other considerations*".

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

a. *Lack of secondary education provision for September 2019*

6.18 The applicant has referred to Thurrock's Pupil Place Plan in support of the proposal; the Plan identifies a significant shortfall of secondary school places from September 2019 and highlights the need for 325 spaces. The proposal would allow at least 120 places to be provided in an OFSTEAD 'Good' school. If the school is not built and every secondary school in the Borough accepts their full Pupil Admission Number (PAN), the applicant warns that there will be a minimum of 244 children with no offer of a school place.

Consideration

6.19 The Council's Education Team concur with the statement and support the application on the basis that it would provide much needed accommodation to address the shortfall in provision for the next academic year.

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

6.21 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".

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

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

6.24 Under the heading of 'Promoting healthy communities' paragraph NPPF para 94 of the NPPF states:

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

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

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

- There should be a presumption in favour of the development of state-funded schools, as expressed in the National Planning Policy Framework;
- Local authorities should give full and thorough consideration to the importance of enabling the development of state-funded schools in their planning decisions;
- Local authorities should make full use of their planning powers to support state-funded schools applications;
- Local authorities should only impose conditions that clearly and demonstrably meet the tests set out in Circular 11/95;

- Local authorities should ensure that the process for submitting and determining state-funded schools' applications is as streamlined as possible;
- A refusal of any application for a state-funded school, or the imposition of conditions, will have to be clearly justified by the local planning authority;
- Appeals against any refusals of planning permission for state-funded schools should be treated as a priority;
- Where a local planning authority refuses planning permission for a state-funded school, the Secretary of State will consider carefully whether to recover for his own determination appeals against the refusal of planning permission.

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

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

b. The provision of high quality education

6.27 The applicant states that the volume of 'Good' secondary school places has reduced recently, with 4 schools in the Borough graded Category 3 (Requires Improvement) and 4 (Serious Weaknesses/Inadequate). The proposal would allow provision of 'outstanding' education for potential students.

Consideration

6.28 The provision of high quality education is an important component of the Council's key aspirations. However, the planning system does not exist to either stifle or encourage competition between different providers. Accordingly, this matter should be afforded limited weight in the planning balance.

c. Social and Economic Considerations (Health benefits)

6.29 The applicant advises that TRFC and the SWECET have a strong relationship and many of the Trust staff have played for and supported the Club and the Club have hosted many tournaments the Trust schools have participated in. The proposal provides the opportunity to utilise the links between the two organisations.

Consideration

6.30 Public health and outdoor sport are an important corporate priorities. The proximity of the school and the rugby club would allow improved links between the two and would support wider objectives to increase public health and reduce obesity. Moderate weight should be attached to these health benefits.

d. Interim use – Shared facilities

6.31 The applicant states that the building has been designed so that it can function as an interim school during the day and as a coaching and Rugby education facility in the evening and at weekends.

Consideration

6.32 The proposal would allow two improved facilities to exist on the site, sharing use of buildings, parking and outdoor spaces. This makes best use of the land in the short term and limits the need to acquire other land or build on wider areas of the Green Belt. This mixed use is reflected in policy CSP12, which notes that *“The integration of schools into multifunction hubs with linkages to key facilities such as sports and leisure facilities, health and social care”*. Significant weight should therefore be attached to this matter.

e. Long term – Legacy use

6.33 The applicant states, that *“[once the building ceases to be used as an interim school site the facilities will be used for the development of a sports and performance analysis centre and provide specialist provision, creating a ‘Thurrock Institute of Sport’. The facility will be jointly managed by TRFC and SWECET...”* The classrooms would be used to provide special Sports Science and performance analysis suites for use by both TRFC and SWECET. Various education provisions would take place including post 16 sports and PE in partnership with Palmers College, all GCSE teaching for Orsett Heath and William Edwards. Young players would be able to use the facilities and relationships will be built up between SWECET, TRFC and Thurrock Harriers.

Consideration

6.34 The proposed long term use of the site has the potential to provide a flagship development for the Borough. It would ensure positive educational benefits and health benefits and provide aspirational opportunities for young people in the Borough. This matter should be afforded significant weight in the consideration of the application.

Summary of Very Special Circumstances

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

Summary of Green Belt Harm and Very Special Circumstances			
Harm	Weight	Factors Promoted as Very Special Circumstances	Weight

Inappropriate Development	Substantial	Lack of education provision for September 2019	Very significant weight
Reduction in the openness of the Green Belt		High quality education provision	Limited weight
		Social and Economic Considerations (Health Benefits)	Moderate Weight
		Interim Use – Shared improved facilities	Significant Weight
		Legacy Use	Significant Weight

6.36 As ever, in reaching a conclusion on Green Belt issues, a judgement as to the balance between harm and whether the harm is clearly outweighed must be reached. In this case there is harm to the Green Belt with reference to inappropriate development and loss of openness. Several factors have been promoted by the applicant as ‘very special circumstances’ and it is for the Committee to judge:

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

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

II. SITE LAYOUT & DESIGN ISSUES

6.38 The layout of the proposed development is guided in part by the location of the existing parking areas, buildings and open areas. The proposed school building would need to be close to the existing rugby club to make best use of links between the two; the location to the north of the building is therefore an appropriate location.

6.39 The shape of the site and position of the access largely dictate the position of the car park and sports surface to be used by the children. It is also the case that the available site area is small. Given these constraints, it is considered that the

proposed arrangement of extended car parking on the southern part of the site and to the front of the rugby club is acceptable. The proposed school building to the north of the site and open space adjacent is logical and makes efficient use of the available space.

- 6.40 With regard to the external appearance of the school buildings, the proposals involve a flat roof design, similar to the current rugby club building with a simple palette of materials, comprising render, brickwork and timber cladding. This combination of materials reflects the recently refinished William Edwards School in Whitmore Avenue, providing a cohesive appearance between schools within the same Academy family. The proposed appearance of the new building, and the refinished rugby club would embrace a modern design approach, which is welcomed given the rather dated appearance of the existing buildings on site. The provision of a flat roof design also helps to reduce the mass and bulk of the proposed building, which is important given the location of the site in the Green Belt.
- 6.41 The current proposals would provide a surfaced play area for pupils who would also have access to the playing fields of the club. This is considered to be appropriate for the time period during which the premises are to be used as a school.
- 6.42 Policy CSTP9 (Well-Being: Leisure and Sports) inter-alia supports the provision of *“high quality sports and leisure facilities”* and *“facilities for schools and other institutions which can be linked and shared with the community”*. Thematic policy CSTP12 (Education and Learning) is also relevant and sets out the Council’s general approach including *“the integration of schools into multi-functional hubs with linkages to key facilities such as sports and leisure facilities... facilities in schools are fully integrated into community use where possible”*.
- 6.43 The submitted documents indicate that the buildings and facilities would be shared by the school and the rugby club and hence the local community. The proposals are therefore considered to accord with Policies CSTP9 and CSTP12 in this regard.
- 6.44 In summary under this heading the proposed site layout is considered to be acceptable, the scale, form mass and overall form is considered to be acceptable. The design approach represents a modern form of school buildings and would integrate with the existing rugby club building by refinishing the building; further the use of materials would provide a visual link with other school buildings in the Academy family. Accordingly the proposals are acceptable in design and layout terms, complying with the relevant requirements of Policies PMD2 and CSTP22 and CSTP23 of the Core Strategy.

III. IMPACT ON AMENITY

- 6.45 The closest 'sensitive' receptors to the site are residential occupiers along Springfield Road to the west of the site.
- 6.46 Springfield Road comprises two terraces of six properties (of which nine back directly onto the site) a further terrace of six properties which are alongside the access road just north of the red line and a terrace of four properties to the southern end of the site, which flank onto the site. The proposed teaching block would be positioned in excess of 40m to the east of the closest point of the adjoining rear gardens of properties in Springfield Road. Given this intervening distance it is considered that there would be no identifiable impact from the bulk of the building, or a loss of privacy or amenity.
- 6.47 The main new play area would be over 8m from the western boundary of the site; between these boundaries are some existing trees and a service road along the rear of Springfield Road. Accordingly, while the playing area represents a change from the existing use, it is not considered that this would result in a significant impact on nearby occupiers as a result of noise or disturbance. The submitted plans show this area to be enclosed by a 2m high fence, but with no floodlighting proposed this area could only reasonably be used, for the most part of the school year, in daylight hours, times when there would be less expectation of a quieter noise environment.
- 6.48 Any potential for disturbance from the extended car park would be mitigated by its position c.11m from the neighbouring rear gardens, by the presence of planting and by the limited use of the car park in connection with the school related to term times and school hours. Accordingly, it is considered that the proposal would comply with the relevant sections of Policy PMD1 in respect of neighbour amenity.

IV. HIGHWAYS & TRANSPORTATION

- 6.49 The planning application is supported by a Transport Assessment (TA).
- 6.50 The site would be served by an existing access onto Long Lane and the existing car park would be extended to uplift parking from 100 spaces to 178 spaces; 9 disabled car parking spaces would be provided along with 96 cycle spaces and 7 motorcycle parking spaces. The Council's Highways Officer considers that the level of parking provision would be suitable for the proposed school use. Members will note, as detailed earlier in the report that the rugby club would operate outside of the hours that the school operates from the site.
- 6.51 Through the TA, the applicant has modelled the trip rates to the school, based on a generation for 240 pupils. Their figures indicate that in the AM Peak hours only 25%

of the trips to the site will be made by car and that the site has the potential for a high level of sustainable modes of transport. The Council's Highway Officer has raised no objection to the details contained in the TA. In common with schools across the Borough, it is recommended a condition be applied to ensure that the school operate the STARS Modeshift Travel Plan. Subject to the parking arrangements being completed before the first use and the Travel Plan condition, the proposal complies with Policies PMD8 and PMD9 of the Core Strategy.

V. FLOOD RISK

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

VI. Other Matters

- 6.54 The site does not form part of any area of designated nature conservation importance on either a statutory or non-statutory basis. The Council's Landscape and Ecology Advisor has not raised any concerns about ecological matters pertaining to the proposals. He broadly agrees with the submitted landscaping scheme, but recommends some further consideration should be given to tree species on parts of the site to improve the quality of the landscaping scheme.
- 6.55 None of the trees on the site are covered by Tree Preservation Order (TPO). The original plans and submitted Arboricultural Impact Assessment (AIA) indicate that 6 trees will be removed to facilitate the development. The AIA states of these, 2 are in the "U" category due to their poor condition and, there will be low impact from the loss of these trees. Three trees are in "C" category and have negligible amenity value and therefore the loss of these trees would have a low impact. The last tree which was to be removed was an Oak, which is larger and in better condition and there was considered to be moderate impact from the loss of that tree. Since the original AIA was submitted revised plans have been which show the Oak is to be retained.

6.56 The Council's Landscape and Ecology Advisor does not object to the loss of the "U" and "C" class trees. Subject to appropriate conditions, the proposal is considered to comply with the requirements of Policy PMD7 in this regard.

7.0 CONCLUSIONS AND REASON(S) FOR APPROVAL

7.1 The application site is in the Green Belt and the proposal represents inappropriate development. The applicant has put forward a strong case for Very Special Circumstances to justify the development, the most significant being the clearly identified provision for secondary school provision in September 2019 and the sporting legacy that would be generated and remain between the school and the rugby club in future years. These and the other matters put forward are considered to *clearly outweigh* the harm the Green Belt, the test that is required by the NPPF to allow inappropriate development.

7.2 In relation to design, appearance, layout and scale the proposal would be acceptable and in terms of technical highways matters the level of activity and parking provision would be acceptable. Other matters of detail are also considered to be appropriate, subject to conditions.

7.3 Accordingly, the proposals are considered to comply with Policies OSDP1, CSSP3, CSSP4, CSTP22, CSTP23 and Policies PMD1, PMD2, PMD6, PMD8, PMD9, PMD10 and PMD15 of the Core Strategy.

8.0 RECOMMENDATION

8.1 Grant planning permission subject to:

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

And

B: Conditions

Time Limit:

1 The development hereby permitted shall be begun before the expiration of three years from the date of this permission.

Reason: To comply with Section 91(1) of The Town & Country Planning Act 1990 as amended by Section 51 of the Planning and Compulsory Purchase Act 2004.

Accordance with plans:

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

Plan Number(s):		
Reference	Name	Received
247LPA	Location Plan	29th November 2018
LP	Location Plan	26th November 2018
101	Existing Site Layout	26th November 2018
102 Rev A	Existing Plans	18th December 2018
103	Existing Plans	26th November 2018
104	Existing Elevations	26th November 2018
201Rev A	Proposed Site Layout	18th December 2018
202 Rev B	Proposed Site Layout	18th December 2018
203 Rev B	Proposed Plans	18th December 2018
204 Rev A	Roof Plans	18th December 2018
205 Rev A	Proposed Elevations	18th December 2018
206	Proposed Plans	26th November 2018
207	Roof Plans	26th November 2018
208	Proposed Elevations	26th November 2018

Reason: For the avoidance of doubt and to ensure that the development is carried out in accordance with the details as approved with regard to policies PMD1 and PMD2 of the adopted Thurrock LDF Core Strategy and Policies for the Management of Development (as amended 2015).

Materials in accordance with submitted details:

- 3 The development hereby permitted shall be carried out in accordance with the details contained on the submitted planning application forms and in on the approved plans, unless any variation has been previously agreed in writing by the Local Planning Authority.

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

Boundary treatments:

- 4 Prior to the first use or operation of the development, details of the design, materials and colour of the fences and other boundary treatments shown on drawing no. 201A shall be submitted to and approved in writing by the local planning authority. The fences and other boundary treatments as approved shall be completed prior to the first use or operation of the development and shall be retained and maintained as such thereafter.

Reason: In order to safeguard the amenities of neighbouring occupiers and in the interests of the visual amenity of the area in accordance with policies PMD1 and PMD2 of the adopted Thurrock LDF Core Strategy and Policies for the Management of Development (as amended 2015).

External lighting:

- 5 Prior to the first use or operation of the development, details of the means of any external lighting on the site, including any illumination of the outdoor play facilities, shall be submitted to and agreed in writing with the local planning authority. The details shall include the siting and design of lighting together with details of the spread and intensity of the light sources and the level of luminance. The lighting shall be installed in accordance with the agreed details prior to first use or operation of the development and retained and maintained thereafter in the agreed form, unless otherwise agreed in writing by the local planning authority.

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

Soft landscaping:

6. Within the first available planting season (October to March inclusive) following the commencement of the development the soft landscaping works as shown on drawing number OS 1741-16.2 'Soft Landscaping Plan' shall be implemented (with the exception of the matters detailed below). If within a period of five years from the date of the planting of any tree or plant, or any tree or plant planted in replacement for it, is removed, uprooted or destroyed or dies, or becomes, in the opinion of the local planning authority, seriously damaged or defective, another tree or plant of the same species and size as that originally planted shall be planted at the same place, unless the local planning authority gives its written consent to any variation. The scheme shall include:
 - The substitution of 5 No. Amelanchier trees shown on the landscape plan

with larger growing species.

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

Car parking provision:

7. The development hereby permitted shall not be used or operated until such time as the vehicle parking and turning areas shown on drawing number 2471/202B 'Proposed Site Plan' including any parking spaces for the mobility impaired, has been hard surfaced, sealed and marked out as shown on this drawing. The vehicle parking area, turning and coach drop-off areas shall be retained in this form at all times thereafter and shall not be used for any purpose other than the parking and manoeuvring of vehicles that are related to the use of the approved development.

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

Cycle parking:

8. The development hereby permitted shall not be used or operated until such time as the cycle shown on drawing number 2471/202B 'Proposed Site Plan' using the 'Cambridge Symmetric Shelter as detailed in the application has been provided. The cycle parking shall remain on site at any time at which the uses hereby permitted are in operation.

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

Surface water drainage:

9. No development above ground level shall commence until an updated surface water drainage strategy, responding to the planning application consultation comments from Essex County Council (dated 28th November 2018), has been submitted to and approved in writing by the local planning authority. Thereafter the surface water drainage system(s) shall be constructed in accordance with the approved strategy and maintained thereafter.

Reason: To ensure the incorporation of an appropriate drainage scheme and to avoid pollution of the water environment and to minimise flood risk in accordance with policies PMD1 and PMD15 of the adopted Thurrock LDF Core Strategy and Policies for the Management of Development (as amended 2015).

Unexpected Contamination

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

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

Construction methodology:

11. The construction phase of the development shall proceed in accordance with the measures within the "Construction Traffic Management Plan" by encon associates dated November 2018 accompanying the planning application, unless otherwise agreed in writing by the local planning authority and the following details (with the exception of the following matters in Conditions 16 and 17 below).

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

Wheel Cleansing

12. Wheel cleansing facilities shall be provided on the site in close proximity to the highway in accordance with details which shall previously have been submitted to and agreed in writing by the Local Planning Authority. Such facilities, which shall include for a barrier which stops all vehicles before they enter the highway to ensure that all mud and other debris is removed from the undercarriage of the

vehicle and all its wheels, shall be maintained and used at all times during the construction (which shall include any demolition works) of the development hereby permitted.

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

Hours of construction

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

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

Unless in association with an emergency or the prior written approval of the local planning authority has been obtained. If impact piling is required, these operations shall only take place between the hours of 0900 - 1800 hours on weekdays.

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

Community use:

14. Prior to the first use or operation 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. The agreement shall apply to the new surfaced play area and new buildings which are not be used outside of normal school hours and shall 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 reasonably necessary in order to secure the effective community use of the facilities. The development shall not be used at any time other than in compliance with the approved agreement.

Reason: To secure well managed, safe community access to the sports and other community facilities and to ensure sufficient benefit to the development in accordance with policies CSTP9, CSTP10 and PMD5 of the adopted Thurrock LDF

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

Travel Plan

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

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

Temporary Construction Compound

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

(b) a scheme for the removal of the works/contractors' compound

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

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

Construction Programme and Schedule

17. No construction works shall commence until a Construction Programme and Schedule (CPS) has been submitted to and approved in writing by the Local Planning Authority in writing. The CPS should cover the timing and duration of the programme and the impact of the works on the existing operation of the rugby club because these details are not available at present.

Reason: To ensure the development does not prejudice the existing use of the site for its purpose and that the proposal represents sustainable sporting and education uses to accord with Development Plan Policies CSTP10 and CSTP12 of the adopted Thurrock LDF Core Strategy and Policies for the Management of Development [2015].

Clubhouse Refurbishment

18. Within two months of commencement of construction, details of the clubhouse refurbishments including the changing rooms together with an implementation programme shall be submitted to and approved in writing by the Local Planning Authority [after consultation with Sport England]. The clubhouse shall be refurbished in accordance with the approved details.

Reason: To ensure the development does not prejudice the existing use of the site for its purpose and that the proposal represents sustainable sporting and education uses to accord with Development Plan Policies CSTP10 and CSTP12 of the adopted Thurrock LDF Core Strategy and Policies for the Management of Development [2015].

Shared Facilities Operational Details

19. Before the development is brought into use, details of the operation of the facilities (including the clubhouse, car park and playing pitches) that will be shared by Thurrock Rugby Football Club and SWECET including details of the facilities that will be made available for shared use, the hours of access and maintenance arrangements shall be submitted to and approved in writing by the Local Planning Authority after consultation with Sport England. The approved details shall be complied with in full, with effect from commencement of use of the development.

Reason: To ensure the development does not prejudice the existing use of the site for its purpose and that the proposal represents sustainable sporting and education uses to accord with Development Plan Policies CSTP10 and CSTP12 of the adopted Thurrock LDF Core Strategy and Policies for the Management of Development [2015].

New School Building – Operation Details – Legacy Use (Sport England)

20. Within 18 months of commencement of construction, details of the operation of the building hereby permitted including details of the facilities that will be made available for shared use by Thurrock Rugby Football Club and SWECET, tenure arrangements, facility modifications, hours of access and maintenance arrangements shall be submitted to and approved in writing by the Local Planning Authority after consultation with Sport England. The approved details shall be complied with in full.

Reason: To ensure the development does not prejudice the existing use of the site for its purpose and that the proposal represents sustainable sporting and education uses to accord with Development Plan Policies CSTP10 and CSTP12 of the adopted Thurrock LDF Core Strategy and Policies for the Management of Development [2015].

Town and Country Planning (Development Management Procedure) (England)

Order 2015 (as amended) - Positive and Proactive Statement:

The Local Planning Authority has acted positively and proactively in determining this application by assessing the proposal against all material considerations, including planning policies and any representations that may have been received and subsequently determining to grant planning permission in accordance with the presumption in favour of sustainable development, as set out within the National Planning Policy Framework.

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

