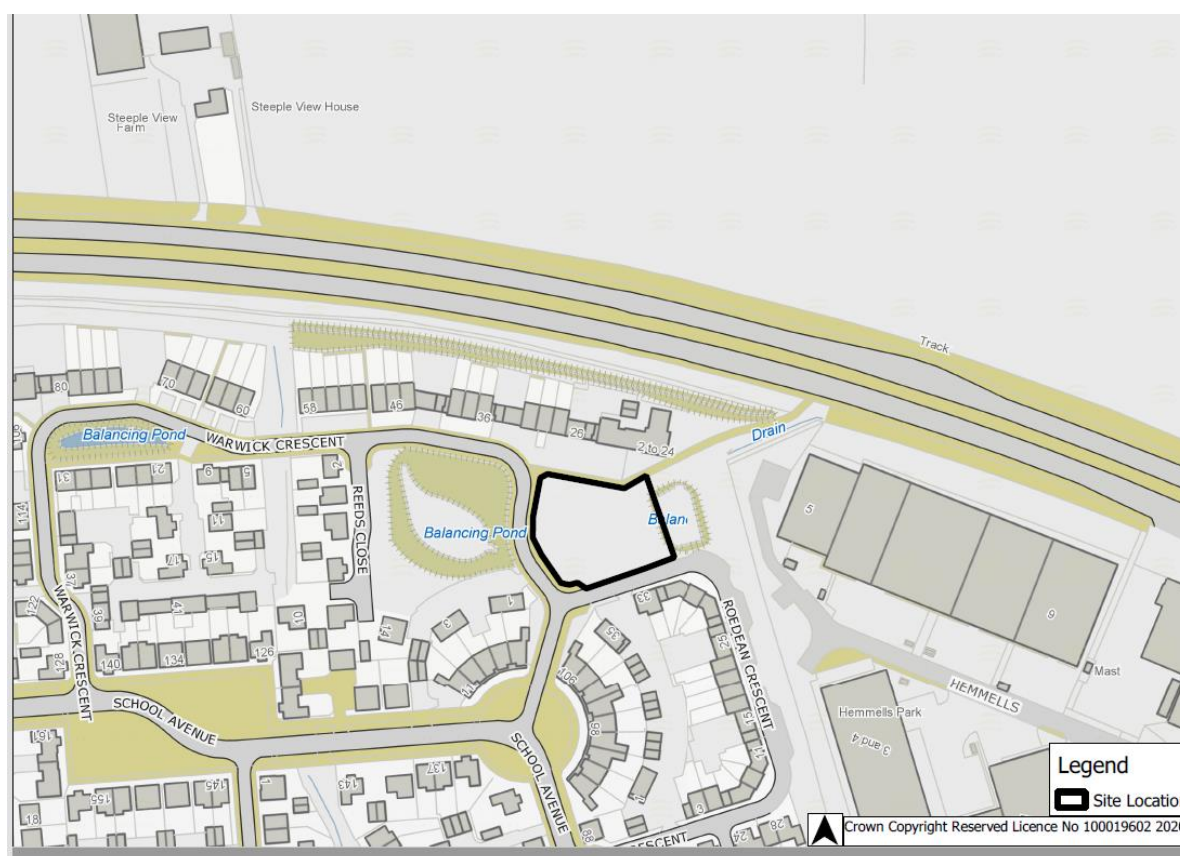


DR/14/20**Report to:** DEVELOPMENT & REGULATION (22 May 2020)**Proposal:** COUNTY COUNCIL DEVELOPMENT - The construction of an early years centre for 56 children, including outdoor play space, landscaping, cycle storage, staff parking and associated infrastructure**Ref:** CC/BAS/33/20**Applicant:** Essex 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 136815The 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.

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 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. Close to the eastern boundary of the site is a storm overflow pond.

3. PROPOSAL

The application is for a new 56 place nursery facility. It would include outdoor play areas for different age groups, 14 car parking spaces for staff (including 1 disabled space), an on-site drop off/pick up zone, 8 cycle parking spaces and hard and soft landscaping.

The single storey building, approximately 3.5m in height, 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

There is not an adopted neighbourhood plan for the area.

The Revised National Planning Policy Framework (NPPF) was published 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 is 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 has made in addressing the requirements of the Air Quality Direction issued by Defra and to advise how the transport evidence for the Local Plan has 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.

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

Revised Publication Local Plan October 2018

Policy HC3 – Strategic Approach to Education, Skills and Learning
Policy HC10 – New and Enhanced Community Facilities
Policy T8 – Parking Standards
Policy DES4 – High Quality Buildings
Policy NE1 – Green Infrastructure Strategy

5. CONSULTATIONS

BASILDON BOROUGH COUNCIL – No objection in principle

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

HIGHWAY AUTHORITY – No objection subject to conditions including a Construction Management Plan, provision of visibility splays, inward opening gates, construction of the vehicular access, provision of car parking spaces, provision of secure cycle parking

PLACE SERVICES (Urban Design) No objection. Comments as follows:

- The proposals have been developed further where alternative parking arrangements have been made and further considerations around the site topography since pre-app stage
- Appreciate projects of this scale have limitations with regard to budgets and methods of construction
- Further design development rational and justification around materials, siting and open space to the building required
- Built form proposed on site holds little relation to its surrounding built context
- Shallow roof is contrasting to the existing buildings around the site
- Overall material strategy should be reviewed to ensure suitability and high quality appearance
- Use of brick as a predominant material as opposed to proposed render finish would not only contribute to a more durable building but also create a better quality finish to the final form.
- Unclear how the south-western corner of the building has been addressed. School entrance could become a focal point and respond better to the street scene as well as becoming a standout community building within the existing residential development
- Better use of landscaping features would help settle the building into its surroundings
- Location of the play areas adjacent to the main road/footpath may lead to issues around safety and privacy
- Proposed native hedgerow planting could be to the external of the profiled mesh fencing to provide a 'softer' appearing boundary
- Suggest hedgerow boundary is planted along edge of the school which leads to the existing drainage pond/ditch to maintain and enhance the natural environment
- Expect to see alternative material palette proposed for the application including the provision of material samples before construction commences

on site

PLACE SERVICES (Landscape) – No objection. Comments as follows:

- Recommend the play areas are relocated to the east of the site away from the highway.
- Natural screening by way of planting should be proposed in addition to the mesh fencing to soften the boundaries
- Additional tree and shrub planting for boundaries and car park recommended to improve green infrastructure network
- Proposed hedgerow species mix should be amended
- Hedge planting should be in double staggered rows of 5 plants per linear metre rather than 4
- Condition requiring the submission of a landscape management and maintenance plan to support plant establishment

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. 6 letters of representation have been received. These relate to planning issues, summarised as follows:

<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 caused by people picking up and dropping off their kids during peak times.	Noted. See appraisal
There are already a number of early learner centres 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	The land has been allocated for an

be used for kids to play and people to walk their dogs.	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. See appraisal
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.	See appraisal
Will the nursery spaces be offered only to the residents or will it be opened to the borough?	No details have been provided of how spaces will be offered.
Disappointingly, since the unnecessary fence was installed nearly a year ago it has not been maintained and looks appalling. I pay a lot of money for my ground rent and this is not acceptable.	Noted. However this is outside the scope of this application
Can you provide us with the details with regards to building work, ie, length or time, working hours.	This would form part of the contract phase of the development and is not part of the planning application
The main reason I moved to the area was due to the surrounding and how peaceful it is.	Noted
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.	Noted. See appraisal
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.	Noted
We provided a response to Essex	Noted. Comments were made as part of

County Council's original consultation however regrettably there has been no significant change to our areas of concern in the revised plans.

the public consultation process.

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:

Noted. See appraisal

1. The potential for congestion on all 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

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

Noted. See appraisal

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.

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 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?

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.

I would encourage any planners or

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

Noted. However that is outside the scope of this application

Noted. See appraisal

Noted

supporters of the ELC to drive around the area so they can see the state of the parking on the development first-hand.

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, 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.

Noted. See appraisal

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. See appraisal

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

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.

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?

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 Local Plan 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.”

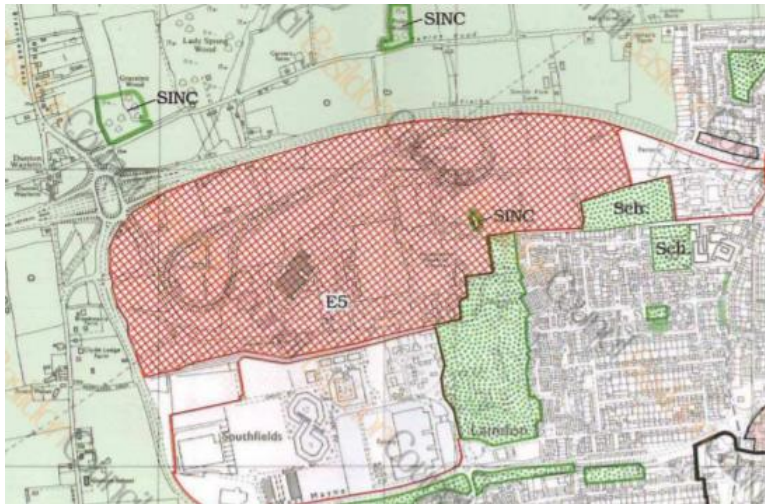
ECC has a statutory duty to ensure that there are sufficient childcare provisions within the local area, as well as a duty to secure free early years provision for pre-school children. The ‘Free Early Education Entitlement’ for 2 year olds (FEEE2) currently entitles 40% of the most disadvantaged 2 year 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.

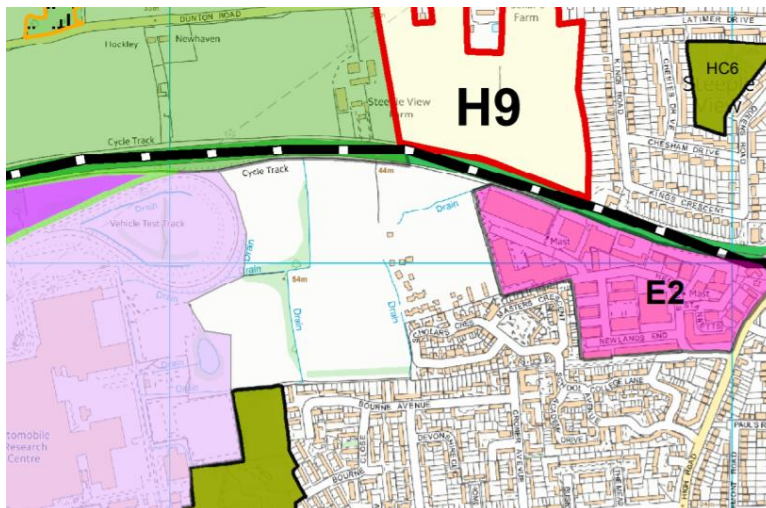
It is considered that there is an identified need for the proposed nursery facility on the application site and that this need should be given great weight in accordance with the provisions of the NPPF and that such provision would be in accordance with Policy HC3.

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”.

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.”*

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.

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.

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 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 onto 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.”*

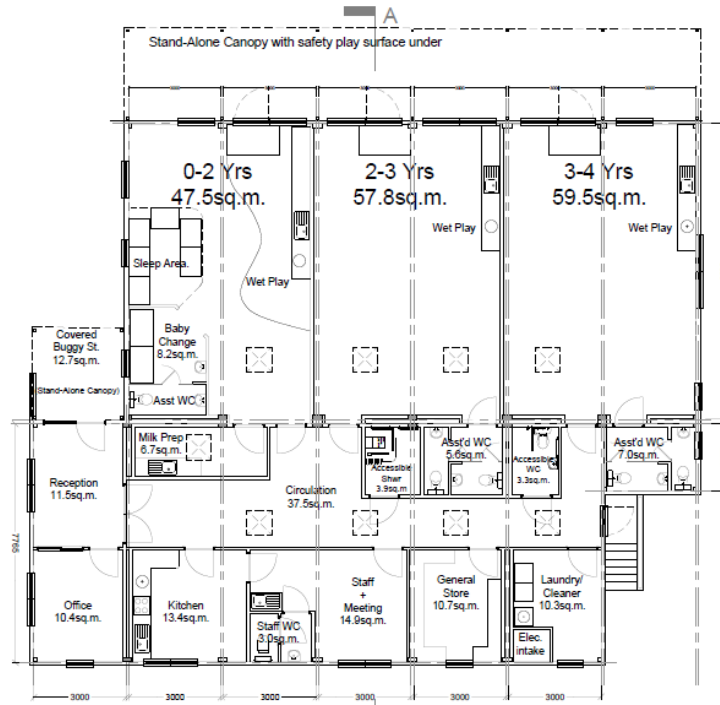
Emerging Policy HC10 (New and Enhanced Community Facilities) states inter alia that *“new community facilities will be supported where it can be demonstrated that the facility and activities are of appropriate scale, design and intensity and would have no unacceptable impacts on the character, appearance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

Numerous layout plans were rejected during the design process due to the cost of earthworks and retaining walls required to deal with the site gradient and the budgetary constraints of the project. The proposed site layout has been developed to utilise the existing site profile.

The proposed building would be located to the west of the site on an area of undeveloped land. It would be single storey construction with a shallow pitch roof. The proposed building would provide accommodation for 12, 0-2 year olds, 20, 2-3

year olds and 24, 3-4 year olds.

Inside the building a classroom would be provided for each age group together with a staff room, office, reception, toilet and washing facilities (including accessible facilities), kitchen and laundry.

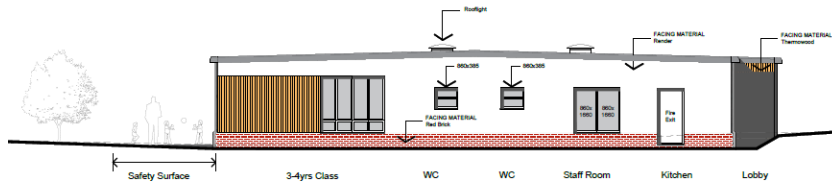
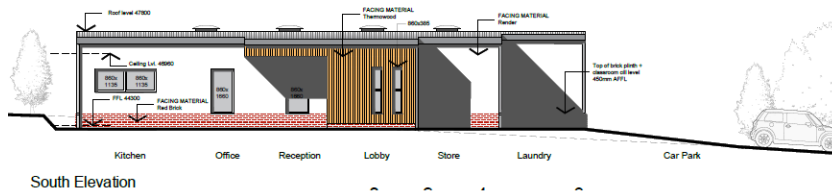


Rooflights would be provided to ensure sufficient daylight in the classrooms and circulation areas.

External spaces have been arranged to maximise the site's potential and reduce impact on adjacent properties from vehicle movements and playtime noise. The layout of the proposed building allows adequate sunlight and daylight to penetrate the classroom areas. Higher head windows would also be provided to these areas to increase the depth of light penetration. Classrooms and external play areas would face towards the west and south of the site with the administrative areas facing towards the staff parking area and the drainage pond towards the east of the site.

The layout and design of the proposed building were subject to pre-application discussions with Place Services (Urban Design).

The external materials of the building originally consisted of a red brick plinth, small areas of vertical timber cladding with a majority of the proposed building finished in render.

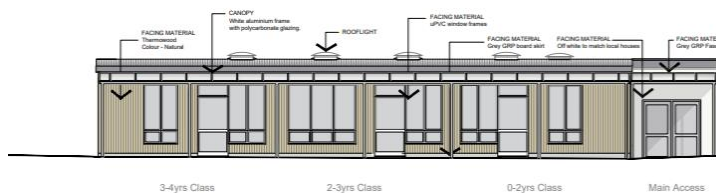


Urban Design recommended that the amount of render be reduced or omitted. It was further recommended that a brick and timber approach be explored.

The proposed building would be a single storey construction (approximately 3.5m in height) with shallow pitch roof. Elevations would be finished in a mix of vertical timber 'Thermowood' weatherboarding and off-white/beige render to match surrounding residential properties. Windows would be white UPVC with aluminium framed doors.



:100@A3
South Elevation



The applicant has explored the possibility of a brick and timber approach for the proposed building as recommended by Place Services (Urban Design). An alternative approach with an increased use of timber and a reduction in the amount of render has been proposed by the applicant. The timber boarding is proposed to the classroom facades and play areas where the applicant considers wear and tear would be greater with render to the administrative areas of the building.

The proposed building would provide good levels of natural daylight which would be supplemented by high efficiency electrical fittings to achieve the required levels of illuminance internally. Natural ventilation would be used throughout the building, with opening vents and windows to the classrooms and ancillary rooms.

Heating and cooling to the proposed building would be provided through the use of wall mounted cassette units. This would ensure control of an ambient temperature and reduce unnecessary heating to the building. It would also reduce the potential for children to come into with hot radiator surfaces.

Reduce flush toilets would be installed to aid water conservation and rainwater would be collected in butts for use in landscaped areas.

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

Basildon Borough Council has no objection in principle to the proposed scheme. However it does have some reservations particularly with regards to the proposed design of the building, in particular the proposed flat roof and mix of timber cladding and rendered finish elevations.

Place Services (Urban Design) has not objected to the proposed scheme but has raised similar concerns with regards to the proposed design and use of materials for the building.

It is considered that general material details and samples could be required by condition should planning permission be granted.

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, subject to material details being further approved, 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 BE 12 and Policy DES4 and Policy HC10.

D IMPACT ON NATURAL ENVIRONMENT

Emerging Policy NE1 (Green Infrastructure Strategy) 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 would be grassed, including the play areas for children. An area of covered play space would be provided outside each classroom. This would be located to the west of the site.

A 2 metre high profiled mesh fence would be erected to the perimeter of the site. A 1.2m high picket fence would be erected within the site to divide the play areas for 0-2 year olds and 2-4 year olds.

New mixed native hedging is proposed around the bin store, along the southern boundary of the site adjacent to Rodean Crescent, along part of the northern boundary and between the nursery building and the car parking area.



Place Services (Landscape) has no objection to the proposed scheme but has commented that the play areas should ideally be located to the east of the site away from the public footpath and highway. It also recommends that natural screening, in the way of planting should be provided in addition to the mesh fencing to soften the boundaries and screen activity within the site.

The palette of proposed plants is considered to be relatively small, providing minimum enhancements to the wider green infrastructure network. It is recommended that additional trees and shrub planting is proposed, specifically on the boundaries and within the car parking area.

It is further recommended that the proposed hedgerow species mix should be amended to the following:

- *Crataegus monogyna* 50%
- *Prunus spinosa* 30%
- *Corylus avellane* 10%
- *Fagus sylvatica* 10%

Any proposed hedging should be planted in double staggered rows of 5 plants per linear metre, rather than 4.

It is considered appropriate to attach a condition requiring the submission of a revised landscaping plan, taking into account the comments made by Place Services (Landscape) together with the submission of a landscape management and maintenance plan to support plant establishment, should planning permission be granted.

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 in accordance with Policy NE1.

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.

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.

The Highway Authority has requested that a condition be attached, should planning permission be granted requiring the submission of a Construction Management Plan to ensure that the construction phase of the scheme does not have a significant adverse impact on the surrounding residential area.

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 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 (including 1 disabled 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.

Covered buggy/pushchair storage would be provided to encourage users to travel to the facility by more sustainable means.

The Highway Authority has raised no objection to the development, subject to conditions, which could be imposed should planning permission be granted.

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) 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 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 be expected to cater for the local area 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.

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 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 design of the building and layout of the site 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 DES4 and Policy HC10. It would also provide environmental efficiencies in compliance with the provisions of the NPPF.

In terms of landscape, a landscape scheme and landscape management and maintenance plan are 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.

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. Written notification of the date of commencement shall be sent to the County Planning Authority within 7 days of such commencement.

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 March 2020
- 323-112.P2 – Landscape & Planting Plan – 4 March 2020
- 323-113.P2 – Drainage Plan – 27 February 2020
- 323-211.P2 – Floor Plan – 26 February 2020
- 323-212.P2 – Roof Plan – 26 February 2020
- 323-311.P2 – Section AA – 26 February 2020
- 323-411.P2 – South Elevation East Elevation – 26 February 2020
- 323-412.P2 – East Elevation North Elevation – 26 February 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 C3 (Strategic Approach to Education, Skills & Learning), Policy HC10 (New and Enhanced Community Facilities), Policy T8 (Parking Standards), Policy DES4 (High Quality Buildings), Policy NE1 (Green Infrastructure Network) and Policy NE6 (Pollution Control and Residential Amenity) of the Revised Publication Local 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 until details and samples of external materials, including render and timber, have been submitted to and approved in writing by the County Planning Authority. The development shall be implemented in accordance with the approved details.

Reason: *To limit the impacts on local amenity and to comply with Policy DES4 (High Quality Buildings) of the Revised Publication Local Plan October 2018.*

5. No development shall take place beyond the installation of a damp proof course membrane until a revised landscape scheme has been submitted to and approved in writing by the County Planning Authority. The scheme shall include the following:

- Details of areas to be planted with species, sizes, spacing, method of planting, protection, programme of implementation and maintenance schedule;
- Provision for planting for screening purposes along the western and north western boundaries
- Inclusion of planting within the car parking area

The scheme shall be implemented during the first available planting season (October to March inclusive) following commencement of the development hereby permitted in accordance with the approved details and maintained thereafter in accordance with Condition 6 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 NE1 (Green Infrastructure Network) of the Revised Publication Local Plan October 2018.*

6. Any tree or shrub forming part of a landscaping scheme approved in connection with the development under Condition 5 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 a tree or shrub to be agreed in advance in writing by 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 NE1 (Green Infrastructure Network) of the Revised Publication Local Plan October 2018.*

7. 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.*

8. 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.P3 – Site Plan - prepared by Denning Male Polisano dated 4 March 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.

9. 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.P3 -Site Plan – dated 4 March 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.*

10. Each vehicular parking space shall have minimum dimensions of 5.0m x 2.5m

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 and ECC Parking Standards (September 2009).*

11. Cycle parking facilities shall be provided as shown on Drawing Number 323-111P.3 – Site Plan – dated 4 March 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.*

12. 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).*

13. 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.*

14. 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.*

BACKGROUND PAPERS

Consultation replies
Representations

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.

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 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)