

Reference: 20/01065/FUL	Site: Treetops School Buxton Road Grays Essex RM16 2WU
Ward: Little Thurrock Blackshots	Proposal: Construction of a new sports hall and 2no. additional classrooms

Plan Number(s):		
Reference	Name	Received
TRE2-NZB-01-ZZ-DR-A-0102-S3-P04	Site Layout	14th August 2020
TRE2-NZB-11-00-DR-A-0104-S3-P04	Proposed Elevations	14th August 2020
TRE2-NZB-01-ZZ-DR-A-0102-S3-P05	Site Layout	28th August 2020

The application is also accompanied by:

- Planning Statement Treetops (Real8 Group, August 2020)
- Design and Access Statement
- Flood Risk Report (Ref. 70787R2, 15th July 2020)
- Sports Hall Community Engagement (3rd July 2020)
- Sports Hall Community Engagement Responses
- Letter of Support from Panathon Foundation (18th June 2020)

Applicant: Treetops School	Validated: 1 September 2020 Date of expiry: 27 October 2020
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Recommendation: Approve, subject to conditions

This application is scheduled for determination by the Council's Planning Committee because the previous application relating to the erection of a new 140 pupil SEN (special educational needs) Free school with associated parking and landscaping (ref. 19/00725/FUL) at the site was considered and determined by Members in October 2019. This current application directly relates to proposed development following that approval.

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	c. 647 sq.m
Proposed Floorspace	584 sq.m
Height	Single storey. Sports hall c. 7.4m high
No. of Staff	112 full time equivalent (No change proposed)
Capacity	140 places (ages 5 to 16 years) (No change proposed)
Car Parking (within the application site)	Existing: 121 spaces, including 2 spaces for disabled users.
	Proposed: 232 spaces, including 9 spaces for disabled users. (No change proposed)
	Net increase: 111 spaces (No change proposed)

1.2 The proposal seeks permission for the erection of a new sports hall with 2 additional classrooms attached. The proposals would be purpose built for Special Educational Needs (SEN) pupils at the new Treetops School. Planning permission was granted in November 2019 for the proposed development of the new 140 pupil place SEN Free school. This proposal would be an addition to the new school but would entail no increase in pupil or staffing numbers. The proposed SEN Free School would be run by the same Trust as the Treetops Academy, located to the immediate north of the site, but would be operated as an entirely separate school.

1.3 Temporary planning permission was also granted in September 2019 by the Planning Committee for a double demountable classroom to the immediate east of the application site (adjacent to the existing playgrounds) in order that the new school could provide additional SEN teaching facilities for the Treetops Academy School following the confirmed intake of students for September 2019. It is anticipated that the double demountable classroom would be removed from the site when the temporary permission expires in October 2021.

2.0 SITE DESCRIPTION

2.1 The site of the former Torrells County Secondary School extended to an area of 10.8 Ha and included playing fields to both the south and north-west of the campus buildings. However, the current application site is c. 687 sq.m in area and is situated on the central and eastern part of the former school site. The existing Treetops Academy is located to the north of the application site and accessed via Buxton

Road. Immediately south and west of the application site lies a large part of the existing car parking area and a part of the ‘operational’ playing field and also floor slabs, foundations and hardstandings associated with the former school buildings. A number of trees and shrubs are sited on this part of the site, however aside from this landscaping and lighting columns within the car park there are no above-ground built structures on the site. This is the site area associated with the recently approved Free school. Playing fields are located further to the south; residential development along Buxton Road and Carlton Road is located to west; the A1089 is to the immediate east and undeveloped land lies to the immediate north with Stanford Road beyond.

2.2 The site of the proposed sports hall and additional classrooms is immediately south of the existing Treetops Academy school buildings, and north east of the site for the proposed new school. The site is located on an area of proposed landscaping between the car park and the edge of the playground to the far east of Treetops School, and is currently an overgrown grass area adjacent to the original footprint and area associated with the former school buildings. The site is located within the Metropolitan Green Belt. The site is located in a low flood risk zone.

3.0 RELEVANT PLANNING HISTORY

The site has an extensive planning history associated with its recent use for educational purposes. The current site comprises part of the larger former Torrells County Secondary School site, which was developed in the post WWII years and subsequently demolished in the mid-late 2000s. A number of hardsurfaced areas associated with the former schools remain on-site. In recent years the northern ‘footprint’ of the former schools buildings has been redeveloped via the construction of the Beacon Hill Academy (post 16 campus) which provides facilities for pupils with severe and complex learning difficulties and Treetops Academy School which provides 290 places for pupils between the ages of 3 and 19 who experience moderate learning difficulties. The most recent planning history is set out in the table below:

Application Reference	Description	Decision
06/00170/TTGFUL	Demolition of existing school building and the construction of replacement Treetops and Beacon Hill special schools plus respite/post 16 building, garage block and related works, all taking permanent access from Buxton Road (construction access from Stanford Road).	Approved
07/00148/TTGFUL	Amendments to planning permission 06/00170/TTGFUL (Demolition of	Approved

	existing school building and the construction of replacement Treetops and Beacon Hill special schools plus respite/post 16 building, garage block and related works).	
10/00976/TBC	New school kitchen and dining room plus pupil changing facilities.	Approved
11/00099/FUL	Erection of single storey building comprising canteen and shop	Withdrawn
11/00359/FUL	Erection of single storey building comprising canteen and shop	Approved
12/00279/FUL	New 4000msq car park, with soft and hard landscaping and lighting.	Approved
14/00971/FUL	Replacement teaching building	Approved
19/01095/FUL	Temporary permission is sought for the siting of a double demountable classroom unit to the rear of the school site for a duration of 1 year in order to allow the school to accommodate pupils with special educational needs within the borough of Thurrock while the planning application (ref. 19/00725/FUL) for the construction of the Treetops Free School is considered.	Approved (expiring 31 st October 2021)
19/00725/FUL	Erection of a new 140 pupil SEN school with associated parking and landscaping	Approved

4.0 CONSULTATIONS AND REPRESENTATIONS

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

4.2 PUBLICITY:

This application has been advertised by way of individual neighbour notification letters, press advert and public site notice which has been displayed nearby. No written comments have been received at the time of drafting this report.

4.3 HIGHWAYS

No objection subject to conditions.

4.4 LANDSCAPE AND ECOLOGY ADVISOR

No objections.

4.5 SPORT ENGLAND

Supports application, subject to condition relating to Community Use Agreement.

5.0 POLICY CONTEXT

National Planning Policy Framework (NPPF)

5.1 The revised NPPF was published on 19th February 2019. 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:

6. Building a strong, competitive economy
8. Promoting healthy and safe communities
9. Promoting sustainable transport
11. Making effective use of land
12. Achieving well-designed places
13. Protecting Green Belt land
14. Meeting the challenge of climate change, flooding and coastal change
15. Conserving and enhancing the natural environment

5.2 National Planning Practice Guidance (NPPG)

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

- Design
- Determining a planning application
- Open space, sports and recreation facilities, public rights of way and local green space
- Planning obligations
- Transport evidence bases in plan making and decision-taking

- Travel plans, transport assessments and statement in decision-taking
- Use of planning conditions

5.3 Local Planning Policy: Thurrock Local Development Framework (2015)

The “Core Strategy and Policies for Management of Development” was adopted by Council on the 28th February 2015. The following policies apply to the proposals:

OVERARCHING SUSTAINABLE DEVELOPMENT POLICY

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

SPATIAL POLICIES

- CSSP3 (Infrastructure)
- CSSP4 (Sustainable Green Belt)

THEMATIC POLICIES

- CSTP9 (Well-being: Leisure and Sports)
- CSTP12 (Education and Learning)
- CSTP22 (Thurrock Design)
- CSTP25 (Addressing Climate Change)
- CSTP27 (Management and Reduction of Flood Risk)

POLICIES FOR MANAGEMENT OF DEVELOPMENT

- PMD1 (Minimising Pollution and Impacts on Amenity)
- PMD2 (Design and Layout)
- PMD6 (Development in the Green Belt)
- PMD8 (Parking Standards)
- PMD9 (Road Network Hierarchy)
- PMD10 (Transport Assessments and Travel Plans)

5.4 Thurrock Local Plan

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

of Consultation on the Council's website and agreed the approach to preparing a new Local Plan.

5.5 Thurrock Design Strategy

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

5.6 Thurrock Residential Alterations and Extensions Design Guide (RAE)

In September 2017 the Council launched the RAE Design Guide which provides advice and guidance for applicants who are proposing residential alterations and extensions. The Design Guide is a supplementary planning document (SPD) which supports policies in the adopted Core Strategy.

6.0 **ASSESSMENT**

Procedure:

With reference to procedure, this application has been advertised as being a departure from the Development Plan.

6.1 The assessment below covers the following areas:

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

I. PRINCIPLE OF THE DEVELOPMENT

6.2 As noted at paragraph 2.2 above, the site is located within the Metropolitan Green Belt. It is therefore necessary to consider the following key questions:

- i. whether the proposals constitute inappropriate development in the Green Belt;
- ii. the effect of the proposals on the open nature of the Green Belt and the purposes of including land within it; and

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

6.3 i. Whether the proposals constitute inappropriate development in the Green Belt

Chapter 13 (Protecting Green Belt land) of the NPPF sets out national planning policies for the Green Belt. Paragraph 133 within Chapter 13 states that the “*Government attaches great importance to Green Belts*” and that the “*fundamental aim of Green Belt policy is to prevent urban sprawl by keeping land permanently open; the essential characteristics of Green Belt are their openness and their permanence.*” Paragraph 145 states that a local planning authority should regard the construction of new buildings as inappropriate in Green Belt. Paragraph 145 sets out a limited number of exceptions to this, comprising:

- (a) buildings for agriculture and forestry;
- (b) the provision of appropriate facilities (in connection with the existing use of land or a change of use) for outdoor sport, outdoor recreation, cemeteries and burial grounds and allotments; as long as the facilities preserve the openness of the Green Belt and do not conflict with the purposes of including land within it;
- (c) the extension or alteration of a building provided that it does not result in disproportionate additions over and above the size of the original building;
- (d) the replacement of a building, provided the new building is in the same use and not materially larger than the one it replaces;
- (e) limited infilling in villages;
- (f) limited affordable housing for local community needs under policies set out in the development plan (including policies for rural exception sites); and
- (g) limited infilling or the partial or complete redevelopment of previously developed land, whether redundant or in continuing use (excluding temporary buildings), which would:
 - not have a greater impact on the openness of the Green Belt than the existing development; or
 - not cause substantial harm to the openness of the Green Belt, where the development would re-use previously developed land and contribute to meeting an identified affordable housing need within the area of the local planning authority.

- 6.4 The exceptions to inappropriate development set out at (a) to (f) above do not apply to the proposals. With regard to exception (g), the proposed sports hall and classrooms would be partly located on the footprint of the former Torrells County Secondary School which was demolished in the mid-late 2000s. The definition of ‘previously developed land’ (PDL) set out at Annex 2 of the NPPF defines PDL as:

“Land which is or was occupied by a permanent structure, including the curtilage of the developed land (although it should not be assumed that the whole of the curtilage should be developed) and any associated fixed surface infrastructure. This excludes: land that is or was last occupied by agricultural or forestry buildings; land that has been developed for minerals extraction or waste disposal by landfill, where provision for restoration has been made through development management procedures; land in built-up areas such as residential gardens, parks, recreation grounds and allotments; and land that was previously developed but where the remains of the permanent structure or fixed surface structure have blended into the landscape.”

- 6.5 In this case, although vegetation has partly obscured the footprint of the former school buildings, the ground floor slabs are visible and would fall within the definition of PDL. However, it is considered that the proposals would have a greater impact on the openness of the Green Belt than the existing development (i.e. the floor slabs) and therefore exception (g) would not apply. Consequently, the proposals comprise inappropriate development with reference to paragraph 145 of the NPPF.
- 6.6 Paragraph 143 of the NPPF makes it clear that inappropriate development is, by definition, harmful to the Green Belt and should not be approved except in “*very special circumstances*”. Paragraph 144 goes on to state that, when considering any planning application, local planning authorities “*should ensure that substantial weight is given to any harm to the Green Belt. Very special circumstances will not exist unless the potential harm to the Green Belt by reason of inappropriateness, and any other harm, is clearly outweighed by other considerations*”.
- 6.7 Development plan policy, as expressed in the adopted Thurrock Core Strategy and Policies for the Management of Development (2015) is consistent with national policy on Green Belt matters. Core Strategy policy CSSP4 sets out the objective of maintaining the purpose, function and open character of the Green Belt. In order to implement this policy, the Council will:
- maintain the permanence of the boundaries of the Green Belt;
 - resist development where there would be any danger of coalescence; and
 - maximise opportunities for increased public access, leisure and biodiversity.
- 6.8 In addition, Core Strategy policy PMD6 states that, inter-alia, planning permission will only be granted for new development in the Green Belt provided it meets as appropriate the requirements of the NPPF.
- 6.9 Consequently, it can be concluded that the proposals constitute inappropriate development in the Green Belt.

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

- 6.10 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.
- 6.11 As noted above paragraph 133 of the NPPF states that the fundamental aim of Green Belt policy is to prevent urban sprawl by keeping land permanently open; the essential characteristics of Green Belts being described as their openness and their permanence. Although the new sports hall and classrooms would be partly located on the footprint of former Torrells County Secondary School buildings, these structures were demolished to ground level approximately 10-12 years ago and this part of the site has been essentially open since this time. The proposals would comprise new built development (c.584 sq.m) in an area which is open. Therefore, it is considered that 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.
- 6.12 Paragraph 133 of the NPPF sets out the five purposes which the Green Belt serves as follows:
- (a) to check the unrestricted sprawl of large built-up areas;
 - (b) to prevent neighbouring towns from merging into one another;
 - (c) to assist in safeguarding the countryside from encroachment;
 - (d) to preserve the setting and special character of historic towns; and
 - (e) to assist in urban regeneration, by encouraging the recycling of derelict and other urban land.
- 6.13 In response to each of these five Green Belt purposes:
- 6.14 *(a) to check the unrestricted sprawl of large built-up areas*

The NPPF does not provide a definition of the term “*large built-up areas*”. However, at a wide geographical scale, the site is located at the eastern edge of the Grays / Little Thurrock built-up area. The school site and open land on the eastern side of the A1089 Dock Approach Road form a corridor of Green Belt land separating Little Thurrock from Chadwell St. Mary. Although the development would comprise a new building in the Green Belt, the historical context up until c.10 years ago was that the site was occupied by an extensive range of school buildings. In these circumstances

the proposals would arguably have only limited impact upon the purpose of the Green Belt in checking the unrestricted sprawl of large built-up areas.

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

The NPPF does not provide a definition of the term “towns”. However, adopting a precautionary approach, the conurbations of Grays / Little Thurrock and Chadwell St. Mary could reasonably be considered as separate towns. The corridor of Green Belt (including the application site) serves a function in preventing Grays / Little Thurrock and Chadwell St. Mary from merging. Therefore, the proposals would impact on the purpose of the Green Belt in preventing neighbouring towns from merging into one another.

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

With regard to the third Green Belt purpose, the proposal would involve built development on what is currently open land. The term “countryside” can conceivably include different landscape characteristics (e.g. farmland, woodland, marshland etc.) and adopting a cautious approach the site comprises “countryside” for the purposes of applying the NPPF policy test. It is considered that the proposals would constitute an encroachment of built development into the countryside at this location, causing some harm to the third purpose for including land in the Green Belt.

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

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

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

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 notable that the proposals would be provided as part of the recently approved new school and, in addition, would be located adjacent to the current Treetops School and it could be expected that synergies would result from the shared location. As there were valid reasons for co-locating the school, and it is reasonable to assume there may be valid reasons for locating the proposed sports hall, it is considered that the harm to this purpose of the Green Belt is limited.

6.19 In light of the above analysis, it is considered that the proposals would, to a degree, be contrary to some of the purposes of including land in the Green Belt. As noted above, there would be in-principle harm by reason of inappropriate development and

harm by reason of loss of openness. Substantial weight should be afforded to these factors.

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

Neither the NPPF nor the Adopted Core Strategy provide guidance as to what can comprise 'very special circumstances', either singly or in combination. However, some interpretation of very special circumstances has been provided by the Courts. The rarity or uniqueness of a factor may make it very special, but it has also been held that the aggregation of commonplace factors could combine to create very special circumstances (i.e. 'very special' is not necessarily to be interpreted as the converse of 'commonplace'). However, the demonstration of very special circumstances is a 'high' test and the circumstances which are relied upon must be genuinely 'very special'. In considering whether 'very special circumstances' exist, factors put forward by an applicant which are generic or capable of being easily replicated on other sites, could be used on different sites leading to a decrease in the openness of the Green Belt. The provisions of very special circumstances which are specific and not easily replicable may help to reduce the risk of such a precedent being created. Mitigation measures designed to reduce the impact of a proposal are generally not capable of being 'very special circumstances'. Ultimately, whether any particular combination of factors amounts to very special circumstances will be a matter of planning judgment for the decision-taker.

6.21 The Planning Statement submitted by the applicant to accompany the application sets out the applicant's 'Planning Assessment' and a case for very special circumstances under the following headings:

1. Support for the proposals within Core Strategy policy CSTP12;
2. Planning history for the site;
3. Demand and need for the purpose built facility; and
4. Community use.

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

6.22 The applicant's case for very special circumstances:

1. *Core Strategy policy support for educational facilities at the site (Policy CSTP12).*

6.23 Consideration

Adopted Core Strategy Thematic Policy CSTP12 (Education and Learning) sets out the Council's general objective to enhance educational achievement and skills in the Borough, including (inter-alia) the provision of special education facilities to meet current and future needs (part 1. (I.) of the policy). CSTP12 also refers, at part 5, to special education and states that:

"The Council and partners will support children with special educational needs through further development of specialist bases and resource bases at mainstream schools, as follows:

- ii. Completion of the special education campus at Buxton Road, Grays by relocating Beacon Hill School there from South Ockendon."*

Although the written justification to this policy does not expand to provide further details on this "special education campus", it can be reasonably assumed that the policy refers to the 2006 and 2007 planning permissions for redevelopment of the site and the fact that elements of the permission remain unimplemented. Furthermore, planning permission has been granted for the proposed new SEN Free school at the Treetops site and the policy clearly refers to a campus providing facilities for pupils with special education needs at the Buxton Road site. Therefore, in a broad sense, the current proposal can be considered to accord with the 'spirit' of Policy CSTP12.

- 6.24 It is also relevant to refer to the Government's planning policies, as expressed in the NPPF, with regard to new educational facilities. Under the chapter heading of 'Promoting healthy and safe communities', paragraph 94 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."*

- 6.25 The Government's policy statement from 2011 'Planning for schools development: statement', although not forming part of the NPPF or NPPG, is also relevant to this proposal. This statement includes the following principles for the planning system:

- there should be a presumption in favour of the development of state-funded schools, as expressed in the National Planning Policy Framework;
- local authorities should give full and thorough consideration to the importance of enabling the development of state-funded schools in their planning decisions;

- local authorities should make full use of their planning powers to support state-funded schools applications;
- local authorities should only impose conditions that clearly and demonstrably meet the tests set out in Circular 11/95;
- 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.

6.26 As the site is located in the Green Belt it is not considered that that positive approach encouraged by national policy (above) would supersede the protection afforded to the Green Belt elsewhere within national planning policies. Therefore it is still necessary to consider both the harm and benefits of the proposal and undertake a balancing exercise. Nevertheless, it is considered that local and national planning policies supporting the delivery of additional facilities for this new school can be afforded moderate weight in the balance of Green Belt considerations.

6.27 *2. Planning history for the site.*

Planning permission was granted in November 2019 for the new 140 pupil (SEN) Free school with associated parking and landscaping at the site. The proposed sports hall and two classrooms would be built close by and would closely relate to this new school as buildings. It was noted in the consideration of the planning application for the new school, that the overall built footprint of the extant and part-implemented planning permission was greater than that which was proposed, and approved, for the new school. The approved scheme for the new school was concluded as being likely to benefit the openness of the Green Belt. The current proposals would also benefit the openness of the Green Belt.

6.28 Consideration

An assessment and comparison of the floorspace proposed for the new school versus that which was part implemented and also approved on site previously (ref. 06/00170/TTGFUL and 07/00148/TTGFUL) was carried out for the recently considered application for the new school (ref.19/00725/FUL). This detailed assessment concluded that the new school would result in a significant reduction in the overall footprint and floorarea provided on the site, in comparison to the previously approved schemes, even when considering what could actually be implemented on site at the same time as the new school. It was estimated that c.2,000 sq.m. floorspace of the approved shared facilities building remains unbuilt alongside c.4,000 sq.m. floorspace for the unbuilt Beacon Hill school. Therefore, a little over 50% of the floorspace approved in 2007 had been delivered on-site. The approved new school would provide of c.3,500 sq.m floorspace which represents a clear reduction in built floorspace on the site compared to the extant planning permission (ref. 07/00148/TTGFUL). This current proposal for the sports hall and

two classrooms would provide a further 584 sq.m additional floorarea for the school. This proposal would still result in a development which would continue to result in a reduction in the built form which could be built across the larger site. As a result of the reduction in overall floorspace, the current proposal would have a lesser effect on openness than the situation that would occur if the unimplemented elements of the extant permission were completed. Whilst it has not been possible to undertake comparative analysis of built volume, it is likely that the current proposal for the sports hall and classrooms would result in less building mass and bulk compared to the unimplemented elements of the extant permission.

6.29 The existing planning permission (ref. 07/00148/TTGFUL) can be considered as a 'fall-back' and is therefore capable of being a material consideration in the decision making process. However, the weight which can be afforded to the fall-back position will vary and the Courts have held that greater weight can be attached to the fall-back position where is a 'real prospect' of the fall back development coming forward. A Court of Appeal Judgement ((Mansell v. Tonbridge & Malling Borough Council [2017] EWCA Civ 1314) confirmed the legal considerations in determining the materiality of the 'fall back' position as a planning judgement and the basic principle is that for a prospect to be a 'real prospect' it does not have to be probable or likely, a possibility will suffice. Clearly a period of time has elapsed since the 2007 permission and it can be assumed that budgets for new school delivery have become more constrained (e.g. the former Building Schools for the Future programme was scrapped in 2010). Accordingly the prospects of the extant permission being delivered are considered to be slim. Nevertheless, as the current proposals, in addition to the recently approved new school, represent a reduction in built development it is considered that moderate weight can be attached to the recent planning history for the site in the balance of Green Belt considerations.

6.30 *3. Demand and need for the purpose built facility*

Under this heading the applicant refers to:

- Thurrock a leader in SEND provision and a significant increase in applications for SEN pupil places in Thurrock;
- Short supply of purpose built facilities for SEN pupils;
- Access to facilities;
- Additional space.

6.31 Consideration

Thurrock Council has an established strong reputation for its education of Special Educational Needs and Disability (SEND) pupils which although is very positive has

resulted in a significant increase in applications for SEND pupil places within its administrative area. It is understood that this increase in demand has resulted in provision for SEN pupils at separate schools which is not the Department for Education's (DfE) preferred approach. The DfE would prefer such places to be provided in purpose built educational facilities that can cater for the needs of its SEN pupils. This proposal would enhance the facilities already offered at the new Treetops School by providing a dedicated sports hall which currently is not being provided at the school.

- 6.32 The purpose built sports hall and associated classrooms would allow for the new school to provide a wide ranging sporting curriculum to its pupils which would be limited if physical exercise would have to be provided within the main hall. Furthermore, the proposal would help reduce the piecemeal approach to school place provision and allow funding for enhanced provision to be focused on their area of need.
- 6.33 The addition of two classrooms would allow for additional teaching space for smaller group sizes related to physical education and sensory development, adjacent to the sports hall. Small group classes of 5 is common for SEN pupils and the direct access from the hall to these classrooms would allow pupils to be taught dance, drama and other forms of more physical activities without having to take pupils across the school to the approved classrooms, which could cause disruption.
- 6.34 In light of the positive and proactive approach encouraged by national planning policies, it is considered that significant weight can be attached to this factor in the balance of Green Belt considerations.

6.35 *4. Community Use*

The applicant is proposing to enter into a Community Use Agreement to ensure that the new sports hall would be available (when their use is not required by the School) for use by the local community including organised sports clubs, charities, organisations and for casual use. This is a substantial benefit to not only the SEN community but the local community as a whole. This is due to the fact that although the majority of the facilities within the administrative area of Thurrock have halls, these do not currently cater for the needs of SEN pupils.

- 6.36 The application is supported by a letter of support from a local charity confirming that the proposed development would build upon local success and allow them to collectively develop opportunities for disabled people of all ages within the Thurrock and wider Essex area. A community use of the proposed development would enable more disabled individuals to take part in sustainable community support.

6.37 Consideration

It is acknowledged that the facility would be purpose built for the benefit of use by SEN pupils and the wider community including other SEN groups. It is acknowledged that there is a lack of purpose built facilities such as that proposed and it is considered that moderate weight should be given to this factor in the Green Belt balance.

6.38 Green Belt Conclusions

Under the heading of Green Belt considerations, it is concluded that the proposals comprise inappropriate development. Consequently, the development would be harmful in principle and would reduce the openness of the Green Belt. Furthermore it is considered that the proposals would cause some harm to role which the site plays in fulfilling the purposes for including land in the Green Belt. In accordance with policy, substantial weight should be attached to this harm. With reference to the applicant’s case for very special circumstances, an assessment of the factors promoted is provided in the analysis above. However, for convenience, a summary of the weight which should be placed on the various Green Belt considerations is provided in the table below:

Simplified Summary of Green Harm and applicant’s case for Very Special Circumstances			
<u>Harm</u>	<u>Weight</u>	<u>Factors Promoted as Very Special Circumstances</u>	<u>Weight</u>
Inappropriate development	Substantial	Local / National policy support for educational facilities	Moderate
Reduction in the openness of the Green Belt		Planning history for the site	Moderate
Conflict (to varying degrees) with a number of the purposes of including land in the Green Belt		Demand and need for the purpose built facility	Significant
		Community use	Moderate

6.39 Within the table above, all 4 factors promoted by the applicant can be assessed as attracting varying degrees of ‘positive’ weight in the balance of considerations. As ever, in reaching a conclusion on Green Belt issues, a judgement as to the balance between harm and whether the harm is clearly outweighed must be reached. In this case there is harm to the Green Belt with reference to inappropriate development, loss of openness and conflict with a number of Green Belt purposes. A number of factors have been promoted by the applicant as comprising the ‘very special

circumstances' required to justify inappropriate development and it is for the Committee to judge:

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

6.40 Taking into account all Green Belt considerations, Officers are of the opinion that in this case 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. DESIGN AND LAYOUT AND IMPACT UPON THE AREA

6.41 The proposed sports hall and two classrooms would be built on an area of grass close to the main built environment of the approved new school. The proposal would not be built upon any playing fields or any other formal playing area or surfacing. The proposal would provide a modern functional building. The sports hall would have a maximum height of 7.4m, a length of 28.2m and width of 18m and feature a shallow dual pitched roof. The proposed two additional classrooms would have a maximum height of 3.9m and would be constructed adjoining the immediate eastern end elevation of the sports hall and would share a physical link, via a lobby area, with the sports hall, as well as having access to each of the individual classrooms. The sports hall would be constructed using composite aluminium panels in a neutral colour whilst the classrooms would be clad in Western Red Cedar. The scale, design and overall appearance of the proposed built form would be similar to that of the proposed new school building.

6.42 The proposed site is grassed and does not contain any trees or other landscape features of any significance. The proposed development would be broadly single storey and therefore it is considered that it would not have a significant visual impact upon the locality. Viewed as part of the overall new school development the proposal is unlikely to lead to any harm to the character of the area. The proposals would comply with policies CSTP22 and PMD2 with regards their scale, mass, siting and appearance.

III. AMENITY IMPACT

6.43 The proposals would be remotely situated from residential properties on Buxton Road and Carlton Road to the west of the larger Treetops school site. The proposals would result in no detrimental impact to neighbour amenities and would fully comply with Policy PMD1.

IV. TRAFFIC IMPACT, ACCESS AND CAR PARKING

- 6.44 The approved development for the new school included conditions relating to and securing the provision of adequate car parking, cycle storage, pedestrian routes/crossing points and an agreed travel plan under Conditions 8, 9, 17 and 16 of permission 19/00725/FUL. The proposals entails no changes to the approved parking and access arrangements to the new school.
- 6.45 The Planning Statement indicates the new facilities would not entail any increase in pupil intake and increased staff numbers and therefore no additional impact of the school on the road network. However, the Council's Highway Officer has recommended that the school provides details of the proposed community use in order that a further assessment be carried out in relation to the potential level of use of the facility to assess whether the community use would impact upon the highway or not. A suitably worded Community Use Agreement condition has been included and, subject to the update of the new school's travel plan, there are no highway objections to the proposals.

V. COMMUNITY USE

- 6.46 The applicant intends to make the sports hall available for community use for everyone, including the wider SEN community. During the consideration of the application, advice was sought from Sport England. Sport England have provided encouraging guidance. Sport England is not a formal consultee in this instance, given the proposals would not take place on playing fields or sports areas, however its guidance is helpful in relation to Community Use Agreements (CUA).
- 6.47 Sport England has advised that community use of the sports hall would be welcomed. It is advocated that the proposed community use of the sports hall be secured through the completion of a community use agreement (between the school governing body, Thurrock Council and possibly Active Essex) secured through a planning condition imposed on any planning permission. This would help ensure that suitable community access to the sports hall is secured over a long term period. A CUA sets out a school's policy and arrangements for community use of its sports facilities and covers matters such as hours of use, types of bookings accepted, restrictions on community use etc. Such a condition would be justified to secure community use over a long term period and to ensure that the community use arrangements are safe and well managed. As a consequence, Sport England supports the application subject to a CUA condition.

7.0 CONCLUSIONS AND REASONS FOR APPROVAL

- 7.1 This application proposes a sports hall and two additional classrooms for the new SEN Free School. The site is located within the Green Belt and proposals comprise

inappropriate development. Consequently, there would be definitional harm to the Green Belt, as well as harm by way of loss of openness and harm to a number of purposes which the Green Belt serves. Substantial weight should be attached to this harm. The applicant has set out a number of factors which they consider to constitute the very special circumstances needs to clearly outweigh the identified harm and justify the inappropriate development. Consideration of these factors is set out above and it is concluded that a case for very special circumstances exists.

7.2 The design and appearance of the proposed sports hall and classrooms would be to a high standard and would be considered acceptable. The proposals would entail access to the sports hall for community use which has been secured by suitable planning condition. In all other respects the application complies with the adopted Core Strategy policies and is recommended favourably.

8.0 RECOMMENDATION

8.1 Approve, subject to the following planning conditions:

Standard Time Limit

1. The development hereby permitted must be begun not later than the expiration of 3 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.

Approved Plans

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

Plan Number(s):		
Reference	Name	Received
TRE2-NZB-01-ZZ-DR-A-0102-S3-P04	Site Layout	14th August 2020
TRE2-NZB-11-00-DR-A-0104-S3-P04	Proposed Elevations	14th August 2020
TRE2-NZB-01-ZZ-DR-A-0102-S3-P05	Site Layout	28th August 2020

Reason: For the avoidance of doubt and to ensure the development accords with the approved plans 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 levels until written details or samples 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 written details or samples shall include specifications for bricks, render, cladding and window / door frames. 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).

External lighting:

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

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

Car parking provision:

5. The development hereby permitted shall not be used or operated until such time as the vehicle parking, turning and drop-off areas shown on drawing number FS0720-BBA-00-XX-DR-L-1.1 Rev. P03 detailed in Condition 8 of planning approval ref. 19/00725/FUL including any parking spaces for the mobility impaired, have been hard surfaced, sealed and marked out as shown on this drawing. The vehicle parking area, turning and drop-off areas shall be retained in this form at all times thereafter and shall not be used for any purpose other than the parking and manoeuvring of vehicles that are related to the use of the approved development.

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

(2015).

Cycle parking:

6. Prior to the first use or operation of the development hereby approved details of the number, size, design and materials of secure and weather protected cycle parking facilities to serve the school shall be submitted to and agreed in writing with the local planning authority. The agreed facilities shall be installed on-site prior to the first use or operation of the secondary school and shall thereafter be permanently retained for sole use as cycle parking for the pupils, students and staff of the secondary school.

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 (2015).

Pedestrian routes / crossing points:

7. Notwithstanding the details shown on the approved plans, prior to the first operation or occupation of the development a drawing showing routes and crossing points for pedestrians within the car parking areas on-site shall be submitted to and agreed in writing by the local planning authority. The approved details shall be implemented prior to the first operation or occupation of the development and retained thereafter unless otherwise agreed in writing by the local planning authority.

Reason: In the interests of pedestrian safety and in accordance with policies PMD2, PMD8 and PMD9 of the adopted Thurrock LDF Core Strategy and Policies for the Management of Development (2015).

Travel Plan:

8. Prior to the first operation or occupation of the office building hereby permitted, a Travel Plan shall be submitted to and agreed in writing with the local planning authority. The Travel Plan shall follow the 'Modeshift STARS' Travel Plan system (or similar approved local authority system) and shall include detailed and specific measures to reduce the number of journeys made by car to the building hereby permitted and shall include specific details of the operation and management of the proposed measures. The approved measures shall be implemented upon the first operational use or occupation 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 operator of the school / academy 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].

Community Use Agreement:

9. Prior to first occupation of the development hereby permitted, a Community Use Agreement prepared in consultation with Sport England will be submitted to and approved in writing by the Local Planning Authority, and a copy of the completed approved agreement will be provided to the Local Planning Authority. The agreement shall apply to the sports hall 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 playing field, to ensure sufficient benefit to the development of sport and to accord with policies CSTP9, CSTP12, PMD2, PMD8 and PMD9 of the adopted Thurrock LDF Core Strategy and Policies for the Management of Development (2015).

Construction methodology:

10. The construction phase of the development shall proceed in accordance with the measures within the submitted Construction Environmental Management Plan (CEMP) (dated May 2019) accompanying planning application ref. 19/00725/FUL and approved under Condition 13 of planning approval ref. 19/00725/FUL, unless otherwise agreed in writing by the local planning authority. In particular, all vehicular traffic associated with the construction of the development shall access and egress the site via Stanford Road, as detailed at part 3 of the CEMP. No demolition or construction works in connection with the development shall take place on the site at any time on any Sunday or Bank / Public Holiday, nor on any other day except between the following times:

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

unless in association with an emergency or the prior written approval of the local planning authority has been obtained.

Reason: In order to minimise any adverse impacts arising from the construction of

the development in accordance with policy PMD1 of the adopted Thurrock LDF Core Strategy and Policies for the Management of Development (2015).

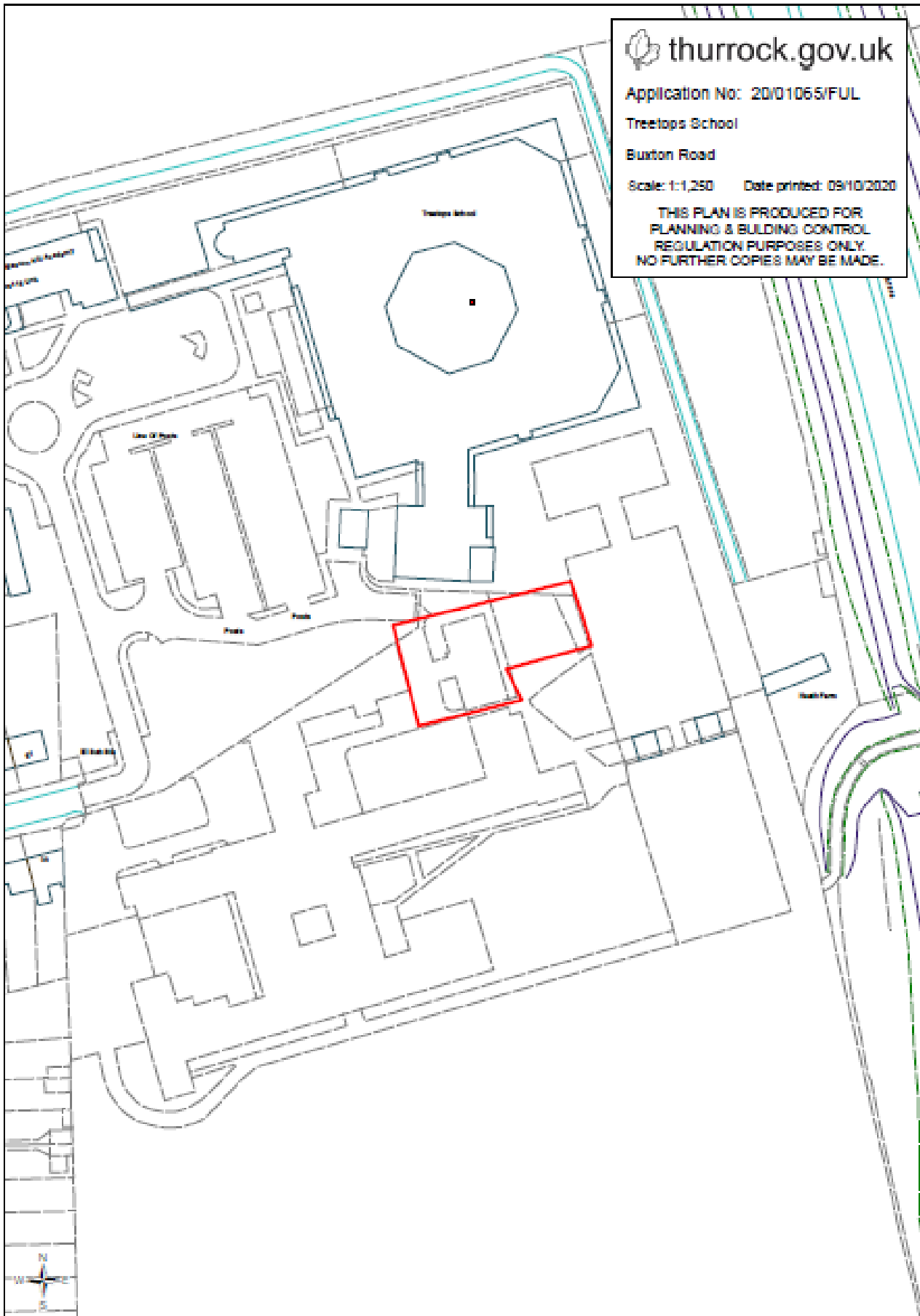
Positive and Proactive Statement

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

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



 **thurrock.gov.uk**
Application No: 20/01065/FUL
Treetops School
Burton Road
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