

AGENDA ITEM 5.1

**DR/43/20**

**Report to:** DEVELOPMENT & REGULATION (18 December 2020)

**Proposal:** COUNTY COUNCIL DEVELOPMENT - The construction of an early years centre for 56 children, including outdoor play space, landscaping, cycle storage, staff parking and associated infrastructure

**Ref:** CC/BAS/33/20

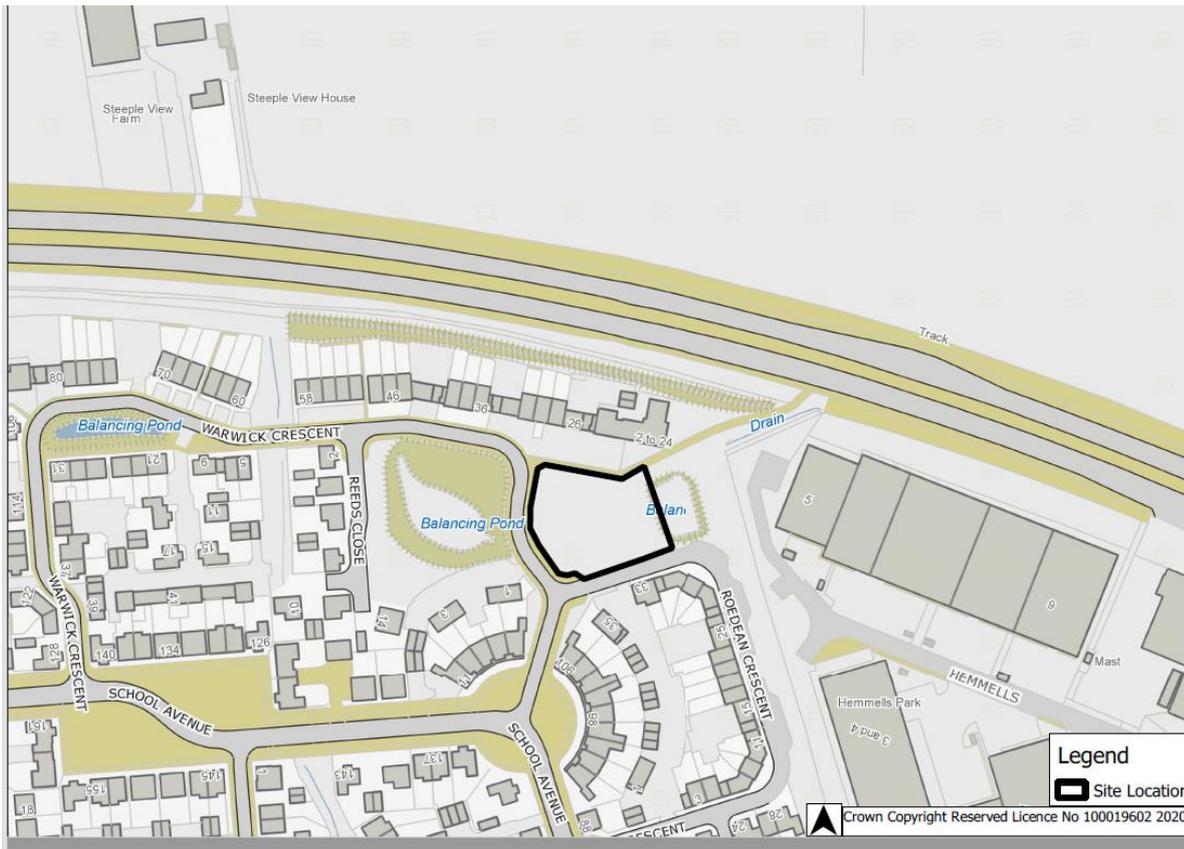
**Applicant:** Essex County Council

**Location:** Dunton Fields Early Years Centre, Land off Warwick Crescent, Laindon, Basildon, SS15 6LW

**Report author:** Chief Planning Officer (County Planning and Major Development)

**Enquiries to:** Rachel Edney Tel: 03330 136815

The full application can be viewed at <https://planning.essex.gov.uk>



## **1. BACKGROUND**

The site was originally identified as employment land for the Ford Research and Development Centre. However, following the granting of planning permission for residential development in 2013 the site was removed from the employment zone designation in the emerging local plan.

The application was first considered by Development & Regulation Committee in May 2020. A number of issues and concerns were raised by Members and as a result it was resolved to defer a decision on the application to allow the applicant the opportunity to review certain aspects of the proposals, namely:

- The overall design of the building
- The appropriateness of a flat roofline
- The use of wooden cladding
- The health and safety aspects of the site relating to the proximity of the culverts and attenuation pond.

Additional information has been submitted by the applicant to address these issues.

## **2. SITE**

Dunton Fields is a new housing estate (granted planning permission by Basildon Council in March 2013 Ref: 12/00951/FULL) of 450 residential dwellings, new roads and open space, including an extension to Victoria Park. Within this site is an area reserved for the development of an 'early years centre'.

The site of the proposed facility is currently an area of undeveloped grassed open space in the centre of the Dunton Fields estate. There are residential properties to the north and south west in Warwick Crescent and south in Roedean Crescent. To the east of the site is an industrial estate with the A127 Southend Arterial Road beyond. Adjacent to the eastern boundary of the site is a storm overflow attenuation pond.

## **3. PROPOSAL**

The application is for a new 56 place nursery facility. It would include outdoor play areas for the different age groups, 14 car parking spaces for staff plus one disabled space, an on-site drop off/pick up zone, 8 cycle parking spaces and hard and soft landscaping.

The single storey building, approximately 5.2 in height (pitch of monopitch roof), would be located to the north west of the site with play areas extending towards the northern and western boundaries. The car parking area would be located to the eastern boundary. A drop off/pick up zone would be created close to the front entrance of the building.



Vehicular access would be from Warwick Crescent to the south west corner of the site. There would be an 'in' gate and an 'out gate', effectively forming a one-way system for vehicles accessing/exiting the site. The pedestrian access would also be from Warwick Crescent adjacent to the vehicular access.

#### 4. POLICIES

The following policies of the Basildon District Local Plan Saved Policies 2007 provide the development plan framework for this application. The following policies are of relevance to this application:

##### Basildon District Local Plan Saved Policies 2007

Policy BAS BE12 – Development Control

##### NEIGHBOURHOOD PLAN

There is not an adopted neighbourhood plan for the area.

The Revised National Planning Policy Framework (NPPF) was published in February 2019 and sets out the Government's planning policies for England and how these should be applied. The NPPF highlights that the purpose of the planning system is to contribute to the achievement of sustainable development. It goes on to state that achieving sustainable development means the planning system has three overarching objectives, which are interdependent and need to be pursued in mutually supportive ways: economic, social and environmental. The NPPF places a presumption in favour of sustainable development. However, paragraph 47 states that planning law requires that applications for planning permission be determined in accordance with the development plan, unless material considerations indicate otherwise.

For decision-taking the NPPF states that this means; approving development proposals that accord with an up-to-date development plan without delay; or where there are no relevant development plan policies, or the policies which are most important for determining the application are out-of-date, granting permission

unless: the application of policies in this NPPF that protect areas or assets of particular importance provides a clear reason for refusing the development proposed; or any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in this NPPF taken as a whole.

Paragraphs 212 and 213 of the NPPF, in summary, detail that the policies in the Framework are material considerations which should be taken into account in dealing with applications and plans adopted in accordance with previous policy and guidance may need to be revised to reflect this and changes made. Policies should not however be considered out-of-date simply because they were adopted or made prior to the publication of this Framework. Due weight should be given to them, according to their degree of consistency with this Framework (the closer the policies in the plan to the policies in the Framework, the greater the weight that may be given).

The level of consistency of the policies contained within the Basildon District Local Plan Saved Policies 2007 is considered further in the report.

Paragraph 48 of the NPPF states, in summary, that local planning authorities may give weight to relevant policies in emerging plans according to the stage of preparation of the emerging plan; the extent to which there are unresolved objections to relevant policies and the degree of consistency of the relevant policies in the emerging plan to the NPPF.

The Revised Publication Local Plan October 2018 was submitted to the Secretary of State on 28 March 2019. On 18 June 2019 the Council received a Direction from the Minister for the Environment requiring it to improve air quality in locations around the A127 in the shortest possible time consistent with the requirements of the European Air Quality Directive. On 27 June 2019, the Council agreed to ask the Planning Inspectorate and the appointed Inspector for a short suspension of the Local Plan Examination in Public to investigate any implications this Direction may have for the Local Plan.

A letter requesting this suspension was sent to the Inspector on 28 June 2019. The Inspector agreed to suspend the Examination for a period of 3 months but requested confirmation of the main requirements of the Direction and an indication of the potential impacts the Direction might have on the Plan's sustainable development strategy.

Basildon Council responded to the Inspector's request for additional information on 24 July 2019.

On 6 November 2019, the Council was advised by the Department for the Environment, Food and Rural Affairs (Defra) that no decisions would be issued in respect of the information provided in accordance with the Ministerial Direction on Air Quality until January 2020. A letter requesting a further pause in the Examination in Public in respect of the Local Plan, until those decisions were issued, was therefore sent to the Inspector on 8 November 2019. The Inspector responded he was content to further pause the examination until 31 January 2020.

On 7 February 2020, the Council wrote to the Inspector regarding the progress the Council had made in addressing the requirements of the Air Quality Direction issued by Defra and to advise how the transport evidence for the Local Plan had been updated in light of the air quality challenge and other matters arising. The letter requested that, on the basis of the progress made and in agreement with those at Essex County Council and Essex Highways working on the Air Quality Direction, it proceed towards establishing a programme for examination of the Basildon Borough Revised Publication Local Plan.

The hearings for the Local Plan examination are not expected to be held until early 2021.

It is therefore considered that the emerging Plan holds limited weight in decision making.

### Revised Publication Local Plan October 2018

Policy SD4 – Presumption in Favour of Sustainable Development

Policy T1 – Transport Strategy

Policy T8 – Parking Standards

Policy DES1 – Achieving Good Design

Policy DES4 – High Quality Buildings

Policy HC3 – Strategic Approach to Education, Skills learning

Policy HC10 – New and Enhanced Community Facilities

Policy NE5 – Development Impacts on Landscape and Landscape Features

Policy NE6 – Pollution Control and Residential Amenity

## **5. CONSULTATIONS**

BASILDON BOROUGH COUNCIL – Any comments received will be reported

BASILDON BOROUGH COUNCIL (Environmental Health) – Area should be assessed with respect to noise and air quality impacts. Due to close proximity of residential receptors recommend standard conditions with respect to construction hours, dust and burning.

ESSEX COUNTY FIRE & RESCUE – No objection

ESSEX POLICE – Recommends a condition requiring the developer to seek the Secured by Design Award

ANGLIAN WATER - The pre-development team provides comments on planning applications for major proposals of 10 dwellings or more, or if an industrial or commercial development, more than 0.5 ha. The applicant should check for any Anglian Water assets which cross or are in close proximity to the site. Any encroachment zones should be reflected in the site layout. They can do this by accessing our infrastructure maps on Digdat  
<https://www.anglianwater.co.uk/developers/developmentservices/locating-our-assets/>

HIGHWAY AUTHORITY – No objection subject to conditions including a

Construction Management Plan, provision of visibility splays, inward opening gates, construction of the vehicular access, prevention of surface water on the highway, provision of car parking spaces and the provision of secure cycle parking

PLACE SERVICES (Urban Design) - Any comments received will be reported

PLACE SERVICES (Landscape) – Any comments received will be reported

LOCAL MEMBER – BASILDON – Basildon Laindon Park and Fryerns – Any comments received will be reported

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## 6. REPRESENTATIONS

23 properties were directly notified of the application. 8 letters of representation have been received. These relate to planning issues, summarised as follows:

pr	<u>Observation</u>	<u>Comment</u>
	Surrounding area insufficient to accommodate this	Noted. See appraisal
	The surrounding roads are already insufficient to service the residents of this estate adding a school to this would cause even more congestion cause by people picking up and dropping off their kids during peak times.	Noted. See appraisal
	There are already a number of early learner centre in the surrounding area, there is no need for more especially in area that would be crippled by the extra traffic that would be caused by this building.	Noted. See appraisal
	Where are customers to the building going to park when pick up and dropping off their kids? We already have issues with residents parking.	See appraisal
	The land there should be continued to be used for kids to play and people to walk their dogs.	The land has been allocated for an early years centre as part of the residential development application.
	I fully object to this plan unless new access just for this build and parking for customers can be defined to not effect residents of the estate.	Noted

<p>Parking for residents is challenging at the best of times, so I would like to know how you plan to accommodate 56 car park spaces for parents, plus staff and professionals. This vast increase of cars will undoubtedly cause traffic in the area and how will this be addressed.</p>	<p>See appraisal</p>
<p>Will the nursery spaces be offered only to the residents or will it be opened to the borough?</p>	<p>Spaces will be available for residents of the Dunton Fields development</p>
<p>Can you provide us with the details with regards to building work, ie, length or time, working hours.</p>	<p>This would form part of the contract phase of the development and is not part of the planning application</p>
<p>The main reason I moved to the area was due to the surrounding and how peaceful it is.</p>	<p>Noted</p>
<p>I feel the nursery is very unnecessary and is just another way to make money and have ignored how it will affect the residents that live there. In my opinion it should have been built when the properties were first built and not 6 years later.</p>	<p>Noted. See appraisal</p>
<p>The Radford Park Residents Association support the plans for the EYCC at Dunton Fields. It is important that infrastructure such as this complements the building of new houses and we are pleased that the project is coming to fruition.</p>	<p>Noted</p>
<p>We provided a response to Essex County Council's original consultation however regrettably there has been no significant change to our areas of concern in the revised plans.</p>	<p>Noted. Comments were made as part of the public consultation process.</p>
<p>We do have significant concerns about the impact upon parking and traffic flows on the estate, which is already very congested. These views reflect both the committee and the majority of residents whom we represent:</p>	<p>Noted. See appraisal</p>
<p>1. The potential for congestion on all</p>	

surrounding roads during peak times of drop-off and pick-up.

The imposition of double yellow lines on School Avenue (originally scheduled for September 2019 however approval has still not been finalised) which are fully supported by The Radford Park Residents Association may well exacerbate this problem if the parking of cars is shifted onto Warwick Crescent and Roedean Crescent. It has been our view that the answer to this issue should be a holistic one - i.e double yellow lines plus resident parking schemes plus land reclamation - but ECC are adopting solutions in a piecemeal fashion.

Noted. This is outside the scope of this application

We are concerned that users of the centre will use the private drive way and parking area behind the crescent houses on School Avenue to both park and cut through.

Noted. See appraisal

Having now seen more detailed plans relating to the visual aspects of the new building, we do hold concerns as to its fit with the current street scene. Our view is that the external design is not complimentary to the recently built housing in the immediate area and this must be addressed.

Noted. See appraisal

The increase of traffic along Warwick Crescent to serve the site will cause a huge inconvenience to the local residents. The parking throughout the estate is already heavily congested, so introducing a location by which 56 parents could be collecting their children plus a further 15 staff vehicles coming in and out on a daily basis is guaranteed to generate traffic and increase the likelihood of road traffic collisions.

Noted. See appraisal

I am also concerned regarding emergency services' access if this were to go ahead with the levels of congestion expected. I note the fire services have said vehicular access "appears sufficient", however this is

Essex Fire & Rescue has not raised an objection to the application. More details would be provided at Building Regulations stage

based on the planning drawings which do not account for any parked cars along Warwick Crescent or Roedean Crescent. Both of these roads have cars lined up on the curbs every single day. The Transport Assessment Appendix B shows the graphic for vehicular access in and out of the site. Even this illustration shows nearly a full cross-over for a vehicle's route, meaning there is simply not enough space for more than one car to access the site at any one time without congestion.

If planning were to then introduce parking restrictions to the entrance/exit routes, where would those residents vehicles then park instead?

Noted. However that is outside the scope of this application

I expect the time in which people will be collecting their children will all be relatively similar, so there would be a peak traffic time in the morning and evening and that's just in the estate, before the local residents have begun their commute to or from work. Most parents will not just quickly drop off their children as they will need to be settled at the ELC first. The simulation on the Transport Assessment does not take this 'loading time' in to account. With only two spaces at the ELC for 'Drop Off' and not a large enough access in and out of the development, I fail to see how this is feasible or if it has been realistically considered.

Noted

I would encourage any planners or supporters of the ELC to drive around the area so they can see the state of the parking on the development first-hand.

Noted

There are already a number of nurseries nearby to this development, is there really a requirement for an Early Learning Centre within this development? The development has been here for a number of years already with no requirement for an ELC to date. I think this area would be best used as a much needed community space,

Noted. See appraisal

residents already regularly use this space for walking their dogs and benches or picnic benches could be added so that residents can enjoy the outside space more.

I moved to this area as it is a nice quiet tranquil area. My property would be in close proximity to and overlook the northern corner of the 2-4years play area. I do not want to have to keep my windows closed in the summer or when working from home to eliminate the noise generated by the children. The plans show that a mesh fence will be used around the perimeter of the play areas and so this won't block out any of the noise generated. This development would also raise noise pollution to other residents surrounding the ELC, not just to myself.

Noted

I pay a maintenance fee annually for the upkeep of the area. With people coming to the ELC on a daily basis, this will bring with it litter and mess. Are we also expected to continue to pay the same level of maintenance upkeep for the area while losing some of it to the ELC?

Noted. This is outside the scope of this application

The air pollution down the stretch of A127 adjacent to the estate already exceeds EU limits and a study by King's College London showed that children living within a 50m radius of a major road had their lung growth stunted by up to 14% and a 10% increased risk of lung cancer. I don't feel it is healthy to introduce a development for children whereby they will be spending time outside in the play areas and breathing in the harmful gasses from the traffic emissions on the A127. Additionally, the location for cars waiting to drop off and collect children is also right next to a play area. Will this not be an unnecessary cause for young children to inhale further harmful gasses from the vehicles waiting?

Noted. Given the age of the children using the facility it is expected that parents would need to enter the building to drop off or pick up and therefore vehicles would not be left idling.

Early Years Centre was not originally on

Noted. See appraisal

the Dunton Field General Plan and no one has mentioned anything about it. I would have thought twice before committing to purchasing the property.

Currently the local traffic at the estate is unbearable and the new build centre will bring even more chaos to the existing one.

Noted. See appraisal

Visual aspects, peace and tranquillity of the area will be destroyed drastically by screaming and noise.

Noted. See appraisal

We believe this will create more of an issue than already exists with regards to through traffic, which is likely to result in accidents and vehicles of residents.

Noted

There is not enough space for parking as it stands and people are already forced to park on the pavement around Warwick Crescent.

Noted

The addition of 56 parents dropping and picking their children up every day are likely to want and indeed will park all over the streets in front of our houses, causing absolute chaos.

Noted. See appraisal

Do not believe the impact of this children's centre on the estate has been properly considered.

Noted. See appraisal

There is no public transport on the estate and the EYC centre is situated at the very back of the development.

Noted

The lack of a public transport route is purely down to the bus companies not wanting to take this due to a lack of yellow lines, a high amount of parked cars and the bends on the roads, buses are deemed unable to manoeuvre around the estate.

Noted. This is outside the scope of this application

How do you intend on minimising noise during construction?

See appraisal

How do you plan on stopping dirt and dust spreading to vehicles and house

The proposed building would be of modular construction thereby reducing

fronts on neighbouring properties?	the construction work and time required on site.
Both entrances to Warwick Crescent regularly have residents cars parked on it (because there are no parking restrictions) which would make it virtually impossible for construction vehicles to gain access	Noted
There is a bottle neck at the beginning of the development; one car in, one car out situation. I have no idea how construction vehicles would access the estate. Furthermore on a weekly basis we have lorries get stuck due to parked cars and they have to be helped out by residents	Noted
What are the proposed working hours for the construction of this development? I have seen other local developments where residents are having to suffer weekend and evening construction causing a huge amount of work	A condition is proposed restricting work Monday to Friday 08:00 to 18:00 hours and Saturdays 08:00 to 13:00 hours with no working on Sundays, Bank or Public Holidays
Your letter was dated 30 November yet arrived on 6 December with 14 days to lodge observations. Unfair to say the least	The delivering of post is outside the control of the Planning Authority
The 2-4 play area will be situated directly outside my house. I have huge concerns on the noise level when children are playing outside.	Noted. See appraisal
Our estate could not handle an extra 10 cars, let along any higher numbers. I would love you to drive on the estate at 8.15am and see how hard it is to get from the back to the front of the estate. It is dangerous. We need yellow lines implemented before this could even be considered and we as residents have been asking for this since 2015	Noted. However this is outside the scope of this application. The Highway Authority has no objection to the proposed development
It states in your documents that if there is a lack of parking spaces, there are no parking restrictions within the development. This is the reason there	Noted. However the lack of existing parking restrictions is outside the scope of this application. Users of the centre would be encouraged to use

are traffic issues on the estate and you are effectively inviting visitors to park where they can causing yet more restrictions on thoroughfare for vehicles as the roads are narrow and cars park on either side

sustainable modes of transport

You state most people would be walking to this facility as it would serve the local area. We have been informed that priority on spaces would not be given to residents on the estate. This facility would be used mainly by working parents who would be dropping their children off on their way to work so most definitely not walking if that was the case.

Noted. Spaces would be available for children who live in Dunton Fields.

This will make irreversible impact on the wellbeing of the local residents.

Noted See appraisal

## 7. APPRAISAL

The key issues for consideration are:

- A. Need
- B. Policy considerations
- C. Design and Layout
- D. Impact on Natural Environment
- E. Impact on Residential Amenity
- F. Traffic & Highways

### A NEED

Emerging Policy HC3 (Strategic approach to education, skills and learning) states inter alia that *“the Council will work with Essex County Council and other education and skills development providers to provide new, continued and where appropriate, enhanced provisions of schools and other educational facilities which seek to improve the quality and choice of education and learning opportunities in the Borough. In particular, the Council will support in principle, proposals which:*

*Provide new or expanded early years and childcare, primary and secondary schools as required to accommodate residential growth.”*

ECC has a statutory duty to ensure that there are sufficient childcare provisions within the local area, as well as a duty to secure free early years provision for pre-school children. The ‘Free Early Education Entitlement’ for 2 year olds (FEEE2) currently entitles 40% of the most disadvantaged 2 year olds to 15 hours free nursery entitlement per week. The recently introduced extended entitlement supports eligible working parents to access up to an additional 15 hours per week of nursery education on top of the universal 15 hours entitlement.

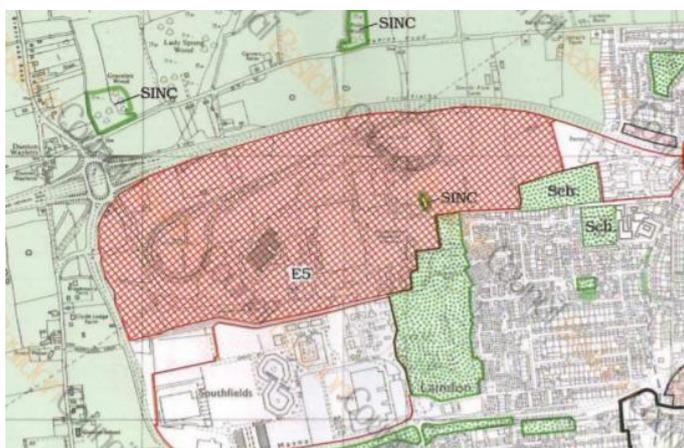
Dunton Fields is a new community on the outskirts of Basildon and as more

people move into the area it is considered there will be a greater demand for nursery provision. The proposed early years centre would be constructed on land transferred to Essex County Council as part of the S106 agreement attached to planning permission 12/00951/FUL granted by Basildon Borough Council in March 2013.

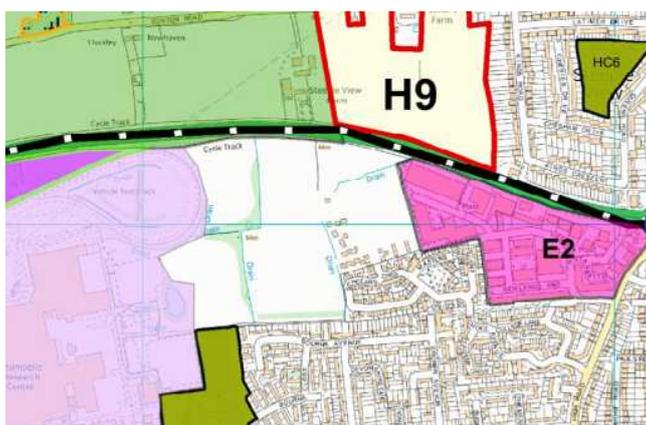
It is considered that there is an identified need for the proposed nursery facility on the application site and that this need should be given great weight in accordance with the provisions of the NPPF and that such provision would be in accordance with Policy HC3.

## B POLICY CONSIDERATIONS

In the Adopted Local Plan the land for the proposed nursery was originally identified as employment land for the Ford Research and Development Centre (see below).



However following the grant of planning permission for residential development in 2013, the site was removed from the employment zone designation in the emerging local plan.



Paragraph 92 of the NPPF states inter alia that “to provide the social, recreational and cultural facilities and services the community needs, planning policies and decisions should plan positively for the provision and use of shared spaces, community facilities and other local services to enhance the sustainability of communities and residential environments”. It goes on to state that “planning

*policies and decisions should ensure an integrated approach to considering the location of housing, economic uses and community facilities and services”.*

The NPPF states that the purpose of the planning system is to contribute to sustainable development. There are three overarching objectives to the achievement of sustainable development: economic, social and environmental. All are interdependent and should be pursued mutually.

Emerging Policy HC3 (Strategic Approach to Educations, Skills and Learning) states inter alia that *“the Council will support, in principle, proposals which provide new or expanded early years and childcare as required to accommodate residential growth.*

Emerging Policy SD4 (Presumption in Favour of Sustainable Development) states inter alia that *“when considering development proposals in the Borough, the Council will take a positive approach that reflects the presumption in favour of sustainable development contained in the NPPF.”*

The proposed site for the early years centre was allocated as part of the larger residential development scheme determined by Basildon Borough Council in March 2013 and has been funded by S106 money.

As stated above there is a defined need for early years provision in the Basildon area and this proposed facility would help meet the increased demand for places in the area.

The proposed nursery would provide places for children living on the new Dunton Fields development.

The proposed nursery facility would provide employment for approximately 12 members of staff and would contribute to the social objective by providing the early years spaces required to help ECC meet its statutory duty by ensuring the provision of sufficient childcare provision in the local area.

The environmental objective will be considered throughout the report.

Basildon Borough Council has not raised any objection in principle to the proposed scheme.

It is considered that the need for the facility has been demonstrated by the requirement for additional early years provision in the Basildon area and the provisions of the NPPF and would be in accordance with Policy HC3.

## C DESIGN AND LAYOUT

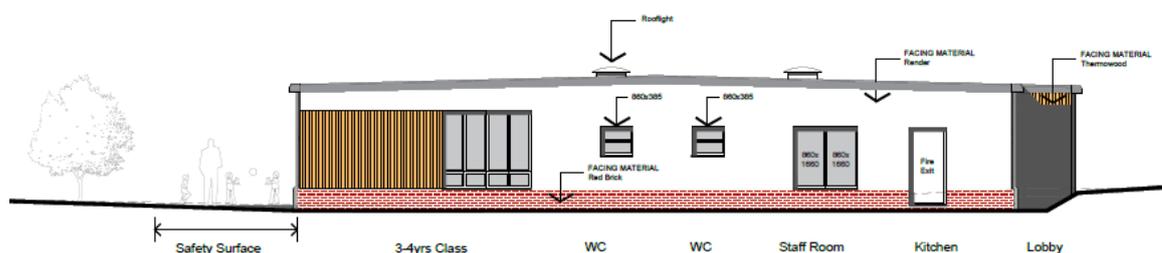
Adopted Policy BAS BE12 (Development Control) specifically refers to planning permission for new residential development. However, the provisions of the Policy are considered to be relevant to the proposed development. The Policy states inter alia that *“planning permission for new development will be refused if it causes material harm to the character of the surrounding area, including the street scene.”*

Emerging Policy DES1 (Achieving Good Design) states inter alia that “the Council will protect and enhance the quality and local distinctiveness of the Borough’s built environment through high quality and inclusive design that makes effective use of land, supports healthy lifestyles and creates better places for people.”

Emerging Policy DES4 (High Quality Buildings) states inter alia that “buildings should be designed to a high standard, responding appropriately to their location and reflecting their function and role in relation to the public realm. Proposals for new buildings will be expected to use good quality and durable building materials, that are appropriate to the context of the development.” It goes on to say that “buildings should be clearly organised in terms of their form and internal layout and circulation to reflect the hierarchy of function they will accommodate.”

Emerging Policy HC10 (New and Enhanced Community Facilities) states inter alia that “new community facilities will be supported where it can be demonstrated that the facility and activities are of appropriate scale, design and intensity and would have no unacceptable impacts on the character, appearance or amenity of the surrounding area.”

The previous scheme, considered and deferred by the Committee, was for a single storey building with shallow pitch roof to the west of the site on an area of undeveloped land. The proposed building would provide accommodation for twelve 0-2 year olds, twenty 2-3 year olds and twenty four 3-4 year olds.



The previously proposed elevations consisted of a mix of vertical timber ‘Thermowood’ weatherboarding and off-white/beige render. Windows would be white UPVC with aluminium framed doors. The timber cladding was proposed to the classroom facades and play areas where the applicant considered wear and tear would be greatest with render to the administrative areas of the building.

The Committee raised concerns with regards to:

- the appropriateness of a flat roofline in a residential area where residential properties consisted of pitched roofs;
- the use of wooden cladding which was considered could be a fire hazard;
- the overall design of the building; and
- health and safety aspects of the site, particularly with regards to the proximity of two culverts and an attenuation pond.

Amendments have been made to the overall design of the building, including the roofline and the proposed external materials.

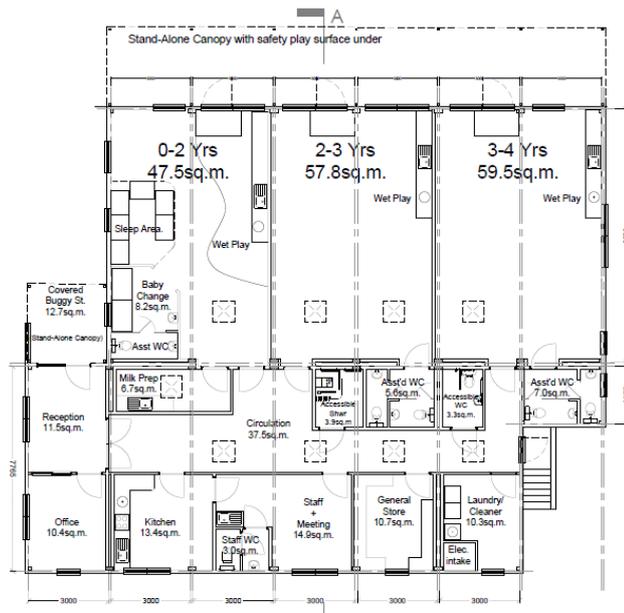
The surrounding residential properties are traditional in appearance consisting of a mix of two and three storeys with pitched roofs and dormers. The external material palette consists of buff and red brick, cream coloured render and weatherboarding. Roof materials consist of artificial slate and red tiles. Pedestrian surfaces are tarmac with concrete kerbs and edgings.



*View of the site for the proposed building looking south-north from the Roedean Crescent and Warwick Crescent junction.*

The proposed nursery building would be single storey construction with a monopitch roof over the classroom areas and a nominally flat roof with shallow fall over the administrative areas. The ridge of the monopitch roof would be 5.2m in height from the finished floor level. The external palette of materials would comprise buff brick and coloured render. A more vibrant colour of render has been selected for the nursery building to differentiate its use from the residential development and provide a more welcoming building for the children. Brightly coloured rendered panels would create an informal and light hearted environment in the play areas. The monopitch roof would be clad in lightweight 'Metrotile' tiles suitable for lower pitched roofs and similar in tone and colour to the roofs of the surrounding residential properties.





All classrooms would have wet play areas, accessible toilet facilities and access to covered outdoor play areas.

The rear of the monopitch form that faces east has a steep slope, above the flat roof of the administrative rooms. Rooflights have been inserted into this elevation to provide early morning solar warming to the classrooms, increase the levels of natural daylight in the building and to add visual interest to the building.

The external areas have been arranged to maximise the site's potential and reduce the impact on the adjacent properties. The classrooms and external play areas face west towards Warwick Crescent and the open space beyond. This also allows sunlight and daylight to enter the classroom areas. Administrative areas within the building face the staff parking area and the open space beyond the eastern boundary of the site.

Basildon Borough Council has no objection in principle to the proposed scheme.

### Sustainability

The proposed use of a modular building results in better control of materials, leading to a reduction in waste and an increase in recycling.

The proposed building would provide good levels of natural daylight which would be supplemented by high efficiency lighting to achieve the required levels of internal lighting.

Natural ventilation would be used throughout the building, with opening vents and windows to the classrooms and ancillary areas.

Heating and cooling to the building would be provided by wall mounted cassette units. This would provide good control through the use of a system that learns the cycle of use in relation to ambient temperatures and reduces the need for unnecessary heating. The proposed heating system is safer in that it removes the

possibility of children coming into contact with hot radiator surfaces.

Reduced flush toilet units would be installed to aid water conservation and rainwater would be collected in water butts for use on the landscaped areas.

The building has been designed to modern insulation standards commensurate with Building Regulations and would use low maintenance materials. All timber used in the construction of the building would be acquired from sustainable sources.

Essex Police has recommended that a condition is imposed requiring the developer to seek the Secured by Design Award. Whilst the NPPG requires that the prevention of crime and the enhancement of community safety are matters that a Local Planning Authority should consider, it is considered that a requirement for a developer to achieve an award would not meet the tests for conditions (necessary, relevant to planning, and to the development to be permitted, enforceable, precise and reasonable in all other respects). The application states that security is a priority for the early years facility and the development would include a secure line formed by the building and fencing around the perimeter of the site.

Overall, it is considered that the development would be of an appropriate design for its function as a nursery building, it would take account of its surroundings and provide environmental efficiencies in compliance with Policy BAS BE12, Policy DES1, Policy DES4 and Policy HC10.

## D IMPACT ON NATURAL ENVIRONMENT

Emerging Policy NE5 (Development Impacts on Landscape and Landscape Features) states inter alia that *“when considering applications for development, the Council will work with partners and developers to encourage the preservation and enhancement of landscape and landscape features.”*

As stated previously the proposed building would be located on an area of undeveloped grassland. There are not any existing trees which would require to be removed to allow the construction of the proposed nursery building.

A majority of the outside space around the classrooms would be grassed, including the play areas for children. Canopies erected outside the classrooms would provide children with covered play and learning space. The areas immediately outside the classrooms would consist of a safety play surface.

A 2m high profiled mesh fence would be erected to the perimeter of the site. This would prevent unauthorised access to the site and also separate the nursery facility from the adjacent storm water attenuation pond beyond the eastern boundary, ensuring the safety of the children. An emergency access gate would be provided within the fenceline to the north of the site. The 2m high mesh fence would also be erected to form a boundary between the pedestrian access and outside play areas to ensure the safety of the children.

A 1.2m high picket fence would be erected within the site to divide the play areas

between 0-2 year olds and 2-4 year olds.

1.8m high close boarded fencing would be erected around the proposed bin store which would be located close to the main vehicular access/egress of the site.

New mixed native hedging is proposed to the northern, southern and western boundaries of the site to help screen the building from view but also to provide privacy for the children when using the outdoor play areas.



The hedging would consist of *Crataegus Monogyna* (common hawthorn), *Prunus Spinosa* (blackthorn), *Corylus Avellane* (hazel) and *Fagus Sylvatica* (beech).

The hedging would also be planted to the eastern boundary of the proposed building, the western boundary of the proposed bin store area and along the pedestrian routes to/from the cycle parking provision and bin store.

Low ground cover shrubs would be planted in the north eastern and south eastern corners of the car parking area and within the island area created by the main vehicular access/egress route. It is also proposed to plant 4 trees on the site – 2 to the north east corner of the car parking area and 2 to the south east corner of the car parking area.

It is considered appropriate to attach a condition requiring the submission of a detailed landscape plan, together with the standard replacement landscape condition.

It is considered the planting of native hedging and natural screening to the boundaries of the site would help to enhance the landscape of the area and provide privacy and screening for users of the nursery facility in accordance with Policy NE5.

## E IMPACT ON RESIDENTIAL AMENITY

A pre-application exhibition was held on 23 May 2019 at Laindon Community Centre. A direct mailshot was also delivered to residents on the Dunton Fields Estates informing of the proposed development.

A total of 77 comments were received. Parking and traffic was a primary concern of residents. Several residents considered that the provision of 9 car parking spaces was insufficient for the proposed development and as a result the number of car parking spaces has been increased to 14 plus 1 disabled space.

Adopted Policy BAS BE12 (Development Control) specifically refers to planning permission for new residential development. However, the provisions of the Policy are considered to be relevant to the proposed development. The Policy states inter alia that *“planning permission for new development will be refused if it causes material harm in any of the following way: overlooking, noise or disturbance to the occupants of neighbouring dwellings, overshadowing or over-dominance.”*

Emerging Policy NE6 (Pollution Control and Residential Amenity) states inter alia that *“all development proposals must be located and designed in such a manner as to not cause a significant adverse effect upon the environment, the health of residents or residential amenity by reason of pollution to land, air or water, or as a result of any form of disturbance including, but not limited to noise, light, odour, heat, dust, vibrations and littering.”* It goes on to state that *“Where required conditions limiting hours of construction, opening hours and the movement of construction traffic and placing requirements on applicants to submit further proposal details will be implemented in order to ensure impacts on the environment and residential amenity are kept within acceptable limits.”*

The proposed play areas for children at the nursery would be located to the north west and west of the site with direct access from the classrooms. Concerns have been raised with regards to potential noise impact from the play areas on the surrounding residential properties. The proposed play areas would be approximately 20 metres from properties to the north, approximately 25 metres from properties to the south west and approximately 65 metres from properties to the west. Whilst it is accepted that there may be increased noise levels at certain times of the day, particularly when children are playing outside these would be limited to fairly short periods of time during the day and should not result in significant noise impacts for residents.

It is not considered that the proposed nursery building would cause any material harm to the surrounding residential properties by way of overlooking, overshadowing or over-dominance.

It is not considered that the proposed development would have a significant detrimental impact on residential amenity of the neighbouring residential properties and would therefore be in accordance with Policy BAS BE12 and Policy NE6.

## F TRAFFIC & HIGHWAYS

Emerging Policy T1 (Transport Strategy) states inter alia that *“the Council will seek to deliver improved accessibility to facilities. This will be achieved by ensuring that the new development is well-located and designed to minimise the need for travel*

*and encourages the use of sustainable modes of travel as an alternative to the private car.”*

Emerging Policy T8 (Parking Standards) states inter alia that *“proposals for development will be expected to make provision for car parking, provision for disabled parking and provision for safe and secure parking of bicycles, in accordance with the latest adopted Essex Parking Standards.”*

It is proposed to provide 14 car parking spaces plus one disabled parking space for use by staff.

The Essex County Council Parking Standards Design and Good Practice Guide September 2009 states that a maximum of 1 car parking space per full time equivalent staff and drop off/pick up facilities should be provided. There would be a total of 12 full time equivalent staff so on this basis the provision of 14 spaces, including one disabled space, is considered to be in accordance with the Good Practice Guide.

It is also proposed to provide 8 cycle parking spaces. The Design and Good Practice Guide states that a minimum of 1 space per 4 staff plus 1 space per 10 child spaces should be provided. On this basis it is considered that the proposed number of cycle parking spaces would be in accordance with the Good Practice Guide.

The proposed nursery would provide places for children living within the Dunton Fields development

Covered buggy/pushchair storage would be provided adjacent to the main entrance of the building to encourage users to walk to the nursery.

Concerns have been raised by several residents with regards to vehicular access, parking provision and traffic impact on the surrounding streets.

Adopted Policy BAS BE12 (Development Control) specifically refers to planning permission for new residential development. However, the provisions of the Policy are considered to be relevant to the proposed development. The Policy states inter alia that *“planning permission for new development will be refused if it causes traffic danger or congestion.”*

Emerging Policy HC10 (New and Enhanced Community Facilities) states inter alia that *“new and enhanced community facilities will be supported where it can be demonstrated that:*

- *The facility is well connected to, and associated with existing facilities and readily accessible to adequate public transport, cycling and walking links for the benefit of non-car users; and*
- *Vehicle access and on-site vehicle parking would be provided to an appropriate standard.”*

A Transport Statement was submitted as part of the application, which indicates that the development has the potential to generate 15 vehicular trips in the AM

peak (08:00-09:00) and 14 vehicular trips in the PM peak (17:00-18:00) with 72 vehicular trips between 07:00-19:00. Although the public highway has been assessed as being able to cope with this number, it would likely to be lower with the impact of a Travel Plan.

There is a 20mph speed limit outside the site and a 30mph in the surrounding residential areas to encourage walking and cycling. The site is well connected to surrounding residential areas by shared footpaths/cycleways. The nursery would expect to cater for children from the local area, including the Dunton Fields development and would therefore be accessible by more sustainable means of transport.

The surrounding roads have unrestricted on-street parking, which is the case throughout the Dunton Fields estate.

No parking restrictions are proposed as part of this application. It is expected that the operator of the facility would seek to manage responsible parking via a Travel Plan.

The Highway Authority has commented that a new vehicular access is proposed on Warwick Crescent. An appropriate vehicular visibility splay would be achievable at the access, in accordance with Manual for Streets standards which is the appropriate standard in this location. The proposed 56 place childrens' nursery would employ 15 full time staff and vehicle and cycle parking would be provided in accordance with the current parking standards. The Transport Statement submitted to accompany the application states there would be 15 two-way vehicle trips in the AM peak and 14 two-way trips in the PM peak which can be accommodated on the highway network. The site is accessible by foot and cycle and the proposal as submitted is not considered detrimental to highway safety, capacity or efficiency. From a highway and transportation perspective the impact if the proposal is acceptable to the Highway Authority subject to a number of conditions which include the provision of a vehicular visibility splay, the development of the vehicular access, inward opening gates, sizes of car parking spaces, surface treatment of the vehicular access, discharge of water onto the highway and the submission of a Construction Management Plan.

Overall, the development location is considered to be acceptable given that it has been allocated as an early years' centre as part of a wider development for the area. The proposed traffic generated could be accommodated within the existing highway network and the development is considered to be in accordance with Policy T1, Policy T8 and Policy HC10.

## **8. CONCLUSION**

In conclusion, the proposed development is considered to be acceptable in the proposed location.

There is an identified need for the proposed early years centre on the application site and this need should be given great weight in accordance with the provisions of the NPPF. The site also complies with the encouragement for community facilities as per Policy HC3 and HC10.

It is considered that the amended design of the building and the proposed external materials would respond appropriately to its location and reflect its function in the public realm, Subject to conditions it is considered that the development would be in compliance with Policy BAS BE12, Policy DES1, Policy DES4 and Policy HC10. It would also provide environmental efficiencies in compliance with the provisions of the NPPF and Policy SD4.

In terms of landscape, a landscape scheme and landscape management and maintenance plan is proposed to fully secure planting details across the site. The development is not considered to have unacceptable impacts on overlooking, noise or disturbance to the occupants of neighbouring dwellings, overshadowing or over-dominance, providing certain conditions are imposed. It is therefore considered that amenity would be protected in accordance with Policy BAS BE12 and Policy NE6.

The proposal would include parking provision in accordance with Policy T8. The proposed traffic generation has been assessed as being able to be accommodated in the surrounding highway and sustainable travel could be encouraged through a Travel Plan. There are not considered to be any reasons for refusal on traffic and highway impact.

Finally, the environmental objective of the NPPF is considered to have been met, resulting in a sustainable development, for which there is a presumption in favour. The development would also provide the necessary facilities and infrastructure to support sustainable communities and would be accessible and compatible with the character and needs of the local community, in compliance with Policy HC10.

## **9. RECOMMENDED**

That pursuant to Regulation 3 of the Town and Country Planning General Regulations 1992, planning permission be granted subject to the following conditions:

1. The development hereby permitted shall be begun before the expiry of 3 years from the date of this permission.

*Reason: To comply with section 91 of the Town and Country Planning Act 1990 (as amended).*

2. The development hereby permitted shall be carried out in accordance with the details submitted by way of application reference CC/BAS/33/20 dated 4 March 2020 and validated on 13 March 202 together with Drawing Numbers:

- 323-111.P3 – Site Plan – 4 July 2020
- 323-112.P2 – Landscape & Planting Plan – 14 April 2020
- 323-113.P2 – Drainage Plan – 4 July 2020
- 323-211.P2 – Floor Plan – 27 July 2020
- 323-212.P2 – Roof Plan – 4 September 2020
- 323-311.P2 – Section AA – 26 July 2020

- 323-411.P2 – South Elevation East Elevation – 16 November 2020
- 323-412.P2 – East Elevation North Elevation – 16 November 2020
- 323-110.P2 – Location & Block Plan – 4 March 2020

And in accordance with any non-material amendments as may be subsequently approved in writing by the County Planning Authority, except as varied by the following conditions:

Reason: *For the avoidance of doubt as to the nature of the development hereby permitted, to ensure development is carried out in accordance with the approved application details, to ensure the development is carried out with the minimum harm to the local environment and in accordance with Policy BAS BE12 (Development Control) of the Basildon District Local Plan Saved Policies 2007 and Policy SD4 (Presumption in Favour of Sustainable Development), Policy HC3 (Strategic Approach to Education, Skills & Learning), Policy HC10 (New and Enhanced Community Facilities), Policy T1 (Transport Strategy), Policy T8 (Parking Standards), Policy DES1 (Achieving Good Design), Policy DES4 (High Quality Buildings), Policy NE5 (Development Impacts on Landscape and Landscape Features) and Policy NE6 (Pollution Control and Residential Amenity) of the Revised Publication Location Plan October 2018.*

3. The construction of the development hereby permitted shall not be carried out unless during the following times:
  - 08:00 hours to 18:00 hours Monday to Friday
  - 08:00 hours to 13:00 hours Saturdays

And at no other times, including on Sundays, Bank or Public Holidays.

Reason: *In the interest of limiting the effect of the construction phase of the development on local amenity, to control the impacts of the development and to comply with Policy BAS BE12 (Development Control) of the Basildon District Local Plan Saved Policies 2007 and Policy NE6 (Pollution Control and Residential Amenity) of the Revised Publication Local Plan October 2018.*

4. No development shall take place beyond the installation of a damp proof course membrane until a landscape scheme has been submitted to and approved in writing by the County Planning Authority. The scheme shall include details of areas to be planted with species, sizes, spacing, protection and programme of implementation. The scheme shall be implemented within the first available planting season (October to March inclusive) following completion of the development hereby permitted in accordance with the approved details and maintained hereafter in accordance with Condition 5 of this permission.

Reason: *To comply with section 197 of the Town and Country Planning Act 1990 (as amended), to improve the appearance of the site in the interest of visual amenity and to comply with Policy NE5 (Development Impacts on Landscape and Landscape Features) of the Revised Publication Local Plan*

October 2018.

5. Any tree or shrub forming part of a landscaping scheme approved in connection with the development under Condition 4 of this permission that dies, is damaged, diseased or removed within the duration of 5 years during and after the completion of the development shall be replaced during the next available planting season (October to March inclusive) with an appropriate species of tree or shrub the details of which shall have received the prior approval of the County Planning Authority.

Reason: *In the interest of the amenity of the local area, to ensure development is adequately screened and to comply with Policy NE5 (Development Impacts on Landscape and Landscape Features) of the Revised Publication Local Plan October 2018.*

6. No beneficial occupation of the development hereby permitted shall take place until the access at its centre line has been provided with a clear ground visibility splay with dimensions of 2.4metres by 25 metres in both directions, as measured from and along the nearside edge of the carriageway, as shown in principle on Drawing Number 10114\_1170 – Large Vehicle Swept Path prepared by GTA and dated 4 March 2020 included as part of the Transport Statement (Ref 10114) prepared by GTA and dated March 2020. Such visibility splays shall be provided before the access is first used by vehicular traffic and retained free of obstruction at all times.

Reason: *To provide adequate inter-visibility between vehicles using the access and those in the public highway in the interests of highways safety in accordance with Policy BAS BE12 (Development Control) of the Basildon District Local Plan Saved Policies 2007 and Policy NE6 (Pollution Control and Residential Amenity) of the Revised Publication Local Plan October 2018.*

7. No beneficial occupation of the development hereby permitted shall take place unless the vehicular access has been constructed at right angles to the existing carriageway as shown in principle on Drawing Number 323-111.P4 – Site Plan - prepared by Denning Male Polisano dated 4 July 2020. The width of the access at its junction with the highway shall not be less than 5.5metres and shall be provided with 2no. appropriate kerbed radii and dropped kerb pedestrian crossing point.

Reason: *To ensure that vehicles can enter and leave the highway in a controlled manner in the interest of highway safety in accordance with Policy BAS BE 12 (Development Control) of the Basildon District Local Plan Saved Policies 2007 and Policy NE6 (Pollution Control and Residential Amenity) of the Revised Publication Local Plan October 2018.*

8. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development Order) 2015 or any Order amending, replacing or re-enacting that Order), no gates shall be erected at the vehicular or pedestrian access on Warwick Crescent, as shown on Drawing Number

323-111.P4 -Site Plan – dated 4 July 2020 unless they open inwards from the public highway and those serving a vehicular entrance shall be set back a minimum distance of 6 metres from the nearside edge of the Warwick Crescent carriageway.

Reason: *In the interests of highway safety and to comply with Policy BAS BE12 (Development Control) of the Basildon District Local Plan Saved Policies 2007 and Policy NE6 (Pollution Control and Residential Amenity) of the Revised Publication Local Plan October 2018.*

9. Each vehicular parking space shall have minimum dimensions in accordance with the current parking standards.

Reason: *To ensure adequate space for parking off the highway is provided in the interest of highway safety in accordance with Policy T8 (Parking Standards) of the Revised Publication Local Plan October 2018.*

10. Cycle parking facilities shall be provided as shown on Drawing Number 323-111.P4 – Site Plan – dated 4 July 2020 in accordance with the current parking standards. The approved facility shall be secure, convenient and covered and provided prior to the first beneficial occupation of the development hereby permitted and retained at all times.

Reason: *To ensure appropriate cycle parking is provided in the interest of highway safety and amenity in accordance with Policy T8 (Parking Standards) of the Revised Publication Local Plan October 2018.*

11. No unbound material shall be used in the surface treatment of the vehicular access hereby permitted, within 6 metres of the highway boundary.

Reason: *To avoid displacement of loose material onto the highway in the interests of highway safety in accordance with Policy BAS BE12 (Development Control) of the Basildon District Local Plan Saved Policies 2007 and Policy NE6 (Pollution Control and Residential Amenity) of the Revised Publication Local Plan October 2018).*

12. There shall be no discharge of surface water onto the Highway.

Reason: *To prevent hazards caused by water flowing onto the highway and to avoid the formation of ice on the highway in the interests of highway safety to ensure compliance with Policy BAS BE12 (Development Control) of the Basildon District Local Plan Saved Policies 2007 and Policy NE6 (Pollution Control and Residential Amenity) of the Revised Publication Local Plan October 2018.*

13. There shall be no development, including any groundworks or demolition, until a Construction Management Plan has been submitted to, and approved in writing by the County Planning Authority. The approved plan shall be adhered to throughout the construction period. The Plan shall provide for:

- The parking of vehicles of site operatives and visitors
- Loading and unloading of plant and materials
- Storage of plant and materials used in constructing the development
- Wheel and underbody washing facilities

Reason: *To ensure that the on-street parking of these vehicles in the adjoining streets does not occur and to ensure that loose materials and spoil are not brought out onto the highway in the interests of highway safety and in accordance with Policy BAS BE12 (Development Control) of the Basildon District Local Plan Saved Policies and Policy NE6 (Pollution Control and Residential Amenity) of the Revised Publication Local Plan October 2018.*

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## **BACKGROUND PAPERS**

Consultation replies  
Representations

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## **THE CONSERVATION OF HABITATS AND SPECIES REGULATIONS 2017 (AS AMENDED)**

The proposed development would not be located adjacent to a European site.

Therefore, it is considered that an Appropriate Assessment under Regulation 63 of The Conservation of Habitats and Species Regulations 2017 (as amended) is not required.

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## **EQUALITIES IMPACT ASSESSMENT**

This report only concerns the determination of an application for planning permission. It does however take into account any equality implications. The recommendation has been made after consideration of the application and supporting documents, the development plan, government policy and guidance, representations and all other material planning considerations as detailed in the body of the report.

**STATEMENT OF HOW THE LOCAL AUTHORITY HAS WORKED WITH THE APPLICANT IN A POSITIVE AND PROACTIVE MANNER:** In determining this planning application, the County Planning Authority has worked with the applicant in a positive and proactive manner based on seeking solutions to problems arising in relation to dealing to dealing with the planning application by liaising with consultees, respondents and the applicant/agent and discussing changes to the proposal where considered appropriate or necessary. This approach has been taken positively and proactively in accordance with the requirements in the NPPF, as set out in the Town and Country Planning (Development Management Procedure) (England) Order 2015.

## **LOCAL MEMBER NOTIFICATION**

BASILDON – Basildon Laindon Park and Fryerns (2 Local Members)