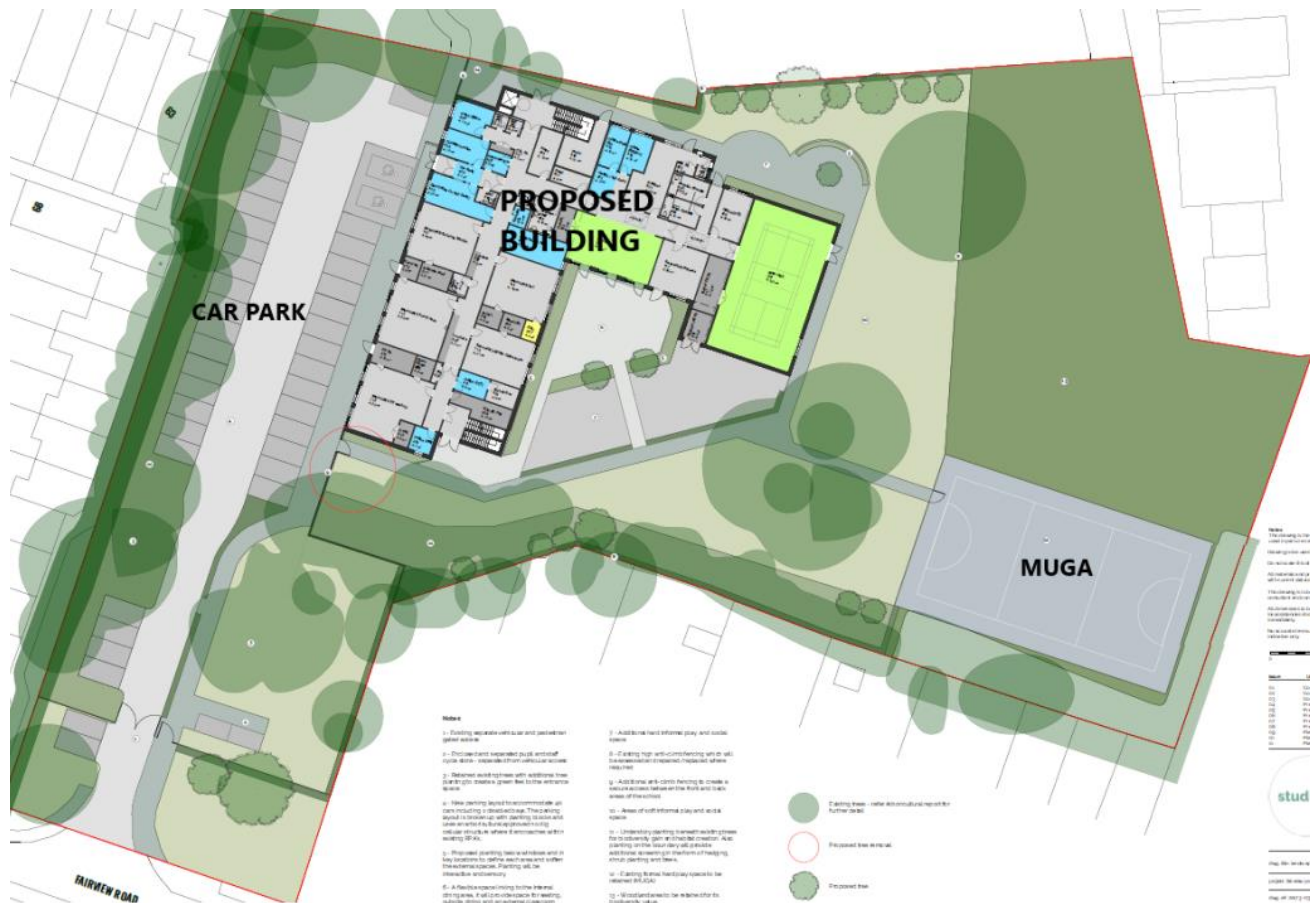


DR/09/22**Report to:** DEVELOPMENT & REGULATION (25th February 2022)**Proposal:** COUNTY COUNCIL DEVELOPMENT

Demolition of existing school buildings and structures and the construction of a two-storey building with revised parking, landscaping, boundary treatments and associated facilities.

Ref: CC/BAS/102/21**Applicant:** Essex County Council**Location:** Fairview, Fairview Road, Basildon, Essex, SS14 1PW**Report author:** Chief Planning Officer (County Planning and Major Development)**Enquiries to:** Shelley Bailey Tel: 03330 136824The full application can be viewed at <https://planning.essex.gov.uk>

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1. BACKGROUND & SITE

The application site is approximately 1ha in size. It is accessed via Fairview Road to the south, which is itself a cul-de-sac from the B1419 Timberlog Lane. The access leads into the existing car park.

There is one existing single storey building located within the western part of the site which currently accommodates Fairview Children's Support Service within the Fairview Centre. A Multi Use Games Area (MUGA) is located within the eastern part of the site.

There are several trees within the site along the western and southern boundaries and in a cluster to the north east, which are subject to a blanket Tree Preservation Order (TPO) (Ref TPO/01/52).

Residential properties surround the site to the west, south and east, with open space and a social club to the north.

The site is located within Flood Zone 1 and there is an existing open space/school playing fields designation on the eastern part of the site not occupied by the building.

The site has been in use for education for many years. There is no relevant planning history pertinent to the planning application.

2. PROPOSAL

The Fairview Centre currently provides educational learning for students in Key Stages 3 and 4.

The existing premises, currently occupied by Fairview Children's Support Service, is proposed to be demolished. The current pupils would be temporarily relocated to Wickford Pupil Referral Unit (PRU) during construction.

The proposed development would include a new up to two-storey building for Key Stage 3 and 4 education, typically with 70% of places allocated for behavioural education needs and 30% for health needs.

The existing MUGA would continue to be utilised. No community use is proposed.

The building would include:

- 15 general teaching and specialist classroom spaces;
- 4 small group rooms including an SEN Therapy space;
- Main Hall and separate Dining area;
- Administration and Support spaces;
- Classroom storage, specialist stores, lockers and maintenance stores; and
- Photovoltaic panels.

The existing access is proposed to be altered to provide separate vehicular and pedestrian gates. A new turning head for taxi drop-off is proposed, together with 40

parking spaces including two disabled bays in the western part of the site.

A cycle store is proposed adjacent to the main access.

3. POLICIES

The following policies of Basildon District Local Plan and Alterations, (BLP), Adopted 1998 and 1999 (Saved policies 2007 only) provide the development plan framework for this application. The following policies are of relevance to this application:

BASILDON DISTRICT LOCAL PLAN AND ALTERATIONS (Saved policies only) (1998 and 1999)

Policy BAS R1 – Open Space – Protection



NEIGHBOURHOOD PLAN

There is no adopted Neighbourhood Plan for the area.

The Revised National Planning Policy Framework (NPPF) was published on 20 July 2021 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 218 and 219 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 (1998 and 1999) has been considered by Basildon Council through a [compliance review](#).

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.

Basildon Council submitted the Basildon Borough Local Plan 2014-2034 to the Secretary of State in March 2019. Modifications have been required and a consultation is expected in 2022 prior to an Examination Hearing likely later in 2022. As such, emerging policies are a material consideration but have limited weight and have not been referenced in detail in the report.

4. CONSULTATIONS

Summarised as follows:

BASILDON BOROUGH COUNCIL (Planning) – No comments received.

BASILDON BOROUGH COUNCIL (Environmental Health) – A Phase II Site Investigation is recommended. Suggests conditions.

PLACE SERVICES (Urban Design) – No objection, subject to a condition relating to building materials.

Recommends that details of hard landscaping are provided.

PLACE SERVICES (Landscape) – No objection, subject to conditions relating to submission of a landscaping scheme and a landscape management plan.

Makes recommendations relating to the hedge mix and requests hard landscaping details.

PLACE SERVICES (Ecology) – No objection, subject to a condition requiring compliance with the recommendations for compensation and enhancement in the submitted Preliminary Ecological Appraisal and the Biodiversity Enhancement Strategy.

PLACE SERVICES (Trees) - No objection, subject to a condition requiring compliance with the submitted Arboricultural Method Statement.

ESSEX FIRE AND RESCUE – No objection.

Provides standard advice relating to access, building regulations, water supplies and sprinkler systems.

UTILITIES – Requests the addition of informatives in relation to gas and water infrastructure.

Notes that Basildon Water Recycling Centre will have capacity for foul drainage associated with this development.

The preferred method of surface water disposal would be to a sustainable drainage system with connection to sewer as the last option.

HIGHWAY AUTHORITY – No objection, subject to conditions relating to:

- Improvements to the site access to facilitate pedestrian movements prior to occupation;
- Provision of the proposed vehicular turning facility prior to occupation;
- Minimum parking space dimensions;
- Provision of cycle parking;
- No surface water discharge to the highway;
- No unbound material in the surface treatment of the vehicular access;
- Adherence to the proposed construction vehicle parking, loading and storage areas and wheel washing facilities;
- Implementation of a School Travel Plan.

Comment: A School Travel Plan is appropriately requested via planning informative.

LEAD LOCAL FLOOD AUTHORITY – No objection, subject to conditions.

LOCAL MEMBER – BASILDON – Pitsea – Any comments received will be reported.

5. REPRESENTATIONS

32 properties were directly notified of the application. 4 letters of representation, including 1 letter representing the views of several residents, have been received. These relate to planning issues, summarised in the following section.

The applicant has also carried out a pre-application public consultation in accordance with the Adopted Statement of Community Involvement.

<u>Observation</u>	<u>Comment</u>
More control required over children attending the school. Damage caused to properties.	This comment has been forwarded to the applicant. The school has stated that it is committed to good neighbour relations and welcomes resident feedback.
The school is a bad neighbour, with children spending much of the day outside the school gates smoking.	This comment has been forwarded to the applicant. The school has stated that staff monitor pupils at break times and that the proposed improved facilities would help reduce pupils going off site.
Fairview Road is a narrow, quiet no-through road and would have additional and heavier daily traffic.	See appraisal.
Pollution and wear and tear on Fairview Road from additional traffic.	See appraisal.
Extra noise and disruption to residents including blocked driveways from additional pupils.	See appraisal.
The speed of staff driving along Fairview Road should be looked at.	This is outside of the Planning realm, but the comment has been forwarded to the applicant and the school welcomes communication with residents.
The proposal for use by 100 pupils (of which 70 would be on-site) is a waste of money. Residents have counted around 6 pupils on site per day.	Proposed pupil numbers have been clarified. See appraisal.
The proposed provision for 70 pupils on site and 30 off site would be a significant increase in physical numbers attending. Monitoring over the last 4 years suggests never any more than 20 attending daily.	Proposed pupil numbers have been clarified. See appraisal.
If there is no pupil increase, why is there a need for a two-storey building.	See appraisal.
The school is currently closed and pupils are being managed by the other two CSS schools, so why are 3 needed?	The school is not currently closed. Pupils would be temporarily educated at another site during construction, but this is not a long term solution.

No provision for securing the site during open hours, putting pupils at risk.	A 'secure fencing line' is proposed internally and along the school frontage. Gates could be closed but this would be up to the school to manage.
Clarity required over trees proposed to be felled as drawings are contradictory.	See appraisal.
Existing boundary fencing for adjacent neighbours is not adequate, leading to concerns over privacy and verbal abuse from pupils.	Replacement fencing is not proposed unless damaged during construction. Pupils are monitored by staff and are challenged on the use of inappropriate language.
Unclear what the reference to 2 parking spaces in Fairview Road is.	2 visitor parking bays are proposed at the site entrance just outside the secure site line. See appraisal.
The proposed 2 unsecure parking spaces outside of the school gates would increase current illegal/undesirable activity taking place.	2 visitor parking bays are proposed at the site entrance just outside the secure site line. See appraisal.
The temporary rear access would be a preferable permanent main entrance rather than using Fairview Road.	Permanent use of this access is not proposed as part of this application and has therefore not been considered.
The application is being pushed through in a pandemic with no direct notification of a residents' meeting to the person objecting.	Planning services have continued throughout the pandemic, as required by the Government. The applicant undertook a public consultation prior to submission of the application, notifying residents within 150m of the application site. An online consultation was provided initially and followed up with an in-person meeting.
The CEMP misrepresents the streets by using photographs with low traffic levels and parked vehicles.	An officer has visited the site. The application as a whole is considered to adequately assess highway capacity.
Lack of continuity between submitted documents. E.g., the D&A Statement makes no reference to the rear access shown in the CEMP.	Noted. The proposed construction access to the rear is discussed in the appraisal.
Disconnect between a. the stated "70 on-site pupils and 30 outreach pupils" in the "Design & access	Proposed pupil numbers have been clarified. See appraisal.

statement”,
b. the current on-site levels of only a half dozen pupils,
c. the repeated assertion at the resident consultation meetings of no change in on-site pupil levels.

Windows at the side of the school would overlook 16 gardens and could also potentially allow pupils to see into the actual properties of 5 of them. This is a privacy concern.

See appraisal.

All properties facing the school are bungalows which have not been permitted to extend their roofline. Residents have not been allowed roof windows/garden playhouse due to facing the school.

Noted. See appraisal.

The proposed 8 trees would not give privacy due to their position and losing leaves in winter, also affecting sight and sound pollution.

See appraisal.

The rear garden fence adjoining the sports area is open fencing that needs a brand-new solid wall.

There is no proposal to amend this fence line.

A 20mph speed limit was previously proposed by residents but has not been included.

This is not proposed as part of the application.

6. APPRAISAL

The key issues for consideration are:

- A. Need
- B. Policy Considerations
- C. Amenity Impact
- D. Design
- E. Traffic and Highway Impact
- F. Ecology and Trees
- G. Flood Risk and Drainage

A NEED

Paragraph 95 of the NPPF states:

'It is important that a sufficient choice of school places is available to meet the needs of existing and new communities. Local planning authorities should take a proactive, positive and collaborative approach to meeting this requirement, and to development that will widen choice in education. They should:

a) give great weight to the need to create, expand or alter schools through the preparation of plans and decisions on applications...'

Fairview Alternative Provision School is proposed as one of 3 main centres under the South Essex Children's Support Service (CSS). The CSS is a short stay provision which accepts referrals from local schools and the local authority. They educate and support children through individually tailored learning programmes in positive, safe and caring environments, where they have opportunities to reach their full potential.

The development would deliver KS3/KS4 places, of which 70% would be for behavioural purposes and 30% health. There would be around 30 pupils on site at any one time, together with staff to offer individual or outreach support. Up to 70 pupils would use the site on various days and times throughout the week. This is a continuation of the service currently offered by the school at Fairview and pupil numbers are not proposed to increase as a result of the development.

The existing buildings were largely built in the 1970s and require replacement to improve the education environment.

The need for the development to provide appropriate learning accommodation is accepted and given great weight in accordance with para 95 of the NPPF.

B POLICY CONSIDERATIONS

As stated previously in the report, at the heart of the Framework is a presumption in favour of sustainable development.

Whilst the 3 objectives (economic, social and environmental) are not criteria against which every decision can or should be judged, it is useful to consider that the importance of appropriate teaching facilities within the local area would contribute to the wider social and economic prosperity of children.

The environmental objective will be considered throughout the report.

The main policy allocation for the application site is BLP Policy BAS R1 (Open Space), which requires:

'Within the urban areas, planning permission will not be granted for development of open space which would cause significant harm to the recreational or amenity value of the open space, or to the contribution which the open space makes to the character of the area within which it is located.'

Para 98 of the NPPF states:

'Access to a network of high quality open spaces and opportunities for sport and physical activity is important for the health and well-being of communities, and can deliver wider benefits for nature and support efforts to address climate change.'

Para 99 of the NPPF states:

'Existing open space, sports and recreational buildings and land, including playing fields, should not be built on unless:

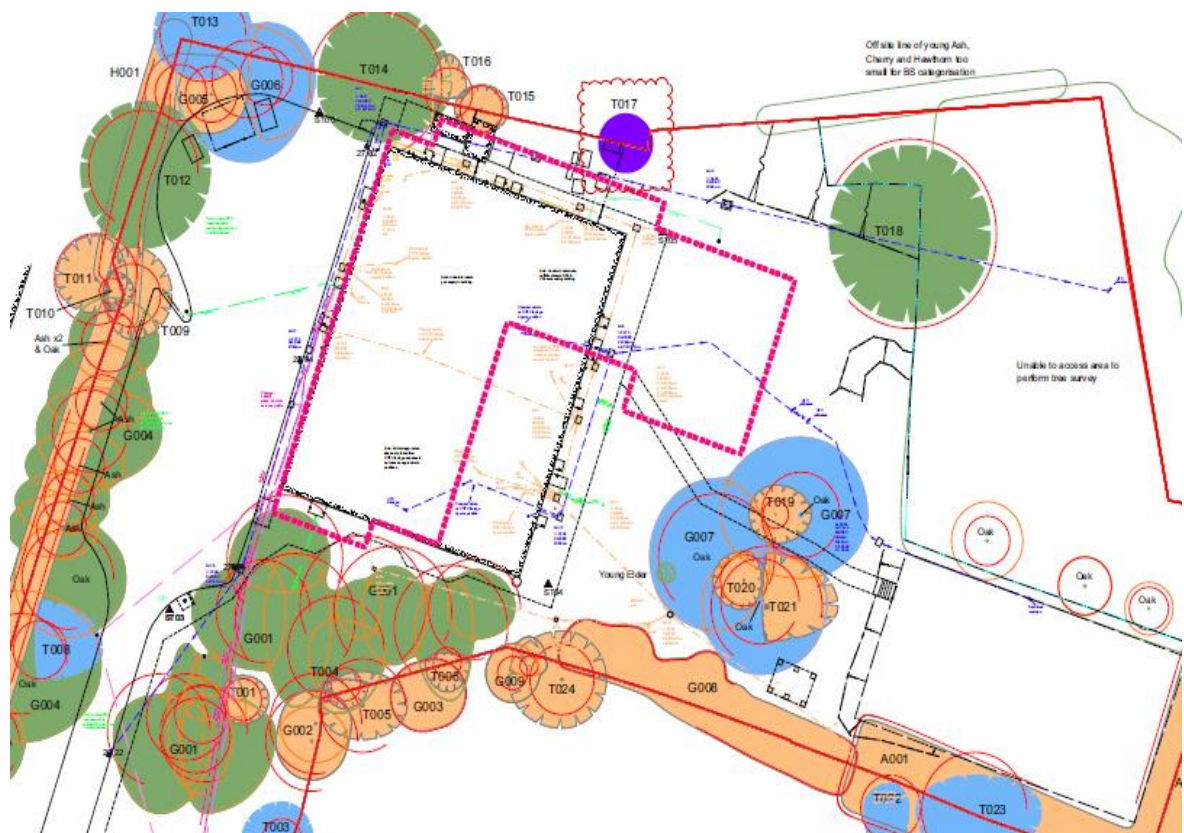
(a) an assessment has been undertaken which has clearly shown the open space, buildings or land to be surplus to requirements; or

(b) the loss resulting from the proposed development would be replaced by equivalent or better provision in terms of quantity and quality in a suitable location; or

(c) the development is for alternative sports and recreational provision, the benefits of which clearly outweigh the loss of the current or former use.'

The open space designation is allocated on the land to the east of the existing building, as shown in Section 3 of the report.

The proposed building would encroach beyond the existing building, shown by the black line, and into the open space designation to the east to the extent shown by the pink dashed line below:



Whilst only limited weight is given to it, the emerging Basildon Local Plan also allocates the area as 'playing fields associated with education facilities'.

The proposed development would meet or exceed all of the external space requirements of BB104, except for soft informal space. The recommended space cannot be met through the proposed design and is not met by the existing site. It is noted that the design process has had regard to alternative proposals to include additional storey heights to reduce the loss of soft informal play, however this has been determined to be unfeasible. However, for Alternative Provision schools such as that proposed, PE activities may not be suitable for all pupils. The existing MUGA, together with the proposed exceedance in other space requirements, would be considered to meet the requirements of Para 99 of the NPPF. In addition, the proposed sports hall would further offset the reduction in outdoor PE space with an indoor sports facility that could be used in all weathers.

Taking account of the special requirements of the education facility proposed, it is considered that, although there would be a light encroachment into the open space designation, the development would comply with BLP Policy BAS R1 and the relevant paragraphs of the NPPF.

C AMENITY IMPACT

As set out further in Section D of the report, the NPPF, in summary, requires development to add to the overall quality of the area and be sympathetic to its surroundings. Paragraph 174 of the NPPF further requires, in summary, that new and existing development should not contribute to or be put at unacceptable risk by, unacceptable levels of noise pollution, for example.

Visual

The residential properties located nearest to the proposed building are situated along the southern boundary in Fairview Road (bungalows) and along the western boundary in Frettons. Properties in Timberlog Lane to the east do not directly adjoin the site.

The boundary of the properties in Fairview Road would be approximately 13.5m from the proposed building at the closest point. The actual buildings of the properties would be located over 40m from the façade of the proposed building due to the relatively long gardens.

The boundary of the properties to the west would be located over 25m from the proposed building.

Although not strictly applicable (as it relates to residential developments), but still useful as a guide, the Essex Design Guide references a desirable minimum distance of 25m between the rear facades of residential properties with habitable rooms. The proposed development would be in excess of this.

It is not considered that there would be any daylight/sunlight issues in relation to the proximity of the school building to residential properties. For example, the Essex Design Guide references a spacing of at least 10m between opposing

house-fronts in order to ensure no adverse effect on the daylight and sunlight received by neighbouring properties. As above, the distance between surrounding properties and the proposed building is in excess of this.

In terms of overlooking and privacy, it is considered that the most sensitive boundary would be that of the properties to the south in Fairview Road. There are no proposed windows at first floor level on the southern elevation facing Fairview Road. On the eastern elevation, the nearest first floor window to Fairview Road would be located in a corridor, and another smaller window in a stairwell. Other first floor windows on the eastern elevation would be located around 22m from the boundary of the nearest property on Fairview Road and around 50m from the façade of the nearest property and would not face the properties to the south. In addition, louvred screens are proposed to a portion of the opening to further assist in limiting views.

As stated previously in the report, the site is subject to a Tree Preservation Order and includes a number of larger trees, particularly towards the south-west of the site. The application states that these trees provide partial screening due to a lack of understorey planting and, accordingly, includes proposals to enhance the below canopy habitat with additional planting. Boundary hedging is also proposed, and the Landscape Officer has recommended a suitable planting mix. It is considered that the detail of the proposed planting could be required via condition in the event of approval.

Noise

As stated, the development is not proposed to increase pupil numbers on site. Therefore, it is considered that there would not be any significant change in activity or noise in comparison to existing levels.

The existing MUGA would continue to be utilised. No community use is proposed.

A noise report accompanies the application and suggests that plant noise is controlled to minimise to minimise potential impact on residents. A condition relating to this is common for school developments and, as such, it is considered that suitable wording could be applied in the event of approval.

Therefore, subject to conditions, it is considered that the proposed development would not unacceptably impact on local amenity in compliance with the NPPF.

D DESIGN

Para 126 of the NPPF states:

‘The creation of high quality, beautiful and sustainable buildings and places is fundamental to what the planning and development process should achieve.’

Para 130 of the NPPF requires that planning decisions:

‘(a) will function well and add to the overall quality of the area, not just for the short term but over the lifetime of the development;

(b) are visually attractive as a result of good architecture, layout and appropriate and effective landscaping;

(c) are sympathetic to local character and history, including the surrounding built environment and landscape setting, while not preventing or discouraging appropriate innovation or change (such as increased densities);

(d) establish or maintain a strong sense of place, using the arrangement of streets, spaces, building types and materials to create attractive, welcoming and distinctive places to live, work and visit;

(e) optimise the potential of the site to accommodate and sustain an appropriate amount and mix of development (including green and other public space) and support local facilities and transport networks; and

(f) create places that are safe, inclusive and accessible and which promote health and well-being, with a high standard of amenity for existing and future users; and where crime and disorder, and the fear of crime, do not undermine the quality of life or community cohesion and resilience.'

The proposed development would replace the existing building with a two-storey building which would form part of the secure line within the site. A single storey 'link' area would encompass the dining and social spaces of the school, visually separating the teaching block and the sports hall. This would provide a smaller scale frontage to the proposed south facing external courtyard.

The 'link' area would lead through to the larger height main hall, which it is considered would be appropriately placed further away from existing residential properties and towards the northern edge of the site.

Proposed West Elevation



Proposed East Elevation



Proposed North Elevation



Proposed South Elevation



The building is proposed as a modern build with effective ventilation, heating, cooling and natural light. Photo-Voltaic (PV) Panels are proposed to power the building when in use and feed into the grid when it is not, thereby reducing the energy demands of the building.

The proposed external materials would be red/brown brick at ground floor and grey coloured render at first floor level. Following pre-application discussions, this has been proposed in a grey colour to give longevity in a site containing a relatively large number of taller trees. The render would also be of a specification to provide natural resistance against algae and fungus growth.

The ECC Urban Design specialist has raised no objection to the proposals and is satisfied with the design strategy. The specialist has commented that the success of the scheme lies greatly within the quality of the built form, and as such has recommended a condition requiring full details of materials. It is considered that such a condition could be reasonably imposed in the event of approval.

It is therefore considered that, subject to conditions, the proposed design would meet the requirements of the NPPF.

E TRAFFIC AND HIGHWAY IMPACT

In summary, Section 9 of the NPPF requires that proposals demonstrate that development does not result in unacceptable levels of traffic on the highway network, and where there are potentially detrimental impacts, that this has been successfully mitigated. It also requires that appropriate opportunities to promote sustainable transport are taken up.

Para 111 of the NPPF states that:

'Development should only be prevented or refused on highways grounds if there would be an unacceptable impact on highway safety, or the residual cumulative impacts on the road network would be severe.'

As stated, access/egress to/from the site is proposed via the existing route off Fairview Road. The application proposes to alter the bellmouth to include a dropped kerb crossing point, as required by the Highway Authority.

The application includes a Transport Statement based on a proposed 100 pupil places. It has been clarified that the proposed number of pupils on site at any one time would be around 30, with up to 70 pupils using the site at various times throughout the day and week. As has been noted previously in the report, this would be a continuation of the service currently offered at the site and pupil numbers would not be increasing.

Based on the Transport Statement, the development would generate an additional 5 trips by private car during AM and PM peak times. This would have negligible impact which could be safely accommodated within the highway capacity. However, as stated, the proposal, would actually not include any increase in pupils so the Transport Statement represents an overestimation of traffic generation.

The Highway Authority has considered the application and has no objection, subject to conditions.

The assessment of how pupils travel to and from school shows most travel by bus, and then an even split between mini-bus, taxi, walking, cycling, train and car drop-off.

In response to concerns regarding construction traffic along Fairview Road raised during the pre-application community engagement process, the applicant has proposed the use of an alternative construction access for a temporary period of around 12 weeks. This would facilitate the larger construction/demolition vehicles and machinery to access the site via the social club land to the north of the application site and out onto South Riding and Long Riding.

It is noted that this alternative construction access, which travels across separately owned land, has not been included within the red line application boundary. The applicant has chosen to rely on deemed consent conveyed by the Town and County Planning (General Permitted Development) (England) Order 2015, as follows:

PART 4 - Temporary buildings and uses

Class A – temporary buildings and structures

Permitted development

- A. The provision on land of buildings, moveable structures, works, plant or machinery required temporarily in connection with and for the duration of operations being or to be carried out on, in, under or over that land or on land adjoining that land.*

Development not permitted

- A.1 Development is not permitted by Class A if -*

- (a) the operations referred to are mining operations, or*
- (b) (b)planning permission is required for those operations but is not granted or deemed to be granted.*

Conditions

A.2 Development is permitted by Class A subject to the conditions that, when the operations have been carried out –

- (a) any building, structure, works, plant or machinery permitted by Class A is removed, and*
- (b) any adjoining land on which development permitted by Class A has been carried out is, as soon as reasonably practicable, reinstated to its condition before that development was carried out.*

Any planning permission granted would not refer to or control the alternative route and its implementation. However, the applicant has confirmed that the route is genuinely proposed and available for use in the event that planning permission is granted for the development the subject of this application.

The Highway Authority has confirmed that there would be no objection in principle to the use of either route.

With regard to parking provision, the Essex Parking Standards: Design and Good Practice (September 2009) requires a maximum of 1 vehicle space per 15 pupils (plus 1 bay or 5% for disabled parking) and a minimum of 1 cycle space per 5 staff plus 1 cycle space per 3 pupils.

The school currently provides 20 parking spaces. 40 parking spaces are proposed, including disabled bays. 2 of these parking spaces would be located outside of the school gates within land owned by the applicant.

The school currently has 5 uncovered cycle spaces. The proposal would increase this to 16 secure covered cycle spaces. It is proposed that a condition could be imposed to control the design of the cycle parking.

With a proposed approximate 30 pupils at any one time (and up to 60 pupils throughout the day) and approximately 30 staff, the proposed level of parking would be much higher than the maximum. However, the Standards state that:

‘Special schools can be varied in their requirements and should be looked at on their own merits. Special Schools parking/drop off arrangements must be taken into consideration as generally extra staff are required and most pupils/ students arrive by taxi or car.’

In light of this, the applicant has justified a higher level of parking due to the number of staff attending each day, the benefit of providing enough parking on site to ensure minimal disruption to Fairview Road, and to accommodate parking for changeover times throughout the day and for pupils with medical needs.

A framework Travel Plan has been included with the application and, as per the usual approach, it is proposed that a School Travel Plan would be requested via

planning informative in the event of approval.

Therefore, subject to conditions as suggested by the Highway Authority, it is considered that the proposed development would not have unacceptable impact on highway safety or capacity, in compliance with the NPPF.

F ECOLOGY AND TREES

Section 15 of the NPPF relates to conserving and enhancing the natural environment. Paragraph 170 d) states that decisions should minimise impacts on and provide net gains for biodiversity; paragraph 175 a) requires development proposals to mitigate any significant harm to biodiversity where it cannot be avoided.

One Category A and one Category C tree would be removed as a result of the development. It is noted that, as a result of pre-application discussions, the scheme was altered prior to submission to ensure that the minimum number of high-quality trees would be removed.

The Tree Officer has no objection, subject to adherence to the submitted details, and has commented that, as multiple new trees are proposed to mitigate the loss of these trees, it is considered that this initial loss, although undesirable, would allow the scheme to progress. The planting, in time, would mitigate for the loss.

Additional tree planting has been proposed in compensation for the loss of trees and for bird nesting habitat.

Protection measures are proposed to ensure existing trees are not damaged throughout construction. It is considered that these measures could be required by condition in the event of approval.

Reasonable biodiversity enhancements have been proposed to secure measurable net gains for biodiversity, as required by the NPPF. This includes a native/species rich hedgerow along the southern boundary, three integrated bat boxes, five swift boxes integrated or wall mounted on the new building, a hedgehog house within the area of dense scrub, and areas of pollinator friendly planting. These measures could be secured via condition in the event of approval.

With the proposed compensation and enhancement measures secured via condition, it is considered that the proposed development would comply with the biodiversity requirements of the NPPF.

G FLOOD RISK AND DRAINAGE

As stated, the application site is situated within Flood Zone 1 – the flood zone with low probability of flooding.

The NPPF, at Para 167, requires that local planning authorities should ensure that flood risk is not increased elsewhere when determining planning applications. Accordingly, the proposal includes consideration of flood risk and sustainable drainage.

The Lead Local Flood Authority has raised no objection, subject to conditions. It is considered that such conditions could be reasonably imposed in the event of approval.

It is therefore considered that the proposed development appropriately deals with flood risk and drainage and, subject to the imposition of conditions, would comply with the relevant sections of the NPPF.

7. CONCLUSION

The need for the development to provide appropriate learning accommodation is accepted and given great weight in accordance with para 95 of the NPPF.

The main policy consideration from the Adopted Basildon Local Plan is BLP Policy BAS R1. Taking account of the special requirements of the education facility proposed, it is considered that, although there would be a slight encroachment into the open space designation, the development would comply with BLP Policy BAS R1 and the relevant paragraphs of the NPPF.

The layout and siting of the development has been carefully considered in relation to the footprint of the existing building and the surrounding land uses, particularly the impact on the properties to the south. Although two-storey in height, it is considered that the distance from the site boundaries and the placing of the first floor windows would not result in an overbearing building or direct overlooking. Further, the use of the site is not proposed to significantly alter, with pupil numbers remaining consistent with the existing level of use. Therefore, there would not be significant impact on amenity, in compliance with the NPPF.

The design of the building proposes the use of quality materials and the form and massing is considered appropriate for the site, following a design narrative set out in the application. The use of PV Panels would reduce energy demand. This is in compliance with the NPPF.

The proposal would not result in unacceptable levels of traffic on the highway and there are no capacity or safety concerns, in compliance with the NPPF. The developer has committed to providing an enhanced entrance from Fairview Road and this could be controlled via condition. The proposed parking numbers are considered to be acceptable and in compliance with the Essex Parking Standards.

It is considered that the scheme minimises tree loss. The application includes biodiversity compensation and enhancement measures for the loss of trees in particular, in compliance with section 15 of the NPPF.

There are no concerns around flood risk and drainage has been adequately assessed as required by the NPPF.

Overall, and in addition to the economic and social strands, it is considered that the proposed development would meet the environmental strand of 'sustainable development' as set out in the NPPF. There is therefore considered to be a presumption in favour of the development.

With the imposition of conditions, it is therefore considered that the proposed development would be acceptable.

8. 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/102/21 dated 24th November 2021, drawings referenced:
 - Site Location – 20260-SI-AAA-XX-DR-A-1170 S2 Rev P02 dated 06/10/21;
 - Existing Site Plan – 20260-LSI-AAA-XX-DR-A-1171 S2 Rev P06 dated 14/02/22;
 - Site Demolition – 20260-LSI-AAA-ZZ-DR-A-1200 S2 rev P02 dated 21/10/21;
 - Site Block Plan – 20260-LSI-AAA-XX-DR-A-1175 S2 Rev P02 dated 21/10/21;
 - Proposed General Arrangement Plan – Ground Floor – 20260-LSI-AAA-GF-DR-A-1300 S2 Rev P04 dated 26/10/21;
 - Proposed General Arrangement Plan – First Floor – 20260-LSI-AAA-01-DR-A-1301 S2 Rev P04 dated 21/10/21;
 - Proposed General Arrangement Plan – Roof – 20260-LSI-AAA-02-DR-A-1302 S2 Rev P04 dated 21/10/21;
 - Site Constraints – 20260-LSI-AAA-XX-DR-A-1172 S2 Rev P08 dated 14/02/22;
 - Proposed General Arrangement Elevations – GA Elevations – 20260-LSI-AAA-ZZ-DR-A-1350 S2 Rev P04 dated 21/10/21;
 - Proposed General Arrangement Elevations – Site Elevations Sheet 01 – 20260-LSI-AAA-ZZ-DR-A-1351 S2 rev P06 dated 21/10/21;
 - Proposed General Arrangement Elevations – Site Elevations Sheet 02- 20260-LSI-AAA-ZZ-DR-A-1352 S2 Rev P06 dated 21/10/21;
 - Site Access – 20260-LSI-AAA-XX-DR-A-1173 S2 Rev P05 dated 26/01/21;
 - Proposed General Arrangement Sections – 20260-LSI-AAA-ZZ-DR-A-1370 S2 Rev P04 dated 21/10/21;
 - Landscape Concept Design - 20173-D3-02 Rev 05 dated 24/11/21;
 - Landscape Concept Design - 20173-D3-01 Rev 11 dated 15/11/21;
 - Foul and Surface Water Drainage Strategy – 2103-553-001 Rev J dated 03/02/22

and in accordance with any non-material amendment(s) 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 the development is carried out in accordance with the approved application details, to ensure that the development is carried out with minimum harm to the local environment and to comply with Basildon District Local Plan and Alterations (1998 and 1999) Policy BAS R1 (Open Space – Protection) and the National Planning Policy Framework.

3. No development shall take place beyond the installation of a damp proof 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 and maintenance. The scheme shall also include details of any existing trees and hedgerows on site with details of any trees and/or hedgerows to be retained and measures for their protection during the period of demolition and construction of the development. 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 thereafter in accordance with Condition 4 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 the National Planning Policy Framework.

4. Any tree or shrub forming part of a landscaping scheme approved in connection with the development under Condition 3 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 written 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 the National Planning Policy Framework.

5. No development shall take place beyond the installation of a damp proof membrane until details of the materials to be used for the external appearance of the building, fences and hard landscaping surfaces have been submitted to and approved in writing by the County Planning Authority. The details shall include the materials, colours and finishes to be used on all buildings, hard landscaping surfaces and fences. The development shall be implemented in accordance with the approved details.

Reason: In the interest of the amenity of the local area and to comply with the National Planning Policy Framework.

6. The development hereby permitted shall take place in full accordance with the submitted Tree Survey, Arboricultural Impact Assessment, Arboricultural Method Statement and Tree Protection Plan Rev B by Hayden's Arboricultural Consultants dated 05/11/21 and the submitted Arboricultural Method Statement drawing ref 8727-D-AMS Rev B dated 03/11/21.

Reason: In the interest of visual amenity, to ensure protection for the existing natural environment and to comply with the National Planning Policy Framework.

7. The development hereby permitted shall take place in full accordance with the recommendations for compensation and enhancement in the submitted Preliminary Ecological Appraisal ref BCE4693 Version 2 dated April 2021 by Practical Ecology and the Biodiversity Enhancement Strategy V1 by Practical Ecology dated 27/04/21.

Reason: To conserve and enhance protected and Priority species and allow the LPA to discharge its duties under the Conservation of Habitats and Species Regulations 2017 (as amended), the Wildlife & Countryside Act 1981 as amended and s40 of the NERC Act 2006 (Priority habitats & species) and to comply with the National Planning Policy Framework.

8. Prior to beneficial occupation of the development hereby permitted, details of improvements to the existing site access shall have been submitted to and approved in writing by the County Planning Authority. The details shall include provision for the existing footway on the western side of the site access, as indicated on drawing ref 20260-LSI-AAA-XX-DR-A-1173 S2 Rev P05 dated 26/10/21 (Site Access), to be extended around the bellmouth to a suitable termination point and provided with a dropped kerb pedestrian crossing point. The improved access shall be implemented in accordance with the approved details prior to beneficial occupation of the development hereby permitted.

Reason: In the interests of highway safety and to comply with the National Planning Policy Framework.

9. Prior to occupation of the development hereby permitted, the vehicular turning facility, as shown on drawing ref 20260-LSI-AAA-XX-DR-A-1173 Rev P05 dated 26/10/21 (Site Access) shall be constructed, surfaced and maintained free from obstruction within the site at all times for that sole purpose.

Reason: In the interests of highway safety, to ensure the free-flow of traffic on the public highway and to comply with the National Planning Policy Framework.

10. Parking spaces, as shown on drawing ref 20260-LSI-AAA-XX-DR-A-1173 S2 Rev P05 dated 26/10/21 (Site Access), shall be laid out with minimum dimensions in accordance with the Essex Parking Standards: Design and Good Practice September 2009.

Reason: In the interests of highway safety, to ensure the free-flow of traffic on the public highway and to comply with the National Planning Policy Framework.

11. No beneficial occupation of the development hereby permitted shall take place until details of covered cycle parking provision, as indicated on drawing ref 20260-LSI-AAA-XX-DR-A-1173 Rev P05 dated 26/10/21 (Site Access) have been submitted to and approved in writing by the County Planning Authority.

The details shall include the design, location and number of spaces for cycle parking to be provided prior to the beneficial occupation of the development hereby permitted. The development hereby permitted shall be carried out in accordance with the approved details and shall thereafter be retained and maintained for the duration of the development hereby permitted.

Reason: In the interest of highway safety, to ensure the free-flow of traffic on the public highway and to comply with the National Planning Policy Framework.

12. There shall be no discharge of water from the development onto the public highway.

Reason: In the interests of highway safety and to comply with the National Planning Policy Framework.

13. No unbound material shall be used in the surface treatment of the vehicular access within 6 metres of the highway boundary.

Reason: In the interests of highway safety and to comply with the National Planning Policy Framework.

14. Throughout the period of demolition of the existing buildings and construction of the development hereby permitted, the parking of vehicles of site operatives and visitors, loading and unloading of plant and materials, storage of plant and materials used in demolition and constructing the development, and wheel and vehicle underbody washing facilities shall take place only in accordance with the Construction Environment Management Plan prepared by Barnes Construction ref BC1919 dated November 2021.

Reason: In the interest of highway safety and for protection of amenity and for compliance with the National Planning Policy Framework.

15. The Rating Level of noise emitted from the site's fixed plant at nearby residential premises, to be agreed in advance in writing with the County Planning Authority, shall not exceed the representative background sound levels, when assessed in accordance with BS 4142.

Prior to beneficial occupation of the development hereby permitted, the applicant shall submit details of the fixed plant to demonstrate compliance with this requirement. As part of this, the applicant shall agree the Rating Level limits with the County Planning Authority.

Reason: In the interests of amenity and to comply with the National Planning Policy Framework.

16. No demolition or construction work shall take place outside of the following times, except for internal works inaudible at the site boundary:

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

and there shall be no working on Sundays or Bank or Public Holidays.

Reason: In the interests of amenity and to comply with the National Planning Policy Framework.

17. No fixed lighting shall be erected or installed on-site until details of the location, height, design, luminance and operation have been submitted to and approved in writing by the County Planning Authority. That submitted shall include an overview of the lighting design including the maintenance factor and lighting standard applied together with a justification as why these are considered appropriate. The details to be submitted shall include a lighting drawing showing the lux levels on the ground, angles of tilt and the average lux (minimum and uniformity) for all external lighting proposed. Furthermore a contour plan shall be submitted for the site detailing the likely spill light, from the proposed lighting, in context of the adjacent site levels. The details shall ensure the lighting is designed to minimise the potential nuisance of light spillage on adjoining properties, highways and ecology. The lighting shall thereafter be erected, installed and operated in accordance with the approved details.

Reason: To minimise the nuisance and disturbances to neighbours, ecology and the surrounding area and to comply with the National Planning Policy Framework.

18. No development, except demolition, shall take place until a detailed surface water drainage scheme for the site, based on sustainable drainage principles and an assessment of the hydrological and hydro geological context of the development, has been submitted to and approved in writing by the County Planning Authority.

The scheme should include but not be limited to:

- Final modelling and calculations for all areas of the drainage system.
- The appropriate level of treatment for all runoff leaving the site, in line with the Simple Index Approach in chapter 26 of the CIRIA SuDS Manual C753.
- Detailed engineering drawings of each component of the drainage scheme.
- A final drainage plan which details exceedance and conveyance routes, FFL and ground levels, and location and sizing of any drainage features.
- A written report summarising the final strategy and highlighting any minor changes to the approved strategy.

The development shall take place thereafter in accordance with the approved scheme.

Reason: To minimise the risk of pollution of water courses and aquifers, minimise the risk of flooding to comply with the National Planning Policy Framework.

19. Prior to beneficial occupation of the development hereby permitted, a maintenance plan detailing the maintenance arrangements including who is responsible for different elements of the surface water drainage system and the maintenance activities/frequencies, shall have been submitted to and agreed, in writing, by the County Planning Authority. The plan shall include details of long term funding arrangements if any part of the drainage system is maintainable by a maintenance company. The development shall be maintained thereafter in accordance with the approved plan.

Reason: To minimise the risk of pollution of water courses and aquifers, minimise the risk of flooding to comply with the National Planning Policy Framework.

20. The applicant or any successor in title shall maintain yearly logs of maintenance which shall be carried out in accordance with any approved maintenance plan. These must be available for inspection upon a request by the County Planning Authority.

Reason: To minimise the risk of pollution of water courses and aquifers, minimise the risk of flooding to comply with the National Planning Policy Framework.

21. Prior to beneficial occupation of the development hereby permitted, the existing pipes within the extent of the site, which will be used to convey surface water, shall be cleared of any blockage and restored to a fully working condition.

Reason: To minimise the risk of pollution of water courses and aquifers, minimise the risk of flooding to comply with the National Planning Policy Framework.

22. If identified as being required following the completion of the desk-top, a site investigation shall be carried out prior to commencement of development to fully and effectively characterise the nature and extent of any land contamination and/or pollution of controlled waters. It shall specifically include a risk assessment that adopts the Source-Pathway-Receptor principle, in order that any potential risks are adequately assessed, taking into account the application site's existing status and proposed new use. One PDF copy of the site investigation and findings shall be forwarded to the County Planning Authority without delay, upon completion.

Reason: To ensure that risks from land contamination to the future users of the land and neighbouring land are minimised, together with those to controlled waters, property and ecological systems, and to ensure that the development can be carried out safely without unacceptable risks to workers, neighbours and other offsite receptors and for compliance with the National Planning Policy Framework.

23. A written method statement detailing the remediation requirements for land contamination and/or pollution of controlled waters affecting the site, shall be submitted to and approved in writing by the County Planning Authority prior to commencement of development and all requirements shall be implemented and completed to the satisfaction of the County Planning Authority. No deviation shall be made from this scheme without the express written agreement of the County Planning Authority. If during redevelopment contamination not previously considered is identified, then the County Planning Authority shall be notified immediately and no further work shall be carried out until a method statement detailing a scheme for dealing with the suspected contamination has been submitted to and approved in writing with the County Planning Authority.

Reason: To ensure that risks from land contamination to the future users of the land and neighbouring land are minimised, together with those to controlled waters, property and ecological systems, and to ensure that the development can be carried out safely without unacceptable risks to workers, neighbours and other offsite receptors and for compliance with the National Planning Policy Framework.

24. Following completion of measures identified in the remediation scheme, one PDF copy of a full closure report shall be submitted to and approved in writing by the County Planning Authority. The report shall provide verification that the required works regarding contamination have been carried out in accordance with the approved Method Statement(s). Post remediation sampling and monitoring results shall be included in the closure report to demonstrate that the required remediation has been fully met. The closure report shall include a completed certificate, signed by the developer, confirming that the required works regarding contamination have been carried out in accordance with the approved written method statement. A sample of the certificate to be completed is available in Appendix 2 of Land Affected by Contamination: Technical Guidance for Applicants and Developers.

Reason: To ensure that risks from land contamination to the future users of the land and neighbouring land are minimised, together with those to controlled waters, property and ecological systems, and to ensure that the development can be carried out safely without unacceptable risks to workers, neighbours and other offsite receptors and for compliance with the National Planning Policy Framework.

25. Prior to beneficial occupation of the development hereby permitted, full details of the design, dimensions and location of the proposed bin store, as indicated on drawing ref 20173-D3-01 Rev 11 (Landscape Concept Design) dated 15/11/21, shall have been submitted to and approved in writing by the County Planning Authority. The bin store shall be implemented in accordance with the approved details prior to the beneficial occupation of the development hereby permitted.

Reason: In the interests of local amenity and for compliance with the National Planning Policy Framework.

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 Local 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 requirement in the NPPF, as set out in the Town and Country Planning (Development Management Procedure) (England) Order 2015.

LOCAL MEMBER NOTIFICATION

BASILDON - Basildon Pitsea